

CITY OF SAN CLEMENTE

NARRATIVE/TECHNICAL PROPOSAL  
FOR  
CITY ATTORNEY SERVICES

Prepared by:

Barbara Z. Leibold  
David H. Mann

October 8, 2014

For more information contact:

barbara@ceqa.com  
david@ceqa.com

Tel: (949) 457-6300 Fax: (949) 457-6305  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, California 92653

## **COMPANY BACKGROUND AND REFERENCES (Section 6)**

### **Primary Contractor Information (Section 6.1)**

#### **Company Ownership**

Leibold McClendon & Mann is a California professional corporation. Originally founded as a law partnership in 1994, the firm incorporated on December 17, 1996. The firm is owned and managed by its three named shareholders, Barbara Leibold, John McClendon and David Mann.

#### **Office Location**

Our office is located in South Orange County in the Lakehills Corporate Center at 23422 Mill Creek Drive, Suite 105 in Laguna Hills, California.

#### **Employees**

Leibold McClendon & Mann employs four full-time attorneys with public law experience ranging from 19 to 27 years available to serve the legal needs of the City of San Clemente both during regular office hours, evening City Council and Commission meetings, and special events. To assist our attorneys we employ two secretaries as well as an office manager/bookkeeper.

Our firm's secretaries help manage the attorneys' schedules, answer telephone calls, carry out word processing, file retention and organization, and prepare form documents. Our office manager/bookkeeper oversees the internal administrative operations of the firm and manages the firm's billing. Both secretaries and the office manager are available during normal business hours to assist the City of San Clemente in whatever way necessary. The services of our support personnel are not billed to our clients.

#### **Point of Contact**

Barbara Leibold is the primary contact for questions relating to this Proposal for City Attorney Services to the City of San Clemente. David Mann is also available to respond to inquiries. Barbara and David's contact information is set forth below:

Barbara Leibold  
Leibold McClendon & Mann, PC  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, CA 92653  
(949) 457-6300 ext 104  
barbara@ceqa.com

David Mann  
Leibold McClendon & Mann, PC  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, CA 92653  
(949) 457-6300 ext 106  
david@ceqa.com

### **Firm Background and Qualifications**

Leibold McClendon & Mann was founded in 1994 with the mission to provide exceptional solution-oriented legal services to public agency clients on a personal and cost effective basis. That mission remains strong today as evidenced by our ongoing commitment to serve our city and other public agency clients to achieve their economic, public safety and land use goals. Our firm will provide the City of San Clemente with experienced attorneys and professional staff that can work as an integral part of the City's management team dedicated to the City's long-term success. We possess the expertise, experience and capacity to perform the City Attorney responsibilities consistent with the scope of services outlined in the Request For Proposals.

Each of the firm's attorneys has practiced in areas of public law since the beginning their careers and enjoy a remarkable breadth of experience in municipal law matters, such as the Brown Act, Political Reform Act, Public Records Act, Planning and Zoning Law, California Environmental Quality Act ("CEQA") and other environmental laws, real property transactions, redevelopment (specifically including Redevelopment Dissolution Act requirements), affordable housing, public contracts, competitive bidding and purchasing laws, economic development and financing, personnel and labor relations, election law, local government reorganization and intergovernmental relations, code enforcement, nuisance abatement and public law litigation. A summary of our primary practice areas is provided below.

### **Practice Areas**

#### *General Municipal Law*

Leibold McClendon & Mann is well versed in general matters of municipal law. For the past 27 years, our attorneys have advised elected and appointed public officials and executive staff in general municipal law matters including Brown Act training and compliance, disclosure and disqualification analysis under the Political Reform Act and conflict of interest laws, procedural matters and parliamentary rules. We routinely assist our public agency clients in responding to Public Records Act requests carefully balancing the public's interest in government transparency while guarding against disclosure of privileged information. Our attorneys work closely with City Clerks and Department Heads to develop and implement records retention protocols and assist in developing standardized legal forms. We prepare resolutions, ordinances and policies, staff reports, legal opinions and research memoranda on a wide variety of municipal law matters and attend City Council, Planning Commission and other public agency meetings.

Planning and Zoning Law

Our attorneys have expertise in land use and zoning matters, including preparation and implementation of general and specific plans, zoning and subdivision ordinances, adjudicatory entitlements, growth control measures, design guidelines, developer fee exactions and development impact fees, and development agreements. Our knowledge of land use and zoning matters combined with strategic negotiating skills have contributed to residential, commercial, industrial, and recreational developments that promote our client's economic vitality while providing community amenities and preserving natural features and a strong community identity.

CEQA and Environmental Law

Leibold McClendon & Mann takes particular pride in the firm's expertise in advising cities and other public entities on procedural and substantive CEQA compliance, and in representing such agencies in CEQA litigation. Under the leadership of John McClendon, our attorneys are exceptionally well qualified to provide legal services in this highly specialized and continually evolving area of the law. We have extensive experience in the preparation and review of Environmental Impact Reports, Negative Declarations, project exemptions, and other environmental documents to assure compliance with CEQA and State and local CEQA guidelines. The firm also advises public agencies on complex wetlands, wildlife and habitat mitigation matters arising in the context of NEPA, CEQA, Federal and State Endangered Species Acts, as well as the California Coastal Act, Clean Water Act, water law and water rights issues and FEMA flood control regulations. We are actively involved in representing city clients in meetings with federal, state and regional regulatory agencies, including the ACOE, FWS, CDFW, the California Coastal Commission and the Riverside Conservation Authority.

Real Property Transactions and Relocation Law

Leibold McClendon & Mann is well versed in property acquisition and disposition procedures, including right-of-way acquisition and vacation. We assist clients in real property negotiations and the preparation of purchase, lease, easement and license agreements as well as the preparation, adoption and implementation of relocation plans and relocation guidelines in accordance with federal and state relocation laws. In our capacity as City Attorney of the City of Lake Elsinore, we have negotiated and prepared numerous public facility leases, concession agreements, maintenance and service contracts, and regulatory agreements for the City's lake facilities, boat launch and campground, professional Minor League baseball stadium and the Links at Summerly golf course.

