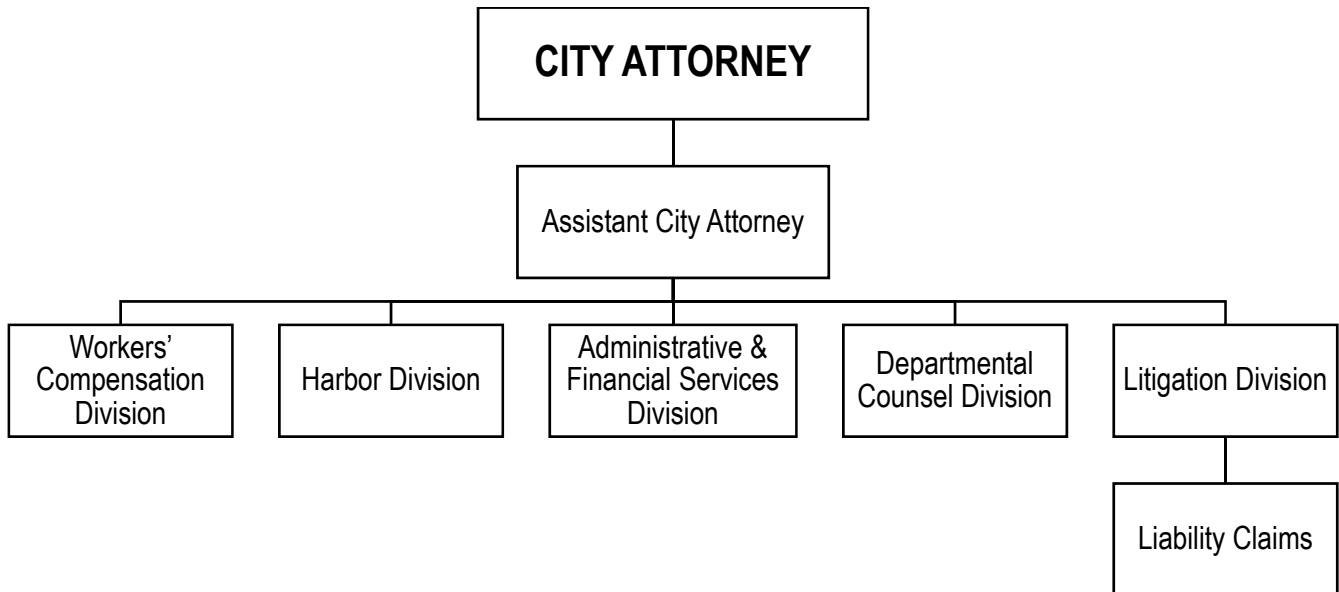


# City Attorney



## Mission Statement

It is the mission of the City Attorney's Office to serve the citizens of Long Beach by providing to our clients accurate and timely legal counsel and representing them aggressively in State and Federal Court, consistent with the powers and duties conferred upon the City Attorney's Office by the City Charter.

# Department Overview

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## **Mission Statement**

The City Attorney's Office is committed to providing superior, cost effective legal services to the City, consistent with the highest professional and ethical standards.

The goal of the City Attorney's Office is to protect the public's interest and provide sound legal advice and counsel to the City, its elected and appointed officials, departments, boards and commissions.

The Office will always strive to protect and preserve the legal rights and assets of the City and will vigorously enforce its municipal regulations in order to maintain and improve the quality of life of its residents.

## **Overview**

The City Attorney's Office handles all of the civil legal affairs of the City of Long Beach. The duties of the City Attorney are set forth in the City's Charter, which provides that the City Attorney shall be the sole and exclusive legal advisor of the City, City Council, and all City commissions, committees, officers and employees. As such, the City Attorney is charged with municipal responsibilities as complex as any in the State.

The City Attorney's office represents the City on affirmative and defensive civil litigation, legislative and legal issues, and administrative code enforcement proceedings.

## **Departmental Counsel Division**

The Departmental Counsel Division serves as general legal counsel to the City Council, City Officers, and all Departments, Divisions and Bureaus of the City. The Departmental Counsel Division also provides legal advice to forty-six (46) of the City's Boards, Committees and Commissions including the Planning Commission, Civil Service Commission, Housing Authority, Board of Water Commissioners, Board of Examiners Appeals and Condemnation, Citizen Police Complaint Commission, Airport Advisory Commission, the Long Beach Community Investment Company, the Successor Agency to the Redevelopment Agency of the City of Long Beach, and the Oversight Board, the Marine Advisory Commission, the Parks and Recreation Commission, the Sustainable City Commission, the Technology and Innovation Commission, the Cultural Heritage Commission, the Board of Health and Human Services, the Commission on Youth and Children, the Senior Citizen Advisory Commission, the Citizen's Advisory Commission on Disabilities, the Veterans Affairs Commission, and the Human Relations Commission.

In addition to providing legal advice, the Division's attorneys proactively investigate and pursue all manner of nuisance related matters in order to improve the quality of life of Long Beach's residents. The Division attorneys also review, edit, draft and negotiate various transactional documents including contracts, leases, permits, easements, and development agreements as well as drafting ordinances, resolutions, legal opinions and legal memorandums for all of the City's various departments. The Departmental Counsel Division is responsible for representing the City in CEQA and Land Use writ actions, and provides legal advice on personnel matters, including litigating various contested personnel matters in both State and Federal courts.

# Department Overview

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## **Litigation Division**

The Litigation Division defends the City and its agencies, departments, divisions and employees in lawsuits filed in both State and Federal court. Such litigation includes, but is not limited to, personal injury and property damage, alleged civil rights violations, excessive force, labor and employment disputes, dangerous conditions of public property, breach of contract and real estate issues.

