



ALVAREZ-GLASMAN & COLVIN

ATTORNEYS AT LAW

**NARRATIVE/TECHNICAL PROPOSAL
PART I OF II**

**CITY OF SAN CLEMENTE
RESPONSE TO REQUEST FOR PROPOSAL
NO. 2015-001
FOR CITY ATTORNEY SERVICES**

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

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

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

See Page 7, for instructions on submitting proposals.

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Prices contained in this proposal are subject to acceptance within 120 calendar days.

I have read, understand, and agree to all terms and conditions herein. Date October 8, 2014

Signed *Scott Nichols*

Print Name & Title Scott E. Nichols, Partner

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INTRODUCTION

Alvarez-Glasman & Colvin ("AGC") is pleased to submit the following response to the Request for Proposals for City Attorney services for the City of San Clemente ("City"). AGC specializes in the representation of municipalities and other public agencies.

AGC serves as the Town Attorney for the Town of Yountville and City Attorney for the cities of Chico, Pomona, Pico Rivera, Bell Gardens and Montebello. AGC serves as General Counsel to the Beverly Hills Unified School District and the Yucca Valley Airport District. AGC also serves as Special Counsel to City of San Luis Obispo, City of Vallejo, San Bernardino County, the Central Basin Water District, the Lynwood Unified School District and the Los Angeles Community College District. AGC is well acquainted with representing municipalities and other public agencies of all sizes.

As an aggressive and experienced law firm, AGC prides itself in providing prompt and personal attention to the needs of our clients in a cost-effective manner. As legal counsel to municipalities and other public agencies since 1985, AGC is a recognized leader in public agency law.

AGC proposes that Partners Scott E. Nichols and Andrew L. Jared respectively serve as City Attorney and Assistant City Attorney. Scott E. Nichols and Andrew L. Jared are authorized to make representations for the firm.

6. COMPANY BACKGROUND AND REFERENCES

6.1 PRIMARY CONTRACTOR INFORMATION

- **COMPANY OWNERSHIP**

Alvarez-Glasman & Colvin (AGC) is a general partnership owned by Arnold Alvarez-Glasman and Roger Colvin.

- **LOCATION OF THE COMPANY OFFICES**

AGC operates two offices, one located in Southern California in the City of Industry at 13181 Crossroads Parkway North, Suite 400, City of Industry, CA 91746 (Telephone No. (562) 699-5500), and the other located in Northern California in the Town of Yountville at 6525 Washington Street, Suite 12, Yountville, CA 94599.

- **LOCATION OF THE EMPLOYEES BOTH LOCALLY AND NATIONALLY**

The firm consists of 14 attorneys, 1 office administrator, 6 administrative assistants, 2 law clerks, 2 paralegals, 1 billing clerk, 1 office assistant and 1 receptionist. The Northern California office consists of 2 attorneys and 1 support staff.

- **LOCATION(S) FROM WHICH EMPLOYEES WILL BE ASSIGNED**

Attorneys and employees assigned to the City of San Clemente will work from the City of Industry Office. Additionally Scott Nichols maintains a home office on Avenida Presidio, just a few blocks from San Clemente City Hall. This location will greatly assist in the attendance at City meetings and access to the City Attorney.

- **NAME, ADDRESS AND TELEPHONE NUMBER OF THE CONTRACTOR'S POINT OF CONTACT FOR A CONTRACT RESULTING FROM THIS RFP**

Scott Nichols
Alvarez-Glasman & Colvin
13181 Crossroads Parkway North, Suite 400,
City of Industry, CA 91746
Telephone No. (562) 699-5500,

- **COMPANY BACKGROUND/HISTORY AND WHY CONTRACTOR IS QUALIFIED TO PROVIDE THE SERVICES DESCRIBED IN THIS RFP**

Our philosophy is that the City attorney works for the City Council, but works with the City Manager and with other City staff personnel to achieve the council's goals. Our goals are those set by our clients. When providing advice to clients, we are cognizant that our role in the process is to advise on legal issues while balancing our clients' goals, objectives, policies and priorities.

The philosophy of AGC is to serve the client most effectively by becoming an integral part of the team. In all of our cities, we establish a close, working relationship with all members of the City Council, the City Manager, department heads, planning commission and other staff personnel necessary to complete assignments and achieve the client's goals.

We value getting an accurate answer to the client in as short a time as is possible. We take pride in providing prompt and personal attention to the needs of our clients. On every assignment, we develop reasonable timeframes for completion of work. Our goal is to provide our clients with high quality legal services in a timely manner at a reasonable rate. A close working relationship between our office and council allows us to ensure the goals of the client are being achieved.

Direct dial cell phone numbers for the city attorney and the assistant city attorney are given to councilmembers and the City Manager to provide immediate assistance to councilmembers and City Manager, and designated personnel.

We take the duty of confidentiality seriously, especially in regard to questions directly from Councilmembers and administration. Our goal is to facilitate the needs and goals of the client. We are confident that our experienced attorneys will be able to address the City's needs.

AGC Clientele

Currently, AGC serves as City/Town Attorney, General Counsel and Special Counsel to the following public agencies:

- Beverly Hills Unified School District
- Central Basin Municipal Water District
- City of Bell Gardens
- City of Chico
- City of Pico Rivera
- City of Pomona
- City of Montebello
- City of San Luis Obispo
- City of Vallejo
- City of West Covina
- County of San Bernardino
- Long Beach Transit District
- Los Angeles Community College District
- Lynwood Unified School District
- Southeast Area Animal Control Authority
- Town of Yountville
- Yucca Valley Airport District

Environmental Law / CEQA / NEPA – Writs of Mandate

AGC has experience in all aspects of environmental law from CEQA compliance and environmental review of development projects; to toxic cleanup and hazardous material litigation under CERCLA, RCRA, the Polanco Act and other statutes; to general environmental compliance under the Clean Water Act, Clean Air Act, and other regulatory statutes. AGC's attorneys have negotiated oversight plans with numerous federal and state agencies, including the U.S. EPA, the U.S. Army Corps of Engineers, California DTSC, and California Dept. of Fish & Game, to name a few.

