



*City of Huntington Beach  
City Attorney  
Adopted Budget – FY 2013/14*

City Attorney

Chief Assistant  
City Attorney

ADMINISTRATION  
Administrative Assistant

LITIGATION

Assistant City Attorney  
Senior Deputy City Attorney (2)  
Legal Assistant (2)

ADVISORY

Assistant City Attorney  
Deputy City Attorney III  
Legal Assistant

The City Attorney's Office is an internal service department that advises and represents the City Council and all City employees on matters of law pertaining to their offices. This includes daily assistance on operational issues as well as pro-active defense of litigation filed against the City and its elected officials and employees.

### Administration Division

The administration and support functions are performed under the supervision of the City Attorney. This includes personnel, clerical, financial, technology, training and development, and records management support. This function also includes attendance at regular council meetings as parliamentarian and advisor, and active participation with the executive management team to promote the strategic goals of the City Council.



Jennifer McGrath, City Attorney

### Advisory Division

The Advisory Division provides legal assistance on all matters pertaining to the daily operation of the City to the City Council and City officers. It prepares all legal documents and opinions to ensure the City of Huntington Beach can accomplish its goals and objectives with little, if any, risk of litigation.

### Litigation Division

The Litigation Division handles all civil matters on behalf of the City and its employees and officials. All cases are handled by the in-house staff unless there is a conflict in representation or the outside counsel is paid by a third party.

## Ongoing Activities & Projects

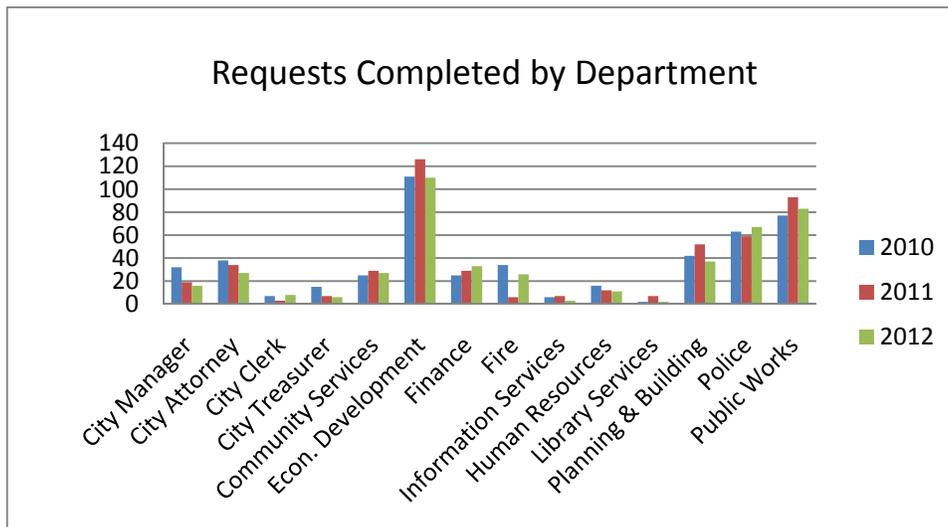
### Administration Division

- Manage and supervise daily operations of the City Attorney's Office
- Maintain document management software
- Maintain active and closed matters
- Create and maintain quarterly and annual reports to departments and City Council
- Provide Citywide training on the Brown Act, public records, sexual harassment, ethics, and contract process
- Coordinate an active internship program for college and graduate students



## Advisory Division

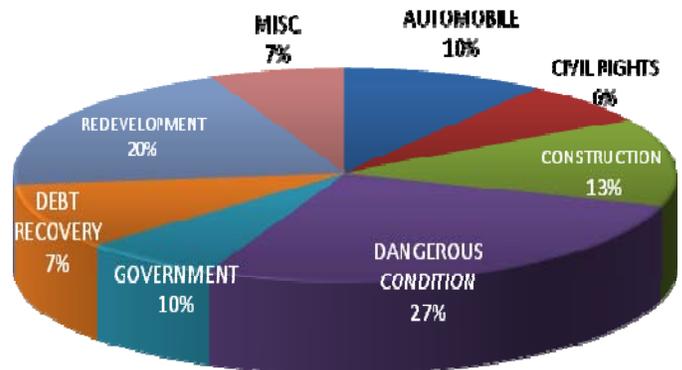
- Interpret the City Charter and all City ordinances
- Provide ongoing legal advice to 14 City departments
- Actively participate in negotiations with eight labor organizations
- Attend, advise, and prepare for Planning Commission meetings and other committee meetings, as requested
- Coordinate Public Records Act responses
- Prosecute in the name of the People all criminal violations of the municipal and zoning codes
- Administer all civil citation hearings
- Research, advise, and prepare all ordinances, resolutions, and agreements
- Review and approve all insurance forms and indemnification waivers submitted to the City
- Maintain standardized agreements and contract processing
- Review and advise regarding changes in state law impacting the City



