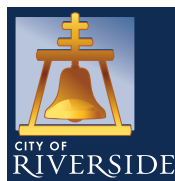


# ANNUAL REPORT

FY 2016-2017

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## CITY ATTORNEY'S OFFICE



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Riverside City Attorney's Office  
3750 University Avenue, Suite 250, Riverside, CA 92501  
(951) 826-5567 • [RiversideCA.gov/Attorney](http://RiversideCA.gov/Attorney)

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# YEAR IN REVIEW

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## PURPOSE AND MISSION

The City Attorney's Office plays an integral and often behind-the-scenes role in City government by drafting legislation and laws, and providing top-notch legal advice and counsel to the Mayor, City Council, City Manager and City departments, boards and commissions in their official capacities. The Office drafts, reviews and negotiates agreements and legislation and helps to shape Riverside's policies. The Office also aggressively defends Riverside interests and resources in court and initiates legal action to protect the rights and enhance the quality of life of all Riversiders.

The City Attorney is publishing an Annual Report to enhance transparency by highlighting for residents, businesses and taxpayers the services we provide on their behalf.

The Annual Report for FY 2016-2017 details financial results, litigation trends, advisory work and special initiatives that the office undertook during the fiscal year beginning on July 1, 2016 and ending on June 30, 2017.

## TOP PRIORITIES

- Continue to explore and identify ways to provide expert, professional legal services in the most efficient and cost-effective manner possible.
- Continue shifting the use of outside counsel to in-house expertise.
- Restore and maintain a staff of highly-qualified and dedicated attorneys, paralegals and continue to provide the highest quality of legal services to City officials, departments, boards and commissions by negotiating, drafting and reviewing agreements, legislation, regulations, policies and procedures and helping to shape viable, legally sound policies, programs and services for the City.
- Aggressively defend Riverside's interests and resources in court and in administrative proceedings and initiate legal action and other initiatives to protect the rights and interests and enhance the quality of life of our community.
- Meeting laws, public records, elections, conflicts of interest and constitutional guarantees.
- Promote open and honest transparent government by making sure that everyone knows and plays by the same rules and that the public has access to and knows what the government is doing through our public legal opinions and advice on legal matters including the City Charter, open meeting laws, public records, elections, conflicts of interest and constitutional guarantees.
- Aggressively coordinate with City and County Law Enforcement to address Neighborhood Livability issues.

## FINANCIAL HIGHLIGHTS

The 2016-17 budget for staff and operating costs was **\$4.863 Million** an increase from the previous year due to salary and benefit increases, as well as new facility costs for the City Attorney's Office.

The cost of outside counsel in FY 2016-17 was \$860,000 less than the previous fiscal year, a **decrease of 39%**. The total cost of outside counsel was **\$1.3 million** compared to a five year average of \$3.26 million.

The amount the City pays to resolve claims and lawsuits, including settlements and judgments, varies from year to year depending on the types of cases filed against the City. In FY 2016-17, the City paid **\$1,171,528** to claimants and plaintiffs a **decrease of 60%** from the previous fiscal year.

## LITIGATION HIGHLIGHTS

Four hundred eighty two (482) claims were filed against the City in FY 2016-17. This is below the previous four year average of Four hundred ninety nine (499). In FY 2016-17, 27 lawsuits were filed against the City compared to 45 in the previous year.

The City of Riverside utilizes a third-party administrator (Carl Warren) to manage the claims filed against the City. On occasion, the City Attorney's Office is called upon to resolve cases at the claims stage.

## MUNICIPAL SERVICE DIVISION HIGHLIGHTS

In addition to providing the necessary and critical day-to-day legal advice to the City Council, City officials, departments, boards and commissions, the City Attorney's Office assisted with the goals and objectives of the Riverside Strategic Plan 2.1, Riverside Public Utilities' Utility 2.0 and proposed rate plan, the recreational marijuana workshops, the newly formed Budget Engagement Commission in association with Measure Z, complete review and comprehensive update of the entire Municipal Code, comprehensive review of all City procurement policies and various defense of land use and CEQA lawsuits.

## PUBLIC SAFETY DIVISION HIGHLIGHTS

The Public Safety Division was formed in June of 2017. This new Division will build upon the successes the City Attorney's Office has had partnering with City staff and the citizens of Riverside to promote and maintain a safe and desirable living and working environment. The Team will expand upon the City Attorney's Office's proactive work on quality of life issues such as illegal dumping, abandoned or inoperable vehicles, graffiti and illicit massage parlors.

In FY 2016-17, the City Attorney's Office worked with City staff to close 24 illegal marijuana dispensaries. In 16 cases of abandoned, substandard, or illegal properties where the owner has a history of noncompliance, the City Attorney's Office obtained court orders to place the properties into the temporary control of a court appointed receiver who, in turn, abated the nuisance.

# FINANCIAL SUMMARY

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The budget for the City Attorney's Office pays for staff, operations and maintenance expenses. For the Fiscal Year 2016-17, the Office's operational budget was \$4.863 Million, just slightly higher than prior years due to increased salary and benefit costs.

The City paid \$1,171,528 Million to resolve claims, settle lawsuits and satisfy judgments. The City Council authorizes settlements of all claims and lawsuits that exceed \$25,000.

## REVENUE RECOVERED

The Riverside City Attorney's Office seeks to recover the highest possible amount of revenues to fund City services. Our Office recovered revenues, including attorney's fees and costs, civil penalties, payments for damages, and other payments made to the City.

In FY 2016-17, the City Attorney's Office recovered \$329,021 in revenue for the City. The City collected most of that amount (\$143,504) in attorney fees from receiverships and medical marijuana dispensary actions.