Redevelopment Law and Dissolution

The attorneys of Leibold McClendon & Mann have represented over 30 redevelopment agencies in all aspects of Redevelopment Plan adoption and implementation and in the negotiation and preparation of property acquisition agreements, disposition and development agreements, owner participation agreements, affordable housing agreements and cooperation agreements requiring sophisticated structuring. With the passage of AB 1X 26 (as amended by AB 1484), we are actively advising our former redevelopment agency client successor agencies on dissolution and winding down activities. Our services include the preparation of successor agency and Oversight Board resolutions, cooperative/implementation agreements, recognized obligations payment schedules (ROPS), Long Range Property Management Plans, legal analyses as well as preparation of appeals to the Department of Finance and representation of our clients both in meet and confer meetings as well as in the Sacramento County Superior Court. Our expertise in redevelopment law and long-standing involvement in legislative matters involving redevelopment agencies has contributed to the successful structuring of these matters yielding excellent results for our successor agency clients.

Affordable Housing

Under the leadership of Barbara Leibold, our firm's expertise in affordable housing includes projects/programs involving low and moderate income housing set aside funds, federal HOME and CDBG funds, low income housing tax credits, HELP funds, NSP and other public and private financing sources. We have assisted city and our former redevelopment agency clients in the formulation of a variety of affordable housing programs, including first time homebuyer and other down payment assistance programs, owner-occupied and rental rehabilitation loan/grant programs and rental assistance programs. We have negotiated and prepared agreements for affordable single family, multi-family, senior housing, and single room occupancy projects. Our housing law experience also includes preparation and review of affordable housing strategies, housing fund deficit reduction and expenditure plans, replacement housing plans, replacement and inclusionary housing strategies, density bonus ordinances and density bonus agreements, and Housing Element compliance.

Public Contracts, Competitive Bidding and Purchasing Laws

David Mann leads the firm's practice in public contract law, including public works contracts, competitive bid procedures and prevailing wage requirements as well as compliance with contracting requirements imposed by various state and federal funding sources. David has assisted our city clients in the formulation of purchasing ordinances, including uniform cost accounting procedures and local preferences. He and the firm's attorneys have also negotiated and prepared numerous franchise agreements with cable, garbage disposal, and tow companies. We routinely prepare professional service agreements, public service and public works contracts, and other City agreements.

*Economic Development, Finance and Budgetary Matters*

Leibold McClendon & Mann advises our public agency clients in sound economic development practices and is well versed in various financing mechanisms and districts. While the firm does not perform bond counsel services, our attorneys serve as issuer's counsel and work closely with municipal finance teams in the formulation and implementation of various financing districts such as Landscape and Lighting Districts, Assessment Districts, Community Facilities Districts and Business Improvement Districts. Attorneys David Mann and Joy Otsuki both have certified public accounting backgrounds and provide legal support services to City Finance staff in budget, accounting and audit matters.

*Personnel and Labor Relations*

Leibold McClendon & Mann advises city clients on general personnel and employee relations issues and generally oversees special counsel services in the provision of specialized employment, labor and personnel matters. We have participated in the formulation of personnel policies and labor negotiations as well as employee and consultant RFP preparation and selection processes. Our attorneys also advise city clients in contract negotiations with County and State agencies for public safety/protection services.

*Election Laws*

Leibold McClendon & Mann's attorneys work closely with City election Officials on election law matters, including preparation of ballot titles, summaries and analyses of city sponsored and resident sponsored initiatives, recall and referenda and general election supervision.

*Local Government Reorganization and Intergovernmental Relations*

Our lawyers were at the forefront of the government reorganization movement, and are familiar with the complex and sometimes contradictory provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act. We successfully guided one of the first special district reorganizations (the consolidation of the Capistrano Beach Water District and the Capistrano Beach Sanitary District) through the Orange County LAFCO. We continue to represent clients before LAFCO Boards and in litigation on government reorganization matters. We also represent city clients as members of joint powers authorities in matters ranging from Multiple Species Habitat Conservations Plan implementation, regional transportation planning, and animal control/animal shelter services.

*Code Enforcement, Nuisance Abatement and Public Law Litigation*

Leibold McClendon & Mann provides public law litigation services. The firm's representation of public agencies includes breach of contract, conflict of interest, environmental, constitutional and water-related claims, as well as eminent domain, inverse condemnation, governmental estoppel and redevelopment dissolution issues.

The firm also advises clients in code enforcement matters, nuisance abatement, receivership, alternative dispute resolution proceedings and administrative hearings. Over the past two decades, our attorneys have represented more than a dozen cities and public agencies in litigation ranging from validation actions and CEQA/land use challenges, to the adoption or amendment of redevelopment plans, tax sharing disputes, low-income housing compliance and billboard displacement.

### **Working Relationships and Transition**

We see ourselves as being part of the City's team and not simply its lawyers. We pride ourselves in providing personalized legal services to our City clients and supporting city staff in implementing the goals, policies and directives of the City Council. We enjoy our work and our role in local government. We work closely together to ensure that the legal needs of the City are timely met and are proud of the successful working relationships we have fostered and maintained with Council Members, and appointed officials, City Managers, Department Heads and community organizations. Because of that approach and our experience, we are able to assist our clients in structuring better and more defensible transactions, regulations and programs in ways that meet their policy directives and avoid legal pitfalls long-term.

We believe accessibility and communication are keys to structuring an effective working relationship between the City Attorney, City Council, City Manager and City staff, especially during a transition to new counsel. We are accustomed to working closely with elected City officials, management and staff and would be committed to quickly becoming acquainted with the City's affairs and protocols. In addition to regular meeting attendance, office hours and availability discussed below, we believe that through a series of introductory meetings with Council Members, the City Manager and Department Heads we would quickly gain an understanding of the issues facing the City of San Clemente and the City Council's priorities in addressing those issues.

We maintain good working relationships with the attorneys of Rutan & Tucker and would anticipate a cooperative and smooth transition of transactional matters. We would propose a 45 day transition period with the initial step being to identify all pending transactions and litigation matters. Following such identification, we would work with the City Manager and Rutan to determine which matters are more efficiently completed by Rutan. We would propose all day to day questions and new matters be assigned to us.