The Litigation Division also pursues affirmative litigation matters which seek to recover money due and owing the City for such matters as breach of contract, damage to City property, injuries suffered by City employees acting in the course and scope of their employment, various small claims litigation matters, as well as various debts or financial obligations owed to the City.

## **Harbor Division**

The Harbor Division provides legal counsel and advice to the Board of Harbor Commissioners and the Port of Long Beach (Harbor Department), the second-busiest seaport in the United States with cargo valued annually at \$180 billion. The Harbor Division attorneys work on all transactions related to the Port's operations whose annual revenues exceed \$700 million and on formulating and implementing the "Green Port Policy" which mitigates the environmental impacts of Port operations.

Harbor Division attorneys also serve as legal counsel to the Alameda Corridor Transportation Authority (ACTA), draft and approve all Harbor Department leases, permits and contracts, prepare all resolutions, ordinances and other regulations for the Board of Harbor Commissioners and the Harbor Department, and provide advice on environmental matters, energy issues, construction projects and real property transactions.

## **Workers' Compensation Division**

The Workers' Compensation Division adjudicates litigated Workers' Compensation claims and advises the Department of Human Resources, Worker's Compensation claims staff on legal issues involving administration of Workers' Compensation benefits, return to work, disability management and reasonable accommodation.

The Division strives to effectuate the purpose of California's Workers' Compensation law by ensuring that bona fide claims are handled expeditiously while, at the same time, vigorously defending the City against claims that lack merit. This Division works collaboratively with City departments to reduce costs, while at the same time improving service.

Effective October 1, 2022, the Workers' Compensation Claims Division transferred from the City Attorney's office to the Human Resources Department under the Risk Management Bureau. Merging the Workers' Compensation Claims Division with Human Resources will strengthen the partnership with the Human Resources divisions that already work closely with Workers' Compensation- Risk Management, Occupational Health, and Safety. This will allow for opportunities to improve operations, streamline processes, and increase overall services to our City employees. Further, it will align the City of Long Beach with most other benchmark public agencies that structure their workers' compensation claims functions under the Human Resources/Risk Management Department. There are several benefits to changing the current structure. The benefits will not only help provide our current workers' compensation employees with even greater support, but also provide more efficient service to our more than 6,000 City employees.

# Department Overview

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## **Administrative & Financial Services Division**

The Administrative and Financial Services Division provides executive leadership and administrative support to the Department's four divisions and 70 employees. The Division provides financial processing, reporting, and forecasting support within the Department as well as budget development. It also plays a key role in the Department's strategic planning efforts, explores new methods to maximize efficiency and reduce cost, development of all internal policies and regulations and provides the Department with key human resources, information technology, payroll, safety and risk management guidance and support.

# FY 22 Accomplishments

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## Departmental Counsel Division Accomplishments

- **Coronavirus Pandemic COVID-19.** The City Attorney's Office has provided a wide and unprecedented array of assistance this past year in connection with the City's COVID-19 pandemic response. Among the significant contributions to the City's efforts were the opening by the City Attorney of over 500 separate assignments directly related to COVID-19. Those assignments included advice to various City Departments regarding the emergency; implementation of State Health Orders and implementation and drafting of a multitude of City Health Orders; continuous staffing of attorneys and support staff at the City's Emergency Operations Center (EOC); and advice and guidance regarding the establishment and operation of COVID-19 testing sites. The City Attorney's office provided advice and assisted in the implementation of the City's internal response to the pandemic with employees and employee organizations and provided advice on legal issues related to telecommuting during the pandemic. Loan documents were drafted for the Economic Development Department to facilitate the distribution of emergency micro-loans, and advice and assistance provided for the purchasing or acquisition of emergency supplies and materials necessary to combat COVID-19; advice provided to the Airport regarding social distancing requirements and face mask use at the Airport, and the propriety of rent or lease payment waivers for Airport tenants, together with advice regarding FAA grants related to COVID-19.

In addition, the City Attorney's Office provided advice and prepared public walkway occupancy permits to facilitate outdoor sidewalk dining and the operation of parklets; and drafted and negotiated agreements for the Water Department related to delays caused by the on-going COVID-19 pandemic. At the direction of City Council, the Office drafted several ordinances specifically related to COVID-19, including tenant protection, an eviction moratorium, and anti-harassment ordinances. In addition, the Office consistently updated the City Manager and various City departmental staff on the continually evolving Governor's Executive Orders and State Health Officer Orders related to the COVID-19 pandemic.

- **Federal Emergency Management Agency (FEMA) and Human Services (HHS).** Researched, analyzed and provided advice in the establishment and operation of an Emergency Intake Site at the Long Beach Convention Center to provide temporary shelter to unaccompanied minor migrant children. Reviewed various documents and contracts including a Short-Term License Agreement with the Long Beach Convention Center and an amendment to the City's Contract with the Long Beach Convention Center.
- **Long Beach Recovery Act.** The City Attorney's Office is assisting in the City's implementation of the Long Beach Recovery Act, a COVID-19 recovery program running through December 2024 utilizing federal American Rescue Plan Act funds as well as other Federal and State funding sources totaling \$268.7 million. The City Attorney's Office is helping with the grant application process, vendor procurement, contracting, and U.S. Treasury Reporting related to the Long Beach Recovery Act's 84+ programs focused on residents, businesses, and City services most impacted by the pandemic.
- **Prepared an ordinance amending the Long Beach Municipal Code by adding Chapter 5.91, relating to grocery workers in Long Beach, and establishing labor standards requirements for premium pay for grocery workers working in Long Beach.**
- **Fireworks Ordinance.** Researched, drafted and prepared a Fireworks Ordinance which specifically identifies the categories of fireworks which are allowed within the City, as well as the tools for enforcement against the use of illegal fireworks within the City's jurisdiction.