**Bond Insurance Litigation:** In FY 16-17, the City recovered \$1,047,113.90 in its lawsuit against Ambac Financial Group, Standard & Poors Corporation, Fitch Ratings LTC, Fitch Group, Moody's Corporation, Moody's Investors Service, Inc., The McGraw Hill Companies, and others. The City sued the insurance defendants in 2009 for breach of contract based on the deceptive practices, misrepresentation, and bid-rigging of bond insurance the City needed prior to issuance. The City Attorney's office, along with the Finance Department staff and class action counsel, are actively engaged in the discovery process of this ongoing litigation. Rosemary Koo continues to handle these recoveries.

**Municipal Derivatives Litigation:** In 2009, the City sued multiple banks and finance-related companies for their roles in events that contributed to the Great Recession of 2008 and affected many significant financial transactions of the City. The City recovered a total of \$2,488,181.39 due to diligent efforts by the City Attorney's Office, the Finance Department staff, and class action counsel to successfully bring this matter to a close in 2017.



# OFFICE PROFILE

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The City Attorney's Office has four major functional teams:

**Municipal Services Division, Litigation Division, Public Safety Division and Executive Team.**

## MUNICIPAL SERVICES DIVISION

The Municipal Services Division provides legal services to the City and its departments on a wide range of municipal issues. These include drafting resolutions, ordinances and contracts; providing advice on land use and planning, development projects, real estate transactions, finance issues, elections, ethics and conflicts of interest; defending the City in land use and CEQA lawsuits; and providing advice on public utility issues. The Municipal Services Division also provides advice to and staffs various boards and commissions such as Planning Commission, Board of Public Utilities, Budget Engagement Commission, Cultural Heritage Board and Human Resources Board.

## LITIGATION DIVISION

The Litigation Division advocates for the City's interests in claims and lawsuits filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in the state and federal trial and appellate courts. Examples include high value personal injury cases, complex civil rights actions, personnel disputes, eminent domain actions, breach of contract, challenges to constitutionality of Riverside's laws, policies and procedures and inverse condemnation cases. Litigators take an aggressive and strategic approach to manage liability and limit the City's financial exposure. At the same time, when liability is clear, as public servants, we advocate for a fair and just resolution.

This division also advises and works with the Human Resources Department on a variety of employee issues and advises the Ethics Board.

## PUBLIC SAFETY DIVISION

The Public Safety Division contributes to an outstanding quality of life in Riverside by managing neighborhood livability issues that are critical to the City of Riverside. Litigation lawyers work with staff to file public nuisance actions, prosecute violations of the Riverside Municipal Code and move distressed properties into receiverships to improve the quality of life for Riverside residents.

This Division closely advises and works with the men and women of the Riverside Police Department, the Riverside Fire Department, and the Code Enforcement Division.

## EXECUTIVE TEAM

The Executive Team includes the City Attorney, the Chief Assistant City Attorney (Operations), Assistant City Attorney (Municipal Services), Assistant City Attorney (Litigation), Assistant City Attorney (Public Safety) and the Legal Services Manager.

## INTERNSHIP PROGRAM

The City Attorney's Office has an internship program where qualified law students in good standing and enrolled at ABA-accredited law schools can obtain invaluable practical legal experience for school credit. Law clerk interns assist with a variety of issues including legal research, surveys of local ordinances of surrounding cities, and drafting discovery and motions, etc. In FY 2016-17, the City Attorney's Office utilized 552 volunteer hours through its internship program, which is coordinated by Deputy City Attorney Rebecca McKee.

# OUTSIDE COUNSEL

## PROTOCOL

Riverside hires outside counsel to handle legal work (1) when outside expertise is needed, (2) when the City, a City board or commission, an employee, the City Attorney or other City official has a conflict of interest, or (3) when the office lacks in-house capacity to handle the volume of legal work.

In FY 2015-16, the City Attorney, for the first time, established new outside counsel retention policies that included (1) formalizing the outside counsel panel of firms, (2) placing all outside firms under active contracts, (3) standardizing billable hour criteria, (4) quarterly reporting to City Council of spending for all open matters, and, (5) implementing a "lowest billable rate" for Riverside cases to ensure the City is billed at the lowest rate of any of the other clients of that law firm.

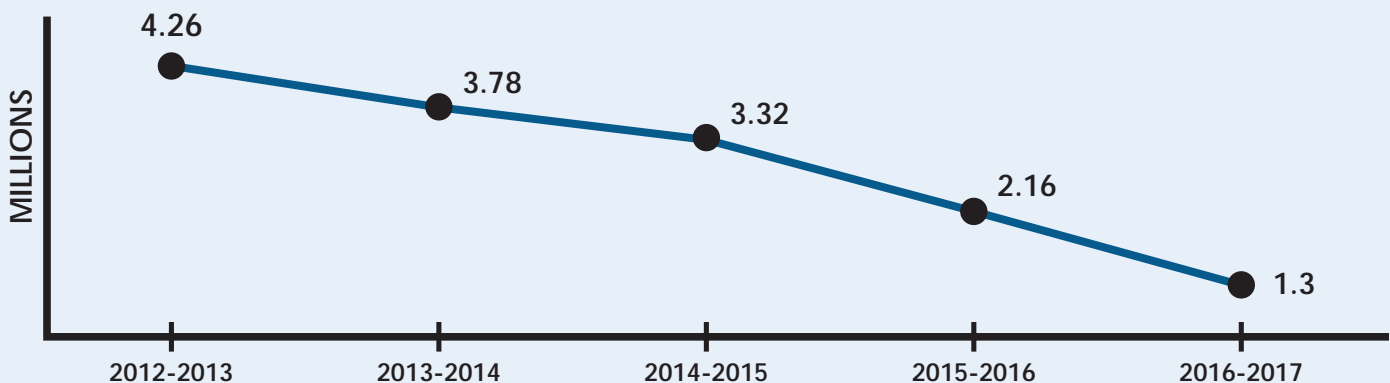
The main purposes of these new policies is to save taxpayer dollars by encouraging competition, increasing transparency and constant review.