### **Meetings, Office Hours, Accessibility**

Barbara Leibold is available to attend regular meetings of the City Council and weekly staff meetings. David Mann will be available to attend regular meetings of the Planning Commission and other Boards and Commissions when requested. Barbara and David will also conduct regular weekly office hours at

City Hall from 1:00 to 4:30 prior to City Council or Planning Commission meetings. John McClendon will also be available to attend office hours, special meetings and staff meetings. This availability can be expanded as necessary and staffing will be provided as needed to serve the City's legal needs.

Barbara and the firm's attorneys are always accessible to our clients. In addition to scheduled office hours at City Hall, Barbara, David, John and Joy are available throughout the workday, either at our office or by cellular phone. Our office is open 8:30 am – 6:00 pm Monday through Friday, but our attorneys are available by phone, text or email any time outside of regular office hours. We work evenings, weekends and holidays in order to meet deadlines and accommodate other time sensitive needs of our clients. Because many elected officials also hold full-time jobs, we are always available to these public officials in the evening or on weekends.

#### **Communications and Equipment**

Our primary means of communication are through cell phones (voice, email and text), office phones (which include direct dial numbers to all firm attorneys), and office computers. We have full conference calling capability and can video conference as well. Additionally, each of the firm's attorneys has a laptop computer with internet capability enabling the user to access the Internet, emails and the firm's server anywhere the user has cell phone or wifi reception.

The firm utilizes Microsoft Office Suite, including Microsoft Word, Excel and Powerpoint, for all documents and can process documents under the .doc format or the newer docx. format. We currently utilize Microsoft Outlook for email and calendaring. Our network based computer system allows our attorneys remote access to all databases.

#### **Work Assignments, Response Times and Status Reports**

With respect to day-to-day operations, we pride ourselves on being available and quickly responding to both voice and email communications. A verbal response to inquiries can generally be provided immediately or on the same day. For projects requiring significant legal research or transactional projects requiring preparation of contracts, ordinances or other documentation, we maintain an internal tracking system to ensure timely responses. To the extent that it would assist City staff, we can institute a "legal services request" form to help coordinate and prioritize legal services. Our attorneys will state an approximate time frame for a response or they will specifically ask for necessary deadlines which, for example, may be set to ensure adequate time for coordination with the posting of the next agenda.

Leibold McClendon & Mann provides the highest quality work in a timely fashion and is careful not to over commit the firm's resources or its individual attorneys. We will be dedicated to making the City of San Clemente and its Successor Agency a number one priority to ensure timely responses to the City



Council and City staff. By participating in regular staff meetings and conducting regular office hours, we will ensure consistent communications and accountability.

We find that the most efficient method of informing the City Council and management staff of our activity is via a weekly or periodic status report and will embrace the City of San Clemente's request for written monthly status reports of assigned projects, requests and litigation to keep the City Council informed of important legal issues. The status report would indicate the tasks that were undertaken throughout the month and provide a brief description of the work done on each task. A monthly status report will enable the City Council to analyze the legal costs of our services on a regular basis and can be accompanied by a forecast of upcoming legal costs associated with various actions and goals.

#### **City Attorney Team**

We propose a team of Barbara Leibold as City Attorney and David Mann as Assistant City Attorney. Deputy City Attorneys John McClendon and Joy Otsuki will provide additional staffing and expertise. A summary of knowledge and experience for each of the firm's attorneys that may be assigned to work with the City of San Clemente is provided below and resumes are attached.

#### **Length of Time Providing Legal Services to Municipalities**

Barbara, David and John have been providing legal services to cities and other governmental agencies as both general and special counsel since 1987, 1988 and 1989, respectively. Joy Otsuki began her law career in 1995. All of the firm's attorneys practiced at the law firm of Stradling Yocca Carlson & Rauth before joining Leibold McClendon & Mann.

#### **No Subcontractors (Section 6.1.1)**

Leibold McClendon & Mann does not propose to engage any subcontractors in the performance of its responsibilities as City Attorney.

#### **No Disciplinary Actions**

As an additional note before presenting individual attorney resumes and qualifications, no attorney in the firm has ever been sued for malpractice, settled any such suit, been the subject of complaint filed with the State Bar or been disciplined by the State Bar. We are proud of our flawless practice record. All professional staff members of our firm are properly licensed to practice law in California.

## **Proposed City Attorneys and Qualifications of Individual Attorneys (Section 6.2)**

### **Proposed City Attorney: Barbara Leibold**

Barbara leads the firm's municipal, land use and affordable housing practice. Barbara has extensive experience advising city councils, planning commissions, public safety advisory commissions, successor agencies and other public boards. She currently serves as the City Attorney for the City of Lake Elsinore and provides special counsel services to the City of Walnut. She has previously served as the City Attorney for Norco and Assistant City Attorney for the Cities of Lancaster and San Juan Capistrano and has provided special counsel services to more than 20 California municipalities and former redevelopment agencies.

Barbara is well versed in municipal law matters, including such general areas as conflicts of interest, open meeting laws, public records requests, intergovernmental relations, franchise issues and election law. Barbara has extensive experience in preparing ordinances, resolutions, city and agency policies and a myriad of municipal contracts and reviewing these documents for legal adequacy. She has expertise in land use matters and is recognized statewide for her knowledge of affordable housing laws.

Barbara attended law school at the University of California, Hastings College of the Law in San Francisco while simultaneously obtaining her Master's degree in City Planning from the University of California at Berkeley.

The sampling below represents Barbara's legal experience:

- Barbara is currently the City Attorney for the City of Lake Elsinore, where she has served in that capacity for 17 years. She is also General Counsel to the City's Successor Agency.
- Barbara has successfully obtained approval by the Lake Elsinore Oversight Board, DOF and CAC of each of the Lake Elsinore Successor Agency EOPS and ROPS, the Housing Asset Transfer List, the Due Diligence Review of Low and Moderate Income Housing Funds and the Due Diligence Review of Other Funds and Accounts. She led the Successor Agency team in the preparation and timely submittal of the Long Range Property Management Plan and compilation of supporting documentation. Barbara responded to all inquiries from the State Controller's Office in connection with the SCO Audit and received favorable findings from both these efforts in 2014.
- Barbara currently represents Lake Elsinore in dealing with regional habitat preservation agencies and transportation authorities, including compliance with federal and state agencies. These efforts include issues involving habitat protection, conservation easements, transportation, funding and development.