## FY 22 Accomplishments

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- Land Use and CEQA. Provided advice to the Development Services Department and Planning Commission on numerous land use and California Environmental Quality Act (CEQA) related matters including Environmental Impact Reports (EIRs) and Addendums and zoning amendments.
- Planning and Zoning. Prepared ordinances and resolutions relating to various zoning and Municipal Code regulations regarding Short-Term Rentals (STRs); Omnibus amendments to Title 21 (Zoning Regulations), General Plan amendments; Accessory Dwelling Units (ADUs); billiards, amusement and arcades; motel conversions; and the Shoemaker Bridge Replacement project. Provided advice to the Planning Bureau regarding Coastal Commission requirements regarding seawalls and coastal developments; and wireless telecommunications and cell tower site issues.
- Planning Litigation. Handled lawsuits involving challenges to the legality of a Coastal Development Permit issued by the California Coastal Commission for a wetland restoration and development project at the Pumpkin Patch site; the Belmont Pool replacement project; the 2020 Census; the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”); and defended a permitted use issued for the Women’s Shelter of Long Beach.
- Long Beach Airport. Provided advice to the Airport regarding flight slot allocations and assisted with amendments to, and administration of, the design-build contract for the new ticketing lobby improvements.
- Civil Service Commission. Represented the Long Beach Civil Service Commission during employee disciplinary hearings involving City employees.
- Labor Negotiations. Provided legal analysis and counsel to resolve labor disputes. Drafted Memorandums of Understanding between the City and various labor unions.
- Public Employment Relations Board (PERB). Represented the City in numerous actions before the PERB regarding alleged unfair labor practice charges brought on behalf of City employees and employee unions.
- CalOSHA. Provided legal analysis and counsel to resolve CalOSHA complaints.
- Employment Law Writs and Appeals. Prepared opposition to writ petitions and successfully represented the City in Superior Court and the Court of Appeal on Writs brought by City employees challenging City imposed discipline.
- Employment Advice. Provided counsel to the Department of Human Resources and various other City departments on legal issues related to employee discipline procedures and Federal and State labor and employment laws.
- Training. Provided training on Ethics, Conflicts of Interest, Brown Act and Open Meetings, and Public Records Act Requests to various City staff, boards, commissions and committees, as well as to new employees at monthly New Employee Orientations.
- Short-Term Rentals. Worked with and advised City staff on the Short-Term Rentals (STR) ordinance including issues related to registration, administrative guidelines, and enforcement.
- Economic Development Commission. Provided advice and staffed Commission meetings, including an Economic Development Blueprint.

## FY 22 Accomplishments

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- Employee Grievances. Provided advice to staff regarding formal employee grievances and prevailed on behalf of the City in all related arbitrations.
- EEOC. Represented the City in charges filed with the EEOC and successfully negotiated settlement agreements.
- Brown Act - Teleconference. Provided legal updates to City Council and staff regarding authorized teleconference public meetings, including Executive Orders of the Governor and AB 361, which allows certain waivers of the Brown Act during proclaimed states of emergency. Prepared City Council Resolutions to remain in compliance with AB 361.
- Election Issues. Performed research related to election issues. Provided support to the City Clerk at the primary and general elections including drafting resolutions and ordinances required for consolidated elections with LA County. Provided advice on requirements for initiative measures and campaign finance. Drafted resolutions necessary to place charter amendments on the ballot.
- Ethics Advice. Provided advice relating to conflicts of interest, receiving gifts, mass mailings, economic disclosure filings for City officials and employees. Requested advice from the FPPC on issues related to Government Code Section 1090, the Political Reform Act, and Form 700 filings. Provided advice for new employee training, and supervisor training relating to gifts, conflicts of interest, mass mailings, and economic disclosure filings for City officials and employees.
- Ethics Commission. Support and provide legal advice to the City Ethics Commission, created by Measure CCC in 2018.
- Independent Redistricting Commission. Advised the inaugural Independent Redistricting Commission, created by Measure DDD in 2018, in creating and adopting revised Council district boundaries. Advised supporting staff and coordinated with outside counsel on legal issues of the Commission.
- Public Works. Advised City staff regarding default of a contract for the Alamitos Beach Concession Project, including drafting a Takeover Agreement. Advised transportation engineering staff on a variety of parking and traffic issues including micromobility permits, scooters, bike share, and RVs. Prepared and reviewed various documents including surety bonds, change orders, Council letters, plans and specifications, requests for proposals, invitations to bid, construction contracts, on-call consulting contracts, license agreements, and public walkways occupancy permits for sidewalk dining and/or parklets, including those related to the current COVID pandemic. Provided advice regarding small cell installations and interpretation of City's Municipal Code.
- Refuse. Prepared an ordinance amending Chapters 8.60, 18.67 and 21.42 of the Long Beach Municipal Code to comply with the State-mandated legislation SB 1383, the Short-Lived Climate Pollutants Reduction Act. Provided legal guidance on implementation and enforcement of the ordinance implementing State-mandated legislation SB 1383. Advised on enforcement of Long Beach Municipal Code Chapter 8.63, Polystyrene Food Packaging. Provided legal guidance on implementation of state mandated legislation AB 1276, single-use foodware accessories and standard condiments. Provided legal advice in anticipation of extending existing Refuse Transportation Agreements with private haulers.
- City Clerk. Provided legal analysis and general counsel related to new Behested Payment and Form 803. Provided legal advice related to the Candidate Handbook for the June 7, 2022 Primary Nominating Election.

