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October 8, 2014

City of San Clemente  
c/o City Clerk – Attn: Joanne Baade  
100 Avenida Presidio  
San Clemente, CA 92672

Re: Proposal to Provide City Attorney Services  
RFP No.: 2015-001

Dear Ms. Baade, Honorable Mayor Brown and members of the San Clemente City Council:

On behalf of the law firm of Aleshire & Wynder, LLP (“Firm”), I am pleased to submit this Proposal in response to the Request for Proposals (“RFP”) to provide City Attorney Services to the City of San Clemente (“City”). Our Proposal is formatted to provide the information necessary to inform you of our experience and knowledge in the public agency specialties our Firm provides to its clients.

We are proposing me, Fred Galante, as City Attorney. As City Attorney, I would cover all City Council and Department Head/Staff meetings as needed. My office is located in the Firm’s Irvine location.

I am a graduate of Loyola Law School in Los Angeles and one of eleven proprietary partners of the Firm. I serve as City Attorney for the Cities of Irwindale and Rialto and General Counsel to the Orange County Council of Governments and Home Gardens County Water District.

Through my tenure as City Attorney of Irwindale, I have assisted the City in navigating through difficult and often contentious negotiations with one of the City’s predominant mining operators. Our office suggested some creative solutions to achieve a global settlement, terminating more than 20 years of disputes between the parties, including dismissal of three outstanding litigation matters and administrative appeals. The settlement also assures reclamation of this mining operator’s pits to beneficial uses. Irwindale now enjoys the benefit of collecting one of the highest tax revenues from this and other mining operators, a tax I assisted the City in adopting. Irwindale is now in the midst of a period of tremendous growth, like no other in its history. We are therefore well-versed in providing timely and sound legal advice to

our clients on land use, environmental, and other important issues in the current growth environment.

One of our goals has been to establish a firm, which could be full service and deal with all municipal legal needs. Thus, I am supported by a team of specialists. As detailed in our proposal, we have recognized experts in all areas required to service the City's legal needs, including but not limited to, personnel and labor relations (Colin Tanner), litigation (Steve Onstot and Glen Tucker), water (Patty Quilizapa), and public finance (Anita Luck).

We formed Aleshire & Wynder in early 2003 to be a full-service municipal law firm. Our senior members have continuously represented cities in Southern California for over 25 years. The Firm has enjoyed long-term relationships with our City clients, some dating back to the 1970's.

We currently represent 19 cities as City Attorney. In addition, we represent a broad array of public entities, including, housing authorities, water agencies, special districts, financing entities, joint powers authorities, and other public agencies, over 45 in number.

Our public law practice includes all of the principal areas of municipal law: zoning, subdivisions, development agreements, environmental review, contracting, leasing, mining, redevelopment succession, affordable and senior housing, hazardous wastes, solid waste, gaming, franchises, elections, annexation, law enforcement, public records, public meetings, conflicts of interest contracting, public finance, telecommunications, condemnation, relocation, rent control, code enforcement, insurance, special districts, public works contracts, personnel, labor, water, constitutional law, civil rights, and related areas of law. Our existing clients have ongoing projects in all of these areas. In short, there are few legal issues facing municipal entities which we are not fully capable of handling.

The initial members of our group began working together at Rutan & Tucker in 1985. For philosophical reasons involving the conflict between private and public clients, this group left Rutan & Tucker for Burke, Williams & Sorensen in 2001. Our original group expanded when we left Burke, Williams & Sorensen in 2003 to start this Firm. We further added seasoned attorneys, formerly with the law firm of Kane, Ballmer & Berkman, who possess a strong background in economic development. We are now a 40-attorney law firm, with offices in Los Angeles, Orange County, Riverside and Fresno, committed to the representation of public agencies as a full service public law firm.

A third of our attorneys are very senior and have been practicing in these areas for over 22 years each. Most of our attorneys have come from prestigious private firms of over 50 attorneys with municipal law emphasis. Some of our attorneys have also spent a number of years with smaller municipal law practices – in all we have actively practiced in six of the top 10 municipal law firms in Southern California. Ultimately, we have come to conclude that no other firm has a municipal law practice which meets our ideal.

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We have established this Firm to do what we believe is not being done in any of our prior firms: to have a collegial group of quality lawyers totally committed to serving public agencies in cost-effective and long-term relationships. To demonstrate our commitment to our public clients, we have done what no other private firms practicing in this area are willing to do: We have pledged not to represent private clients in litigation against public agencies. We have no divided loyalty.

We hope the City thoroughly investigates our current client relationships to see if we are meeting the goals we have established for this Firm. If what we say proves to be accurate, then we would hope that the City will ask us to commit to join your team, a team which will help a wonderful community define its vision and realize its great opportunities.

Very truly yours,

ALESHIRE & WYNDER, LLP

A handwritten signature in black ink, appearing to read 'Fred Galante', written in a cursive style.

Fred Galante, Partner

FG:sgf

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- A. Certification of Compliance
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- D. Disbarment, Suspension, Ineligibility Certification
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**\*COST PROPOSAL\***  
**PROVIDED UNDER SEPARATE COVER**

# **I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM**

## **RESPONSE TO SECTION 6.1**

### **A. OWNERSHIP**

Aleshire & Wynder is a limited liability partnership, incorporated in February, 2003.

### **B. LOCATION OF OFFICES AND NUMBER OF EMPLOYEES**

<b><u>Orange County</u></b>	Attorneys:	21
18881 Von Karman Ave.	Staff:	<u>20</u>
Suite 1700	Total:	41
Irvine, CA 92612		
P 949.223.1170		
F 949.223.1180		

<b><u>Los Angeles</u></b>	Attorneys:	13
2361 Rosecrans Ave.	Staff:	<u>7</u>
Suite 475	Total:	20
El Segundo, CA 90245		
P 310.527.6660		
F 310.532.7395		

<b><u>Inland Empire</u></b>	Attorneys:	4
3880 Lemon Street, Suite 520	Staff:	<u>2</u>
Riverside, CA 92501	Total:	6
P 951.241.7338		
F 951.300.0985		

<b><u>Central Valley</u></b>	Attorneys:	2
2125 Kern Street, Suite 307	Staff:	<u>1</u>
Fresno, CA 93721	Total:	3
P 559.445.1580		
F 888.519.9160		

**TOTAL OFFICES: 4**

**TOTAL EMPLOYEES: 70**

Our main office is located in Irvine across from John Wayne Airport. We also have a Los Angeles office in the City of El Segundo, a Riverside office and a Fresno office. It is anticipated that attorneys from all our offices may serve the City of San Clemente.

### **Office Hours & Staffing**

One of our goals in forming our Firm was to avoid the high overhead costs that drive other municipal law firms to take on private clients in the pursuit of higher rates. From an

## **I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM**

administrative standpoint, making our operations cost effective depends on several strategies: (1) recruit hard-working high quality attorneys and compensate them at a level comparable with the top firms in our field; (2) have a low ratio of administrative staff to attorneys (3:1); (3) utilize paralegals and clerks to do tasks where attorneys are not needed; (4) find economical office space; and (5) utilize technology to the greatest extent possible to save labor costs. We have implemented all these measures.

Our office hours are 8:30 a.m. to 5:30 p.m. Monday through Friday. As a general rule, there are attorneys in the office until at least 6:30 p.m. most days. When our clients' needs dictate it, we work weekends. Meeting the clients' needs is our principal criterion.

We currently have 40 attorneys, up from 10 since we formed the Firm in 2003. We have three paralegals that actively assist with litigation, condemnation, and code enforcement matters to reduce costs. We also have a team of experienced professional legal secretaries and support staff who are dedicated to serving the Firm's clients. Our legal secretaries are full-time and each assists up to three attorneys. We have a full-time Office Administrator who is a board member of the Association of Legal Administrators and who has an extensive network of contacts in other law firms and agencies.

Although we expect our growth to continue, we do not foresee the need to add staff to meet San Clemente's legal needs. In sum, we have positioned the Firm to be able to grow on demand to meet the needs of our clients, in terms of physical office space, attorneys, secretaries, support staff, and technology.

### **C. POINT OF CONTACT**

Fred Galante, Equity Partner and Proposed City Attorney  
18881 Von Karman Ave., Suite 1700  
Irvine, CA 92612  
(949) 223-1170

### **D. BACKGROUND, HISTORY AND PHILOSOPHY OF THE FIRM**

The City Attorney's client is the City itself, but he is appointed by and works at the pleasure of the City Council. The other City employee in this category is the City Manager. Each of these employees has an independent responsibility to the City Council. The basic duty is to implement the policy directives of the Council and to keep the Council informed as to the things the Council would expect to know. The City Attorney should be well briefed on the goals and programs for the City, as proposed by the City Council to the City Manager. Communication from the City Attorney to the City Council must always be clear, direct, succinct, and honest.

Although the City Attorney is employed by the Council, in our experience, there is little day-to-day contact with Councilmembers outside of Council meetings. The implementation of Council policy takes place through the City Manager/City Attorney relationship. The City Attorney is a cooperative member of the management team and provides the necessary legal expertise to implement the goals and policies of the City, as approved and directed by the City Council.

## **I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM**

The City Attorney's relationship with the City staff is one of support and assistance in our area of expertise -- municipal law. The mechanics of how the support and assistance is provided to the staff is not dictated by the City Attorney but will depend largely upon the management decisions of the City Manager. Access to the City Attorney by staff should be determined on the basis set by the City Manager. Normally, there is open access to department heads but the City Manager will dictate who beyond the department heads has access to the City Attorney. The City Manager should be aware of any legal matters initiated by a department and should be fully apprised by the City Attorney of the attorney's role in the project. We pride ourselves on excellent communication between the City Attorney and City Manager, which is essential for efficient functioning of City management.

Our practice is to provide legal opinions that are based solely on the merits of the task or issue presented to us, and without regard to the impact that such legal advice may have on any one particular agenda or desire of an individual councilmember. By giving independent and ultimately correct advice, and staying above the political fray, we have found that our integrity can become an important source of guidance in difficult situations. We will respond to individual Council requests unless it is something not likely to be supported by the Council majority, in which case, we would suggest that he or she get Council support before we proceed. Ordinarily, we do not undertake individual projects, only projects which are for the City generally.

Wherever possible, our advice includes a discussion of a range of options available to the City Council, together with our evaluation of the strengths and weaknesses of each of the options presented. Where a Council struggles for consensus and our legal analysis of the legal options will present a possible basis for consensus, we have so advised the Council; when invited, we have recommended a particular legal course of action which would result in consensus building.

When directed by the client to work with boards and commissions of the city, or to serve as staff, such as to the planning commission, again, we provide this service as a part of the management team. It is our goal to provide competent and clear advice to these bodies. Often, we can play a role in training new commissioners, and in translating council policy directives to boards and commissions. We also play a role in explaining the commission's actions to the council. Making sure that everyone understands the legal context of all decisions helps assure a rational decision-making process.