## COST ANALYSIS

In FY 2016-17, the cost of outside counsel was \$1.3 million, down 39.8% from the previous fiscal year.

In order to reduce the amount spent for outside legal services, vacant attorney positions were filled with experienced litigators. Additionally, less-experienced litigation lawyers currently employed by the City Attorney's office were paired with experienced trial lawyers in an effort to "mentor" and groom trial skills. This change of philosophy not only reduces dependency on outside counsel, but ultimately reduces settlement amounts.

The need for outside counsel varies from year to year, sometimes dramatically, depending upon the number of in-house staff in the City Attorney's Office and the volume, complexity and types of legal issues the City is addressing. That being said, the trend line is very positive!



**FIGURE 1: OUTSIDE COUNSEL TIMELINE**

There is no question that handling matters in-house rather than sending to outside counsel is not only less expensive but developing expertise in-house creates a valuable institutional knowledge. In-house attorneys must spend valuable time educating, assisting and supervising outside attorneys, taking time from other work.

As stated earlier, some major cases that require specialized expertise or resources like *City of Riverside v. Jurupa/Rubidoux CSD*. But as the chart above illustrates, long range reduction of outside counsel costs are achievable.

# LITIGATION DIVISION

The Litigation Division advocates for the City's interests in claims and lawsuits filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in state and federal court systems. Examples include high value personal injury cases, complex civil rights actions, personnel disputes, public nuisance actions, eminent domain actions and inverse condemnation cases. Litigators take an aggressive and strategic approach to limit the City's financial exposure.

For a list of litigation highlights and major cases, please see Attachment A.

## CLAIMS FILED

Claims are handled, for the most part, by a third party administrator, Carl Warren. Since claims, many times, lead to lawsuits, numbers have been compiled and are reported here.

The number of claims for FY 2016-17 totaled 482.

Since FY 2012-13, when the City received 547 claims, the number of claims filed against the City has dropped steadily every year.

**TABLE 1: TYPES OF CLAIMS RECEIVED**

Fiscal Year	Traffic Collision	Police Liability	Infrastructure	Employment	Other	Total
2012/13	71	45	266	6	159	547
2013/14	74	40	272	4	127	517
2014/15	78	28	268	2	111	487
2015/16	49	36	238	7	115	445
2016/17	56	27	243	1	155	482

## CLAIMS SETTLEMENTS

**TABLE 2: CLAIMS RESOLVED IN FISCAL YEAR 2011- 2017 (IN DOLLARS)**

Fiscal Year	Traffic Collision	Police Liability	Tree	Infrastructure (Non-tree)	Employment	Other	Total
2012/13	80,167	32,810	380,993	59,871	0	68,789	\$622,630
2013/14	104,646	8,697	600,186	159,395	0	46,549	\$919,473
2014/15	83,468	6,724	445,165	8,675	0	101,149	\$645,181
2015/16	46,361	3,905	525,196	74,381	0	133,469	\$645,181
2016/17	97,585	8,081	338,860	105,432	0	162,801	\$709,759

## LAWSUITS FILED

Lawsuits primarily arise in the following categories: traffic collision, police/civil liability, municipal infrastructure, employment/labor and a catch-all, "other."

In FY 2016-17, 27 lawsuits were filed against the City of Riverside. All categories for lawsuits are very consistent year to year with a five year average of just over 36 lawsuits per year.

In this table, Police/Civil Liability does not include police-related vehicle accidents or personnel/labor matters.

**TABLE 3: TYPES OF LAWSUITS RECEIVED**

Fiscal Year	Traffic Collision	Police Liability	Municipal Infrastructure	Employment	Other	Total
2012/13	4	6	5	3	3	21
2013/14	7	9	14	2	15	47
2014/15	7	3	13	2	8	33
2015/16	7	8	16	2	12	45
2016/17	3	2	6	1	15	27