## FY 22 Accomplishments

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- Library. Advised Library staff in anticipation of procurement of new Integrated Library System. Worked with the Library Department to accept grant funding from the California State Library for various projects.
- Financial Management/Purchasing. Worked on a wide variety of sales tax, collections and fee issues; bids, RFPs and contract issues; budget resolutions and ordinances.
- Business Improvement Districts (BIDs). Advised City staff regarding annual ordinances and resolutions required to administer the City's 10 merchant-based and property-based business improvement districts.
- Transactions and Use Tax Citizens' Advisory Committee. Provided advice to City staff and committee overseeing the use of Measure A funds for conformance with the intent of the Measure.
- Long Beach Civic Center. Provided legal analysis and general counsel related to the sale and development of the Old City Hall site.
- RDA Dissolution. Provided legal analysis and counsel regarding the ongoing administration of the RDA Successor Agency and Oversight Board.
- Bond Issuance. Provided legal analysis and counsel in connection with several bond issuances by the City and its constituent departments, including Water and Harbor.
- Long Beach Community Investment Company. Provided legal advice to the Long Beach Community Investment Company in support of affordable housing, economic development and neighborhood improvements.
- Long Beach Community Hospital. Provide legal advice regarding the transition of Community Hospital from acute care hospital to potential health care campus.
- Real Estate Acquisitions. Provided legal advice and drafted several agreements in connection with various acquisitions of property by the City.
- Water Department. Provided legal advice and counsel to the Water Department.
- Economic and Property Development. Provided legal advice and counsel to the Economic and Property Development Department, including analysis of recent changes to the Surplus Land Act and the application thereof to various dispositions of City property.
- Eviction Moratoriums and Rent Protections. Provided legal advice and counsel and drafted several ordinances imposing temporary eviction moratoriums and tenant protections in response to AB 1482, including extensions and amendments to No Net Loss and Inclusionary Housing Ordinances.
- Queen Mary. Provided legal advice and counsel with respect to several issues arising from the ongoing bankruptcy of the former operator of the Queen Mary.
- Financial Management/Purchasing. Worked on a wide variety of sales tax, collections and fee issues; bids, RFPs and contract issues; budget resolutions and ordinances. Provided legal advice to the Budget Oversight Committee.



## FY 22 Accomplishments

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- Health and Human Services Department. Provided legal advice and counsel to the Health and Human Services Department related to HIPAA compliance and other issues. Prepared and/or reviewed various documents including RFPs, ordinances and resolutions, grant agreements and subcontracts.
- Americans with Disabilities Act (ADA) Compliance. Continue coordination with outside legal counsel and City staff on implementation of a 30-year plan to bring the City's infrastructure in line with the requirements of the ADA. This plan is intended to prevent future ADA lawsuits, so that City funds can be used on improving access to all citizens of Long Beach and not on lawsuits.
- Equity and Human Relations Commission. Provided legal advice to the Equity and Human Relations Commission.
- Fleet Services and Towing. Provided legal advice and counsel to the City's Fleet Services and Towing Bureau. Prepared and/or reviewed various documents including RFPs, ITBs, and contracts.
- Police Department. Provided legal advice to the Police Department regarding various issues; conducted training on search and seizure and presentation of evidence at the Long Beach Police Academy; updated departmental policies; assisted with all contracts including transit law enforcement services, and responded to Public Records Act requests and subpoenas. Provided legal advice regarding the Police Department's compliance with Senate Bill 1421 and SB 16. Assisted Police Department with the implementation of its Military Equipment Use Policy in compliance with Assembly Bill 481. Assisted Police Department with the proposed changes to the Citizens Police Complaint Commission which were recommended by an independent vendor contracted through the City Manager's Office.
- Underground Storage Tanks. Provided advice and counsel regarding environmental compliance for the City's 26 underground fuel storage tanks.
- Davenport Park. Provided legal advice to Public Works, Fleet Management, Parks, Recreation, and Marine, and the Health Department in regard to landfill gas management violations at Davenport Park and the implementation of a landfill gas management system so the expansion of Davenport Park may occur. Supported staff in working with the Lead Enforcement Agency (Los Angeles County) and CalRecycle to maintain compliance at the site.
- Homelessness. Represented the City Attorney's Office on the Interdepartmental Team on homelessness, and on the Interjurisdictional Team on homelessness to better coordinate with local and regional partners on response to homelessness. Researched recent case law and settlements from other jurisdictions to provide continual guidance for our team to refine our City's approach to homelessness. Provided briefs to the Police Department regarding the constitutional basis for the reasons behind treatment of those experiencing homelessness. Provided advice to Quality of Life Officers when tackling complicated homeless encampments or jurisdictional questions. Advised and drafted various documents regarding homelessness response, including RFPs, grant agreements, subcontracts and leases for the Winter and Year-Round Shelter.
- Emergency Operations Center (EOC) Activation. Provided legal advice and support for EOC operations related to COVID-19.
- Gun Violence Restraining Order (GVRO) Program. Coordinated a training program for the City Attorney's Office and Long Beach Police Department on how to evaluate and file GVROs presented by the San Diego City Attorney's Office. GVROs prohibit a person from possessing a firearm because

## FY 22 Accomplishments

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there is a significant danger in the near future of harm to themselves or others. Prepared and filed a Motion for a GVRO and obtained an order preventing a citizen from recovering firearms which were confiscated by the Long Beach Police Department due to significant safety concerns.