## Litigation Division

- Defend all civil matters wherein the City is a party; including police matters, land use decisions, contract disputes, personnel grievances, automobile accidents, slip and fall injuries, and constitutional challenges
- Coordinate with Risk Management on claims processing, workers' compensation, and liability assessment
- Actively pursue relief on behalf of the City via injunctive relief, collections, subrogation, writs, appeals, and amicus
- Supervise outside counsel on an as-needed basis
- Advise staff on opportunities to minimize liability exposure before, during, and after the filing of litigation
- Represent staff at depositions in third party litigation wherein the City is not a party
- Assist staff in preparation of bankruptcy matters
- Provide assistance to staff in small claims disputes
- Advise on settlement of claims prior to litigation

## Closed Litigation Cases 2012



The City's performance measure program is in its eighth year. Results for the past two fiscal years in addition to goals and objectives for FY 2013/14 are presented below.

	FY 2011/12 ACTUAL	FY 2012/13 ACTUAL	FY 2013/14 BUDGET	Strategic Plan Goal
<b>Goal:</b>				
1. Review and process insurance and indemnification approvals and waivers; and respond to Public Records Act and Citizen Inquiries within three business days 95% of the time.				Improve Long-Term Financial Sustainability
<b>Measure:</b> % of insurance and indemnification approvals and waivers processed and Public Records Act and Citizen Inquiries responded to within three business days	95%	95%	95%	
<b>Goal:</b>				
2. Prepare City ordinances and City Council resolutions within twenty business days of request 85% of the time.				Improve Long-Term Financial Sustainability
<b>Measure:</b> % of ordinances and resolutions prepared within twenty business days	85%	85%	85%	
<b>Goal:</b>				
3. Review 85% of standard agreements within three business days.				Improve Long-Term Financial Sustainability
<b>Measure:</b> % of standard agreements reviewed within three business days	85%	85%	85%	
<b>Goal:</b>				
4. Provide aggressive and cost-effective defense of all civil litigation 95% of the time.				Improve Long-Term Financial Sustainability
<b>Measure:</b> % of aggressive and cost-effective defense	95%	95%	95%	

**FY 2012/13 Accomplishments****Administration Division**

- Provided two Citywide training sessions entitled: AB 1234 – Ethics; provided one Contract; Brown Act, and Public Records Act training session
- Prepared and arranged 107 Civil Citation Hearings for City's hearing officer

**Advisory Division**

- Prepared 85% of City ordinances and City Council resolutions within twenty business days of request
- Reviewed and processed 95% of insurance and indemnification approvals and waivers; and respond to Public Records Act within three business days
- Reviewed 85% of standard agreements within three business days

Staff made 119 appearances in West Municipal Court on various Municipal Code violation cases and provided on-going advice related to the following:

- BofA Municipal Bond Derivative Settlement
- City Taxes in Sunset Beach
- Enforcement of Housing Covenant Violations
- Fireworks Distributor Vendor RFP & Contract Preparation
- Harmony Cove Development
- Master Crime Policy
- Meadowlark Golf Course Lease Amendment and Capital Improvement Project
- Measure C Analysis for Wardlow & Lamb School Sites
- Miley-Keck Rental Agreement (Tank Farm)
- MOU for Helicopter Services
- New Development Impact Fee
- Pacific City 2011 Development and Owner Participation Agreement
- Proposition 218 Election for Sunset Beach Tax
- Redevelopment Agency Dissolution and Successor Agency Implementation Agreements
- Regulation of Private Parties
- Shipley Permanent Lot Project Raptor Forage
- Stadium Club Concession
- Standardize Agreements with OCCHC Garden Grove – Wintersburg Channel Construction
- Sunset Beach Annexation
- Sunset Beach Parking District
- Surf City Nights CEQA Environmental Review