We also have a long-standing philosophy of loyalty to our clients. This includes not only providing a high level of service and accountability to cities, but also involves a strong sense of fiscal responsibility in providing legal advice and conducting legal affairs on behalf of the client. Legal services should be efficiently provided in a cost-effective manner and should be within the strict parameters of the instructions from and requirements of the client. Legal strategy and advice must always take into consideration the goals, needs, and concerns of the particular client. This means that to provide effective legal counsel, the attorneys involved must become intimately familiar with the community which they serve. To do so involves becoming familiar with the values, goals, and concerns of the community, as expressed by the Council.

## I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM

We are committed to focusing our abilities and efforts toward providing the highest quality legal services to the City at the lowest possible cost. We are also committed to managing the City’s legal affairs in such a manner as to avoid litigation as much as possible.

In summary, we think our relationships with those we serve, and the advice we give should be guided by the following seven principles:

1. **Problem Solving:** Understand the goals of person seeking the advice and try to develop methods to achieve the goals. Be creative in developing options.
2. **Clarity:** Be clear and understandable in your advice.
3. **Thorough:** Make sure you have examined all options and research all relevant authority.
4. **Timely:** Be responsive to time deadlines.
5. **Cost sensitive:** Be efficient in your methods and sensitive to the cost to the client of all options. Make sure potential costs of all options are identified as a part of the decision-making.
6. **Fair:** Remain sensitive to the complexities of each situation and the motivations of those involved and be fair and dispassionate at all times.

**Independent:** Be sensitive to the political context but not controlled by it.

### E. PUBLIC AGENCY CLIENTS

Client	Position(s)	Start Date (Years)
Anaheim	Special Counsel	2013 (1)
Arvin	City Attorney	2013 (1)
Bakersfield	Successor Agency Counsel	2008 (6)
Banning	City Attorney, Successor Agency Counsel	2008 (6)
Bell	City Attorney, Successor Agency & Commissions Counsel	2011 (3)
Bellflower	City Attorney, Successor Agency Counsel	1998 (16)
Carson	City Attorney, Successor Agency Counsel	2003 (11)
Cerritos	City Attorney Special Counsel (WRD)	1965 (49) 2011 (3)
Chino	Special Counsel	2010 (4)
Covina	Special Counsel ( <i>Labor &amp; Employment</i> )	2004 (10)
Culver City	Special Counsel	1980 (34)
Cypress	City Attorney	1997 (17)
Downey	Special Counsel (WRD)	2011 (3)
El Centro	Successor Agency Counsel, Special Counsel	1992 (22)
Fillmore	City Attorney, Successor Agency Counsel	2012 (2)
Fresno	Special Counsel	2013 (1)
Hesperia	City Attorney, Successor Agency Counsel	2007 (7)
Home Gardens County Water District	General Counsel	2000 (14)
Huntington Beach Wetlands Conservancy	Special Counsel	2005 (9)
Indian Springs Mobilehome Park Assc.	Special Counsel	2006 (8)
Inglewood	Special Counsel	2007 (7)
Irvine	Special Counsel (Great Park Audi)	2014
Irwindale	City Attorney, Successor Agency Counsel, Housing Authority, Finance Authority	1996 (18)
La Canada Flintridge	City Attorney	1965 (49)



## I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM

Client	Position(s)	Start Date (Years)
Laguna Water District	General Counsel	2014
Lawndale	City Attorney Successor Agency Counsel	1978 (36) 1992 (22)
Lompoc	City Attorney, Successor Agency Counsel	1996 (18)
Marina Water District	General Counsel	2014
Morro Bay	City Attorney	2014
Municipal Water District of Orange County	Special Counsel	2011 (3)
Newport Beach	Special Counsel	2007 (7)
Palisades Bowl Mobilehome Park Assoc.	Special Counsel	2009 (5)
Palmdale Water District	General Counsel	2014
Pasadena	Special Counsel	2007 (7)
Perris	City Attorney, Successor Agency Counsel	2000 (14)
Phelan Pinon Hills Comm Services District	Special Counsel	2011 (2)
Orange County Council of Governments	General Counsel	2001 (13)
Oxnard	Special Counsel	1994 (20)
Reedley	Special Counsel	2013 (1)
Rialto	City Attorney	2014
San Diego	Special Counsel	2006 (8)
San Dimas	City Attorney	1977 (37)
San Fernando	Special Counsel	2011 (3)
San Luis Rey Municipal Water District	General Counsel	1980 (34)
Santa Maria	Special Counsel	2014
Signal Hill	City Attorney, Successor Agency Counsel, Housing Authority, Finance Authority (1994)	1978 (36)
Silent Valley Club	General Counsel	2014
Suisun City	City Attorney, Successor Agency Counsel	2009 (5)
Yucca Valley	Town Attorney	2009 (5)

## F. PRIVATE CLIENTS

<b>ALESHIRE &amp; WYNDER PRIVATE CLIENTS</b>	
▪ AEALAS, Inc.	▪ HdL Coren & Cone
▪ Autumnwood HOA	▪ Huntington Beach Wetlands Conservancy
▪ CAPR Plumas-Sierra	▪ Independent Cities Risk Mgmt Auth (ICRMA)
▪ Carl Warren & Company	▪ Indian Springs Mobilehome Park Assn.
▪ Combined Properties, Inc.	▪ La Salle High School of Pasadena
▪ Communications and Power Industries	▪ R.B.A.K., Inc.
▪ Cook, Steven and Kathleen	▪ Richlin, Sidney G.
▪ Development Planning Services, Inc.	▪ Rose Hills Memorial Park and Mortuary
▪ Emerald Bay Inn LLC	▪ Silent Valley Club, Inc.
▪ Energy Choice, Inc.	▪ The Bixby Company
▪ EPM Zimmer Company II	▪ The Yocca Law Firm, LLP
▪ Fosler, Gail D.	▪ Thompson, Kathleen Louise

## **I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM**

### **G. CONFLICTS OF INTEREST**

We have no present or contemplated employment which is adverse to the City. We will not represent clients in matters either in litigation or non-litigation against the City. In fact, we do not represent private clients in litigation against public agencies. However, we may have past and present clients or may have future clients, which, from time to time, may have interests adverse to the City, and we reserve the right to represent such clients in matters not connected with its representation of the City.

If a potential conflict of interest arises in our representation of two clients, if such conflict is only speculative or minor, we seek waivers from each client with regards to such representation. However, if real conflicts exist, we would withdraw from representing either client in the matter and assist them in obtaining outside special counsel.

We are aware of no affiliations or interests which would conflict in any manner with the performance of services pursuant to this RFP. We take pride in the fact that we do not represent developers or others likely to have interests adverse to our municipal clients. We are not aware of any other public law firms willing to give up this lucrative private practice where higher rates are available. We have adopted this practice so that our municipal clients can be assured that their City Attorney and his or her firm has undivided loyalty to them.

### **H. AREAS OF EXPERTISE**

In order to provide the full range of services needed by municipalities, we have organized our practice into the following areas: Public Law; Litigation and Appellate; Mining; Labor and Employment; Land Use and Zoning; Environmental and Toxics; Franchising and Telecommunications; Civil Rights and First Amendment; Conflicts of Interest and Elections; Contracts and Public Construction; Law Enforcement and Nuisance Abatement; Successor Agency and Housing; Rent Control; Public Finance; Torts and Governmental Immunity; Real Property Acquisition and Disposition; Condemnation; and Water Law. We have attorneys specializing in all of these practice areas.

We have been able to handle all police and civil rights cases for cities with police departments; all federal interface issues for airports; personnel issues for all our clients; all labor negotiations; general plan revision programs; subdivision legal issues; conflict of interest questions including interfacing with the FPPC; all public record requests; adoption of city charters; franchising programs and utility undergrounding; all condemnation cases for site assembly for redevelopment and housing projects; negotiation of purchase, redevelopment and development agreements with developers; impact fee ordinances; assessment districts and other public financing as well as municipal finance and Proposition 218 issues; cable television franchise ordinances; endangered species questions; all CEQA litigation; environmental cleanup and mining reclamation plans; trash contract renewals and AB 939 issues; construction contract disputes and litigations; community choice energy aggregation; and similar matters.

We have special expertise in a number of practice areas critical to cities. With respect to the bread and butter of public law practice, such as the Brown Act, Public Records Act, Roberts Rules of Order, planning and land use, contracts and so forth, a majority of our attorneys

## **I. – COMPANY PROFILE – INTRODUCTION TO THE FIRM**

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commonly deal with these issues. However, we also have specialization in the practice areas discussed in this section. Our belief is that each attorney must develop a subject matter specialty in one or more areas.

Of course, an attorney who wants to represent public agencies must have a working knowledge of municipal law issues so that the specialists do not have to get involved in every issue. Another principal for organizing our practice is that each client has a team assigned to it: the city attorney, an assistant, and, for larger clients, an additional deputy. The assistant is an experienced attorney who is up to date on all issues in the city so that if the city attorney is not immediately available, the client can still get a quick answer. However, the lead attorney is still the key to the client relationship and must remain directly involved in the management of the work.

- Code Enforcement
- Conflicts of Interest & Ethics
- Contracts & Public Works
- Economic Development
- Education
- Elections
- Energy & Utilities
- Environment & Natural Resources
- Franchises
- Governmental Transparency
- Housing
- Labor & Employment
- Land Use & Zoning
- Litigation
- Mining
- Mobile Home Parks & Rent Control
- Native Americans
- Property Acquisition & Takings
- Public Agencies & Municipal Organization
- Public Finance
- Public Safety
- Risk Management & Torts
- Toxics & Hazardous Waste
- Water

**II. - ATTORNEY QUALIFICATIONS**

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**RESPONSE TO SECTION 6.2**

**A. INTRODUCTION TO THE TEAM**

In recognition of the City’s needs for experienced legal counsel, we are offering one of the Firm’s founding partners, Fred Galante, as City Attorney, and Lona Laymon, as Assistant City Attorney. Fred’s expertise in municipal, contracts, and land use law, and Lona’s expertise in litigation, solid waste, and CEQA, we believe, present a good team to assure the City of consistent and solid advice.

The complete team consists of the following attorneys:

City Attorney .....	Fred Galante
Asst. City Attorney .....	Lona N. Laymon
Deputy City Attorney .....	Eric L. Dunn
Deputy City Attorney .....	Pam K. Lee
Deputy City Attorney (Litigation).....	Stephen R. Onstot
Personnel Counsel .....	Colin J. Tanner
Tort and Litigation Counsel.....	Glen E. Tucker
Water .....	Patty Quilizapa
Public Finance Counsel .....	Anita Luck

All of the foregoing attorneys, and indeed all of the attorneys at the Firm, are properly licensed to practice law in California. This team of public law professionals combines for over 100 years of experience and expertise in virtually every facet of municipal and redevelopment law. None of the attorneys has ever had a malpractice claim or been subject to a State Bar complaint.