- Equity and Reconciliation. Provided legal advice and support for the Office of Equity's Framework for Reconciliation project.
- Cannabis. Advised departments regarding the application of Chapters 5.90 and 5.92 of the Long Beach Municipal Code (LBMC) ("Medical Marijuana Businesses & Adult/Recreational Use"). Advised departments regarding licensed and unlicensed enforcement through civil, administrative, and criminal remedies. Conducted inspections with Business License, Code Enforcement, and Fire Department ("Enforcement Team") of alleged illegal businesses selling, distributing and cultivating cannabis without a license. Prepared and issued cease and desist letters for illegal cannabis operations (i.e. dispensaries, delivery businesses, distribution, and cultivation) that were determined to be operating within the City. Advised the Business License Bureau regarding potential administrative enforcement actions to take against licensed businesses as well as applicants. Conducted administrative hearings regarding the requested denial of cannabis related business license applications for applicants who were found to be operating illegally. Prepared amendments to Chapters 5.90 & 5.92 of the LBMC to incorporate the City's Social Equity Program, including the addition of eight (8) new retail dispensaries for Equity Applicants.
- Nuisance Cases. Prosecution of 19 nuisance related cases within the past 12 months, which included short term vacation rentals, sober living facilities, half-way houses, AB 109 (public safety realignment) individuals, as well as residences that are frequented by gang members or drug dealers and cause numerous disturbances to adjacent properties. In addition, prosecuted 16 drug and weapons eviction cases pursuant to the relevant provisions of the City's drug abatement ordinance, namely, LBMC Chapter 9.16. Abated significant nuisance related activities occurring at 1400-1450 Long Beach Boulevard, 317 E. 14th Street, 2959 Chestnut Avenue, and 2116 Cedar Avenue which led to the sale of each of these properties to new property owners who assisted the City by renovating the properties to abate any further nuisance activities.
- Animal Care Services Bureau. Advised Animal Care Services on various issues including responses to Public Records Act ("PRA") requests, vicious dog hearings, barking dog hearings, provisions in the LBMC relating to administrative appeals of Animal Care citations, as well as all other law related questions. Assisted with the review of the new Compassion Saves Model for implementation by Animal Care Services Bureau.
- Special Events. Provided advice and counsel to the Office of Special Events on First Amendment issues related to demonstrations, parades and marches throughout the City. Provided guidance and counsel on the implementation of parklets for businesses and the allowance of businesses to operate outdoors in the City's parks in response to COVID-19 restrictions. Advised on issues related to enforcement against businesses operating outdoors pursuant to an Occasional Activity Permit (OAP).
- California Public Records Act (CPRA). Provided advice and counsel regarding new state laws pertaining to the CPRA. Conducted reviews of proposed responses to numerous CPRA requests to confirm their respective compliance with the provisions of the CPRA.
- Mills Act Program. Provided advice and counsel regarding verification of Mills Act compliance and Mills Act inspections.

## **FY 22 Accomplishments**

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- **Discrimination Training.** Prepared and provided training on harassment, retaliation and discrimination under California and Federal law for the Civil Service Commission.
- **Amicus Brief Opportunity.** Researched, analyzed and provided advice on opportunities to join various amicus briefs relating to regulations affecting immigrant children and the City's immigrant residents.
- **Small Cell Installation Appeals.** Prepared opposition to two small cell permit appeals (4351 Clark Avenue and 3240 E. 10th Street) and successfully represented the City in both appeal hearings initiated by City residents challenging small cell installations permits approved by the Department of Public Works.
- **Labor Compliance.** Provided oversight, support, and advice for labor compliance matters city-wide including the requests for review before the Department of Industrial Relations.
- **Project Labor Agreement.** Provided advice and counsel in the negotiation and implementation of a new Project Labor Agreement. Drafted new Project Labor Agreement.
- **Technology Services.** Prepared, reviewed and/or advised on requests for proposals, consultant contracts, license agreements, vendor terms and conditions and Memorandums of Understandings for smart City pilot initiatives.

### **Litigation Division Accomplishments**

With seven deputies, the City Attorney's Litigation Division litigates cases in State and Federal courts, including handling writ petitions and appeals. The vast majority of cases handled by the Litigation Division resulted in a favorable outcome for the City.

- Handled approximately 118 new lawsuits during the reporting period as well as continuing to litigate previously-filed cases. The lawsuits involved a wide variety of issues, including: wrongful death; claims of alleged police misconduct; catastrophic personal injury claims; and employment discrimination cases.
- Courts were closed during most of the reporting period, but the Litigation Division was able to keep cases on track by adopting and adapting to new procedures including but not limited to remote appearances, depositions, and meetings with clients and witnesses, etc.
- Defense verdict in first jury trial after courts re-opened.
- Settled 45 cases without a trial, with a total payout of approximately \$7,488,038.
- Resolved eight cases with dispositive motions, sparing the costs of a full trial.
- Tendered defense/indemnity to outside entity in one case, saving City defense costs and potential payout for settlement/verdict.
- Pursued or defended 13 cases in small claims court over the year. The City prevailed on the vast majority of the cases.
- Liability Claims Section received approximately 670 Government Tort Claims, resolved 139 claims, with a total payout of \$287,164.

## **FY 22 Accomplishments**

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- Subrogation Section recovered approximately \$314,556 for the City.
- Revised office's claims-tracking process.
- Worked with City's Risk Management Bureau to improve "excess" claims reporting procedures.
- Coordinated with Public Works Department to remove certain City trees that were identified as liability risks.
- Advised Long Beach Police Department regarding Vehicle Pursuits Policy.
- Successfully recruited three new attorneys to fill vacant positions.