- Barbara has vast land use and zoning knowledge and experience working with the development community. She has advanced and protected Lake Elsinore's interests in negotiations with developers such as Castle & Cooke, the Corky McMillin Companies, Pardee, Richmond American, Civic Partners, K Hovnanian and 7-Eleven Corp.
- Barbara recently assisted the City of Lake Elsinore with its adoption of an updated General Plan, Housing Element and Downtown Master Plan. She also assisted in the successful and timely update to the City's Housing Element, Annual Housing Element Progress report and consistency updates to the City's Zoning Ordinance.
- Barbara advises public agency clients in CEQA and Coastal Act compliance as well as mining and reclamation activities pursuant to the Surface Mining and Reclamation Act.

Barbara's resume is attached as an exhibit to this proposal.

**Proposed Assistant City Attorney: David Mann**

David is the firm's managing shareholder and has been an attorney for 25 years. He has exclusively represented public agencies beginning with his first position as a Deputy City Attorney in the City of San Diego's Criminal Prosecution Division. David later moved to the Orange County firm of Stradling Yocca Carlson & Rauth (approximately 100 lawyers) where he represented public agencies in litigation matters. David joined Leibold McClendon & Mann in 1998 as a shareholder and transitioned his practice to general municipal law, redevelopment and affordable housing. Prior to attending law school, David was a Certified Public Accountant, having worked at the national accounting firm of Grant Thornton in Sacramento. David attended law school at the University of California, Hastings College of the Law in San Francisco.

David's legal experience includes:

- David is currently the Assistant City Attorney for the City of Lake Elsinore, where he has served in that capacity for 17 years. He previously served as a Deputy City Attorney for the Cities of San Diego, Lancaster and La Quinta.
- David is currently the General Counsel for the Rand Communities Water District and Special Counsel to the Oxnard Oversight Board.
- David's notable current projects for public agency clients include renovation of a major historic structure in downtown Anaheim known as the Anaheim Citrus Packing House

for development of a collective of artisan shops and restaurants by Lab Holdings, an innovator of the “anti-mall” concept featuring unique and cutting edge retailers.

- David has extensive experience advising city councils, planning commissions and other public boards on such matters as the Brown Act, conflicts of interest, the Public Records Act, the Subdivision Map Act (including General Plan and Housing Element adoption), land use and planning, CEQA, public works, fees and assessments, and municipal bonds.
- David has over 10 years of litigation experience, including jury trials, mostly during the formative stage of his career. David continues to represent public agencies in litigation matters primarily involving writ actions related to land use approvals and CEQA compliance along with code enforcement matters.

David’s resume is attached as an exhibit to this proposal.

#### **Proposed Deputy City Attorney John McClendon**

John leads the firm’s litigation practice and currently is special counsel to the City of Montebello on several litigation matters. John also serves as General Counsel to the Banning Heights Mutual Water Company and previously served as General Counsel to the Los Osos Communities Services District. John has also served as special counsel to redevelopment/successor agencies of Riverside County and the Cities of Anaheim, Calimesa, Culver City, Ontario, Orange, Santa Clarita, Victorville and Yucaipa.

John’s expertise in CEQA and land use law is recognized statewide. He takes particular pride in advising cities, redevelopment agencies and special districts on procedural and substantive CEQA and land use compliance and in representing such agencies in CEQA litigation. He has extensive experience in the preparation and review of Environmental Impact Reports, Negative Declarations, project exemptions, and other environmental documents to assure compliance with CEQA and State and local CEQA guidelines.

After the Court of Appeal ruled against the California Coastal Commission in a case involving its issuance of CDPs for two projects in the City of San Clemente (Strother v. California Coastal Commission (2009) 173 Cal.App.4th 160), John successfully defended the Commission’s decision when the case returned to the lower court (Strother, et al. v. California Coastal Commission – Orange County Superior Court Case No. 30-2008-00042374-CU-PT-CXC). In 2011, he successfully defended the City and applicant in a CEQA action brought by the same plaintiffs (Strother, et al. v. City of San Clemente – Orange County Superior Court Case No. 30-2010-00405955-CU-WM-CXC).

- John has provided legal counsel to more than 20 cities in negotiations with such diverse entities as land developers, automobile dealerships, cinema operators, nonprofit corporations, historic preservationists, environmental groups, governmental entities, CalSTRS and the Walt Disney Company.
- John has negotiated and drafted agreements for such notable landmarks as Anaheim Plaza, the Honda Center (formerly Arrowhead Pond) of Anaheim, the Ontario Convention Center, Ontario Mills, Century 25 Theaters in Orange, South Gate's El Paseo Shopping Center, and Disney Ice. These agreements have provided for major commercial, industrial or entertainment development and required sophisticated structuring.
- John is an experienced litigator on municipal, redevelopment, environmental, land use and water law matters. He has an enviable track record, having successfully argued numerous cases before the state trial and appellate courts as well as the federal court for the Central District of California. John was one of the first attorneys to obtain a favorable decision under the 1994 landmark land use decision of the United States Supreme Court entitled *Dolan v. City of Tigard* and, in October of 1994, John published an article in *Western City* magazine (the monthly publication of the League of California Cities), advising cities on procedures for complying with the *Dolan* case.
- John serves as General Counsel to the successor agencies of the former as Assistant General Counsel to the successor agencies for the former redevelopment agencies in the Cities of Los Banos, Merced, Mendota, Pismo Beach, Riverbank, and Santa Paula and in that capacity has appeared before the Sacramento County Superior Court Judges handling post AB X1 26 litigation matters.

John's resume is attached as an exhibit to this proposal.