On a daily basis, AGC attorneys address significant environmental law issues and have the expertise to provide advice that best serves our City clients. If litigation is required, our team of experienced litigators has successfully defended CEQA challenges and other environmental law issues. AGC attorneys have also worked with a variety of federal and state agencies that oversee and regulate groundwater and landfill related issues.

AGC advises planning staff and commissions on interpretations of CEQA. We have been actively involved in defending two CEQA-based legal challenges to approval of waste transfer stations, one requiring preparation of a Supplemental EIR (SEIR). AGC has advised staff on several major projects, including those related to hospital

construction, specific plan adoption, infill mixed-use development, historic preservation ordinance compliance and code compliance. We have advised planning staff on CEQA issues related to general plan and specific plan amendment and renewal.

AGC has experience in representing its municipal clients regarding a wide range of administrative law issues, including matters involving the U.S. Department of Labor, U.S. Army Corps of Engineers, Department of Transportation (Cal Trans and U.S. DOT) and U.S. Environmental Protection Agency. AGC has also provided advice to clients on matters before the California Transportation Commission, California Public Utilities Commission, California Highway Patrol, the State Water Resources Control Board, the California Air Resources Board and the California Environmental Protection Agency. AGC is presently representing clients in matters before the Metropolitan Transportation Agency and the South Coast Air Quality Management District.

Real Estate Services

AGC has counseled thousands of City Council and Planning Commission meetings, including disputes regarding zoning, subdivisions, personnel, redevelopment, real estate and landlord-tenant. AGC has successfully litigated CEQA and land use cases from trial to the California Supreme Court.

AGC's experience also includes construction contracts, real estate transactions and real estate litigation. AGC participates actively in all aspects of complex real estate transactions from concept design, financing, negotiation and documentation of acquisitions, development agreements, financings, leases and related entitlement documents. AGC has completed a variety of unique and complex real estate and development projects with an emphasis upon public-private ventures. The diverse projects AGC has handled to completion include Hilton and Sheraton hotels, shopping centers with both national and regional tenants, auto dealerships, commercial and residential subdivisions, housing developments (both market rate and affordable projects), restaurants and other entertainment centers.

AGC has negotiated projects on behalf of our public agency clients involving developers or operators, including Lewis Homes and Retail, Alexander Haagen Company, the Southland Corporation, the Ezralow Company, Primestor Development, Eclipse Development Inc., Big League Dreams, Regal Cinemas, Dial Corporation, GVD Development, Familian Corporation, Home Depot, Wal-Mart, Costco, Chrysler Motor Company, Westfield Shopping Centers and the United States Government. Some of the projects successfully negotiated by AGC include (partial list):

- **West Covina Heights Shopping Center**

This regional development was constructed on a closed landfill site (BKK). AGC negotiated and crafted the development agreement and navigated the West Covina Community Development Commission through a myriad of challenging inter-agency environmental and development issues. This project consists of approximately 350,000

square feet of retail space and includes a Target, Home Depot, and other major tenants and restaurants.

- **Pomona Ranch Plaza**

This project is a mixed-use retail, service power center with a WinCo, Wal-Mart, Starbucks, El Pollo Loco and other restaurant and service tenants.

- **Elephant Bar Restaurant in West Covina**

This project involved the acquisition of an existing tenant to replace the underutilized site with a 10,000 square foot restaurant chain user.

- **Sheraton All-Suites Hotel at the Fairplex**

The Sheraton Suites Fairplex Hotel is a 247-suite project that includes unique tax-sharing agreements and development concepts that complement the Fairplex–Los Angeles County Fair complex.

- **The Curve Restaurant Center**

This development, which includes Johnny Carinos, Islands, Pick-up Stix and Chipotle restaurants, was accomplished through AGC's negotiating efforts. Additionally, when the adjoining property owner, Westfield, challenged the award of the development, AGC's litigation team successfully defended the CDC's action and earned a dismissal of the Westfield lawsuit through an anti-SLAPP action. In addition to the litigation victory, the CDC recovered all attorneys' fees expended in defending the suit.

- **Montebello Hilton Garden Inn**

Located at the Montebello Country Club, this project is an example of a private development on publicly owned land. AGC drafted the necessary leases and construction agreement that resulted in this 145-room Hilton hotel. Additionally, AGC developed a creative financing mechanism by establishing a business improvement district that opened the door for bond financing and the completion of this project.

- **Automobile Dealership Development**

AGC has directly handled numerous automobile dealership developments and transactions for their public agency clients, including Ostrom Chevrolet (Montebello), Llovio Ford (South Gate), Gonzales Automotive (South Gate), Penske Motor Cars (West Covina), Sage Nissan (West Covina), and others. AGC has created numerous development agreements, sales tax agreements and related real estate documents to bring auto dealerships to the communities throughout Los Angeles County.

- **Circuit City (West Covina) and Macy's (Montebello) Expansions**

AGC drafted the essential transactional agreements that permitted the expansion of these two national retailers in the Eastland Shopping Center and the Montebello Town Center. These expansions created additional sales tax revenues and employment opportunities for the communities of West Covina and Montebello.

- **Baldwin Park Power Center**

AGC was the lead firm in the acquisition, negotiation and drafting of all legal documents that resulted in the development of a power center located along the I-10 freeway. This highly complex transaction required sophisticated knowledge of redevelopment and environmental laws. This successful center is the focal point for Baldwin Park shopping along the freeway corridor.