### **Harbor Division Accomplishments**

- Environmental and Business Incentives. Drafted new tariffs and other measures to continue financial incentives for users of the Port of Long Beach to reduce their impact on the environment.
- Litigation. Oversaw the favorable resolution of litigation regarding the construction of the Port's two world class fireboats.
- Transmission Line Replacement Project. Provided legal advice and guidance to assist Port staff and management with negotiations during implementation of SCE's multi-million dollar project to raise and replace transmission lines over the Cerritos Channel.
- Polychlorinated Biphenyls (PCB) Litigation. Worked with outside counsel to obtain preliminary approval of class certification and a tentative settlement in a damages case against Monsanto related to PCB contamination of Long Beach waters and trust marine areas, including coordination with outside counsel on briefing, discovery, expert discovery, and public records request responses and negotiation of a global settlement with Monsanto.
- Long Beach Civic Center. Assisted the Harbor Department Security Division in revising their authorities for the portion of the new Long Beach Civic Center project which houses the Port Headquarters and related areas such as Port parking. Advised and drafted Capital Modification to Project Agreement to authorize the design and construction of a cargo container themed café in the Civic Center Plaza.
- Real Estate Contracts. Advised and drafted numerous documents regarding leases and other real estate transactions.
- Contract Claim Resolution. Provided ongoing legal support, advice and representation of the Harbor Department in connection with construction claims asserted by contractors against the Department. Among the significant construction claims resolved by our office were those asserted by the contractor in connection with the construction of the Long Beach International Gateway Bridge.
- Public Contract Code Compliance. Advised staff on public contract law requirements including public bidding, sole source procurements, licensing requirements, prequalification of bidders, bid responsiveness, bid protests, subcontractor substitutions, and prevailing wages.

## FY 22 Accomplishments

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- Project Labor Agreement. Provided legal advice relating to the implementation of and amendments to the Port-wide Project Labor Agreement.
- Electrification of Port. Provided legal advice regarding matters before the California Public Utilities Commission to facilitate further electrification of Port, including obtaining millions of dollars in grants.
- Construction and Development. Provided contracting, real estate, and compliance advice for multiple construction projects including the Middle Harbor Container Terminal and the Gerald Desmond Bridge replacement project, each with a budget of over \$1 billion.
- Port Operational Efficiencies. Assisted the Harbor Department in preparing and executing an MOU with the Port of Los Angeles to improve operational efficiencies at both Ports. Also, assisted Port staff in implementing measures to improve efficiencies in Port operations within the Port of Long Beach.
- Community Mitigation Grants. Assisted the Harbor Department in awarding four (4) solar power generation projects and two solar heating projects totaling approximately \$1.6 million to improve air quality and energy efficiency at public facilities, and two grant funding contracts totaling approximately \$3.65 million for healthcare projects.
- Port Sponsorships. Assisted the Harbor Department in awarding 138 sponsorships totaling approximately \$500,000 to nonprofit organizations for community events to help inform the public about the Port.
- Clean Freight Technology Grants. Assisted the Harbor Department in awarding eight (8) subgrants and entering into cost-sharing and funding agreements as part of \$50-million California Air Resources Board grant awarded to the Port to demonstrate the performance and effectiveness of zero-emissions terminal equipment and efficiency strategies at the Port of Long Beach, Port of Oakland, and Port of Stockton.
- Rail Projects. Continue to provide substantial legal support for environmental analysis and documentation of on-dock, near-dock, and short haul rail projects. These rail projects have the potential to reduce overall freight movement emissions, but can have adverse impacts on residents if not located and planned appropriately.
- Air Quality. Provided substantial legal support for environmental and regulatory issues associated with implementation of the 2017 Update of the Clean Air Action Plan and an MOU with the South Coast Air Quality Management District. Also, provide legal support in negotiations and discussions with State and Federal agencies, the Port of Los Angeles and stakeholders regarding new regulations and new technologies to address air quality issues at the Ports of Long Beach and Los Angeles, including establishment of the Clean Trucks Fund Rate for the development and deployment of zero-emission trucks and infrastructure.
- Alameda Corridor Transportation Authority. Provided ongoing legal support on all matters before the Alameda Corridor Transportation Authority, including the Authority's transition to a new Chief Executive Officer and Chief Financial Officer.
- Financial Restructuring. Assisted in securing a \$500 million Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Gerald Desmond Bridge at a historic low rate of 1.26%. Facilitated Port's issuance of \$131 million of bonds and \$145 million of bond anticipation notes.

## **FY 22 Accomplishments**

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Facilitated \$50 million borrowing limit increase, from \$200 million to \$250 million, under Port's Revolving Line of Credit.

- Drone Usage. Provided substantial legal support for implementation of an ordinance which governs drone takeoffs and landings within the Harbor District.
- Small Business Enterprise Program. Assisted Harbor Department in restructuring and implementation of the Small Business Enterprise Program to increase use of small businesses.
- Environmental Regulatory Compliance. Provided legal support to Port staff implementing State and Federal environmental statutes requiring analysis of environmental impacts associated with all projects that might have impacts on the environment in and around the Port.
- Port Master Plan Update. Assisted Port staff with development of a Port Master Plan Update, California Coastal Act consistency review, and compliance with CEQA, including discussions with state agencies regarding the scope of statutory requirements.
- Pier B On Dock Rail Facility. Assisted Port staff in securing a Record of Decision from the U.S. Maritime Administration as lead agency for the Environmental Impact Statement under the National Environmental Policy Act (NEPA) for this \$1.55 billion project. Worked with Port staff to prepare a Real Estate Acquisition Management Plan for acquisition of properties to be acquired, including deep involvement in right of way planning. Also, prepared a Relocation and Appeals Process for displaced businesses which was adopted by ordinance.
- SpaceX and ABL Space Systems. Worked with Port staff to secure Space Exploration Technologies Corporation and ABL Space Systems Company as tenants of portions of the Navy Mole complex.
- Pier D Property Acquisition. Assisted Port staff in acquiring approximately 28 acres of waterfront property on Pier D from L.G. Everist, Incorporated.
- Deep Draft Navigation Study. Assisted Port staff in preparation of the Draft Integrated Feasibility Report, which includes an Environmental Impact Statement and Environmental Impact Report, to comply with both NEPA and CEQA for this \$151 million channel deepening study and project conducted with the United States Army Corps of Engineers as lead agency and federal partner.
- Tidelands Trust Law. Provided ongoing legal advice to Port concerning its obligations under the Public Trust Doctrine with respect to the tidelands and submerged lands located within the boundaries of the City's Harbor District.
- Legal Ethics and Conflicts. Provided guidance to ensure compliance with the Brown Act, California Public Records Act requests, and avoiding conflicts of interest.