#### **Proposed Deputy City Attorney Joy Otsuki**

Joy serves as of counsel to the firm and has been an attorney for 18 years. Joy joined the firm in 2003 after having worked as a corporate law and municipal bond specialist at the firms of Higham McConnell & Dunning and Stradling Yocca Carlson & Rauth. Joy is currently the firm's lead attorney for matters involving the dissolution of redevelopment agencies and currently serves as Assistant General Counsel to the successor agencies for the former redevelopment agencies in the Cities of Los Banos, Merced, Mendota, Pismo Beach, Riverbank, and Santa Paula.

Joy obtained her undergraduate degree in Business Economics from the University of California, Santa Barbara. Following college, Joy joined the national accounting firm of Grant Thornton and obtained her license as a Certified Public Accountant. Joy then attended law school at Loyola Law School where she was a member of the Saint Thomas More Honor Society and received the American Jurisprudence Award.

Joy's legal experience includes:

- Joy is currently a Deputy City Attorney for the City of Lake Elsinore and has served in that capacity for 11 years.
- As Assistant General Counsel to the successor agencies for the former redevelopment agencies in the Cities of Los Banos, Merced, Mendota, Pismo Beach, Riverbank, and Santa Paula, Joy regularly advises these entities concerning Brown Act compliance, potential litigation and requirements related to the redevelopment dissolution act.
- Joy has extensive experience in real property transactions for economic development and affordable housing projects, and is a specialist at identifying government funding opportunities for such projects. In connection with such projects, she has also drafted numerous grant and loan agreements, owner participation agreements, purchase-sale agreements, promissory notes, deeds of trust and restrictive covenants.
- Joy also serves as special counsel to Habitat for Humanity of Greater Los Angeles and has assisted that non-profit with land acquisition and development entitlements for affordable housing, obtaining funding by way of State and local programs, and drafting of the related legal documents necessary to secure such development rights and funding.

Joy's resume is attached as an exhibit to this proposal.

**References (Section 6.2)**

Grant Yates  
City Manager  
City of Lake Elsinore  
(951) 674-3124

Rob Wishner  
City Manager  
City of Walnut  
(909)595-7543

James Riley  
Director of Finance  
City of Oceanside  
(760) 435-3839

Rena Gonzales  
Deputy City Attorney  
City of Riverside  
(951) 826-5567

John Woodhead, IV  
Executive Director  
City of Anaheim  
Dept of Community Dev.  
(714) 756-4300

Genie Kelley  
Former Mayor, City of Lake  
Elsinore  
Member, Lake Elsinore Oversight  
Board  
(951) 244-8132

**Business License (Section 6.3)**

Leibold McClendon & Mann shall comply with the City’s business license requirement prior to award of the City Attorney Services Contract.

**Terms and Conditions (Section 9)**

The terms and conditions set forth in Section 9 of the Request for Proposal and as set forth in the proforma Professional Services Agreement are acceptable.

**Professional liability insurance (Section 9.18)**

Leibold McClendon & Mann currently maintains professional liability (\$1,000,000), general liability insurance (\$1,000,000), automobile liability (\$1,000,000), and Worker’s Compensation Insurance. Our professional liability insurance provides for a \$10,000 deductible. The deductible for our general liability insurance policy is \$250. By submitting this Proposal, the firm hereby certifies that it is able to comply with all insurance requirements.

**Conflict Of Interest (Section 9.19)**

Leibold McClendon & Mann is not aware of any existing or potential conflicts relative to the performance of legal services to the City of San Clemente. We do not represent any adjacent jurisdictions and to our knowledge we do not represent any clients adverse to the City of San Clemente. Neither the law firm nor any of its attorneys have made any political contributions of money, in-kind services, or loans made to any member of a city council within the last three years. While our attorneys live in primarily in South Orange County, only Joy Otsuki lives within the territorial boundaries of the City of San Clemente. None of the attorneys own any investment properties or business that would be a source of conflict.

Barbara Leibold attends the City of Lake Elsinore City Council meetings on 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month and is available to attend City Council meetings in San Clemente on the first and third Tuesdays. Proposed Assistant City Attorney David Mann does not have any conflicting professional commitments that would preclude attending the regular meetings of the City Council or David's attendance at Planning Commission meetings and other Boards and Commissions.

**Contract, Civil or Criminal Violations (Section 9.20)**

The firm and its attorneys have never been investigated for civil or criminal violations or failure to perform a contract and there are no pending matters under investigation.

**ATTACHMENTS**

- Resume of Barbara Leibold
- Resume of David H. Mann
- Resume of John G. McClendon
- Resume of Joy Heuser Otsuki



## Barbara Leibold

### PRACTICE AREAS

City Attorney and Successor Agency Counsel  
Land Use and General Municipal Law  
Economic Development/Housing

### EDUCATION

#### Undergraduate/Graduate

University of California, Santa Barbara (B.A. *magna cum laude*,  
Environmental Studies, 1983)

University of California, Berkeley (M.A., City Planning, 1987)

#### Law School

University of California, Hastings College of the Law (J.D., 1987)

- Hastings International and Comparative Law Review

### ADMISSIONS/PROFESSIONAL AFFILIATIONS

Member, California State Bar (1987)

League of California Cities, City Attorneys' Department

Barbara Leibold leads the firm's municipal law practice and has served as the City Attorney of the City of Lake Elsinore for 17 years and also serves as that city's General Counsel to the Successor Agency. Barbara has also served as City Attorney of the City of Norco and Assistant City Attorney to the cities of Lancaster and San Juan Capistrano. As special counsel, Barbara provides services to the City of Walnut and has represented a number of cities in Southern California, including the Cities of Anaheim, Costa Mesa, Culver City, Fillmore, Garden Grove, Huntington Beach, La Mirada, Long Beach, Ontario, Orange, Placentia, Riverside and Vista. She conducts public official training for the firm's City clients and was the speaker/trainer for the Advanced Affordable Housing Seminar at the CRA Institute for 13 years.

Consistent with that experience, Barbara has broad expertise in matters involving the Brown Act, Political Reform Act, Public Records Act, Planning and Zoning Law, CEQA, Public Contracts Law, Real Property and Relocation Laws, Economic Development and Redevelopment Law and AB X1 26 Dissolution Act requirements, Contract Law, Franchises, Risk Management, Personnel and Election Law.