- **Industrial Relocation and Commercial Leasing Projects**

AGC has been involved in numerous commercial and industrial relocation efforts. Within the City of Pomona, AGC has participated in industrial developments including Familian Industries, Boyd Furniture and Marsden Industries. AGC has vast experience in commercial leasing and related purchase agreements necessary to develop a strong commercial-industrial base.

Labor and Employment Law

AGC provides daily advice to city managers and the human resources departments of our municipal clients. We have provided opinions on employee benefits, including pensions, donning and doffing, equal employment issues, wage garnishment, wage and hour claims, OSHA and drug and alcohol testing, interpretation of collective bargaining agreements, rules and regulations, assisted in labor negotiations and drafted MOU's and related labor agreements (e.g., side letters) and defended city clients in wrongful termination lawsuits. AGC attorneys have advised municipal staff on disciplinary actions up to and including termination, conducted employee investigations, 360° employee reviews, revised and written personnel policies and handbooks, filed injunctions regarding employees threatening co-workers and represented clients at termination hearings. AGC has advised human resources and police department staff on the release of police personnel materials and have appeared at numerous Pitchess hearings to protect officers' rights against disclosure of personnel materials. We have negotiated the terms of employment contracts and separation agreements for various consultants, employees and directors, including city attorneys, police chiefs, city managers and general managers. AGC provides training to municipalities on various employment and labor laws, policies and issues in the workplace.

Coastal Issues

AGC has counseled municipalities and other public agency clients extensively on land use and environmental issues and the various laws, regulations and local policies that apply to the same. AGC has worked closely with numerous federal and state agencies with regulatory oversight of land use and public access.

AGC Partner Vincent Ewing, as part of a public-private partnership through the Intergovernmental Personnel Act program that allows federal employees to be detailed to other government agencies, non-profits, or other partners, counseled the U.S. EPA Cooley Landing Project Manager on the cleanup, planning and development of a nine-

acre former burn dump located on the San Francisco Bay coast to become a nature park and education center. This included advising on CEQA/NEPA, working with various regulatory agencies such as the California Department of Toxic Substances Control, the Midpeninsula Regional Open Space District, the California Coastal Commission and the Regional Water Quality Control Board. Mr. Ewing also negotiated various types of agreements, from use to grant (including grants from the California Coastal Conservancy and the statewide Parks Program) and advised the project manager on obtaining approvals and cooperation of several allied public agencies and private entities, such as the California Coastal Conservancy/San Francisco Bay Trail Project, the Forest and Lands Stewardship Council and the Packard Foundation.

Litigation

AGC is proud of its highly successful record in litigating matters for its public agency clients. AGC's litigation practice group aggressively represents its clients from the initial filing of a lawsuit through civil writs and appeal.

A sampling of state and federal cases successfully litigated by the firm is below:

- *Susan Lee v. City of West Covina*. In this alleged violation of federal civil rights and conspiracy lawsuit, AGC successfully negotiated a dismissal of the entire lawsuit against the City prior to the case going to trial. Plaintiff alleged that the City of West Covina conspired to interfere with plaintiff's civil rights, which led to plaintiff's incarceration. **(CIVIL RIGHTS)**
- *Lavern White v. City of West Covina*. AGC was successful in having this dangerous condition of public property personal injury action dismissed prior to trial. Plaintiff alleged that she fell down a flight of stairs at Shadow Oak Park in the City and sustained serious injuries to her right leg and foot. The court dismissed this lawsuit in favor of the City. **(PREMISES LIABILITY)**
- *Blanche Pepito v. City of West Covina*. Plaintiff alleged in this lawsuit that she sustained serious injuries as a result of tripping and falling on an uneven sidewalk in the City of West Covina. AGC filed a motion for summary judgment seeking a dismissal of the entire lawsuit on the grounds that the alleged defect in the sidewalk was "trivial" and not in a dangerous condition. The court agreed with this position and dismissed the lawsuit prior to trial. Plaintiff filed an appeal of the ruling to the California Court of Appeal. Plaintiff's appeal was denied. **(PREMISES LIABILITY)**
- *Cummings v. City of Pomona*. In this wrongful death police shooting case, AGC successfully defended the actions of the Pomona Police Department in a 30-day jury trial. This complex multimillion-dollar litigation matter resulted in a defense verdict for the City. **(CIVIL RIGHTS)**

- *Sonmik, Inc. v. The Redevelopment Agency of the City of Pomona.* AGC successfully litigated a million dollar lawsuit brought by a developer against the Redevelopment Agency for alleged breach of contract. The Agency had authorized a settlement package of \$275,000; however, the case was tried when Sonmik chose not to accept the offer. At trial, Sonmik received zero and was ordered to pay the Agency's attorneys' fees. The Court of Appeal has since upheld the verdict in favor of the Pomona Redevelopment Agency. **(BREACH OF CONTRACT)**
- *Estate of Hernandez v. City of Pomona.* AGC obtained a federal jury verdict in favor of the City and several officers in this wrongful death police shooting case. This suit stemmed from circumstances involving numerous officers where the police utilized deadly force upon an individual leading the police on a high-speed chase and threatening to fire upon several officers. No gun was present on the decedent and the plaintiff's family alleged improper force. **(CIVIL RIGHTS)**
- *Veloz v. City of Montebello.* In this CEQA challenge to the City's approval of a senior housing project, AGC successfully defended against the issuance of a writ of mandate. The project was challenged on a variety of theories, all of which were dismissed by the Superior Court. **(CEQA)**
- *Del Rose v. The Redevelopment Agency of the City of Pomona.* This complex inverse condemnation suit sought more than \$4 million in damages for alleged loss of business revenue, reduced property value, loss of goodwill and attorneys' fees. AGC prevailed in obtaining a favorable decision for the Redevelopment Agency and saved the Agency from a potential million-dollar verdict. **(INVERSE CONDEMNATION)**
- *Rodich v. City of Pomona.* AGC successfully defended the City Clerk's decision to deny a proposed ballot initiative measure from being filed for failing to comply with provisions of the Election Code. AGC correctly took the position that substantial compliance with the Election Code in submitting initiative petitions did not fulfill the requirements of the code. **(ELECTIONS)**
- *Ronald Grice v. City of Pomona.* This case involved an automobile accident wherein a Pomona Police Officer hit a vehicle being driven by the plaintiff. The City won the arbitration, which became a judgment. The plaintiff was not entitled to damages. **(PERSONAL INJURY)**
- *West American Insurance v. City of Pomona.* AGC obtained a dismissal in this claim of wrongful demolition of property. AGC was able to prove that the City had no responsibility. The City paid no damages. **(WRONGFUL DEMOLITION)**
- *Christopher Nuhfer v. City of West Covina.* In this civil rights/police misconduct action, AGC received a unanimous jury verdict for the City and one of its police