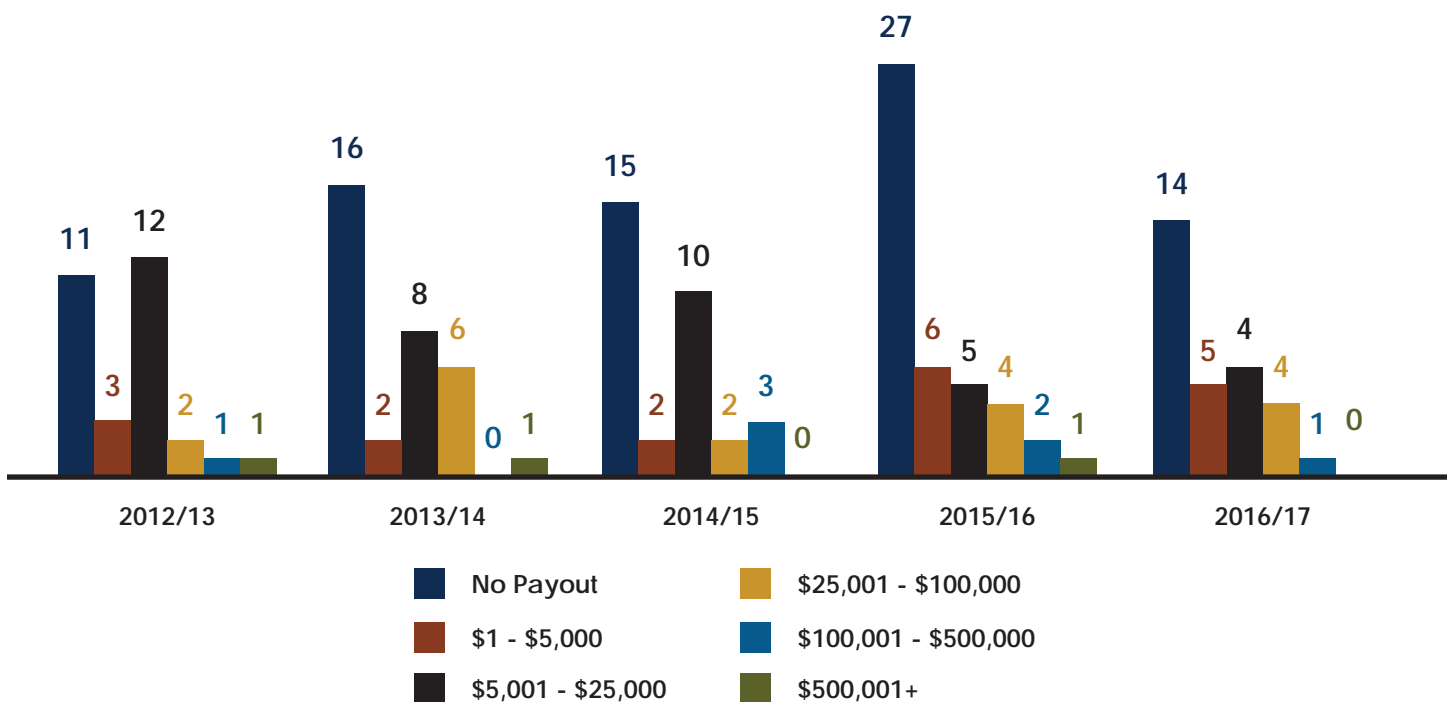
## LAWSUITS RESULTS

When lawsuits are filed, our litigators work aggressively and strategically to protect taxpayer resources, reduce litigation costs and limit potential exposure by filing motions to dismiss defendants and causes of action, thereby narrowing the scope of defense. When liability is clear, we seek to resolve the matter early to limit the cost to taxpayers.

In FY2016-17, approximately half of the lawsuits (53%) were resolved for \$0. Only one (1) matter was resolved for more than \$100,000.

Furthermore, in the last five years, only three cases have been resolved for more than \$500,000.

**FIGURE 2: LAWSUITS RESOLVED OVER FIVE YEARS**





## PAYOUTS

The City Attorney's Office works aggressively to limit financial exposure. When liability is clear, the City seeks to protect taxpayer resources by settling for the lowest possible amount, thereby avoiding the risk of an adverse jury verdict that would cost taxpayers much more. The City Council approves all settlements in excess of \$25,000.

The total amount of payouts relating to settlements, verdicts and judgments for FY 2016-17 was **\$463,769**, **70%** below the five year average of \$1.509 million.

In the figure below, the shaded area represents the payout for each of the three cases.