We propose a team approach to providing the City’s legal services. The City Attorney will be fully involved in all matters but an assistant is also delegated to be principally involved so that the client can always get a prompt definitive opinion. There are also specialists in many areas who can directly address issues as detailed in the Table of Attorney Qualifications attached to this Section. We believe our “team” approach will assure the City that Aleshire & Wynder can provide the full array of legal services that you may require.

**B. SUBCONTRACTOR INFORMATION**

*Response to Section 6.3*

This proposal does **not** include the use of subcontractors.

**C. INDIVIDUAL QUALIFICATIONS**

**(1) Fred Galante**

Mr. Galante is a founding partner of Aleshire & Wynder. His experience includes litigation of land use, civil rights, Brown Act, California Environmental Quality Act (CEQA) and public contract issues as well as transactional work. He serves as City Attorney for the City of

## **II. - ATTORNEY QUALIFICATIONS**

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Irwindale and Successor Agency Counsel for the Irwindale Community Redevelopment Agency, as well as City Attorney for the City of Rialto and Successor Agency Counsel for the Rialto Redevelopment Agency. He also serves as General Counsel for the Orange County Council of Governments (OCCOG) and the Home Gardens County Water District.

As City Attorney for the City of Irwindale, he has successfully assisted in resolving longstanding bitter disputes with some of the City's mining operators, including by leveraging litigation successes against one such company to gain a favorable global settlement of disputes lasting over 20 years. He has negotiated and prepared several significant redevelopment and housing development deals for Irwindale as well as the City of Lynwood where Mr. Galante served as City Attorney and Agency Counsel for six years. Examples of such projects include successful developments of formerly mined or contaminated sites, multi-phase single family and multi-family affordable housing developments, large and small retail, industrial and automobile dealership developments, and a solid waste material recovery facility/transfer station development.

Mr. Galante's experience includes: advising cities on various issues, negotiating and drafting real property leases, redevelopment, solid waste, mining and other land use related agreements, and representing public agencies at open and closed session meetings and public hearings. He has managed several litigation matters, including challenges to denials of various permits and entitlements, breach of contract, nuisance, inverse condemnation, and civil rights matters. In his code enforcement practice, he successfully secured several jury trial verdicts. Additionally, he has secured two bench trial verdicts in contract disputes, writ of mandate proceedings, restraining orders against persons harassing public employees, and various dismissals before trial of cases initiated against his public entity clients.

In his tenure as OCCOG General Counsel, Mr. Galante helped OCCOG become a self-sufficient organization, funded by dues payments from its member agencies, which included all cities in Orange County, the County of Orange and special districts. He further advised the OCCOG in preparing the Sub-Regional Sustainable Communities Strategy for Orange County in accordance with SB 375, which was adopted in its entirety by the Southern California Association of Governments (SCAG) as part of SCAG's Regional Transportation Plan/Sustainable Communities Strategy.

He has also presented several discussions on conflicts of interests, AB1234, California's mining and reclamation law (SMARA) CEQA, and the Brown Act, including through The Lorman Education Group, American Planning Association, California Chapter, and Inland Empire City Attorneys' Association. He has served as an editor of the Finance Chapter of the League of California Cities, Municipal Law Handbook.

Mr. Galante speaks Spanish fluently. He was born in Mexico City and moved to the United States when he was eight years old. He received his B.A. in Economics from California State University at Northridge in 1992 and his J.D. in 1995 from Loyola Law School and was on the Dean's List at both institutions.

## **II. - ATTORNEY QUALIFICATIONS**

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### **(2) Lona Laymon**

Lona Laymon is a partner with Aleshire & Wynder experienced in the representation of cities, joint powers associations, redevelopment agencies and other public agencies, including her service as the Town Attorney for the Town of Yucca Valley. In recent years, Lona's practice has emphasized land use, economic development, solid waste, mining (SMARA), jurisdictional tax sharing agreements, affordable and market rate housing developments, and mixed-use and commercial projects. Her transactional experience also includes assisting public agencies with general plans and codes, zoning, public parks, subdivisions and complex real property acquisitions and conveyances. As a city attorney, Lona regularly assists her municipal clients with the Political Reform Act (conflicts of interest), Brown Act (public meeting laws), Public Records Act and elections laws.

Lona also has substantial litigation experience. Her litigation, administrative hearing and appellate practices span the areas of CEQA, eminent domain, land use, zoning law, First Amendment jurisprudence, elections laws, commercial development disputes, breach of contract, quiet title, and redevelopment dissolution issues.

Since early 2011, Lona has also assisted several local agencies with the complex issues and procedures surrounding the State's recent dissolution of redevelopment agencies. She has guided agencies through the dissolution process step-by-step, and succeeded in obtaining approvals from the State Department of Finance that were significantly favorable to local agencies. Further, Lona has helped several agencies create alternative economic development programs in response to the loss of traditional redevelopment.

Lona's experience spans years of both general and special counsel work for public entities across California, ranging from Northern California, to the High Desert, to Orange and Los Angeles Counties. Lona's legal practice has always been in the area of public law. Prior to joining Aleshire & Wynder, Lona worked closely with the cities of Irvine, Duarte, Arroyo Grande, Laguna Beach, Twentynine Palms, San Clemente, the Orange County Water District and the Coastal Animal Services Authority, amongst others.

Lona received her J.D. in 2001 from the University Of Southern California School Of Law. While in law school, she was on the Editorial Board of the *Southern California Interdisciplinary Law Journal* and was a published author in that journal. Prior to law school, Lona received a dual Bachelor of Arts in Anthropology, *summa cum laude*, and English, *magna cum laude*, from the University of California Irvine in 1998. As an undergraduate, Lona was inducted into the *Phi Beta Kappa* honors society.

### **(3) Eric Dunn**

Eric Dunn specializes in the representation of public agencies and serves as City Attorney for the Cities of Hesperia and Perris. As City Attorney, Mr. Dunn provides legal and practical advice on the full spectrum of increasingly complex issues facing cities today, including land use, CEQA, public contracting, real estate, taxes and fees, franchises, conflicts of interest, open meeting laws, and elections. He also advises cities on the creation and on-going implementation of programs needed to cope with current and future growth, including specific plans,

## **II. - ATTORNEY QUALIFICATIONS**

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environmental impact reports, habitat conservation plans, regional traffic mitigation programs, development impact fees, and road and bridge benefit districts.

Mr. Dunn previously served as Assistant City Attorney for the Cities of Palm Springs, Irwindale, Signal Hill, San Jacinto, Perris, Cypress, and Twenty-Nine Palms.

Mr. Dunn also served as Agency Counsel for the Hesperia and Perris Redevelopment Agencies and advised those agencies on real estate and redevelopment transactions, with an emphasis on commercial/industrial development and affordable housing projects. He now serves as counsel for the Successor Agencies for Hesperia and Perris and provides guidance and advice on the wind-down of the former Redevelopment Agencies. His representative transactions include a range of projects such as auto dealerships, market-rate and affordable single-family housing, senior housing, industrial/manufacturing uses, large commercial/industrial projects, affordable rental housing with tax credit financing, and farm worker housing. He has also assisted cities in creating housing authorities, economic development commissions and non-profit corporations.

Mr. Dunn is also experienced in telecommunications and utility franchises, including cable television, water, gas, and oil pipelines.

Mr. Dunn is a founding partner of Aleshire & Wynder. He graduated magna cum laude from both Southern Illinois University and Western State University College of Law. He also served eight years of active duty in the U.S. Air Force.

### **(4) Pam Lee**

Pam Lee is the Assistant City Attorney for the City of Rialto. Ms. Lee handles a wide array of legal issues, and her practice area includes an emphasis on land use and planning, affordable housing, and employment matters. Ms. Lee regularly advises her clients regarding the Brown Act, Political Reform Act, Public Records Act, subdivision and zoning laws, CEQA, and affordable housing laws. In addition, Ms. Lee assists in the negotiation of various development agreements and affordable housing agreements.

Ms. Lee also specializes in labor and employment and routinely provides counsel on employee discipline, leave and accommodation issues (under CFRA, FEHA, ADA, FMLA, etc.), and employee benefits. Ms. Lee has handled a variety of labor and employment matters before local civil service commissions/personnel boards, the Employment Development Department, the California Unemployment Insurance Appeals Board, and the Public Employment Relations Board.

As a City Prosecutor, Ms. Lee is in charge of code enforcement activities, working with law enforcement and the judicial system to ensure compliance with local municipal codes. Ms. Lee's litigation experience includes multi-million dollar inverse condemnation, eminent domain, CEQA, and constitutional rights claims in both State and Federal courts.

Ms. Lee attended law school at the University of Southern California, where she earned her J.D. in 2006. During her summers, she was an associate at an international law firm where she advised clients on commercial and international law. She also volunteered as a dispute

## **II. - ATTORNEY QUALIFICATIONS**

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mediator at the Asian Pacific American Dispute Resolution Center and facilitated out of court settlements. Prior to law school, Ms. Lee was an intern at the Legal Affairs Department of the Ministry of Foreign Affairs in Thailand.

Ms. Lee graduated *magna cum laude* and *Phi Beta Kappa* from UCLA in 2002 with a double major in Economics and Development Studies. As an undergraduate she worked at a redevelopment consulting organization associated with the Los Angeles City Mayor's Office that remediated 21 brownfield sites in Los Angeles.

### **(5) Stephen Onstot**

Stephen Onstot has been practicing municipal law for over 20 years, focusing his practice on public agency litigation involving technical, novel and complex issues. He has served as lead counsel in over 10 civil and criminal trials and over 15 writ proceedings in both state and federal court as well as authored numerous appellate briefs.

Applying his education and experience as a chemical engineer, Mr. Onstot has developed special expertise in environmental, telecommunications, cable television, and tort issues. In addition, as a registered patent, copyright, and trademark attorney, Mr. Onstot is also uniquely qualified to handle intellectual property matters.

Mr. Onstot's major cases include: completion of the 710 Freeway; the ability of a public entity to charge telecommunications companies rent for use of the public right of way; the scope of a city's ability to acquire property outside of its incorporated area; recovery of a redevelopment agency's cost to clean up contaminated property; valuation of environmentally impaired property for eminent domain and bankruptcy purposes; intellectual property rights of public employees; defense of initiatives and referendums; cell tower siting; and civil rights liability for handling 911 calls made from mobile phones.

Mr. Onstot graduated from the University of California, Davis in 1984 with degrees in Chemical Engineering and Political Science. In 1988 he graduated from the University of the Pacific, McGeorge School of Law and subsequently served as an adjunct faculty member for Oxnard, Bakersfield, Moorpark, and Fullerton Colleges. In 1990, Mr. Onstot authored and taught the California Department of Real Estate's first certified continuing education course in environmental law for realtors: "Environmental Concerns In Real Estate Transactions."

Mr. Onstot is admitted to the California State and U.S. Patent and Trademark Bar Associations and is admitted to practice in the United States District Court for the Northern, Eastern, Central, and Southern Districts of California and the District of Arizona as well as the Ninth Circuit Court of Appeals.