Prior to joining Leibold McClendon & Mann in 1997, Barbara was a partner in the Public Law Group of Stradling Yocca Carlson & Rauth (1987-1996).



Shareholder  
Email: [barbara@ceqa.com](mailto:barbara@ceqa.com)  
Phone: (949) 457-6312

## David H. Mann

### PRACTICE AREAS

Public Agency and Municipal Law

Economic Development/Housing

Litigation

### EDUCATION

#### Undergraduate

California State University, Sacramento (B.S., Business Administration, 1983)

#### Law School

University of California, Hastings College of the Law (J.D., 1988)

- Chief Articles Editor, Hastings International and Comparative Law Review
- Scotto Award for Academic Achievement

### ADMISSIONS

Member, California State Bar (1988)

United States Court of Appeals for the Ninth Circuit

United States District Court - Central District

### OTHER CREDENTIALS

Certified Public Accountant (inactive)

David Mann is the firm's Managing Shareholder and has served as the Assistant City Attorney to the City of Lake Elsinore for 15 years and General Counsel to Rand Communities Water District for over 10 years. David is special counsel to the City of Anaheim successor redevelopment agency where he is the lead counsel for Anaheim on the restoration and commercial leasing of the historic Anaheim Citrus Packing House. David is also assisting the City of Riverside regarding the restoration of the former Camp Anza Officer's Club to serve as a community center for disabled military veterans.

Prior to joining Leibold McClendon & Mann in 1998, David was employed in the public law litigation department of Stradling Yocca Carlson and Rauth (1990-1998) and as a Deputy City Attorney in the Criminal Prosecution Division of the City Attorney's Office for the City of San Diego (1988-1989).



Managing Shareholder  
Email: david@ceqa.com  
Phone: (949) 457-6318

## John G. McClendon

### PRACTICE AREAS

Municipal Law and Litigation  
Environmental, Land Use and Water Law  
Successor Agency Counsel

### EDUCATION

#### Undergraduate/Graduate

Westmont College (B.A., 1976)  
Fuller Theological Seminary (M.Div. program, 1976-1977)  
University of California, Irvine (B.A. *cum laude*, 1986)

#### Law School

University of Southern California Law Center, (J.D., 1989)

- Editorial Board, Harvard Journal of Law & Public Policy

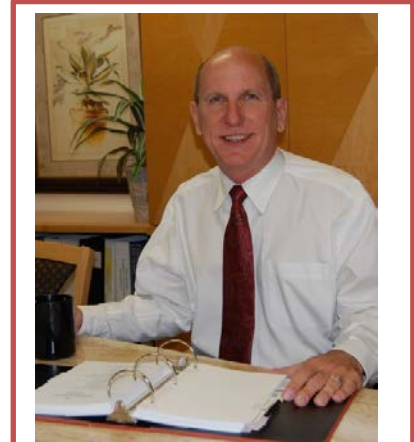
### ADMISSIONS/PROFESSIONAL AFFILIATIONS

Member, California State Bar (1989)  
United States Court of Appeals for the Ninth Circuit (1989)  
United States District Court - Central District (1989)  
California Redevelopment Association

John McClendon leads the firm's municipal litigation practice and his expertise in CEQA, environmental and land use law is recognized statewide. An experienced litigator, he regularly advises clients on pre-litigation strategies and has tried scores of cases, including several dozen involving public agencies before the California Court of Appeal. His expertise in municipal law issues has led to serving as special counsel to the Cities of Sierra Madre and Rolling Hills Estates, and he currently serves as special litigation counsel to the City of Montebello on several matters.

Formerly general or special counsel to the redevelopment/successor agencies of Riverside County and the Cities of Anaheim, Calimesa, Culver City, Ontario (major projects included the Ontario Auto Center, Ontario Mills and the Ontario Convention Center), Orange and Santa Clarita, John is currently General Council to six of the seven California redevelopment agencies that were "orphaned" by their cities.

Prior to co-founding Leibold McClendon & Mann in 1994, John was an attorney in the Public Law Group of Stradling Yocca Carlson & Rauth (1990-1993).



Shareholder  
Email: john@ceqa.com  
Phone: (949) 457-6317

John G. McClendon

**PUBLISHED CASES:**

*City of Montebello v. Vasquez, et al.*  
(2014) 226 Cal. App. 4th 1084

*Citizens Opposing a Dangerous Environment v. County of Kern*  
(2014) 228 cal.App.4th 360

*Foothill Communities Coalition v. County of Orange*  
(2014) 222 Cal.App.4th 1302

*Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa*  
(2011) 198 Cal.App.4th 939

*Wal-Mart Real Estate Business Trust v. City Council of the City of San Marcos*  
(2005) 132 Cal. App. 4th 614

*Elsinore Christian Center v. City of Lake Elsinore*  
291 F.Supp.2d 1083 (C.D.Cal. 2003)

*Jobe v. City of Orange*  
(2001) 88 Cal.App. 4th 412

*McDowell v. County of Riverside*  
(1997) 59 Cal.App.4th 1155

## Joy Heuser Otsuki

### PRACTICE AREAS

Public Finance and Municipal Law

Successor Redevelopment Agency and Oversight Board Law

Economic Development, Real Estate and Affordable Housing Law

### EDUCATION

#### Undergraduate

University of California, Santa Barbara (B.A., Business Economics, 1984)

#### Law School

Loyola Law School (J.D., 1995)

- Saint Thomas More Honor Society
- American Jurisprudence Award

### ADMISSIONS

Member, California State Bar (1996)

### OTHER CREDENTIALS

Certified Public Accountant (inactive)

Joy Otsuki joined the firm in 2003 and currently serves as Deputy City Attorney to the City of Lake Elsinore and General Counsel to the successor agencies for the former redevelopment agencies of the Cities of Los Banos, Merced, Mendota, Pismo Beach, Riverbank, and Santa Paula. She is also special counsel to the City of Long Beach, The Long Beach Community Investment Company (formerly known as The Long Beach Housing Development Company), and Habitat for Humanity of Greater Los Angeles.