### **Workers' Compensation Division Accomplishments**

Workers' Compensation costs remain a significant statewide issue. As a result, the State of California reformed the law to combat the deleterious effects of those costs on the California economy. The Workers' Compensation Division incorporates current reform measures with cost savings programs such as a Pharmacy Benefit Program, Medical Provider Network, and a Bill Review Service as its core foundation of cost management.

## FY 22 Accomplishments

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- Received a significant increase in the number of newly reported claims due to COVID-19 pandemic with 538 claims reported as industrially related. Received 96 newly litigated claims, for which workers' compensation benefits were administered. Currently managing a total of 2,346 open claims for which ongoing benefits and services are being provided.
- Rising pharmacy costs remain a national and local concern. Our vendor, Optum, manages the Workers' Compensation pharmacy benefit management program which provides prescription drugs to our injured workers while simultaneously continuing to manage costs. The City has consistently maintained lower Workers' Compensation pharmacy costs, under \$1,000,000, for the past five years and expects to continue the trend by targeting utilization review measures and non-compliant prescribing physicians.
- With a Medical Provider Network (MPN), the City can manage the quality of the medical providers available to injured workers by addressing provider issues such as access, quality of care, timeliness of reporting, and consistent evidence-based treatment.
- The Workers' Compensation Division sent out a Request for Proposals for bill review services. After a competitive selection process, Lien on Me, Inc., was awarded the contract to perform bill review services in accordance with the Workers' Compensation Laws of California. Lien on Me, Inc., was selected as the organization whose business approach and experience best aligned with the Workers' Compensation Program goals and objectives for performing bill review services.

## Financial Summary by Category

|  | Actual<br>FY 21   | Adopted*<br>FY 22 | Adjusted**<br>FY 22 | Adopted*<br>FY 23 |
|--|-------------------|-------------------|---------------------|-------------------|
| <b>Revenues:</b>                       |                   |                   |                     |                   |
| Property Taxes                         | -                 | -                 | -                   | -                 |
| Sales and Use Taxes                    | -                 | -                 | -                   | -                 |
| Other Taxes                            | -                 | -                 | -                   | -                 |
| Utility Users Tax                      | -                 | -                 | -                   | -                 |
| Franchise Fees                         | -                 | -                 | -                   | -                 |
| Licenses, Permits and Fees             | 1,307             | -                 | -                   | -                 |
| Fines and Forfeitures                  | -                 | -                 | -                   | -                 |
| Use of Money & Property                | -                 | -                 | -                   | -                 |
| Revenue from Other Agencies            | -                 | -                 | -                   | -                 |
| Charges for Services                   | -                 | -                 | -                   | -                 |
| Other Revenues                         | 15,197            | 5,000             | 5,000               | 2,500             |
| Intrafund Services                     | -                 | -                 | -                   | -                 |
| Intrafund Transfers                    | -                 | -                 | -                   | -                 |
| Interfund Services                     | -                 | -                 | -                   | -                 |
| Interfund Transfers                    | -                 | -                 | -                   | -                 |
| Other Financing Sources                | -                 | -                 | -                   | -                 |
|  | -----             | -----             | -----               | -----             |
| <b>Total Revenues</b>                  | <b>16,504</b>     | <b>5,000</b>      | <b>5,000</b>        | <b>2,500</b>      |
| <b>Expenditures:</b>                   |                   |                   |                     |                   |
| Salaries and Wages                     | 7,373,443         | 7,970,566         | 7,970,566           | 6,481,196         |
| Employee Benefits                      | 3,974,909         | 4,484,790         | 4,484,790           | 3,808,707         |
| Overtime                               | 282               | 400               | 400                 | 400               |
| Materials, Supplies and Services       | (1,601,907)       | (1,358,379)       | (1,358,379)         | (1,325,047)       |
| Interfund Support                      | 974,298           | 1,167,086         | 1,167,086           | 851,487           |
| Intrafund Support                      | -                 | -                 | -                   | -                 |
| Capital Purchases                      | -                 | -                 | -                   | -                 |
| Insurance Premiums and Losses          | -                 | -                 | -                   | -                 |
| Other Non-Operational Expenditures     | -                 | -                 | -                   | -                 |
| Operating Transfers                    | -                 | -                 | -                   | -                 |
| Intrafund Transfers Out                | -                 | -                 | -                   | -                 |
| Purchase of Gas & Water                | -                 | -                 | -                   | -                 |
| Depreciation and Non Cash Expenditures | -                 | -                 | -                   | -                 |
|  | -----             | -----             | -----               | -----             |
| <b>Total Expenditures</b>              | <b>10,721,025</b> | <b>12,264,464</b> | <b>12,264,464</b>   | <b>9,816,742</b>  |
| <b>Budgeted FTEs</b>                   | <b>70.00</b>      | <b>70.00</b>      | <b>70.00</b>        | <b>52.00</b>      |

\* Amounts exclude all-years carryover. See budget ordinance in back of this document.