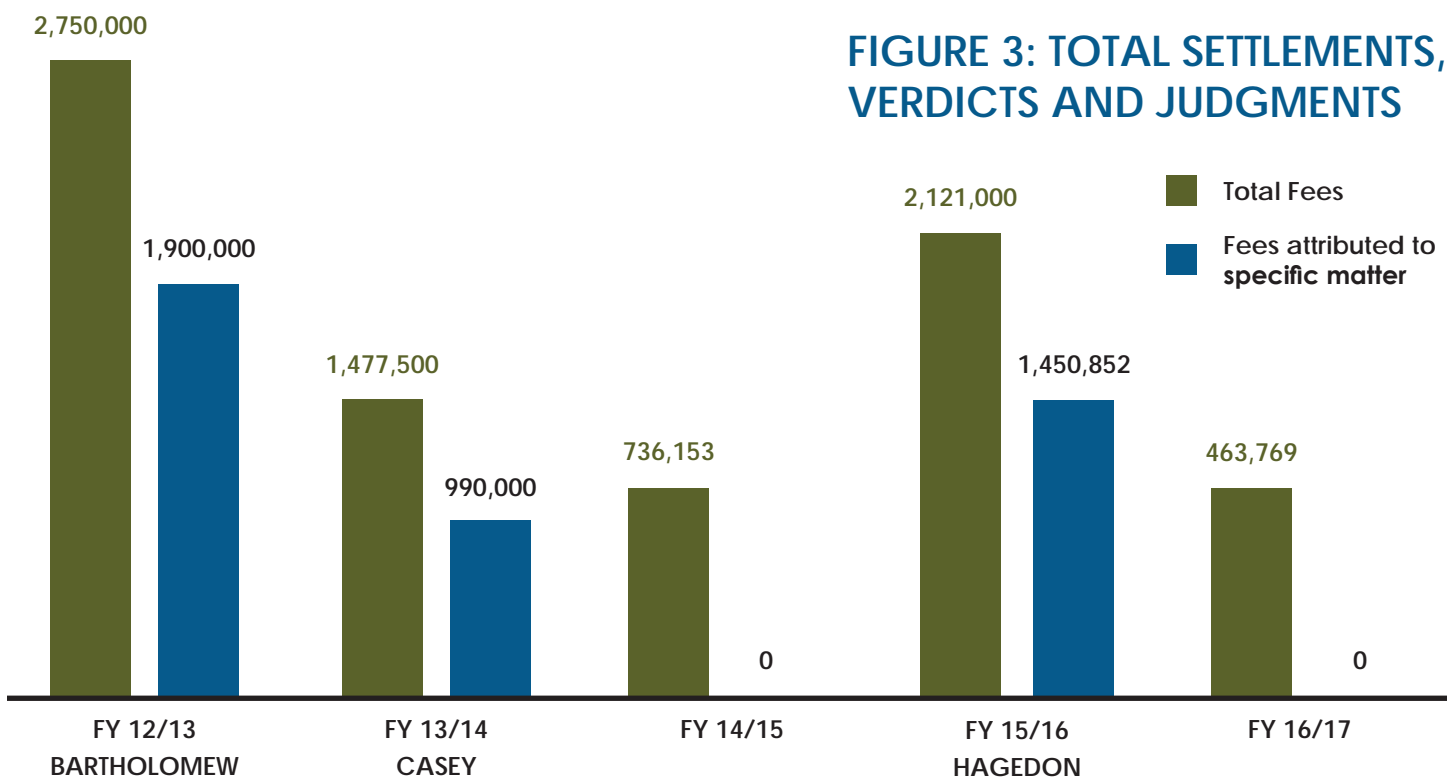


FIGURE 4: PAYOUTS BY CATEGORY

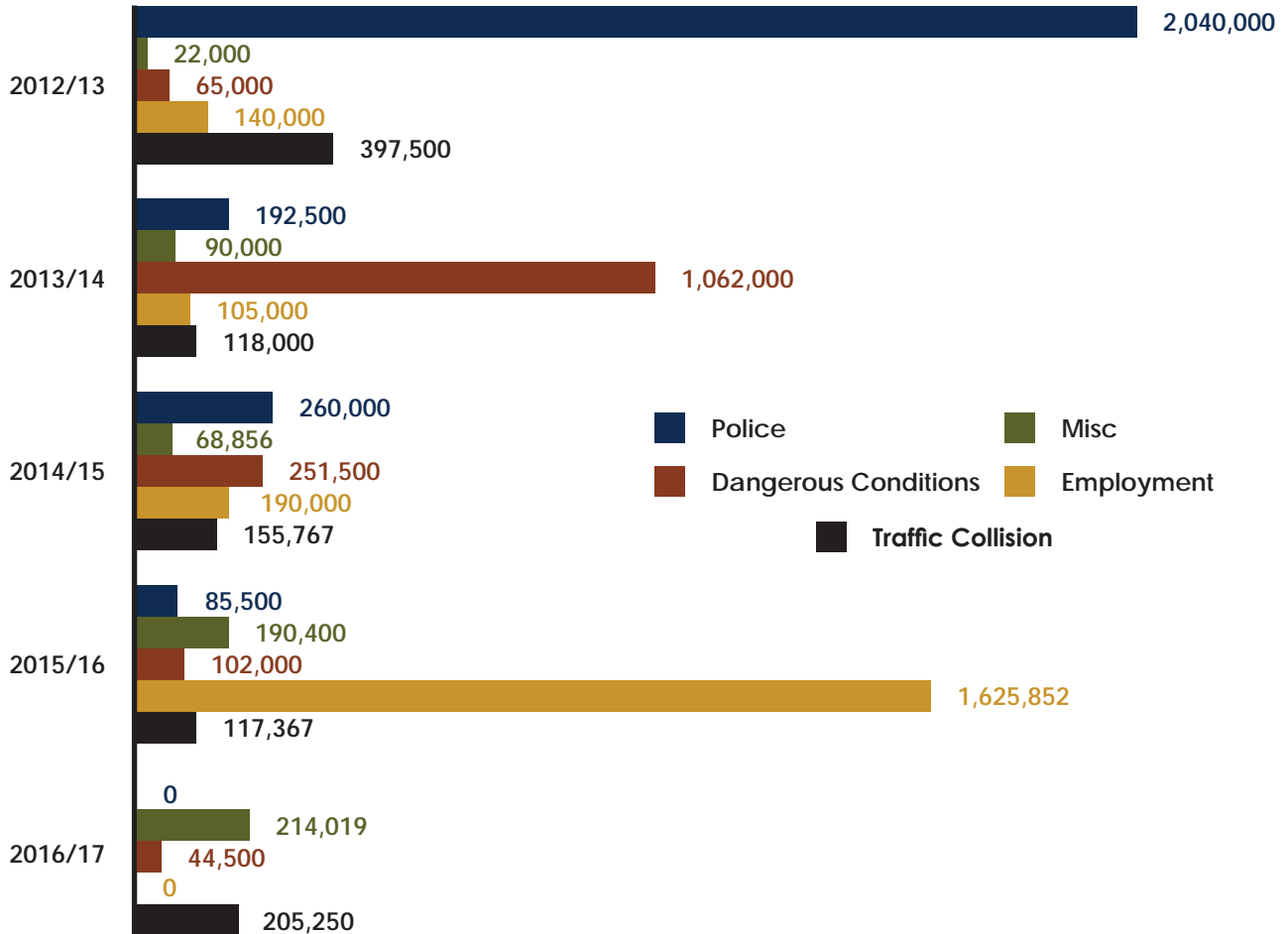


TABLE 4: PAYOUT FROM SETTLEMENTS AND JUDGMENTS OVER \$50,000

CASE	TYPE	TOTAL SETTLEMENT
Aguirre, Jiovanna	Traffic Collision	\$80,000
Pepe's Inc.	Breach of Contract	\$125,000
TOTAL		\$205,000

# PUBLIC SAFETY DIVISION

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Recognizing that neighborhood livability is a critical issue in the City, the Public Safety Division pursues problem-solving approaches to quality of life violations found at homes, apartment complexes, motels, vacant properties, dump sites, and businesses throughout the City. Team members collaborate with residents, law enforcement, City departments and agency partners to address issues affecting the livability of Riverside neighborhoods. Where violators do not remedy ongoing problems, this Division pursues both traditional and “outside the box” solutions. This includes aggressively pursuing lawsuits against nuisance businesses and property owners seeking injunctive relief and civil penalties; prosecuting violations of the Riverside Municipal Code; moving distressed properties into receiverships; and entering into enforceable agreements with the property owners to rehabilitate substandard properties. This is done to protect the public health, safety, and quality of life of Riverside's neighborhoods and business parks.

People living in Riverside want and deserve the highest quality of life in their neighborhoods. Division team members regularly attend community meetings and forums to engage with residents about the issues of importance in Riverside neighborhoods. When team members engage the community, this positively impacts livability and assists residents in playing a role in making their communities safe and secure.