### **(6) Colin J. Tanner**

Colin J. Tanner is a founding partner of the Firm, Chair of the Firm's Labor & Employment Practice Group, Chair of the Firm's Personnel Committee, and Co-Chair of the Firm's Litigation Practice Group. In these capacities, Mr. Tanner advises the Firm's clients regarding their labor and employment practices as well as defends and/or prosecutes litigation



## **II. - ATTORNEY QUALIFICATIONS**

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claims on their behalf. He also practices in the areas of preventive liability, insurance coverage, and business litigation for the Firm's public and private sector clients.

Mr. Tanner was born in Oyster Bay, New York. He received a B.A. in English & American Literature and Political Science from the University of California San Diego in 1987 and his J.D. from the University of California Hastings College of Law in 1990. Mr. Tanner has been admitted to practice before all courts and administrative tribunals in California, as well as the United States District Courts for the Northern, Southern, Eastern and Central Districts of California. He has also been admitted to practice in the State of Colorado. Mr. Tanner is a member of the California State Bar, Colorado State Bar, American Bar Association, and Orange County Bar Association.

In 1990, Mr. Tanner joined the general litigation department of Haight, Brown & Bonesteel in Santa Monica after clerking with the firm during law school. In 1993, Mr. Tanner joined the litigation group of Fainsbert, Mase & Snyder in West Los Angeles, eventually becoming Chair of the litigation and employment practice groups before relocating to Orange County in 1999. In 1999, Mr. Tanner joined Hart, King & Coldren as senior counsel, continuing his litigation and employment practices. In 2000, Mr. Tanner joined Burke, Williams & Sorensen as a contract partner in its Irvine office, eventually being invited to be a full equity partner, and participating in the firm's public law, labor & employment and business practice groups. In 2003, Mr. Tanner became a founding partner in Aleshire & Wynder and undertook to Chair its Labor & Employment Practice Group.

Mr. Tanner has authored or co-authored articles which include: *Peace Officer Retirement Identification Issues and the Related Endorsement to Carry a Concealed Weapon, When is an Administrative Decision Final?*, *U.S. Supreme Court Holds Mandatory Arbitration Provisions in Employment Contracts Are Valid and Enforceable*, *Public Employee's Failure To Promptly Seek Judicial Review Of Adverse Administrative Decision May Bar Lawsuit Under FEHA*, and *California Supreme Court Validates Binding Pre-Dispute Arbitration Agreements In Employment Discrimination Cases*.

### **(7) Glen E. Tucker**

Glen E. Tucker is a Partner in the Firm. His practice includes counseling, advising, and training various police departments and their officials on such varying subjects as police policy development, police policy field application, and departmental training of officers and police administrators in litigation avoidance and police defense strategies. He is an experienced litigator of such issues as excessive force, false arrest or imprisonment, federal civil rights litigation, and police search and seizure issues. Mr. Tucker is a 1966 graduate of Loyola Marymount University and has served on the Loyola Marymount alumni board. He received his J.D. from Southwestern University of Law School in 1972 and is admitted to practice before the California Supreme Court, the United States District Courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

Mr. Tucker began his legal career working on personal injury and medical malpractice defense cases, occasionally representing cities. During this period, he argued the California Supreme Court case of *Davidson v. City of Westminster* (1982) 32 Cal. 3d 197, in which the

## **II. - ATTORNEY QUALIFICATIONS**

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High Court defined the issue of “duty” in a negligence context as well as the extent and effect of various statutory and common law tort immunities.

In 1981, Mr. Tucker joined the firm of Clausen, Harris and Campbell in Los Angeles. Since then, Mr. Tucker’s primary practice area focus has been on the defense of public entities, particularly police officers and their departments, in civil rights litigation. Since 1981, Mr. Tucker has served as special litigation counsel for the City of Palm Springs Risk Management Department, litigating police cases and general liability matters.

Mr. Tucker’s practice includes the composition of police policy manuals and the analysis of existing manuals for his client police departments. This function is then illustrated and presented in roll-call sessions with police officers and police administrators.

Mr. Tucker handles cases as a board-approved litigation counsel for the California Joint Powers Insurance Authority (CJPIA) and Public Entity Risk Management Authority (PERMA). He has represented the cities of Inglewood, Signal Hill, Lawndale, Banning, Palm Springs, Long Beach, Newport Beach, Fountain Valley, Bell Gardens, and Inglewood School District.

Mr. Tucker was trial and appellate counsel on the case of *Craig Teter v. City of Newport Beach*, (2003) 30 Cal. 4th 446. In that case the California Supreme Court clarified that a person arrested for public intoxication is a prisoner for the purpose of Government Code Immunities and that there is no liability for damages sustained by a prisoner as a consequence of conditions that are common to all inmates and represent reasonable application of policy determinations by jail or prison authorities.

Mr. Tucker holds a California Secondary Life Teaching Credential. He has been an instructor in law at El Camino Community College. He has lectured extensively in the areas of Risk Management and Excessive Force in search and seizure issues. He is a P.O.S.T. certified instructor in those areas. He is also on the faculty of Lorman Education Services lecturing on Police Risk Management issues.

### **(8) Patricia J. Quilizapa**

Patty Quilizapa is a partner with the firm of Aleshire & Wynder, LLP, specializing in water law, utility rate and finance, and complex litigation. Ms. Quilizapa represents public agencies, municipalities, financial institutions, businesses and individuals in litigation matters related to public law, water law, real property, construction, and contracts.

Ms. Quilizapa has litigated matters involving issues of groundwater extraction, water rights, storage rights, public finance, and water rate disputes, representing cities, water districts and private parties. Prior to her practice in public law, Ms. Quilizapa practiced in the area of complex commercial litigation with the New York-based firm of Milbank, Tweed, Hadley & McCloy, LLP. Her practice at Milbank focused exclusively on “bet-the company” litigation involving shareholder disputes, directors’ and officers’ liability, intellectual property lawsuits, and other complex commercial issues.

## **II. - ATTORNEY QUALIFICATIONS**

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In addition to Ms. Quilizapa's litigation practice, she also regularly advises cities and water agencies on legal matters involving compliance with public revenue laws, public utility issues, and governing body protocols.

Ms. Quilizapa was named a "Rising Star" in 2012, 2013, and 2014 by Super Lawyers Magazine. She graduated *Order of the Coif* from Loyola Law School in 2004 and earned her Bachelor's Degree in International Business and Marketing from the California State University, Fullerton.

### **(9) Anita Luck**

Anita Luck is a Partner with the Firm specializing in municipal finance law in addition to her general municipal law, land use and successor agency to redevelopment law practice. She also recently served the City of Perris as Assistant City Attorney. Ms. Luck advises public agencies on the formation of special districts, assessment districts, and community facilities districts, the adoption of special taxes, assessments, development fees and other innovative fees to assist cities in financing projects. Recently Ms. Luck was involved in forming one of the first community facilities districts to finance ongoing hazardous site maintenance on an old landfill being developed in the City of Carson. Ms. Luck is knowledgeable on election issues, issues relating to Proposition 218 and Proposition 26. Ms. Luck has participated in bond financings for assessment districts and community facilities districts.

Ms. Luck has participated in numerous complex finance transactions throughout Southern California, including real estate transactions, the development of mixed use projects, low-income housing projects and assisting troubled municipalities with restructuring debt through tender offers, workouts and other arrangements. Ms. Luck structures financing mechanisms to alleviate the additional burdens on public agencies, generate commercial development and examines alternate revenue sources to alleviate budgetary concerns.

In her public finance practice, Ms. Luck is experienced in representing government entities as bond counsel in a variety of transactions, including the issuance of certificates of participation, general obligation, special tax revenue, utility and lease revenue bonds. Representative transactions include financings for a convention center, an airport, water facilities, special districts, redevelopment projects, major infrastructure, community facilities, non-profit corporations, low-income multifamily housing, and utility revenue financings. Ms. Luck has structured, negotiated and drafted a variety of bond, disclosure and security documents, including official statements, leases, trust indentures, loan agreements, letters of credit, deeds of trust, and escrow agreements.

In her practice, Ms. Luck has represented the cities of Perris, Signal Hill, Carson, Lawndale, Bell and Irwindale, among others. Ms. Luck has also represented various other public entities in Los Angeles and Riverside counties.

Ms. Luck graduated from the University of California Santa Barbara with a B.A. in Business Economics in 1990, and received her J.D. from Loyola Law School in 1998. While in law school, Ms. Luck externed for the Honorable William M. Byrne, Jr. and clerked for the State of California Attorney General's Office.

## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney			Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
Shannon Chaffin	JD	2000	Brigham Young Univ Law School <i>cum laude</i>	14		Arvin ('14- )	
	BA	1997	Hillsdale College <i>magna cum laude</i>				
Eric Dunn	JD	1995	Western State University <i>Law Review</i> <i>magna cum laude</i>	19	Hesperia ('07- ) Perris ('02- )	Perris ('00-02) Signal Hill ('96-01) Twenty-Nine Palms ('97-00)	
	BA	1989	Southern Illinois University <i>magna cum laude</i>				
John Fox	JD	1993	Loyola Law School	21	Arvin ('13- )	Morro Bay ('14- )	
	BA	1988	Wheaton College			Fresno ('04-12)	
Fred Galante	JD	1995	Loyola Law School <i>St Thomas Moore Law Honor Society</i>	19	Irwindale ('03- ) Rialto ('14- )	Carson ('03-10) Irwindale ('96-03)	Home Gardens County Water District ('99- )
	BA	1992	Cal State University, Northridge <i>Dean's List</i>		Lynwood ('08-'14) Los Alamitos ('01-03)	Irvine ('97-01) Palm Springs ('97-03)	Orange County Council of Gov'ts ('01- )
Adrian Guerra	JD	2000	Boston College	14		Irwindale	Community Dev Comm LA County
	BS	1996	University of Southern California <i>magna cum laude</i>			Cerritos ('01- ) La Canada-Flintridge ('01- ) San Dimas ('01- ) Huntington Park ('01-03) Monterey Park ('01-09)	Housing Authority LA County ('01-'09) Independent Cities Risk Mgmt Auth ('09-'14)
Joanna Hernandez	JD	2013	University of CA, Berkeley	1			
	BA	2008	Occidental College <i>magna cum laude</i>				
Miles Hogan	JD	2012	University of CA, Davis	2			
	BS	2008	UCLA				
Michael Huston	MA	2011	UCLA, Urban Planning	5		Lawndale ('12- )	
	JD	2007	Chicago-Kent College of Law			Fillmore ('14- )	
	BA	2003	UCLA <i>cum laude</i>				

## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney			Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
June Ailin	JD	1983	University of Texas Law School <i>With Honors</i>	31		Bellflower ('07- ) Lompoc ('09- ) Palos Verdes Est ('05-10)	Assistant Agency Counsel: Bellflower ('08- ) Lompoc ('09- ) Baldwin Park ('08-14)
	MLS	1977	University of Maryland				
	BA	1976	University of Maryland <i>Phi Kappa Phi</i>				
David Aleshire	JD	1975	UCLA Law School	38	Banning ('08- ) Bell ('11 - ) Signal Hill ('85- ) Suisun City ('09-11) Irwindale ('96-03, '06-07) Lawndale ('83-95) Palm Springs ('90-05) Perris ('00-02) San Jacinto ('98-00)	Lawndale ('78-83) Signal Hill ('78-85) Irvine ('86-89) Cerritos ('78-85) Norwalk ('78-85) San Dimas ('78-85)	Special Counsel: Mammoth Lakes Rossmoor CSD ('87-92)
	MA	1976	UCLA, Urban Planning				
	BA	1972	Stanford University <i>Phi Beta Kappa</i>				
Nour Al-Hashimi	JD	2012	University of San Diego	2			
	BA	2007	University of CA, Irvine <i>Honors Political Science</i>				
Julie Biggs	JD	1978	University of Southern California	36	Menifee ('12-14) Colton ('93-97) Hemet ('98-06) Laguna Woods ('98-06) Goleta ('02-08) Banning ('04-08) Wildomar ('08-12)	Fontana ('92-97) Corona ('92-97) Glendora ('98-00)	Los Osos CSD ('05-08) Tri-City Healthcare District ('09-10) Jurupa CSD ('07-11) City of Elk Grove ('06-10) City of Ojai ('08-10)
	MSEd	1970	University of Southern California				
	MA	1969	University of Southern California				
	BA	1966	University of Southern California <i>cum laude</i>				
Ken Brown	JD	1961	Case Western Reserve Univ Law	53			Housing Authority LA County Community Dev Comm LA County Long Beach Housing Dev Co Independent Cities Risk Mgmt Auth
	BSS	1957	John Carroll University				
Christina Burrows	JD	2013	UCLA Law School	1			
	BA	2009	University of San Diego <i>cum laude</i>				

## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney			Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
Tiffany	JD	1996	University of San Diego	18	Fillmore ('12- )	Lawndale ('03-07)	Fillmore Housing Authority ('12- )
Israel	BA	1993	University of Southern California <i>cum laude</i>		Lawndale ('07- )	Palm Springs ('03-05)	Lawndale Housing Authority ('07- ) Special Counsel: Newport Beach ('07- ) Bakersfield ('10- ) Wasco ('12- )
Lutfi	ML	2011	Master of Laws, Goethe Univ, Germany	4			
Kharuf	JD	2009	University of Southern California				
	BA	2006	University of Southern California <i>magna cum laude</i>				
Gina	JD	2007	University of Minnesota Law School <i>Minnesota Law Review, Editor</i> <i>cum laude</i>	7		Baldwin Park ('10-14 )	
Kim	BA	2001	UCLA <i>cum laude</i>				
Dave	JD	2008	UCLA	6		Menifee ('12-14)	
Kwon	BA	2004	UC Irvine				
Anne	JD	1977	University of CA, Hastings	37			
Lanphar	BA	1974	Cal State University, Fullerton				
Lona	JD	2001	University of Southern California <i>Law Review</i>	13	Town of Yucca Valley ('10- )	Banning ('10- ) Duarte ('04-08)	
Laymon	BA	1998	University of CA, Irvine <i>Dual BA</i> <i>magna cum laude</i> <i>summa cum laude</i> <i>Phi Beta Kappa</i>				
Pam	JD	2006	University of Southern California	8		Rialto ('14- )	Anaheim Transportation Network ('10-12)
Lee	BA	2002	UCLA <i>Phi Beta Kappa</i> <i>magna cum laude</i>			Irwindale ('09-14 ) Yucca Valley ('09-14) Lynwood ('09-14)	Deputy City Prosecutor: Cypress ('07- ) Lynwood ('09-'14) Lawndale ('07-09)

## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney			Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
Christy	JD	2002	Catholic University	12		Yucca Valley ('14- )	City Prosecutor: Banning, Bell, Hesperia, Perris, Yucca Valley
Lopez	BA	1999	<i>Best Oralist, Moot Court</i> San Diego State University			Baldwin Park ('07-10; '12-14) Banning ('07-10) Irwindale ('05-07)	
Anita Luck	JD BA	1998 1990	Loyola Law School University of CA, Santa Barbara	16		Perris ('05-14)	
Jeff Malawy	JD BA BS	2007 2004 2004	University of Southern California University of CA, Berkeley University of CA, Berkeley	7		Hesperia ('10- ) Signal Hill ('08- )	
Wes Miliband	JD MA BA	2005 2000 1999	Chapman Law School Rutgers University University of CA, Riverside	9			Special Counsel: Newport Beach ('08- ) Huntington Beach Wetlands('10- ) Phelan Pinon Hills CSD ('11- ) Bighorn-Desert View Water Agency('11- ) San Luis Rey Municipal Water Dist ('11- ) Rose Hills Mortuary MWD ('11- )
Steve Onstot	JD BS BA	1988 1984 1984	University of Southern California University of CA, Davis University of CA, Davis	26			
Joseph Pannone	JD BA	1980 1976	Loyola Law School <i>AmJur Award 1979</i> Loyola Marymount	34	Bellflower ('08- ) Lompoc ('09- ) Morro Bay ('14- ) Baldwin Park ('08-13) Palos Verdes ('08-10) So. Pasadena ('98-03) Culver City ('86-90; '91-92)	Baldwin Park ('03-07) Bellflower ('03-07) Culver City ('80-86)	Special Counsel: Culver City ('90-91; 92- ) El Centro RDA ('94- ) Santa Maria ('12- ) Mammoth Lakes ('07-12 ) Culver City RDA ('80-06)  Lompoc RDA ('95-12)
Patricia Quilizapa	JD BA	2004 1998	Loyola Law School <i>St Thomas More Law Honor Society</i> <i>Order of the Coif</i> <i>Internt'l &amp; Comparative Law Review</i> California State University, Fullerton	10			Municipal Water District of OC



## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney			Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
Sunny Soltani	JD	2000	Loyola Law School <i>St Thomas More Law Honor Society</i> <i>Order of the Coif</i> <i>cum laude</i>	14		Bell ('12- ) Carson ('11- ) Carson Rent Control Review Board ('06- )	Chief Litigator, Signal Hill Eminent Domain Indian Springs Mobile Home Park ('06- ) Palisades Bowl Mobile Home Park ('09- ) City of Chino Spec Litigation Counsel, Palm Desert ('07- )
	BA	1997	UCLA <i>With Honors and Great Distinction</i>			Signal Hill ('10-'11)	
Mark Steres	JD	1984	University of Southern California	34	Cerritos		Housing Authority LA County
	AB	1981	UCLA		La Canada Flintridge San Dimas		Community Dev Comm LA County
Lindsay Tabaian	JD	2008	University of Southern California	5		Cypress ('10- ) San Dimas	
	BA	2005	University of CA, San Diego <i>magna cum laude</i> <i>Phi Beta Kappa</i>			Fillmore ('12-13)	
Colin Tanner	JD	1990	Hastings College of Law	24			
	BA	1987	University of CA, San Diego				
Anthony Taylor	JD	2000	University of Southern California <i>Moot Court Honors</i>	14	Suisun City ('11- )	Suisun City ('09-11)	
	BA	1997	University of Southern California <i>summa cum laude</i> <i>Class Valedictorian, School of Public Administration</i>				
Glen Tucker	JD	1972	Southwestern University	42			
	BA	1966	Loyola Marymount				
Laura Walker	JD	2002	Hastings College of Law	9			
	BA	1998	UCLA				
Brandon Ward	JD	2008	Univ of Notre Dame Law School	6		Lompoc ('12- ) Downey ('80-10) Covina ('08-12)	Pasadena Glen CSD ('11-12) South Montebello Irrigation District ('09-12) Big Independent Cities Excess Pool ('09-12)
	MA	2005	George Washington University				
	BA	2003	Morehouse College				



## II-A. - EXPERIENCE AND QUALIFICATIONS OF FIRM ATTORNEYS

Attorney		Education	Years of Practice	City Attorney	Assistant or Deputy City Attorney	Representative Public Clients
		<i>cum laude</i>			San Jacinto ('08-12)	Independent Cities Finance Authority ('09-12)
William Wynder	JD	1978 Pepperdine Law School <i>Cum laude</i> <i>Editor in Chief, Law Review</i> <i>Best Advocate Moot Court</i>	36	Carson ('03- ) Cypress ('97- ) Lawndale ('94-07)	Irwindale ('90-99) Signal Hill ('90-99)	Rossmoor CSD ('92-03)
	BA	1975 University of Utah <i>magna cum laude</i>				

## FRED GALANTE

**Admissions:** California, 1995  
U.S. District Court, Central & Northern Districts of CA  
U.S. Court of Appeals, Ninth Circuit

**Legal Expertise:** Specialist in municipal law matters including, land use, zoning, Brown Act, redevelopment and dissolution, conflicts of interest, mining, litigation, contracts, taxes, civil rights, airports.

**Education:** Loyola Law School, Los Angeles J.D. 1995  
St. Thomas More Law Honor Society  
California State University, Northridge B.A. 1992  
Dean's List

**Employment:**

Present: Partner, Aleshire & Wynder (2003 – present)  
Formerly: Partner, Burke, Williams & Sorensen, Irvine (2001 – 2003)  
Associate, Rutan & Tucker, Costa Mesa (1997 – 2001)  
Associate, Lawrence Silver & Associates, Los Angeles (1995 – 1997)

**Offices:**

City Attorney/General Counsel:

City of Rialto (2014 - present)  
City of Irwindale (2003 – present)  
City of Lynwood (2008 – 2014)  
City of Los Alamitos (2001 – 2003)  
Home Gardens Water District (1999 – present)  
Orange County Council of Governments (2001 – present)  
West Communications Police Dispatch Center (2001 – 2003)

Assistant City Attorney:

City of Carson (2003 – 2010)  
City of Irwindale (1999 – 2002)  
City of Palm Springs (1997 – 2003)

**Professional Associations and Presentations:**

Volunteer, Income Tax Assistance (VITA), Los Angeles  
Lecturer, Greater Inland Empire City Attorneys Assoc.: Ralph M. Brown Act  
Lecturer, Lorman Educational Center: Ralph M. Brown Act  
Lecturer, American Planning Association: Surface Mining and Reclamation Act  
Editor, California Municipal Law Handbook: Finance Chapter, 2002

**Foreign Languages:** Spanish

## LONA N. LAYMON

**Admissions:** California  
U.S. District Court, Central District of California  
U.S. Court of Appeals, Ninth Circuit Court

**Legal Expertise:** Specialist in municipal law matters including Conflicts, Contracts & Public Works, Elections, Environment, Franchises, Housing, Land Use, Litigation, Mining, Native Americans, Redevelopment, and Refuse.