officers. Plaintiff alleged false arrest and violation of his First Amendment rights of free speech. **(CIVIL RIGHTS)**

- *Castillo v. City of Los Angeles.* Civil rights (police shooting); defense verdict. **(CIVIL RIGHTS)**
- *Hernandez v. City of Los Angeles.* Civil rights (police shooting, wrongful death). City's Federal Rules of Civil Procedure Rule 50 motion was granted, thereby dismissing all of the police officers named in the lawsuit. The City obtained a defense verdict on the remaining causes of action, with the exception of the negligence cause of action. The jury found that the City engaged in some negligence and attributed the negligence (causation) thusly: PLAINTIFF: 49%, CITY: 51%). Having successfully made a case for comparative negligence and obtaining the said apportionment, the jury awarded plaintiffs (decedent's family) \$103,000. Plaintiffs' demand was \$50,000,000. The City's exposure was \$35,000,000. **(CIVIL RIGHTS)**
- *Singh v. AC Transit.* Wrongful termination; negotiated settlement on the eve of trial; zero payout by transit district. **(WRONGFUL TERMINATION)**
- *Woodland Park Management v. City of East Palo Alto.* Plaintiffs challenged the administrative procedures the City undertook in placing a measure on the ballot under the Brown Act and facially challenged the ordinance that was the subject of the measure. After several years of costly litigation, the City negotiated a global settlement with the plaintiffs resulting in a payment of \$385,000 to the City. **(BROWN ACT, FACIAL CHALLENGE)**

Civil Rights Liability

AGC has defended its City clients in civil rights claims and lawsuits. We regularly advise clients on ADA compliance, EOE hiring issues, affirmative action programs and environmental justice issues. Please see the examples above of some of the civil rights cases AGC's attorneys have litigated.

Governmental Tort Liability

AGC has represented its City clients in numerous tort actions, specifically sidewalk liability. Please see the examples above of some of the tort liability cases AGC's attorneys have litigated.

Code Enforcement and City Prosecutor

AGC offers clients a comprehensive municipal code enforcement practice with the ability to use creative enforcement methodologies tailored to suit each client and case. AGC attorneys have substantial experience in all phases of code enforcement

commencing at the review and analysis of existing ordinances and ordinance amendment and drafting. AGC has established effective administrative citations programs and represented clients at administrative code enforcement proceedings.

Where administrative code enforcement isn't enough, AGC attorneys have a depth of experience in civil and criminal code enforcement. AGC attorneys have successfully obtained civil injunctions against hoarders and other public nuisance; secured inspection/abatement warrants to allow municipal abatement, and as a last resort, criminal prosecution. We have worked closely with police departments to support enforcement of drug paraphernalia and smoking laws, including an ordinance to regulate tobacco retailers through a permit and licensing process to fund monitoring and enforcement by police personnel and a zoning ordinance to prohibit establishment of storefront marijuana sales.

AGC appreciates the significant financial costs associated with municipal code enforcement. As such, AGC's philosophy is to offer to its clients all available means to recover code enforcement costs including nuisance abatement liens, notices of pendency against property, administrative citations fines and penalties, attorney's fees, and criminal restitution.

Moreover, AGC has drafted ordinances amending the zoning and municipal codes of several cities and has counseled clients on the ramification of proposed changes to the same. We have written ordinances related to tobacco retailer registration, sex offender restrictions and various other code amendments.

AGC serves as City Prosecutor for the City of Pico Rivera. AGC has prosecuted hundreds of cases and has aggressively addressed the code enforcement needs of our communities. AGC is informed and knowledgeable in all areas of prosecuting municipal code violations from initial complaint through trial. AGC has found that its clients have had success in utilizing an administrative citation process as another tool besides criminal or civil filing. Additionally, AGC has been successful in achieving our clients' goals of ridding neighborhoods of nuisances by obtaining injunctive relief against property owners and placing the premises under receivership. Utilizing this method, 90% of the attorney's fees and costs are recoverable.

AGC attorneys have prosecuted numerous jury trials to verdict and prosecuted numerous code compliance actions.

Taxes, Assessments, Fees and Proposition 218

AGC has extensive experience in property tax, business license tax, Proposition 62, Proposition 218 and has litigated several cases in this area. AGC has successfully litigated assessment district cases from trial to the California Supreme Court.

AGC attorneys work closely with City staff and officials to provide legal services regarding fiscal and taxation issues. We routinely provide advice on Proposition 218 issues, including rate structures and fee studies. We have defended client cities in appeals of business license taxation.

We are often asked to provide advice on Special District formation, including BID, PBID, and charter city based special districts. In a published decision by the Court of Appeals, AGC successfully defended the City of Pomona's Downtown Business Improvement District, resulting in continued funding for improvements to the downtown streetscape and for supplemental police services. AGC also drafted an ordinance for a commercial improvement district using a charter city's ability to create improvement districts.