This Division also supports the valuable missions of the Riverside Fire and Police Departments. This includes providing comprehensive legal advice to the Departments on administrative functions, operational issues, internal investigations, and critical incidents. This includes responding to major incidents involving serious injury, death, and/or extensive property damage involving police action.

Team members also manage specialized litigation that defends the Police Department and its officers in complex federal civil rights cases arising out of the contact between citizens and law enforcement officers. Attorneys handle, from inception through trial, cases in which plaintiffs allege that their constitutional rights have been violated.

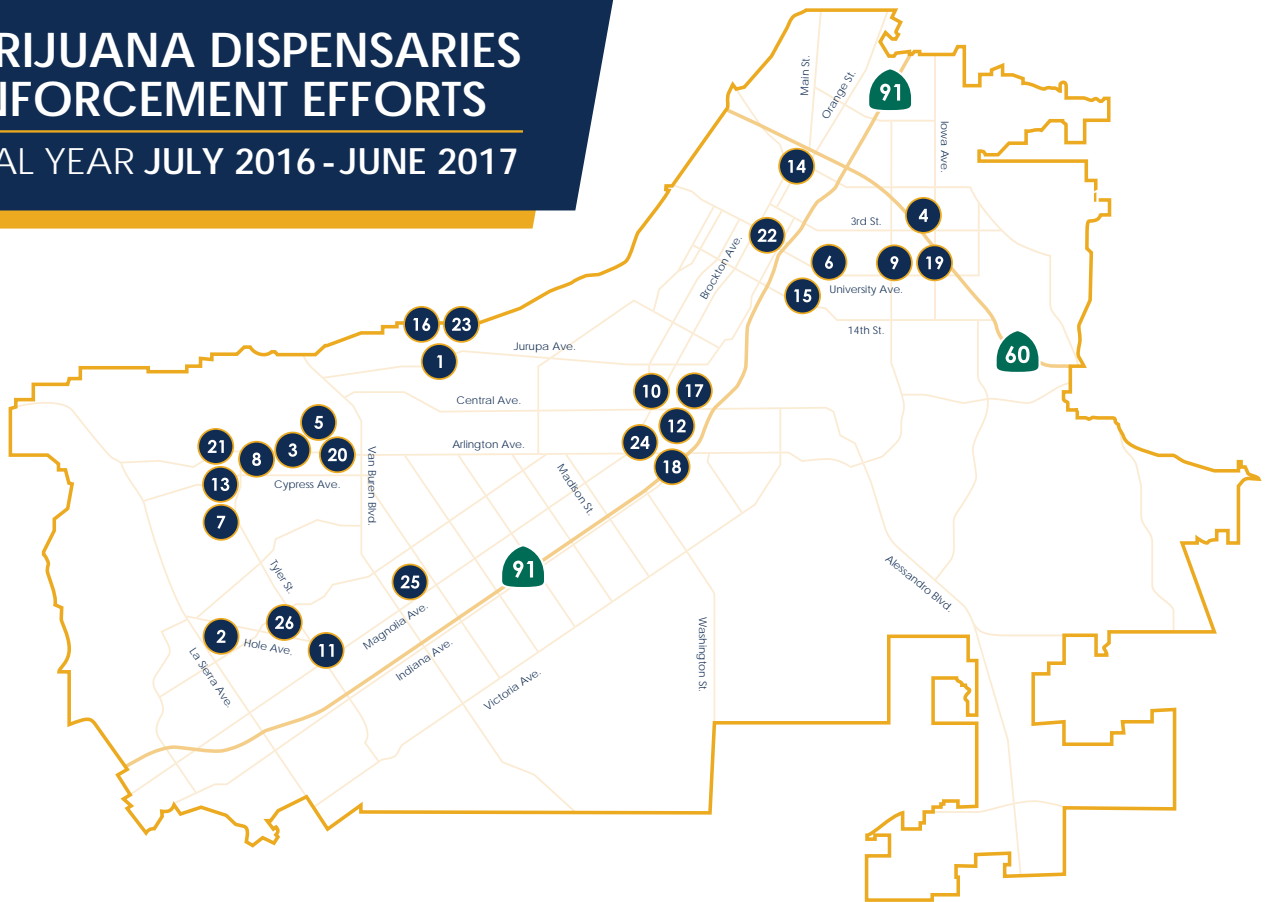
## **Some neighborhood livability successes include the following:**

- **Nuisances at Parolee Housing Residence in Ward 2** – The City received reports of nuisance activity arising out of a home in a neighborhood near UCR bringing a crime wave to the area. The tenant had a contract with the County Probation Department to house felony offenders and was seeking to avoid the Parolee/ Probationer home restrictions by claiming the residents were recovering addicts. Working with the Riverside Police Department, Division team members compiled police service calls and then met with the landlord. The landlord evicted the tenant sober and the neighborhood peace was restored.
- **Substandard Residential Conditions in Ward 5** – A residence had a lack of front yard maintenance, lack of exterior property maintenance, unpermitted construction, an unpermitted room addition and canopy structure, transient activity, trash and debris, outdoor storage, unregistered vehicles, stagnant pool and spa water, weeds and overgrown/dead vegetation. Numerous notices, warnings, and citations were issued by Code Enforcement but did not bring about compliance. The Division filed litigation in Superior Court to declare the property a public nuisance. The court appointed a receiver to take control of the property and enforce its orders. The court-appointed receiver then took action to correct the condition. As part of the process, the City collected \$48,909 in fees and costs.
- **Alleviation of Commercial Traffic Concerns in Ward 4** – Orangecrest residents were impacted by commercial traffic on Barton Road at Van Buren generated by construction vehicles traveling to and from a job site outside of the City limits. Comprehensive discussions resulted in the redirection of construction traffic outside the City to alleviate the vehicular and noise impacts upon the residents of Barton Road.
- **Cleanup of Nuisance Hoarder Property in Ward 5** – A large, 3.5 acre property was filled with debris. The Division team negotiated a rehabilitation agreement with the property owner and the property was cleaned up. These efforts eventually led an agreement for the property owner to pay \$57,000 to the City.