**Education:** University of Southern California, School of Law J.D. 2001  
University of California, Irvine, Dual Bachelor of Arts B.A. 1998  
Anthropology, *summa cum laude*; English, *magna cum laude*  
Deans Honor List; National Anthropological Honors Society;  
*Phi Beta Kappa*

### **Employment:**

Present: Partner, Aleshire & Wynder, LLP (2008 - present)  
Formerly: Attorney, Rutan & Tucker, LLP (2001 - 2008)

### **Offices:**

Town Attorney:  
Yucca Valley (2010-present)  
Assistant City Attorney:  
Banning (2010-present)

### **Professional Associations:**

Orange County Bar Association

### **Publications:**

*"Valid Where Consummated: The Intersection of Customary Law and Marriages and Formal Adjudication,"* 10 S.Cal Interdisc. L.J. 353 (2001)

## ERIC L. DUNN

**Admissions:** California, 1995

**Legal Expertise:** Specialist in municipal law matters, including land use and zoning, public contracting, Brown Act, environmental, redevelopment, property acquisition, housing, taxation, elections, contracts, and franchising

**Education:** Western State University College of Law, Fullerton J.D. 1995  
*Magna cum laude*  
Southern Illinois University, Carbondale, IL B.S. 1989  
*Magna cum laude*

**Employment:**

Present: Partner, Aleshire & Wynder, LLP (2003 – present)  
Formerly: Partner, Burke, Williams & Sorensen, Irvine (2001 – 2003)  
Associate, Rutan & Tucker, LLP, Costa Mesa (1996 – 2001)  
Law Clerk, City of Moreno Valley (1995 – 1996)  
Technical Writer, Douglas Aircraft Company (1989 – 1996)  
Aircraft Technician, U.S. Air Force (1981 – 1989)

**Offices:**

City Attorney: City of Hesperia (2007 – present)  
City of Perris (2002 – present)

Redevelopment Agency Counsel: City of Hesperia (2007 – 2012)  
City of Perris (2002 – 2012)

Assistant City Attorney: City of Cypress (2001 – 2007)  
City of Perris (2000 – 2002)  
City of Signal Hill (1996 – 2002)  
City of Irwindale (1997 – 2000)  
City of San Jacinto (1998 – 2000)  
City of Twenty-Nine Palms (1997 – 2000)

Assistant Redevelopment Agency Counsel:  
Signal Hill Redevelopment Agency (1996 – 2007)  
Perris Redevelopment Agency (2000 – 2002)  
Irwindale Redevelopment Agency (1997 – 2000)  
San Jacinto Redevelopment Agency (1998 – 2000)

**Professional Associations:** Riverside County Bar Association (1996 – present)

## **PAM K. LEE**

**Admissions:** California, 2006  
U.S. District Court, Central District of California, 2006  
U.S. Court of Appeals, Ninth District, 2010

**Legal Expertise:** Affordable housing, economic development, labor and employment, land use and zoning, property acquisition/ eminent domain

**Education:** University of Southern California J.D. 2006  
University of California, Los Angeles B.A. 2002  
*Magna cum laude, Phi Beta Kappa*

**Employment:** Associate, Aleshire & Wynder, LLP (2007 - present)

**Offices:**

Assistant City Attorney:

City of Rialto (2014 – present)  
City of Irwindale (2009 – 2014)  
Town of Yucca Valley (2009 – 2014)  
City of Lynwood (2009 – 2014)

Deputy Successor Agency (formerly Redevelopment) Counsel:

Carson (2008 – present)  
Hesperia (2010 – present)

Deputy City Prosecutor:

City of Rialto (2014 – )  
City of Irwindale (2009 – )  
City of Cypress (2007 – 2012)  
City of Lawndale (2007 – 2011)  
City of Lynwood (2009 – 2013)

General Counsel:

Anaheim Transportation Network (2010-2012)

**Professional Associations:**

American Bar Association

**Speaking Engagements:**

American Planning Association, California Chapter – Inland Empire Planning  
Commissioner’s Workshop (August 2011)

American Planning Association – 2012 California Conference (October 2012)

Orange County City Attorneys Association (March 2014)

**Foreign Languages:**

Thai, Spanish

## STEPHEN R. ONSTOT

**Admissions:** State of California, 1989  
US District Court, Northern, Eastern, Central, and Southern Districts of  
California  
US District Court, Arizona

**Legal Expertise:** Code Enforcement, Environment & Toxics, Litigation, Risk Management  
& Torts

**Education:**

McGeorge School of Law	J.D. 1988
University of California at Davis	B.S. and B.A. 1984

**Employment:**

Present: Associate, Aleshire & Wynder (2012–Present)

Formerly: Deputy City Attorney III, City of San Bernardino (2010-2012)  
Law Offices of Stephen R. Onstot (2007-2010)  
Partner, Burke, Williams, and Sorensen (1989-2007)  
Engineer, State of CA, Dept. of Toxic Substances Control (1986-1989)

**Professional Associations:**

US Patent and Trademark Office

## COLIN J. TANNER

**Admissions:** California, 1990  
Colorado, 1993  
U.S. District Court, Central & Southern Districts of California, 1993  
U.S. District Court, Northern District of California, 1994  
U.S. District Court, Eastern District of California, 1995

**Legal Expertise:** Employment/Labor Law and general litigation, with extensive related municipal law experience in personnel matters, employee relations, industrial relations, risk management, and government tort liability.

**Education:** University of California, Hastings College of the Law JD 1990  
University of California, San Diego BA 1987

### **Employment:**

Present: Partner, Aleshire & Wynder, LLP (2003 - present)  
Formerly: Contract Partner, Burke, Williams & Sorensen, LLP, Irvine (2000 - 2003)  
Senior Counsel, Hart, King & Coldren, Santa Ana (1999 - 2000)  
Senior Counsel, Fainsbert, Mase & Snyder, LLP, Los Angeles (1993 - 1999)  
Associate, Haight, Brown & Bonesteel, LLP, Santa Monica (1990 - 1993)  
Law Clerk, U.S. Attorney, Northern District of California, San Francisco (1990)  
Law Clerk, Haight, Brown & Bonesteel, LLP, Santa Monica (1989 - 1990)  
Law Clerk, Engstrom, Lipscomb & Lack, LLP, Los Angeles (1988)

### **Offices/Special Counsel:**

Labor and Employment and/or General Counsel:

City of Arvin (2013 – present)  
City of Banning (2008 – present)  
City of Bell (2011 – present)  
City of Carson (2003 – present)  
City of Covina (2004 – 2011)  
City of Cypress (2003 – present)  
City of Hesperia (2007 – present)  
City of Fillmore (2012 – present)

City of Lawndale (2003 – present)  
City of Lompoc (2009 – present)  
City of Lynwood (2008 – 2014)  
City of Morro Bay (2014 – present)  
City of Perris (2002 – present)  
City of Rialto (2014 – present)  
City of Signal Hill (2003 – present)  
City of Suisun City (2009 – present)

## **II-B. - ATTORNEY RESUMES**

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### Special Counsel:

City of Adelanto (2008 – present)  
City of Covina (2004-2011)  
City of Hawthorne (2010 – 2012)  
City of Newport Beach (2009 – 2012)  
Civil Service Commission, City of Signal Hill (2002 – present)

### Deputy City Attorney/Labor and Employment:

City of Palm Springs (2002 – 2005)

**Awards:** AV® rating by Martindale-Hubbell

**Professional Associations:** American Bar Association (1991 – present)  
Los Angeles County Bar Association (1990 – 1999)  
Orange County Bar Association (1999 – present)

### **Articles and Papers:**

*“Peace Officer Retirement Identification Issues and the Related Endorsement to Carry a Concealed Weapon”*

*“U.S. Supreme Court Holds Mandatory Arbitration Provisions in Employment Contracts Are Valid and Enforceable”*

*“Public Employee's Failure to Promptly Seek Judicial Review Of Adverse Administrative Decision May Bar Lawsuit Under FEHA”*

*“California Supreme Court Validates Binding Pre-Dispute Arbitration Agreements In Employment Discrimination Cases”*

### **Presentations:**

*“Strategies for Effective Employee Recordkeeping in California”*,  
Lorman Educational Services

*“Military Leave Rights, Employer Obligations and Related Issues”*,  
National Human Resources Association - Orange County Chapter

**Other:** Lake Forest Little League Board of Directors (2002-2012)



## **II-B. - ATTORNEY RESUMES**

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### **GLEN E. TUCKER**

#### **Admissions:**

California, 1972  
U.S. District Court, Central District of California, 1972  
U.S. Court of Appeals, Ninth Circuit, 1989  
U.S. Supreme Court, 1993

#### **Legal Expertise:**

Specialist in police litigation including civil rights, use of force and other police related matters. Extensive experience litigating personal injury, public property defects, and medical malpractice cases.

#### **Education:**

Southwestern University School of Law	J.D.	1972
Loyola Marymount, Los Angeles	B.A.	1966
California Secondary Life Teaching Credential		1968

#### **Employment:**

Present: Aleshire & Wynder, LLP (2003 – present)  
Formerly: Law Offices of Glen E. Tucker, Pasadena (1992 – 2003)  
Clausen, Harris, and Campbell, Partner, Los Angeles (1983 – 1991)

#### **Professional Associations:**

P.O.S.T. (Peace Officer Standards and Training) Certified Instructor (2001 - present)  
Instructor El Camino College, Torrance, California (1973 – 1981)  
Arbitrator, Los Angeles Superior Court and Riverside Superior Court  
Hearing Officer, City of Newport Beach  
Judge Pro-Tem, Los Angeles Superior Court  
City of Manhattan Beach Zoning Commission  
Manhattan Beach Little League President  
Los Angeles County Bar Association (1972 – present)

**II-B. - ATTORNEY RESUMES**

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**ANITA LUCK**

**Admissions:** California, 1998  
U.S. District Court, Central District of California

**Education:** Loyola Law School JD 1998  
University of California Santa Barbara BA 1990

**Legal Expertise:** Specialist in municipal finance law, nationally recognized bond counsel. Specialist in successor agency law, including dissolution of redevelopment agencies, ROPS obligations, purchase agreements, housing agreements, and leases. Experienced in areas of land use and zoning, conflicts, brown act, formation of financing districts, planning issues, environmental considerations, CEQA, and Proposition 218 issues.