Joy's practice consists primarily of real estate and general municipal law, including land use, real property transactions, affordable housing finance, public contracts, public-private partnerships, and redevelopment/successor agency law.

Prior to joining Leibold McClendon & Mann, Joy was employed in the corporate/municipal finance department of Stradling Yocca Carlson and Rauth (1995-1998) and as a corporate finance lawyer at Higham, McConnell & Dunning (1998-2003).



Of Counsel to the Firm  
Email: joy@ceqa.com  
Phone: (949) 457-6111




City of San Clemente  
100 Avenida Presidio  
San Clemente, CA 92672

City of San Clemente  
Request For Proposal Number 2015-001  
For  
CITY ATTORNEY SERVICES

Release Date: Tuesday, September 16, 2014  
Due Date: Wednesday, October 8, 2014

**See Page 7, for instructions on submitting proposals.**

Company Name Leibold McClendon & Mann, PC Contact Person Barbara Leibold  
Address 23422 Mill Creek Drive, Suite 105 City Laguna Hills State CA Zip 92653  
Telephone (949)457-6300 Fax (949)457-6305 Federal Tax ID No. 330734895  
E-mail: barbara@ceqa.com  
Prices contained in this proposal are subject to acceptance within 90 calendar days.  
I have read, understand, and agree to all terms and conditions herein. Date October 8, 2014  
Signed   
Print Name & Title Barbara Leibold, Shareholder, CFO



City of San Clemente  
100 Avenida Presidio  
San Clemente, CA 92672

## ATTACHMENT C STATEMENT OF NON-COLLUSION

The proposal is submitted as a firm and fixed request valid and open for 90 days from the submission deadline.

This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the proposer has not directly or indirectly induced or solicited any other proposer to put in a sham proposal and the proposer has not in any manner sought by collusion to secure for himself or herself an advantage over any other proposer.

In addition, this organization and its members are not now and will not in the future be engaged in any activity resulting in a conflict of interest, real or apparent, in the selection, award, or administration of a subcontract.

A handwritten signature in blue ink that reads "Barbara Leibold".

\_\_\_\_\_  
Signature of Authorized Representative

10/8/14

\_\_\_\_\_  
Date

Barbara Leibold, Shareholder, CFO

\_\_\_\_\_  
Name and Title of Authorized Representative



City of San Clemente  
 100 Avenida Presidio  
 San Clemente, CA 92672

## ATTACHMENT D

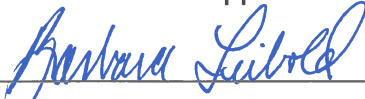
### DEBARMENT, SUSPENSION, INELIGIBILITY CERTIFICATION

#### Debarment, Suspension, Ineligibility Certification

(Please read attached *Acceptance of Certification and Instructions for Certification* before completing)

This certification is required by federal regulations implementing Executive Order No. 12549

1. The potential recipient of Federal assistance funds certifies, by submission of proposal, that:
  - Neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
  - Have not within three (3) year period preceding this bid/agreement/proposal had a civil judgment rendered against them for commission of fraud or been convicted of a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
  - Are not presently or previously indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the above paragraph of this certification; and
  - Have not within a three (3) year period preceding this bid/agreement/proposal had one or more public (Federal, State, or local) transactions terminated for cause of default.
  
2. Where the potential prospective recipient of Federal assistance funds is unable to certify to any of the statement in this certification, such prospective participant shall attach an explanation to the applicable bid/agreement/proposal.



\_\_\_\_\_  
 Signature of Authorized Representative

Barbara Leibold, Shareholder, CFO  
 Title of Authorized Representative

Leibold McClendon & Mann  
 Business/Contractor/ Agency

10/8/14  
 Date





City of San Clemente  
100 Avenida Presidio  
San Clemente, CA 92672

Form <b>W-9</b> (Rev. August 2013) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer Identification Number and Certification</b>	<b>Give Form to the requester. Do not send to the IRS.</b>
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Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) <b>Leibold McClendon &amp; Mann, PC</b>	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____  <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	Address (number, street, and apt. or suite no.) <b>23422 Mill Creek Drive, Suite 105</b> City, state, and ZIP code <b>Laguna Hills, CA 92653</b> List account number(s) here (optional)	Requester's name and address (optional)

<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.  Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="9">Social security number</th> </tr> <tr> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">-</td> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">-</td> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">[ ]</td> <td style="width:10%; text-align: center;">[ ]</td> </tr> </table>	Social security number									[ ]	[ ]	[ ]	-	[ ]	-	[ ]	[ ]	[ ]	
Social security number																				
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="9">Employer identification number</th> </tr> <tr> <td style="width:10%; text-align: center;">3</td> <td style="width:10%; text-align: center;">3</td> <td style="width:10%; text-align: center;">-</td> <td style="width:10%; text-align: center;">0</td> <td style="width:10%; text-align: center;">7</td> <td style="width:10%; text-align: center;">3</td> <td style="width:10%; text-align: center;">4</td> <td style="width:10%; text-align: center;">8</td> <td style="width:10%; text-align: center;">9</td> <td style="width:10%; text-align: center;">5</td> </tr> </table>	Employer identification number									3	3	-	0	7	3	4	8	9	5
Employer identification number																				
3	3	-	0	7	3	4	8	9	5											

<b>Part II Certification</b> Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. <b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.	
<b>Sign Here</b>	Signature of U.S. person ▶ <i>Barbara Leibold, CFO</i> Date ▶ <i>10-8-14</i>

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** The IRS has created a page on [irs.gov](http://irs.gov) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Note.** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

CITY OF SAN CLEMENTE  
  
COST PROPOSAL  
FOR  
CITY ATTORNEY SERVICES

Prepared by:

Barbara Z. Leibold  
David H. Mann

October 8, 2014

For more information contact:

barbara@ceqa.com  
david@ceqa.com

Tel: (949) 457-6300    Fax: (949) 457-6305  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, California 92653

## GENERAL CONTACT INFORMATION

Barbara Leibold  
Leibold McClendon & Mann, PC  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, CA 92653  
(949) 457-6300 ext 104  
barbara@ceqa.com