- **Closure of 26 Marijuana Dispensaries Citywide** – The City Attorney's Office closed 26 marijuana distribution facilities in the past fiscal year. Below is a city map indicating the location of the closed dispensaries. As of the FY 2017 end, zero Dispensaries were open in the City of Riverside.

## MARIJUANA DISPENSARIES ENFORCEMENT EFFORTS

FISCAL YEAR JULY 2016 - JUNE 2017



- |                                                           |                                                              |                                                                            |
|-----------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------|
| 1. <b>1AM 30 Cap</b><br>6417 Jurupa Ave.                  | 10. <b>Golden Valley Collective</b><br>3912 Merrill Ave.     | 19. <b>Righteous Revelations</b><br>1450 University Ave.                   |
| 2. <b>30 Cap Collective</b><br>11004 Hole Ave.            | 11. <b>Golden Valley Collective</b><br>3911 Tyler St.        | 20. <b>Riverside Cannabis Club<br/>aka Reeferside</b><br>7895 Cypress Ave. |
| 3. <b>Arlington Cannabis Care</b><br>9005 Arlington Ave.  | 12. <b>Green Cross Remedies</b><br>6380 San Diego Ave.       | 21. <b>Riverside Caregiving Ass'n</b><br>6321 Jones Ave                    |
| 4. <b>Best Buds</b><br>1385 W. Blaine Street              | 13. <b>Loud Shack 6321</b><br>6321 Jones Ave.                | 22. <b>The Herb House/Herb 2016</b><br>3516 9th St.                        |
| 5. <b>Da Farmacy</b><br>9003 Arlington Ave.               | 14. <b>Lucille's Collective</b><br>2726 Main St.             | 23. <b>Undeclared 30 Cap</b><br>5923 Ordway St.                            |
| 6. <b>Da Spot</b><br>2431 University Ave.                 | 15. <b>Presidential Collective</b><br>2790 14th St.          | 24. <b>Undeclared Collective</b><br>3742 Tibbetts St                       |
| 7. <b>Dank Bank</b><br>6024 Tyler St.                     | 16. <b>Quality Genetix</b><br>5920 Jasmine St.               | 25. <b>United Caregivers Group</b><br>9325 Magnolia Ave.                   |
| 8. <b>Emerald City / Sage House</b><br>9000 Arlington Ave | 17. <b>Re-Up</b><br>3532 Central Ave.                        | 26. <b>Walley Weed</b><br>10417 Hole Ave.                                  |
| 9. <b>Faded Flights</b><br>1617 University Ave.           | 18. <b>Releaf Wellness Center (VIP)</b><br>6833 Indiana Ave. |                                                                            |

# MUNICIPAL DIVISION

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The Municipal Services Division provides legal services to all Departments in the City. In FY2016/17, the five attorneys in this division prepared over 1400 contracts, ordinances, resolutions and legal opinions. Our attorneys are required both to have a significant amount of legal experience (such as contracts, constitutional law, real property, environmental, etc.) as well as specialized knowledge of municipal law (planning, zoning, bonds, taxes, assessments, water and electric, conflicts of interest, open government) in order to advise all sixteen departments of the City. Here is a summary of some of the notable achievements of the Municipal Services Division, which were chosen either because of the significance to the City or because of the uniqueness of the advice:

## FINANCE

- 2017 Taxable Pension Obligation Refunding Bonds: We assisted the Finance Department in the issuance of the Taxable Pension Obligation Refunding Bonds 2017 Series A in the aggregate principal amount of \$34,500,000 to refinance the City's maturing Pension Obligation Bond Anticipation Notes into a fixed-rate ten-year fully-amortized taxable debt (i.e., elimination of "balloon" payment).
- Collections – We recovered \$10,000 in a case where a driver damaged City property. In another matter, the City Attorney's Office secured judgment in the amount of \$11,369.85 against another driver who struck and damaged City property.

## POLICE

- Red Light Abatement Action – We successfully obtained a judgment against a property owner with a history of renting the property to massage parlor operators who allow illegal activities on the premises. The judgment prohibited the property owner from allowing the property to be used for any massage parlor activities and the City recovered over \$26,000 in penalties, fees and costs.

## INNOVATION AND TECHNOLOGY

- Cybersecurity Incidents Response and Prevention – We provide ongoing assistance to the IT department in response to cybersecurity incidents which pose potential risk to the City's operation, information, and network. Additionally, we assist and advise the IT Department in procuring, negotiating, and drafting contracts for critical cybersecurity and data loss prevention software and hardware.
- Review and update of Policies – Given the ever-changing world of technology, the City's policies often need to be updated to reflect the emerging innovations and the case law that follows. The City Attorney's Office has assisted in a comprehensive review of the City's Technology Use and Security Policy.

## PUBLIC WORKS

- Quiet Zones: We worked closely with Public Works with the establishment of New Quiet Zone for the BNSF rail line between Buchanan and Mary Streets, as well as advised the Public Works Department on multiple other Quiet Zones in the process of establishment.
- Magnolia-Market Fiber Optics Signal Interconnect Project: We assisted with an agreement for the Magnolia-Market Fiber Optics Signal Interconnect Project to replace existing outdated copper interconnect with new fiber optic cable to improve signal synchronization and communications.
- Dangerous Dog Ordinance: The City Attorney's Office worked with Public Works and the County Department of Animal Services to prepare an ordinance to update the Riverside Municipal Code regarding dangerous and vicious dogs so that owners of vicious dogs are now required to obtain liability insurance and pay a license fee.
- We worked closely with Public works for the extension of the Pedestrian Mall in front of the Historic Courthouse.