AGC was recently actively involved in defending a reallocation decision by the State Board of Equalization favoring one of our client cities, which resulted in a reallocation of over \$8,000,000 in taxes owed to our municipal client.

Insurance Coverage Matters

AGC has experience in interpreting and applying insurance provisions in civil litigation. AGC Partner Andrew Jared has acted as coverage counsel for major insurance carriers and is familiar with the limits applied by carriers in civil litigation. AGC has counseled risk management and human resources departments of several municipal and other public agency clients on (and negotiated agreements for) the purchase of insurance and benefits, self-insurance, joint powers authorities and varying layers of coverage regarding claims and lawsuits. AGC has represented its municipal and other public agency clients in numerous lawsuits involving coverage disputes and is familiar with both how to plead a case to avoid coverage issues, as well as how to negotiate settlements within a policy.

Water Law and Regulations

AGC works with public and private purveyors in securing and maintaining ample water supplies, quality, and delivery. AGC currently serves as Special Counsel to the Central Basin Water District, which supplies imported water from the Metropolitan Water District of Southern California on behalf of 24 cities within Southern California having a combined population of greater than 2 million people. AGC Partner Vincent C. Ewing negotiated a municipality's purchase of water from the San Francisco Public Utilities Commission (SFPUC) of the City and County of San Francisco's Hetch-Hetchy System.

Since issues related to water often blend into other areas of the law, AGC's broad experience in public law, redevelopment, construction, environmental compliance, business law and legislative advocacy allow the firm to take a holistic approach to solving the issue at hand.

Contracts and Franchises

AGC has drafted franchise agreements in virtually all areas of municipal services. AGC has negotiated and drafted public utilities contracts for the delivery of and management of water. AGC has also negotiated and drafted franchise agreements with a variety of other service providers, such as waste hauling, street sweeping, towing, taxicab and fixed route transportation services, oil and gas pipelines and cable television.

Appeals

AGC's proposed team knows appellate procedure at both the state and federal levels.

AGC has significant experience with civil appeals and writs in the California Court of Appeal and in the Ninth Circuit Federal Court of Appeals, including the preparation of appellate briefs and the presentation of oral argument. We have successfully had judgments entered in our clients' favor affirmed on appeal in lawsuits involving claims of unlawful search and seizure, excessive force, negligent hiring and failure to train and violations of the Brown Act.

AGC successfully defended the City of Pomona and four officers in an intricate police shooting/wrongful death civil rights lawsuit involving a lengthy police chase that resulted in the death of a suspect who was unarmed. After a two-week federal court jury trial, AGC achieved a defense verdict and a successful post-trial motion based upon the doctrine of qualified immunity. After the federal trial, plaintiffs filed a new action in state court alleging police negligence liability arising out of the incident. The state court judge dismissed the lawsuit on res judicata and collateral estoppel grounds. Plaintiffs filed an appeal.

The case was heard before a three-judge panel of the Second District Court of Appeal which ruled that plaintiffs' subsequent filing in state court addressing negligence issues could proceed to trial, in spite of the federal court jury verdict in favor of the officers. The California Supreme Court unanimously agreed to hear the issue of whether police officers cleared in federal civil rights charges in the fatal shooting of a suspect could later be held liable in state court for negligence. After presenting oral argument before the California Supreme Court, the Supreme Court ruled in favor of the City and determined that the presentation made by AGC was persuasive in overturning the Court of Appeal's ruling.

Election Law

AGC attorneys have provided legal services and counseled election officials on over 50 elections. AGC has been involved in nearly every phase of municipal election law activities. Arnold M. Alvarez-Glasman has served on the League of California Cities, Administrative Services Committee that oversees elections law legislation and reform. AGC has overseen and advised city staff on multiple city-initiated measures, including

tax increases, assessments, public safety limitations, charter revision and amendment processes, billboard measures, card club referendums and recall efforts. Working closely with the city clerk, AGC guides the election official through the complex maze of statutes and case authority. Our attorneys endeavor to advise the city council to avoid costly, divisive election disputes.

Disability Issues/FEHA/ADA

AGC works closely with staff in Risk Management and Emergency Management Divisions to address disability issues in regard to access to municipal services.

We routinely counsel staff regarding the impacts of the Americans with Disability Act in the enforcement of city zoning ordinances, discretionary approvals (CUP's), and sober living home regulation and enforcement.

Litigation Prevention

Our preferred method of resolving litigation is to manage facts and issues before a case is filed. We offer straight advice to our clients with the objective of achieving their goals to the greatest degree possible. In some instances there may be a potential risk of litigation and liability which must be weighed in light of other safety, social or moral implications. Having laid out the black letter law on the potential liability, the risk-reward calculus is a policy decision within the purview of the City Council and City administration.

Likewise, sobering conversations sometimes need to occur and in such times our clients can trust our opinions are not colored by getting to the answer they merely want to hear. Conversely, our clients can always trust that we are in their corner and that if the client gives the direction to proceed with a case or with a course of action that will result in a lawsuit, we are prepared to advocate and fight on the client's behalf.

The most effective way to avoid litigation is to ensure that staff and the Council are aware of new case law and statutes that must be followed. We provide updates to clients in several forms, depending on the issue and the need for immediate action, in order to allow the client to avoid traps for the unwary.

Council Relations and Information Updates: Client Reports and Memoranda

We recognize that the client needs a clear, concise answer to the question, in a timely manner. We regularly produce reports and memoranda on projects we are working on for particular clients. Often inquiries require less formal response and we provide opinions orally or via email. We leave it up to the client to determine how formal of a response is necessary to meet their needs.

Status Reporting

Status reports in a form dictated by the City are available on a timeframe as requested by City staff. AGC can customize status reporting to suit the client's needs. The City Council can be briefed on cases as frequently as the Council sees fit.

AGC can customize reports to a designated recipient, typically the City Manager or Department head relating to a matter, in order to track progress on all or select projects.