David Mann  
Leibold McClendon & Mann, PC  
Lakehills Corporate Center  
23422 Mill Creek Road, Suite 105  
Laguna Hills, CA 92653  
(949) 457-6300 ext 106  
david@ceqa.com

## COST PROPOSAL (Section 7)

### Option A - Fixed Monthly Retainer Plus Hourly Billing (Section 7.1)

#### Fixed Monthly Retainer for “General” Legal Services:

We propose a fixed a monthly retainer of \$8,000 for “General” City Attorney Services as described in the Request For Proposals. All legal services within the scope of the retainer will be billed in accordance with the City’s invoicing requirements set forth in Section 8 of the Request For Proposal. This billing detail will allow a meaningful analysis of the services provided in lieu of a “flat” retainer amount and provide accountability as to the allocation of attorney time to general matters. The retainer will cover 40 hours per month at a reduced hourly rate of \$200 and will include the following general services:

- Attendance at all City Council/Successor Agency regular and special meetings including closed session, special meetings (includes all travel time) with half day office hours on regular meeting days; attendance at City Council study sessions when requested.
- Attendance at all Planning Commission regular meetings (includes all travel time) with half day office hours.
- Attendance at other City Commissions/Boards when requested.
- Attendance at City of San Clemente staff meetings upon request by the City Manager.
- Review and/or preparation of ordinances, resolutions, routine form agreements and other basic documents required by the City.

- Consultation with the City Council and City staff as needed - rendering of legal advice and opinions concerning routine legal matters that affect the City, including new legislation and court decisions. Perform research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the Council and management staff on routine legal matters pertaining to City operations.
- Legal work pertaining to routine property acquisition, zoning, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities.
- Coordinate the work of outside legal counsel as needed and as directed by the City Council and/or City Manager.

**Non-Retainer Hourly Billed Legal Services:**

All legal services not falling within the fixed monthly retainer above will be billed at a blended rate of \$220 per hour for all attorneys (shareholders, associates and of counsel) and \$105 per hour for legal assistants/paralegals. The firm does not typically distinguish between “general” and “special” legal services and, therefore does not impose a “premium” billing rate for any legal services to any of its public agency clients. We do not believe, for example, that we should be paid a “premium” for litigation services. Indeed, we think the most valuable work we can provide our clients is advising how to avoid litigation.

Legal services outside of the retainer may include land use, zoning matters and development , litigation and administrative enforcement matters (including enforcement of municipal codes, zoning codes, zoning regulations, and building standards), labor relations and employment matters, complex real estate matters (e.g. CC&R’s, deed or title work), complex land acquisition and disposal matters (including pre-condemnation), Successor Agency property disposition and housing matters, public construction disputes, CEQA and environmental work, non-routine contract negotiations, and other matters requested by the City Council or City Manager.

**Billing Format and Invoicing**

Our monthly billing statements for all retainer and hourly legal services will comply with the City’s invoicing requirements set forth in Section 8 of the Request For Proposal and will include the date and detailed description of the work performed, the person requesting the work, the identity of the attorney or paralegal performing the task, and the corresponding amount of time spent for each task. The description is accompanied by the time spent in increments of 1/10<sup>th</sup> of an hour.

**Summary of Rates and Other Charges:**

- a) **Fixed Monthly Retainer with services as listed above:** \$8,000
  
- b) **Hourly Rate for all other services to City and the Successor Agency, including litigation and special matters:** \$220 attorneys/\$105 paralegals
  
- c) **Issuer Counsel for Municipal Bonds:** A minimum fee of \$15,000 and increasing to 1/10 of 1% of the amount of the bond issuance in excess of \$15,000,000 (to be paid as a cost of issuance from bond proceeds).
  
- d) **Reimbursable Expenses:**
  - Mileage: No charge for mileage to and from City Hall. Mileage to other locations at Federal reimbursement rate.
  
  - Copy Charges: No charge for routine copy jobs (25 pages or less); \$0.15 per page for larger copy jobs or at cost if outside service is used.
  
  - Lexis/Westlaw: No charge for electronic legal research within firm's service plan (California).
  
  - Facsimile Charges: No charge.
  
  - Local/Long Distance Telephone: No charge.
  
  - Standard Postage: No charge.
  
  - Messenger/Overnight Delivery: At cost.



City of San Clemente  
 100 Avenida Presidio  
 San Clemente, CA 92672

## ATTACHMENT G COST SUBMITTAL CITY ATTORNEY SERVICES

Option "A" Retainer/fixed fee cap (with an explanation of what it covers) plus hourly fees for litigation or special projects

MONTHLY FIXED RETAINER/HOURLY			
<b>Retainer Fee</b>	<b>Services</b>	<b>Hourly Fee</b>	<b>Services Not in Retainer</b>
\$ 8000	40 hours/ month of general City Attorney services, including attendance at City Council and Planning Commission meetings, regular office hours and routine matters	\$ 220	All City Attorney services in excess of 40 hours/month including land use, real estate, litigation, environmental, election, successor agency and other matters requested by the City Council or City Manager
OTHER COSTS			
(Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
<b>Fee</b>	<b>Item</b>	<b>Services at No Cost</b>	
\$ Federal Rate \$0.15/page At Cost At Cost	mileage to locations other than City Hall copy jobs larger than 25 pages electronic legal research outside of California plan messenger/overnight delivery	Mileage to/from City Hall; routine copy jobs (25 pages or less), Lexis/Westlaw within California plan; fax; long distance or cell phone; standard postage	

Option "B" Hourly fees for all work (no retainer/fixed fee)

HOURLY FEE – NO RETAINER			
<b>Hourly Fee</b>	<b>Services</b>	<b>Attorney &amp; Personnel</b>	<b>Minimum Increment</b>
\$			
OTHER COSTS			
(Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
<b>Fee</b>	<b>Item</b>	<b>Services at No Cost</b>	
\$			

Option "C" Proposers' choice. Explain any billing methodology you wish. Utilize space below or include an additional attachment to expand.

PROPOSERS' CHOICE