## COMMUNITY AND ECONOMIC DEVELOPMENT

- **Building Standards Code Update:** The City Attorney's office drafted an ordinance adopting by reference the 2016 California Building Standards Code, with local amendments. This included the Building Code and Fire Code, along with multiple other codes that make up the California Building Standards Code. The ordinance is an integral part of local efforts to provide a reasonable level of life-safety and property protection.
- **Downtown Safety Ambassador Program:** We assisted with an agreement and commercial office lease with a company to provide security services for the Downtown Safety Ambassador Program.

## GENERAL SERVICES

- **Airport Runway:** We assisted the Airport Division in applying for a federal and state grants to fund the aircraft apron and runway rehabilitation. The project is ongoing and a construction contractor hired. The federal and state grants will provide the majority of the funding for the runway rehabilitation.

## PUBLIC UTILITIES

- **San Onofre Nuclear Power Plant:** We advised on the ongoing environmental permitting for and retention of a contractor for the decommissioning of a shuttered nuclear power plant, resulting in the retention of a general contractor to begin the demolition of the plant and the safeguarding of the spent nuclear fuel stored at the site.
- **Water Sales Agreement:** We assisted in the negotiation and drafting of a thirty year agreement for water wheeling services for and sale of groundwater to the Western Municipal Water District, which has the potential for over \$100m in revenue to water ratepayers.
- **Annexations of Southern California Edison customers:** We worked with Public Utilities in the filing of a friendly lawsuit against SCE to acquire SCE electric customers residing in the City of Riverside. The resulting settlement with SCE allows for the City in providing electric service to 136 customers.

## MUSEUM AND LIBRARY

- We have worked diligently with the Museum regarding the restoration and maintenance of the Harada House, a National Historic Landmark which was the focus of a 1918 lawsuit which held that American-born children of aliens were entitled to all the constitutional guarantees of the U.S. Constitution, including land ownership.
- We have also been working closely with the temporary closure of the Riverside Metropolitan Museum, including the safekeeping of all live exhibits during the temporary closure and efforts to continue museum operations with the assistance of third parties during the temporary closure.

## COMMUNITY AND ECONOMIC DEVELOPMENT

- We have defended and resolved nine (9) CEQA related lawsuits and negotiations in favor of the City, which were cases that the City would have previously referred to outside counsel. The City Attorney's Office drafted all pleadings in defense of these lawsuits or successfully resolved all CEQA-related challenges City projects in order to avoid litigation. The City Attorney's Office has estimated that outside counsel fees to litigate or negotiate these disputes could have exceeded \$140,000.
- We have filed 27 condemnations lawsuits in connection with the Riverside Transmission Reliability Project; a high voltage transmission line project which will provide a second interconnection in the City to the state-wide power grid. These cases involve over 230 defendants. These lawsuits are being handled by in-house litigators.

# ATTACHMENT A: SIGNIFICANT MATTERS

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- **City of Riverside v. Greyhound**

Action filed by City to evict Greyhound from downtown bus terminal after City's request to vacate was refused. Court granted City's Motion for Summary Judgment and denied Greyhound's multiple attempts to stay enforcement of the eviction order in both the Federal District Court and the Ninth Circuit Court of Appeals.

- **City of Riverside v. Munoz**

Obtained \$61,282.50 judgment against defendant in subrogation action for recovery of damage to police vehicle and benefits paid on behalf of injured officer as a result of a motor vehicle accident.

- **Dennis Brokaw v. City of Riverside**

Single vehicle motor vehicle accident where plaintiff crashed into a concrete barrier. City neither owned nor controlled either the concrete barrier or the street on which the accident occurred. After jury trial, City was found to be 11% liable for plaintiff's damages because City crews had painted out graffiti on the concrete barrier days before the accident. Plaintiff demand was \$1.8 million both before and at trial. Jury awarded plaintiff \$450,000. The City's 11% share of damages amounts to \$49,500.

- **Richard Olguin v. City of Riverside**

Ratepayer action filed against City seeking an order compelling the City to return to the electric utility approximately \$115,046,399.50 which represented all Electric Revenue Transfer paid to the General Fund since May 1, 2013. The Court granted the City's motion to dismiss the case and judgment was entered in favor of the City.

- **Karina Huerta v. City of Riverside, et al.**

This is a wrongful death lawsuit filed by the surviving family members of a motorcyclist who died after colliding with an automobile that was turning left out of a driveway to Adams Elementary School. Plaintiffs have filed suit against the driver, City, Riverside Unified School District, and the developers of a nearby apartment complex for negligence, premises liability, and dangerous condition of public property. The City disputes liability. Damages are estimated to exceed \$1 million. All parties are currently engaged in discovery and are planning to mediate the case in early 2018. No trial date has been set, but is anticipated for Q2 2018. This case has been assigned to Charles Mayr.

- **High Light Electric, Inc. v. City of Riverside**

This is a breach of public works contract lawsuit brought by a contractor for amounts allegedly owed for work performed on the Canyon Crest Cable Replacement Project. Plaintiff alleges that the City changed the nature of the contract during construction, which caused them to incur additional unanticipated costs. City denies the allegations. Plaintiff claims \$1.8 million in damages. The City recently answered the Complaint and will proceed with discovery. The parties will attempt to mediate the case before the end of the year. No trial date has been set, but is anticipated for Q1 2019. This case has been assigned to Charles Mayr.

- **Chau Nguyen v. City of Riverside**

This is an alleged disability discrimination, failure to accommodate and failure to engage in the interactive process lawsuit with a plaintiff demand of \$650,000. The case went to trial with the City being represented by was represented by both outside counsel and Brandon Mercer. The trial resulted in a favorable verdict for the City.



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