Reports on individual cases are usually presented as events warrant, but in no event no less than once every 45 days. We typically provide quarterly litigation reports with a synopsis of all cases we are handling.

Typically, we receive requests orally or via e-mail from directors or the City Manager. We recommend that such requests be channeled through the City Attorney for proper handling, with a copy of such transmittal to the attorney's administrative assistant.

Our preferred method of transmission of requests and other material is via e-mail due to the speed at which responses can be made and questions answered. We find this is the most expedient method for AGC to attend to the client's needs.

Client Alerts

AGC also sends out periodic general advisory reports, or "Client Alerts," on issues that may be of interest and importance to our clients. These brief updates are sent via email to City Councilmembers, City Manager, and Department Heads at no cost to our clients. Client alerts are short articles notifying the City of recent case law and legislation that may affect the City. We provide these via e-mail in order to ensure that the Client stay up to date on legal news in an expedient manner.

Timely Response System

At AGC, we ensure timely response of assignments through a case management system within our calendaring software. AGC's background and experience in municipal law and governance provide additional insight into addressing the important issues with a cutting-edge approach. We have systems for ensuring assignments are completed in a timely manner. Each attorney is assigned an administrative assistant and a back-up assistant to prevent lost or delayed messages. City policies and procedures regarding case assignment (i.e., workflow from department heads only, assignments directly from staff, etc.) will be strictly followed.

The client comes first. By having a wide variety of personnel to allocate to a problem, AGC's clients are not faced with the solo practitioner's dilemma of queuing assignments. All councilmembers, the City manager, and all department directors have access to the

City Attorney, Assistant City Attorney and Deputy City Attorney by cell phone at any hour of the day.

Our goal for assignments is to deliver a thorough answer in the shortest period of time. We continuously prioritize our client's needs and deadlines to achieve the client's needs.

Our clients do not receive faceless answers from attorneys they have never met. Our model is to connect people with places and attorneys with assignments. We do not forget that each file on our desk represents real issues for our clients. Our expectation is that the client sets the deadline and we meet them.

Typically, this means routine matters are addressed within the hour. More complex issues that require legal research are typically answered within 24 hours, but often can be addressed the same day.

Recurring Council and Staff Training

Attorneys at AGC provide all of the following in-service training on multiple topics of interest to public agencies:

- The Brown Act
- The Public Records Act
- Conflict of Interest
- AB1234 Ethics
- Planning Commission Roles and Responsibilities
- Redevelopment Agency Roles and Responsibilities
- The Redevelopment Process
- Land Use and Zoning
- Subdivision Law
- Public-Private Ventures
- Prop 218 Compliance
- Public Contracts
- Public Works Contracts
- Affordable Housing
- Fair Housing and Regulation of Sober Living Facilities
- Regulation of Medical Marijuana
- Sexual Harassment Prevention and Avoidance
- Employee's Privacy Rights
- Solar Rights and Shade
- Ground Lease Agreements

Indemnification

If awarded a services contract, AGC will execute an indemnification and hold harmless agreement in favor of the City of San Clemente, its City council, officers, employees, agents, and volunteers in the form approved by the City. AGC further agrees to provide Additional Insured Endorsements as required by the City.

AGC Insurance Coverage

AGC maintains all necessary insurance coverage, including errors and omissions, automobile coverage, general liability and workers' compensation. Generally, our coverage for professional liability errors and omissions insurance is \$2,000,000.00 per occurrence and \$4,000,000.00 aggregate.

Conflicts Of Interest

AGC has no clients within the City of San Clemente. Moreover, no member of AGC has made any political contributions of money, in-kind services, or loans to any current or past member of the City Council of the City of San Clemente, candidate for office for the City Council of the City of San Clemente. It is our philosophy to not make donations to candidates at the City Council level in any of our cities, and to avoid conflicts of interest.

Onsite Office Hours

Scott Nichols will provide City Hall office hours as set forth in this Proposal for the convenience of the City. Scott's residence is located a few blocks from City Hall which will assist in the provision of convenient City Hall Office hours.

Preferred Method to Transfer Existing Caseload

The fundamental concern in transferring the existing caseload is to assure the client stability, continuity, efficiency, and cost effectiveness in handling the case.

To that end, key AGC personnel would meet with the City Manager, City Attorney and Department Heads as necessary to analyze the existing caseload and projects. Some of the factors considered would be the status of the case (new or old), potential settlement; date of trial, any special expertise involved, on-going nature of the case or project and anticipated completion date. In consultation with the City Manager and City Attorney, AGC would make recommendations as to which cases/projects should be transferred to AGC.

For each case/project transferred to AGC the original hard copy file and any digital files should be delivered to AGC. AGC prefers an open working relationship with the former City Attorney to assure continuity of the transfer process.

- **LENGTH OF TIME CONTRACTOR HAS BEEN PROVIDING SERVICES DESCRIBED IN THIS RFP TO THE PUBLIC AND/OR PRIVATE SECTOR.**

AGC has been providing public and private sector legal services described in the preceding section since 1985. Scott Nichols has been providing these services to clients since 1975.

- **RESUMES FOR KEY STAFF TO BE RESPONSIBLE FOR PERFORMANCE OF ANY CONTRACT RESULTING FROM THIS RFP.**

See resumes of Scott Nichols attached as Exhibit “H,” Andrew Jared attached as Exhibit “I” and Christopher Cardinale attached as Exhibit “J.”