**Employment:**

Present: Partner, Aleshire & Wynder, LLP (2008- present)  
Formerly: Associate, Aleshire & Wynder, LLP (2003 – 2007)  
Associate, Kutak Rock, LLP, Pasadena (1999 – 2002)  
Extern, United States District Court (1998)

**Offices:**

Assistant City Attorney, Perris (2005 – 2014)

**Professional Associations:**

National Association of Bond Lawyers

## **II-B. - ATTORNEY RESUMES**

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### **LUTFI KHARUF**

**Admissions:** State of California, 2009

**Legal Expertise:** Public Finance, Real Estate, Land Use & Zoning

**Education:**

Institute for Law and Finance, Goethe University Frankfurt, Germany -  
Mayer Brown Scholar Master of Laws, Finance 2011

University of Southern California JD 2009  
with High Honors

University of Southern California BA 2006  
*magna cum laude*

**Employment:**

Present: Associate, Aleshire & Wynder (2012–Present)

Formerly: Attorney & Project Manager, Project Arak Burin (2010-2012)  
Advisor, Mayer Brown LLP, Frankfurt, Germany (2010)

**Professional Associations:**

National Association of Bond Lawyers, Securities Law and Disclosure Committee

**Foreign Languages:**

Arabic, Spanish

**Recent Representative Financings:**

- \$16,515,000 Successor Agency to the Redevelopment Agency of the City of Rialto Tax Allocation Revenue Refunding Bonds (Merged Project Area) 2014 Series A
- \$7,910,000 Successor Agency to the Irwindale Community Redevelopment Agency City Industrial Development Project 2014 Tax Allocation Refunding Parity Bonds
- \$16,215,000 Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris Special Tax Parity Refunding Bonds, 2014 Series A
- \$17,040,000 Successor Agency to the Carson Redevelopment Agency Merged and Amended Project Area Tax Allocation Refunding Bonds, Series 2014A
- \$12,165,000 Perris Joint Powers Authority Local Agency Revenue Bonds (May Farms IA 1, 2 and 3 Refunding), 2014 Series A

### **III. - REFERENCES**

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#### **RESPONSE TO SECTION 6.4**

**CITY OF IRWINDALE**

John Davidson, City Manager  
(626) 460-2217

**Project/Position:**

City Attorney, Fred Galante  
**Dates: 1997-Present**

**CITY OF RIALTO**

Mike Story, City Administrator  
(909) 820-2528

**Project/Position:**

City Attorney, Fred Galante  
**Dates: 2014-present**

**CITY OF CARSON**

Sheri Repp-Loadsman, Planning Director  
(310)378-0383 x2216

**Project/Position:**

Asst. City Attorney, Fred Galante  
**Dates: 2003-2008**

**CITY OF LYNWOOD**

Aide Castro, Mayor  
(310) 603-0220 ext. 200

**Project/Position:**

City Attorney, Fred Galante  
**Dates: 2008-2014**

**ORANGE COUNTY COUNCIL OF GOVERNMENTS**

Gwenn Norton Perry, Exec. Director  
(909) 573-4333  
David Simpson, Former Exec. Director  
(714) 560-5570

**Project/Position:**

City Attorney, Fred Galante  
**Dates: 2001-Present**

**HOME GARDENS COUNTY WATER DISTRICT**

Mr. David Vigil, General Manager  
(909) 737-4741  
email: hgcwd@yahoo.com

**Project/Position:**

General Counsel, Fred Galante  
**Dates: 1999 - Present**

**TOWN OF YUCCA VALLEY**

Curtis Yakimow, Town Manager  
Phone: (760) 369-7207

**Project/Position:**

Town Attorney, Lona Laymon  
**Dates: 2010-Present**

**CITY OF BANNING**

Homer Croy, Interim City Manager  
Ph: (951) 922-3102

**Project/Position:**

Asst. City Attorney, Lona Laymon  
**Dates: 2010-Present**

**CITY OF PERRIS**

Mayor Daryl Busch  
Mayor Pro Tem Mark Yarbrough  
Mr. Richard Belmudez, City Manager  
(951) 943-6100

**Project/Position:**

City Attorney, Eric Dunn  
Labor & Employment, Colin Tanner  
**Dates: 2000**

**CITY OF HESPERIA**

Mr. Mike Podegracz, City Manager  
(760) 947-1025

**Project/Position:**

City Attorney, Eric Dunn  
**Dates: 2007**





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 black ink, appearing to read "Fred Galante".

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

\_\_\_\_\_  
Date

10/7/14

\_\_\_\_\_  
Fred Galante, Equity Partner

\_\_\_\_\_  
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.

Terry Vail  
 Signature of Authorized Representative

Office Administrator  
 Title of Authorized Representative

Aleshire + Wynder LLP  
 Business/Contractor/ Agency

10/6/14  
 Date



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

**ATTACHMENT E**  
**W-9 REQUEST FOR TAXPAYER**  
**IDENTIFICATION NUMBER AND CERTIFICATION**

**[Form must be signed and dated]**



## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return) <b>Aleshire &amp; Wynder, LLP</b>	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input checked="" 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) ▶ <b>P</b>  <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>18881 Von Karman Ave., Suite 1700</b> City, state, and ZIP code <b>Irvine, CA 92612</b> List account number(s) here (optional)	Requester's name and address (optional) <b>City of San Clemente</b> <b>100 Avenida Presidio</b> <b>San Clemente, CA 92672</b>

<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.																			
	<table border="1" style="margin: auto;"> <tr><td colspan="9" style="text-align: center;"><b>Social security number</b></td></tr> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> </table>	<b>Social security number</b>																	
<b>Social security number</b>																			
<b>Note.</b> 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="margin: auto;"> <tr><td colspan="9" style="text-align: center;"><b>Employer identification number</b></td></tr> <tr><td style="width: 20px; height: 20px;">5</td><td style="width: 20px; height: 20px;">5</td><td style="width: 20px; height: 20px;">-</td><td style="width: 20px; height: 20px;">0</td><td style="width: 20px; height: 20px;">8</td><td style="width: 20px; height: 20px;">1</td><td style="width: 20px; height: 20px;">4</td><td style="width: 20px; height: 20px;">6</td><td style="width: 20px; height: 20px;">7</td></tr> </table>	<b>Employer identification number</b>									5	5	-	0	8	1	4	6	7
<b>Employer identification number</b>																			
5	5	-	0	8	1	4	6	7											

<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 ▶	Date ▶ <b>10/6/14</b>
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### General Instructions

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

**Future developments.** The IRS has created a page on [www.irs.gov/w9](http://www.irs.gov/w9) 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

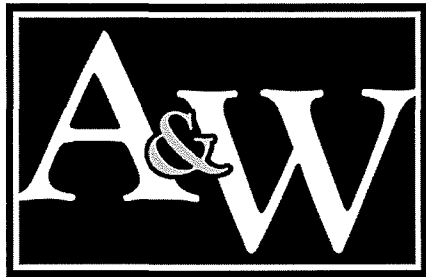
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**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.



**ALESHIRE &  
WYNDER** LLP  
ATTORNEYS AT LAW

# **COST PROPOSAL**

## **FOR CITY ATTORNEY SERVICES**

**City Of San Clemente**



**Response to RFP No.: RFP 2015-001  
Due Date: October 8, 2014  
Prepared By: Fred Galante**

**COST PROPOSAL  
TABLE OF CONTENTS`**

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<b>II.</b>	<b>COST SUBMITTAL (ATTACHMENT G)</b>	

## **COST PROPOSAL**

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### **A. GENERAL**

We prefer and generally charge fees on an hourly basis only for time actually expended on behalf of a client, usually in a “blended rate” formula that provides low hourly rates because of the volume and scope of work. Our rates are typically discounted further for an agreed-upon number of hours per month of basic “general” services. This extra discount for a fixed number of hours substitutes for a fixed retainer, without the risks that the City will be overcharged when a minimal number of hours is required, or that the Firm will be under-compensated when there is a demand for services beyond the expected level. We have found this blended rate/discount formula results in a reasonable cost for our clients. We invite you to review and analyze our proposed blended rate/discount formula to determine the costs of services the City would have incurred over the last year had our formula been in place. We believe you will find substantial savings with our standard hourly billing approach described herein below.

Nevertheless, we are always willing to experiment and listen to new ideas about legal services and costs and how we can serve our clients better. To this end, we also propose below a fixed retainer that includes attending all Council and Planning Commission meetings, regular staff meetings, office hours, and some basic general services. The proposed retainer is based on our estimate of the number of hours required for such services based on our experiences with similar cities, but since we do not know how many hours will actually be required it is only a rough estimate. We expect you will receive proposals from other law firms that will be structured on a different basis and thus could make it somewhat difficult to compare cost proposals. Therefore, please note the following is only a proposal and we are certainly happy to discuss modifications that will be fair for both the City and A&W. If we are selected to serve as City Attorney, perhaps the agreement can be structured to review and adjust the retainer amount appropriately after a period of time.

### **B. HOURLY RATES – GENERAL SERVICES**

<b>HOURLY RATES</b>	
City Attorney	\$185 for 1 <sup>st</sup> 40 hours, \$195 thereafter
Assistant City Attorney	\$185 for 1 <sup>st</sup> 40 hours, \$195 thereafter
Associate	\$185 for 1 <sup>st</sup> 40 hours, \$195 thereafter
Paralegal/Law Clerk	\$100.00 per hour
Document Clerk	\$50.00 per hour
Special Services	\$215 per hour

We charge in 10<sup>th</sup> of an hour increments.

#### **(1) General Legal Services**

General Legal Services we define as:

- (a) Providing routine legal advice, consultation, and opinions to the City Council and staff.

## **COST PROPOSAL**

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- (b) Assisting in the preparation and review of ordinances, agreements, contracts and related documents, forms, notices, certificates, deeds, and other documents required by the City.
- (c) Attending all City Council, Planning Commission and other meetings of board and commissions of the City as deemed necessary.
- (d) Attending Weekly Staff Meeting.
- (e) Consulting with Council Members, City Manager and City staff as needed.
- (f) Rendering legal advice and opinions concerning legal matters that affect the City, including new legislation and court decisions.
- (g) Performing research and interpreting laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the City Council and management staff on legal matters pertaining to City operations.
- (h) Monitoring pending and current state and federal legislation and case law as appropriate.
- (i) Coordinating the work of outside counsel as needed and as directed by the City Council and City Manager.

*We would not charge for travel time (or mileage) to and from City Hall, but would for administrative or judicial proceedings.*

### **C. REIMBURSABLE EXPENSES**

<b>REIMBURSABLE COSTS</b>	
Mileage	No charge for travel to/from City Hall. The current IRS rate (\$.56) shall apply for all other travel.
Reproduction Charges	\$.20 per page

### **D. TRAINING COSTS**

The Firm will provide training at the applicable billing rate for the time spent at the training and no preparation time will be billed, unless the issue is for a unique area of law requested by the City.

### **E. RATE ADJUSTMENTS**

The Firm does not include any rate adjustments in the proposed services agreement. Any increases will be at the City Council's discretion. The Firm will not seek any increases to the proposed rates for two (2) years.

### **F. PAYMENT**

The Firm is agreeable to the payment arrangement outlined in the RFQ. In December of each year, however, our Firm requests that the City pay all outstanding invoices before the end of the calendar year, if possible.

## **COST PROPOSAL**

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### **G. ALTERNATIVE PROPOSALS**

#### **(a) Our Standard Approach. (Preferred Proposal)**

With respect to “general counsel” or “basic” legal services, we propose discounting the first 40 hours per month of legal services by charging a blended rate of \$185 per hour for such services, which means the hourly rate would be the same irrespective of the attorney performing the services. For hours of general legal services rendered above 40 hours per month, we would bill the City at the blended rate of \$195 per hour.