**Litigation Division**

Cases resolved with no monies paid to the plaintiffs:

- Plaintiff claimed wrongful arrest, injuries, and costs incurred in defense of criminal charges
- Stop notice action on construction project for \$63,567
- Plaintiff claimed he hit a pothole while riding bicycle in the bike lane
- City employee alleged failure to prevent harassment and hostile work environment
- Minor sustained injuries at Bolsa View Park; playground; City indemnified by insurance company
- Plaintiff was injured when the wheels of her bicycle became wedged between the sidewalk and bike path
- Construction case regarding public work improvement and upgrade
- Subrogation lawsuit for reimbursement of property damage; consolidated with auto accident case
- Plaintiff claimed civil rights violations and removal of 4-year old son; case moved to federal court
- Plaintiff tripped and fell into open trench in a construction area
- Plaintiff claimed she fell at Pier Plaza
- Volleyball player injured during a tournament after she dove and hit a piece of lumber in sand; City indemnified by insurance company
- Breach of contract action regarding Redevelopment Agency's purchase; escrow distributed funds
- CC&R Inc. levied the City's payments owed to Rainbow Disposal Company

**FY 2012/13 Accomplishments Continued**

Cases initiated on behalf of the City:

- Five enforcement matters regarding the Affordability Covenant at Brisas Del Mar units
- Two unlawful detainers matters filed for eviction from City's properties

Other cases settled:

- Sewage discharged into City's street and storm drain system
- Personal injury and wrongful death action involving pedestrians
- Breach of contract case regarding work performed on the Newland Improvement Plan
- Breach of contract case consolidated with two related cases
- Retired City employee disputed retirement medical benefits coverage
- Plaintiff struck by lifeguard truck while laying in the sand
- Junior lifeguard incident which resulted in the death of minor participant
- Plaintiff involved in automobile accident with City vehicle; case consolidated with insurance company
- Plaintiff's request to a Public Records Act

**FY 2013/14 Goals**

The City Attorney's Office is operating with two less attorneys, but maintaining its goal, which is to provide the highest level of legal services to the City. More specifically, continue to provide excellent representation to the City in all lawsuits and administrative matters; to provide legal advice and services to the City Council, and to all City officers and employees; and to prosecute, in the name of the People, all violations of the City Charter and Municipal Code. To that end, the City Attorney's Office has created the position of Chief Assistant City Attorney. The office has completed performance evaluations of all attorneys and is in the process of evaluating staff. The office will continue to complete performance evaluations annually.

**City Attorney**  
**Adopted Budget - FY 2013/14**  
**Department Budget Summary**  
**All Funds by Object Account**

**DEPARTMENT**

Expenditure Object Account	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Percent Change From Prior Year
<b>All Funds</b>							
<b>PERSONAL SERVICES</b>							
Salaries, Permanent	1,641,494	1,350,383	1,352,970	1,356,169	1,370,849	1,371,074	1.10%
Salaries, Temporary	50,082	56,122	25,415		10,100	61,305	100.00%
Salaries, Overtime	4,441	8,666	4,916				
Leave Pay Outs	96,101	75,728	71,190				
Benefits	551,086	466,681	529,273	525,097	538,468	604,187	15.06%
<b>PERSONAL SERVICES</b>	<b>2,343,204</b>	<b>1,957,580</b>	<b>1,983,764</b>	<b>1,881,266</b>	<b>1,919,417</b>	<b>2,036,566</b>	<b>8.26%</b>
<b>OPERATING EXPENSES</b>							
Equipment and Supplies	70,604	76,505	56,297	58,195	58,195	53,432	-8.18%
Repairs and Maintenance				1,000	1,000		-100.00%
Conferences and Training	2,841	5,128	4,567	13,000	13,000	4,000	-69.23%
Professional Services	264,204	253,979	190,549	117,865	90,896	117,865	0.00%
Other Contract Services	81,214	49,806	69,355	44,500	44,500	44,500	0.00%
Rental Expense	3,088	4,575	1,876	3,737	3,737		-100.00%
Expense Allowances	6,023	6,023	6,000	6,000	6,000	6,000	0.00%
Other Expenses	352	95					
<b>OPERATING EXPENSES</b>	<b>428,326</b>	<b>396,111</b>	<b>328,644</b>	<b>244,297</b>	<b>217,328</b>	<b>225,797</b>	<b>-7.57%</b>
<b>Grand Total(s)</b>	<b>2,771,530</b>	<b>2,353,691</b>	<b>2,312,408</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	<b>6.44%</b>
General Fund	2,656,639	2,141,829	2,294,044	2,125,563	2,136,745	2,262,363	6.44%
Other Funds	114,891	211,862	18,364				
<b>Grand Total(s)</b>	<b>2,771,530</b>	<b>2,353,691</b>	<b>2,312,408</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	<b>6.44%</b>
<b>Personnel Summary</b>	<b>18.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>0.00</b>