\*\*Adjusted Budget as of April 30, 2022.

Note: The City is currently maintaining two different financial systems and until a new budget development software is established, the financial information displayed in the future may have further adjustments.



## Personnel Summary

| Classification                         | FY 21<br>Adopt<br>FTE | FY 22<br>Adopt<br>FTE | FY 23<br>Adopt<br>FTE | FY 22<br>Adopted<br>Budget | FY 23<br>Adopted<br>Budget |
|--|-----------------------|-----------------------|-----------------------|----------------------------|----------------------------|
| City Attorney                          | 1.00                  | 1.00                  | 1.00                  | 319,525                    | 341,060                    |
| Administrative Analyst II              | -                     | -                     | 1.00                  | -                          | 79,676                     |
| Assistant City Attorney                | 1.00                  | 1.00                  | 1.00                  | 265,748                    | 225,861                    |
| Deputy City Attorney                   | 19.00                 | 19.00                 | 19.00                 | 2,916,067                  | 3,039,953                  |
| Executive Assistant                    | 2.00                  | 2.00                  | 2.00                  | 216,932                    | 223,451                    |
| General Liability Claims Adjuster II   | 2.00                  | 2.00                  | 2.00                  | 187,183                    | 204,481                    |
| General Liability Claims Adjuster III  | 1.00                  | 1.00                  | 1.00                  | 112,909                    | 121,576                    |
| Legal Administrative Assistant         | 1.00                  | 1.00                  | 1.00                  | 63,498                     | 67,689                     |
| Legal Administrator                    | 1.00                  | 1.00                  | 1.00                  | 144,534                    | 151,134                    |
| Legal Assistant I                      | 1.00                  | 1.00                  | 1.00                  | 54,844                     | 56,232                     |
| Legal Assistant III                    | 5.00                  | 5.00                  | 5.00                  | 379,920                    | 396,891                    |
| Legal Assistant IV                     | 6.00                  | 6.00                  | 6.00                  | 483,565                    | 515,787                    |
| Legal Assistant-Subrogation            | 1.00                  | 1.00                  | 1.00                  | 98,769                     | 93,618                     |
| Legal Office Assistant                 | 1.00                  | 2.00                  | 1.00                  | 102,233                    | 58,418                     |
| Legal Office Specialist                | 1.00                  | 1.00                  | 1.00                  | 59,930                     | 58,435                     |
| Legal Records Management Supervisor    | 1.00                  | 1.00                  | -                     | 80,804                     | -                          |
| Legal Records Specialist               | 2.00                  | 1.00                  | 1.00                  | 56,977                     | 58,418                     |
| Legal Systems Support Specialist       | 1.00                  | 1.00                  | 1.00                  | 105,213                    | 107,844                    |
| Liability Claims Assistant II          | 1.00                  | 1.00                  | 1.00                  | 66,841                     | 68,532                     |
| Manager-Workers' Compensation          | 1.00                  | 1.00                  | -                     | 135,612                    | -                          |
| Paralegal                              | 1.00                  | 1.00                  | 1.00                  | 85,963                     | 87,270                     |
| Principal Deputy City Attorney         | 4.00                  | 4.00                  | 4.00                  | 768,155                    | 783,517                    |
| Senior Workers' Comp Claims Examiner   | 2.00                  | 2.00                  | -                     | 228,106                    | -                          |
| Workers' Comp Administrative Assistant | 1.00                  | 1.00                  | -                     | 88,843                     | -                          |
| Workers' Comp Claims Assistant         | 2.00                  | 2.00                  | -                     | 164,606                    | -                          |
| Workers' Comp Claims Examiner          | 5.00                  | 5.00                  | -                     | 484,032                    | -                          |
| Workers' Comp Medical Only Examiner    | 1.00                  | 1.00                  | -                     | 67,018                     | -                          |
| Workers' Comp Office Assistant II      | 5.00                  | 5.00                  | -                     | 286,572                    | -                          |
| <b>Total Salaries</b>                  | 70.00                 | 70.00                 | 52.00                 | 8,024,400                  | 6,739,844                  |
| <b>Overtime</b>                        | -                     | -                     | -                     | 400                        | 400                        |
| <b>Fringe Benefits</b>                 | -                     | -                     | -                     | 4,320,276                  | 3,634,920                  |
| <b>Administrative Overhead</b>         | -                     | -                     | -                     | 182,514                    | 173,786                    |
| <b>Attrition/Salary Savings</b>        | -                     | -                     | -                     | (186,727)                  | (258,648)                  |
| <b>Expenditure Transfer</b>            | -                     | -                     | -                     | 114,893                    | -                          |
| <b>Total</b>                           | <b>70.00</b>          | <b>70.00</b>          | <b>52.00</b>          | <b>12,455,756</b>          | <b>10,290,303</b>          |

Note that for FY 23, 18 FTEs in the Workers' Compensation Claims Division transferred from the City Attorney's Office to the Human Resources Department, Risk Management Bureau.

## Key Contacts

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Charles Parkin, City Attorney

Dawn A. McIntosh, Assistant City Attorney

Gary J. Anderson, Assistant City Attorney

Richard F. Anthony, Principal Deputy

Charles M. Gale, Principal Deputy

Anne C. Lattime, Principal Deputy

Howard D. Russell, Principal Deputy

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