6.2 CITY ATTORNEY RESUME

While the entire AGC team is available to serve the City of San Clemente at any time, we propose the following highly qualified professionals as the principal attorneys representing the City on a day-to-day basis:

City Attorney	Scott E. Nichols
Assistant City Attorney	Andrew L. Jared
Deputy City Attorney	Christopher G. Cardinale

A description of the proposed team is presented here:

- **SCOTT E. NICHOLS – PARTNER (ADMITTED TO CALIFORNIA BAR 1975)**

We are proposing that Scott Nichols be the primary attorney for the City. Scott has over 39 years of experience representing special districts, municipalities, and public agencies in all areas of public sector law. Mr. Nicholas has also represented private clients in the area of business, real estate, landlord-tenant, redevelopment and subdivisions. He is an experienced litigator, city prosecutor, city attorney, and counselor at law. He has all of the attributes and experience to represent the City as general counsel. See Resume for legal training and description of experience.

Scott and his wife Pam are currently remodeling their home on Avenida Presidio, just blocks from City Hall. Scott has been surfing the beaches of San Clemente and Dana Point since 1962 and switched to Hobie Catamaran racing in 1972. Pam lived in Dana Point for 20 years until she married Scott in 2003. Scott and Pam are familiar with San Clemente and surrounding areas and the beach lifestyle.

Legal Training and Years of Practice

Mr. Nichols received a Juris Doctorate from Pepperdine University and passed the California State Bar in 1975. He received a Bachelor of Arts from the University of Southern California.

His legal experience is the result of over 39 years of diversified practice in Municipal Law. This includes extensive experience in redevelopment, housing, land use, environmental, subdivisions, mobile home rent control, zoning, finance, assessment districts, elections, initiative, referendum and public works contracts.

Mr. Nichols enjoys additional experience in the areas of real estate, contracts, personal injury, simple corporations, non-profit corporations and construction law. He has also served as the primary litigator in zoning code challenges, zoning code enforcement, CEQA, personnel disputes, elections, referendum, recall, nuisance abatement, public works contracts, business license and administrative proceedings.

Mr. Nichols' extensive and stable career in public law has been with four law firms.

- Alvarez-Glasman & Colvin, City of Industry, CA, specializing in Municipal Law and Redevelopment - Partner (2000 to present)
- Siegel & Nichols, Long Beach, CA, General practice firm specializing in Municipal Law - Principal Partner (1991 to 2000)
- Todd & Siegel, General practice firm specializing in Municipal Law - Member (1979 to 1991)
- Rourke & Woodruff, General practice firm specializing in Municipal Law -Member (1975-1979)

Knowledge Of, And Experience With California Municipal Law

Before joining AGC in February 2000, Mr. Nichols was a principal partner with the law firm of Siegel and Nichols, a firm specializing in municipal law. Mr. Nichols was the City Attorney for the City of Walnut for twenty-five years, and has been representing the City of Pico Rivera and the Pico Rivera Redevelopment Agency since 1979. He also served as Assistant or Deputy City Attorney for the cities of Lakewood, La Puente, Tustin, West Covina, Pomona, South Gate, South El Monte, Baldwin Park and Montebello where his primary work focused on land use and redevelopment.

During Mr. Nichols' tenure as Lakewood Assistant City Attorney he successfully acted as lead litigation counsel on behalf of the City in several cases involving public works construction, constitutional challenges, land use zoning challenges, personnel, wrongful termination, nuisance abatement, code enforcement and administrative hearings.

Mr. Nichols' strength in providing practical solutions to complex city issues has earned him the respect of the legislative bodies that he represents. His versatility in addressing an array of complex municipal issues has created a portfolio of successful results both in and out of the city council chambers and courtrooms.

Mr. Nichols has a proven track record of longevity in dynamic, diverse communities throughout Los Angeles County. He has dedicated his legal career to the areas of municipal law and redevelopment law.

Clientele And Length Of Representation

Scott has represented the following entities over the years:

- **City of Pico Rivera**
City Attorney (1991 to 2000)
Assistant City Attorney (2007 to present)
Deputy City Attorney (1979 to 1991)
- **City of West Covina**
Assistant City Attorney (2000 to present)
- **City of Pomona**
Deputy City Attorney (2000 to present)
Assistant General Counsel Redevelopment Agency (2000 to present)
- **City of Fountain Valley**
Special Redevelopment Counsel (1976)
- **City of Lakewood**
Assistant City Attorney (1979 to 1991)
- **City of La Puente**
Assistant City Attorney (1979 to 1991)
- **City of Tustin**
Deputy City Attorney (1975 to 1977)
- **City of Walnut**
City Attorney (1980 to 2006)
- **City of South Pasadena**
Deputy City Attorney (2006 to 2007)
- **City of South Pasadena Community Redevelopment Commission**
Assistant City Attorney & Special Counsel (2006 to 2009)
- **Southeast Area Animal Control Authority ("SEAACA")**
General Counsel (1993 to present)

Experience In Local Land Use And Planning, Environmental Law, CEQA, NEPA, NPDES, General Plans, Real Estate, Hazardous Waste, And Other Related Law

Mr. Nichols' particular area of expertise is land use planning, including Subdivision Map Act, CEQA, zoning, general plans, real estate and redevelopment. Over the past 35 years, Mr. Nichols has been deeply involved in providing land use planning advice to the cities of Lakewood, Pico Rivera, La Puente, Walnut, Baldwin Park, Tustin, Pomona and West Covina. Mr. Nichols has also provided his land use expertise and litigations skills to the private sector, including individuals, small businesses and large corporations such as Wyle Laboratories and U-Haul Corporation.

While Mr. Nichols served as City Attorney for the City of Walnut, it grew from a population of 6,000 to 33,000, involving the subdivision and construction of over 3,000 residences. Mr. Nichols was intimately involved counseling the City on issues of the Subdivision Map Act, zoning, general plan compliance and amendment, Conditional Use Permits, Master Plans, Specific Plans and related real estate matters.