**City Attorney**  
**Adopted Budget - FY 2013/14**  
**Department Budget Summary**  
**General Fund by Object Account**

**DEPARTMENT**

Expenditure Object Account	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Percent Change From Prior Year
<b>General Fund</b>							
<b>PERSONAL SERVICES</b>							
Salaries, Permanent	1,633,426	1,350,383	1,352,970	1,356,169	1,370,849	1,371,074	1.10%
Salaries, Temporary	25,554	46,387	25,415		10,100	61,305	100.00%
Salaries, Overtime	4,441	8,666	4,916				
Leave Pay Outs	96,101	75,728	71,190				
Benefits	549,570	466,437	529,273	525,097	538,468	604,187	15.06%
<b>PERSONAL SERVICES</b>	<b>2,309,092</b>	<b>1,947,601</b>	<b>1,983,764</b>	<b>1,881,266</b>	<b>1,919,417</b>	<b>2,036,566</b>	<b>8.26%</b>
<b>OPERATING EXPENSES</b>							
Equipment and Supplies	70,604	76,504	56,297	58,195	58,195	53,432	-8.18%
Repairs and Maintenance				1,000	1,000		-100.00%
Conferences and Training	2,841	5,128	4,567	13,000	13,000	4,000	-69.23%
Professional Services	183,425	52,097	172,185	117,865	90,896	117,865	0.00%
Other Contract Services	81,214	49,806	69,355	44,500	44,500	44,500	0.00%
Rental Expense	3,088	4,575	1,876	3,737	3,737		-100.00%
Expense Allowances	6,023	6,023	6,000	6,000	6,000	6,000	0.00%
Other Expenses	352	95					
<b>OPERATING EXPENSES</b>	<b>347,547</b>	<b>194,228</b>	<b>310,280</b>	<b>244,297</b>	<b>217,328</b>	<b>225,797</b>	<b>-7.57%</b>
<b>Total</b>	<b>2,656,639</b>	<b>2,141,829</b>	<b>2,294,044</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	<b>6.44%</b>
<b>Personnel Summary</b>	<b>18.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>0.00</b>

**City Attorney**  
**Adopted Budget - FY 2013/14**  
**Department Budget Summary**  
**General Fund Division by Object Account**

**DIVISION**

Expenditure Object Account	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Percent Change From Prior Year
<b>City Attorney</b>							
<b>PERSONAL SERVICES</b>							
Salaries, Permanent	1,633,426	1,350,383	1,352,970	1,356,169	1,370,849	1,371,074	1.10%
Salaries, Temporary	25,554	46,387	25,415		10,100	61,305	100.00%
Salaries, Overtime	4,441	8,666	4,916				
Leave Payout	96,101	75,728	71,190				
Benefits	549,570	466,437	529,273	525,097	538,468	604,187	15.06%
<b>PERSONAL SERVICES</b>	<b>2,309,092</b>	<b>1,947,601</b>	<b>1,983,764</b>	<b>1,881,266</b>	<b>1,919,417</b>	<b>2,036,566</b>	<b>8.26%</b>
<b>OPERATING EXPENSES</b>							
Equipment and Supplies	70,604	76,504	56,297	58,195	58,195	53,432	-8.18%
Repairs and Maintenance				1,000	1,000		-100.00%
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Professional Services	183,425	52,097	172,185	117,865	90,896	117,865	0.00%
Other Contract Services	81,214	49,806	69,355	44,500	44,500	44,500	0.00%
Rental Expense	3,088	4,575	1,876	3,737	3,737		-100.00%
Expense Allowances	6,023	6,023	6,000	6,000	6,000	6,000	0.00%
Other Expenses	352	95					
<b>OPERATING EXPENSES</b>	<b>347,547</b>	<b>194,228</b>	<b>310,280</b>	<b>244,297</b>	<b>217,328</b>	<b>225,797</b>	<b>-7.57%</b>
<b>Total</b>	<b>2,656,639</b>	<b>2,141,829</b>	<b>2,294,044</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	<b>6.44%</b>