In our experience, most cities with legal budgets in the range of San Clemente use about 40 hours of general services per month, so we believe the budget of discounted hours is adequate. If it proves not to be so, it can be adjusted later. A fixed retainer results in our billing the City when work was not performed or we receive a lower rate because of a high demand for service which we may have not caused.

These discounted hourly rates are for “general counsel” or “basic” legal services which we define as: routine legal advice, consultation, and opinions provided to the City Council and staff; assistance in the preparation and review of ordinances, resolutions, standard form agreements, and related documents; and attendance at all City Council and requested Agency or commission meetings together with office hours and code enforcement matters when necessary.

We would not charge for travel time (or mileage) to and from City Hall.

#### **(b) Retainer Approach**

As discussed above, we do not generally favor a flat retainer approach because either we are taking a reduction when the City “over consumes” legal services, or the City is paying excessive amounts when it does not require significant services. However, if the City wants such an arrangement, we would propose \$19,000 per month for the general services identified in Section B(1) above. We believe this amount will result in a discount over the same amount of hours calculated under our standard approach. General services that can be attributed to a development project or non-General Fund account would not fall under the retainer and would be charged at the “standard” rates described above. If after six months the average monthly attorney hours for retainer services exceeds 100 hours per month, with the approval of the City Manager, the retainer could be increased to an amount which will provide a general return of \$190 per hour on retainer services.

We would not charge for travel time (or mileage) to and from City Hall.

#### **(1) Special Services or “Extraordinary Services”**

With respect to or “special” or extraordinary legal services, which we define to include personnel, labor, enterprise funds, cable television, franchise negotiations, major contract negotiations (matters requiring 10 or more hours when approved by City Manager), litigation services (including eminent domain matters), housing, mobile homes and similar matters requiring special expertise, we would bill the City at a blended rate of \$215 per hour. For legal services

## **COST PROPOSAL**

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performed on matters where the City is reimbursed by a third party, such as development agreements, we would charge \$245 per hour.

We emphasize that the foregoing is a proposal, and we would be happy to discuss alternate arrangements. The proposed fees, expense reimbursement, and billing practices are more thoroughly described in the Statement of Fee Arrangement and the Billing Practices attached hereto as Exhibits A and B.

### **H. REMAINING WITHIN BUDGET**

The primary way we aide our clients to remain within their legal services budgets is by providing sound advice and training that will allow the City to avoid unnecessary legal expense and -- especially -- litigation. In addition, our practices include:

- 1) standardizing contracts and procedures to reduce unnecessary legal review;
- 2) providing samples of documents from our extensive library for staff to revise for a particular purpose;
- 3) spreading the cost of research and drafting memoranda among multiple cities with the same issue;
- 4) sharing information among our city attorneys and clients to avoid duplication of research and effort;
- 5) being involved and familiar with City issues and projects to be able to advise staff and Council when issues do not require legal review;
- 6) staying aware of and implementing opportunities for cost recovery from third parties;
- 7) informing the City of new cases and legislation; and
- 8) when necessary, foregoing rate increases in difficult economic times.

## **EXHIBIT "A" - STATEMENT OF FEE ARRANGEMENT**

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### **A. OUR STANDARD APPROACH (Preferred Proposal)**

The first forty (40) hours of general legal services shall be a max of Seven Thousand Dollars Four Hundred (\$7,400) per month billed at One Hundred Eighty-Five Dollars (\$185) per hour.

- (1) General legal services over forty (40) hours per month will be billed at the rate of One Hundred Ninety-Five Dollars (\$195) per hour.
- (2) Special legal services shall include: litigation matters, public finance, disciplinary actions or hearings, labor negotiations, redevelopment, housing, cable television, water, toxics, refuse, franchising, enterprise activities, and any major contract negotiation. Except for public finance, all such matters shall be billed at the rate of Two Hundred Fifteen Dollars (\$215) per hour.
- (3) Insurance defense litigation and code enforcement will be billed at a reduced rate of One Hundred Ninety Dollars (\$190) per hour.
- (4) Where there is an opportunity to obtain cost recovery through a private party such as a developer, the hourly rate will be Two Hundred Forty-Five Dollars (\$245) per hour.
- (5) For public finance for bond counsel services the fee structure shall be as follows: (i) one-half percent (1½ %) of the first \$1 million executed and delivered; one-half percent (1/2%) of the next \$4 million executed and delivered; one-quarter percent (1/4%) of the next \$10 million; one-tenth percent (1/10<sup>th</sup> %) of any amount over \$15 million; subject to a minimum fee of Forty Thousand Dollars (\$40,000); and (ii) For land-based issues (e.g., CFDs and Assessment Districts), formation costs are paid separately at \$245 per hour from a developer's deposit. In the event that multiple series of bonds, loans or notes are issued, the foregoing fee schedule would be applied to each issue. Fees shall be contingent unless otherwise directed by the client. If contingent, payment of the fees is entirely contingent upon the successful execution and delivery of the bonds or notes to be payable on or after delivery except for out-of-pocket expenses. In addition to the foregoing, a fee of \$6,000 may be charged if a tax opinion is required. At the discretion of the City, City may choose a non-contingent structure in lieu of the above schedule at the rate of \$400 per hour on a blended rate for all attorney time incurred. Fees may be adjusted upon negotiation with the Finance Director to the extent there are significant delays in the transaction or the transaction is extremely complex.
- (6) In addition to the foregoing, the Firm would be reimbursed for out-of-pocket expenses including: facsimile , messenger, courier, and other communication costs; reproduction expense; computer research services; court reporters; mileage cost to court and administrative proceedings; travel expenses outside of Los Angeles and Orange Counties; and other costs and expenses incurred on your behalf. Notwithstanding the foregoing, we do not charge for word processing, routine computer-assisted legal research, local calls, or mileage to City Hall or City offices. In exchange, when on-site, we would have the ability to use City copiers and telephones without charge.
- (7) The blended rate for legal assistants, irrespective of matter, shall be One Hundred Dollars (\$100) per hour, and for document clerks shall be Fifty Dollars (\$50) per hour.



## **EXHIBIT "A" - STATEMENT OF FEE ARRANGEMENT**

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### **B. RETAINER APPROACH (Not Preferred Approach)**

(1) A flat fee of \$19,000 per month for the general legal services identified in Section H(1)B above of this Cost Proposal. If after six months the average monthly attorney hours for such services exceeds 100 hours per month, with the approval of the City Manager, the retainer could be increased to an amount which will provide a general return of \$190 per hour on retainer services. .

(2) Special legal services shall include litigation matters, public finance, disciplinary actions or hearings, labor negotiations, redevelopment, housing, mobile homes, cable television, water, toxics, refuse, franchising, enterprise activities and any major contract negotiation involving more than 10 hours (with City Manager approval). Except for insurance defense, code enforcement, and public finance, all such matters shall be billed at the rate of Two Hundred Fifteen Dollars (\$215) per hour.

(3) Insurance defense litigation and code enforcement will be billed at a reduced rate of One Hundred Ninety Dollars (\$190) per hour.

(4) Where there is an opportunity to obtain cost recovery through a private party such as a developer, the hourly rate will be Two Hundred Forty Five Dollars (\$245) per hour.

The other fees outlined above under items (4) – (6) of our Standard Approach will apply.

We request that the amount of this retainer be revised and adjusted up or down within 3-6 months to better reflect the City's use of legal fees.

### **C. BOND COUNSEL**

We are in receipt of the City's Addendum #1 to the Request for Proposal, Exhibit A regarding Bond Counsel Fee Schedule and agree to the fee schedule contained therein.

## **EXHIBIT "B" - STATEMENT OF BILLING PRACTICES**

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The Firm's fees are charged on an hourly basis for all time actually expended and are generally billed monthly with payment due within thirty (30) days after the date of the bill.

The Firm will incur various costs and expenses in performing legal services. These costs and expenses are separately billed to the client and include fees fixed by law or assessed by public agencies, litigation costs including deposition, reporter fees, and transcript fees, long distance telephone calls, messenger and other delivery fees, postage, photocopying (charge of twenty cents (\$.20) per page) and other reproduction costs, staff overtime when necessitated and authorized by the client, and computer-assisted research fees when authorized by the client, all based on the actual and reasonable cost (mileage, reproduction and other costs are periodically adjusted in accordance with the Firm's actual costs).

Travel costs including mileage (current IRS rate), parking, airfare, lodging, meals, and incidentals are charged in connection with administrative or judicial proceedings, or when traveling outside of Riverside or Orange Counties. Travel time may also be charged in connection with such proceedings. In addition, the client will be responsible for paying the fees of consultants and other outside experts who are retained after consultation with the client.

It is understood that Firm will generally not charge for mileage or travel time between our office and City facilities, nor for local telephone calls or calls made to the City. In exchange, Firm shall not be charged for calls made or received at the City, whether local or long-distance, or for copying charges since copying onsite will reduce the charge to the client.

The monthly billing statements for fees and costs shall indicate the basis of the fees, including a detailed and auditable breakdown of the hours worked, the billable rates charged and description of the work performed. All bills are expected to be paid within thirty (30) days of the date of the billing statement. In the event any statement remains unpaid for more than thirty (30) days after the date of the statement, interest thereon at the rate of ten percent (10%) per annum shall be due and payable thereafter on the unpaid balance.

Registration fees for attorneys attending conferences and seminars are paid by the Firm and are never charged to the City (unless expressly requested by the City).



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			
Retainer Fee	Services	Hourly Fee	Services Not in Retainer
\$ 19,000	General City Attorney work: Attendance at council/commission meetings, office hours, general advice. See Cost Proposal Section B (1).	\$190	Litigation matters, public finance, disciplinary actions or hearings, labor negotiations, redevelopment, housing, cable television, water, toxics, refuse, franchising, enterprise activities, and any major contract negotiation.
OTHER COSTS (Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
Fee	Item	Services at No Cost	
\$0.20	Photocopy		
\$.56 *	Mileage (*Current IRS Rate)	No charge for mileage to/from City Hall for Council/Commission meetings	
Our Cost	Outside duplication; Attorney/Court/Courier Services; Westlaw, research		

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

HOURLY FEE – NO RETAINER			
Hourly Fee	Services	Attorney & Personnel	Minimum Increment
\$185.00 / 195.00 (blended)	General City Attorney work: Attendance at council/commission meetings, office hours, general advice. See Cost Proposal Section B (1).	City Attorney Assistant City Attorney Deputy City Attorney	.10 (10 <sup>th</sup> of an hr)
\$215.00 (blended)	Special Services: Litigation, Personnel, Utility/Enterprise	City Attorney Assistant City Attorney Deputy City Attorney	.10 (10 <sup>th</sup> of an hr)
\$100.00	All Paralegal Services	Paralegal	.10 (10 <sup>th</sup> of an hr)
OTHER COSTS (Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
Fee	Item	Services at No Cost	
	SAME AS "OTHER COSTS" ABOVE		



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

**PROPOSERS CHOICE**

Please See Cost Proposal, Page 5