**Significant Changes**

The budget has increased by \$61,305 in Temporary Salaries from Non-Departmental's Professional Services.

Permanent Personnel	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Change from Prior Year
Administrative Assistant	1.00	1.00	1.00	1.00	1.00	1.00	0.00
Assistant City Attorney	4.00	2.00	2.00	2.00	2.00	2.00	0.00
Chief Assistant City Attorney	0.00	0.00	0.00	0.00	1.00	1.00	0.00
City Attorney	1.00	1.00	1.00	1.00	1.00	1.00	0.00
Deputy City Attorney I	1.00	0.00	0.00	0.00	0.00	0.00	0.00
Deputy City Attorney III	1.00	2.00	2.00	2.00	1.00	1.00	0.00
Investigator	1.00	0.00	0.00	0.00	0.00	0.00	0.00
Law Office Manager	1.00	0.00	0.00	0.00	0.00	0.00	0.00
Legal Assistant	4.00	3.00	3.00	3.00	3.00	3.00	0.00
Office Specialist	1.00	0.00	0.00	0.00	0.00	0.00	0.00
Senior Deputy City Attorney	3.00	2.00	2.00	2.00	2.00	2.00	0.00
<b>Total</b>	<b>18.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>11.00</b>	<b>0.00</b>

**City Attorney**  
**Adopted Budget - FY 2013/14**  
**Department Budget Summary**  
**Other Funds by Object Account**

**OTHER FUNDS**

Expenditure Object Account	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Percent Change From Prior Year
<b>Redevelopment-Legal</b>							
<b>PERSONAL SERVICES</b>							
Salaries, Permanent	8,067						
Salaries, Temporary	24,528	9,735					
Benefits	1,517	244					
<b>PERSONAL SERVICES</b>	<b>34,112</b>	<b>9,979</b>					
<b>OPERATING EXPENSES</b>							
Professional Services	80,779	201,883	18,364				
<b>OPERATING EXPENSES</b>	<b>80,779</b>	<b>201,883</b>	<b>18,364</b>				
<b>Total</b>	<b>114,891</b>	<b>211,862</b>	<b>18,364</b>				

**Significant Changes**

The State dissolved the Redevelopment Agency as of February 1, 2012. This fund had been used for legal services related to Redevelopment projects and programs.

Permanent Personnel	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Change from Prior Year
							0.00
<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**City Attorney**  
**Adopted Budget - FY 2013/14**  
**Department Budget Summary**  
**All Funds by Business Unit**

**BUSINESS UNITS**

Division / Business Unit	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Revised	FY 2013/14 Adopted	Percent Change From Prior Year
<b>ATY City Attorney</b>							
<b>ATY City Attorney</b>							
10015101 City Attorney Administra	2,656,639	2,141,829	2,294,044	2,125,563	2,136,745	2,262,363	6.44%
<b>ATY City Attorney</b>	<b>2,656,639</b>	<b>2,141,829</b>	<b>2,294,044</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	6.44%
<b>Other Funds</b>							
30515101 City Attorney Adminstrat	114,891	211,861	18,364				
<b>Other Funds</b>	<b>114,891</b>	<b>211,861</b>	<b>18,364</b>				
General Fund	2,656,639	2,141,829	2,294,044	2,125,563	2,136,745	2,262,363	6.44%
Other Funds	114,891	211,862	18,364				
<b>Grand Total(s)</b>	<b>2,771,530</b>	<b>2,353,691</b>	<b>2,312,408</b>	<b>2,125,563</b>	<b>2,136,745</b>	<b>2,262,363</b>	<b>6.44%</b>

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