Mr. Nichols served as legal advisor to the Lakewood Planning Department and legal counsel to the Lakewood Planning Environment Commission. Mr. Nichols advised the Lakewood Planning Staff and Planning Environment Commission on a broad range of issues including general plan compliance, general plan amendments, specific plans, obtaining an HCD approved Housing Element, CEQA analysis and compliance, zone code amendments, zone changes, conditional use permits, variances, code enforcement, nuisance abatement, subdivisions, lot splits and certificates of compliance.

From 1979 to 2000, Mr. Nichols served as the legal advisor to the City of Pico Rivera Planning Department and legal counsel to the Pico Rivera Planning Commission and City Council as Assistant City Attorney and subsequently as City Attorney. From 1979 to 1998, Mr. Nichols served as legal advisor to the City of La Puente Planning Department and legal counsel to the La Puente Planning Commission. Mr. Nichols advised these agencies on the same broad range of issues as in the City of Lakewood.

Mr. Nichols has served as lead counsel in land use litigation for the Cities of Lakewood, Walnut, Pico Rivera, South El Monte, West Covina and Pomona. These cases range from simple code enforcement actions to CEQA litigation involving a large shopping center, which was successfully litigated all the way to the California Supreme Court. Mr. Nichols has successfully defended many general plan, zoning ordinance, CUP and variance challenges.

While Mr. Nichols has the knowledge and experience to litigate land use cases, it has always been his policy to practice preventive law. Legal foresight and careful planning is more cost effective than litigation.

Experience In The Areas Of Contracts And Franchises

With 39 years of experience comes a wealth of knowledge in the area of contracts and franchises. Mr. Nichols has negotiated and drafted literally thousands of contracts during his career. These contracts range from a simple half page park and recreation participant application to a 100-page redevelopment disposition and development agreement.

A few of the agreements Mr. Nichols has drafted include the following:

- County service contracts
- Easements
- Reciprocal easements
- CC&R's
- Employment agreements
- Termination agreements
- Lease and purchase options
- Public works bid documentation
- Computer contracts
- Software contracts
- Licensing agreements
- Development agreements
- Owner participation agreements
- Lease participation agreements
- Realty purchase agreements

- Deeds, trust deeds, and promissory notes
- Personal security agreements (Uniform Commercial Code)
- Leases of real and personal property
- Automobile and equipment leases and purchases
- Disposition and development agreements
- Statutory development agreements
- Settlement agreements
- Indemnity agreements
- Release agreements

Mr. Nichols has negotiated and drafted the following franchises:

- Taxi service
- Waste transfer stations
- Petroleum lines
- Water lines
- Waste hauling (refuse)
- Gas lines
- Cellular phone sites
- Various private utilities

Experience In The Area Of Personnel, Disability, Workers' Compensation, General Liability, And Employee Relations

Mr. Nichols has substantial experience in the fields of personnel, employee relations and labor negotiations. Mr. Nichols has provided employment law advice to the cities of Lakewood, Pico Rivera, La Puente, Walnut, West Covina and Pomona. His experience includes everyday advice to department heads, ADA advice and compliance, Fair Labor Standards Act advice and compliance, counseling employers on demotion, promotion, transfers, discipline and termination, negotiating and drafting personnel rules and regulations, ADA Compliance, MOU's, employment contracts, discipline agreements, last chance agreements, termination agreements, severance and layoff agreements, administering employee discipline and termination procedures and advising cities on union recognition procedures and the Meyers-Milias-Brown Act.

Mr. Nichols has also been lead counsel in administrative hearings, arbitration and litigation regarding demotion, discrimination, discipline and termination disputes and union bargaining unit recognition proceedings pursuant to the Meyers-Milias-Brown Act.

Experience In The Preparation And Review Of Ordinances And Resolutions

Mr. Nichols likely has prepared and reviewed more resolutions and ordinances than contracts and franchises. A rough estimate indicates Mr. Nichols has prepared or reviewed in excess of 6,000 ordinances and resolutions on a large variety of subjects. Examples of the many ordinances written by Mr. Nichols include a complete subdivision code for the City of Pico Rivera, sign codes, adult entertainment, innovative body treatment ordinance including massage parlors, acupressure, acupuncture and chiropractic, conflict of interest, campaign contributions, loitering, taxi cabs, cable

television, CUP procedures, code enforcement, nuisance abatement due process, loitering, neighborhood preservation and tree preservation, public works bidding procedures, purchasing, parks and skateboards.

An important aspect of drafting resolutions is providing adequate findings of fact when they are required by case law or statute. Mr. Nichols' philosophy has always been to educate and assist the city staff in the proper, orderly and clear presentation of findings of fact. The proper preparation of these resolutions will invariably assist in the successful defense of Council and Planning actions in potential administrative or court challenges.

Experience In The Area Of The Public Records Act, The Brown Act, And The Elections Code

Through his substantial career and his conservatively estimated attendance at 4,000 Council and Planning Commission meetings, Mr. Nichols has gained a working knowledge of the Brown Act and its practical application to public meetings. Mr. Nichols' knowledge in this area is extensive, and he has even authored a loose-leaf manual entitled the "Briefcase Brown Act" to be used by AG&C attorneys. The manual is a version of the Brown Act indexed and titled in such a manner as to be immediately useful during public meetings.

Mr. Nichols' advice to City Councils has always been to abide, by the provisions of the Brown Act, encourage public participation, protect freedom of speech, but assure the orderly, organized, and timely completion of the public business on the agenda. This advice has successfully endured the test of alleged Brown Act violations.

Mr. Nichols knowledge of and experience with the Public Records Act is also extensive. Mr. Nichols has successfully responded to several continuing "gadfly" requests for multiple and voluminous records, as well as politically motivated requests, and newspaper requests for criminal investigation information. Some of these requests involved clear attempts to harass the city staff or obtain confidential information which was not available through other sources. Mr. Nichols' knowledge of the law and practical advice to the City staff prevented the abuse of the Public Records Act while preserving the publics' right to obtain the records to which they were entitled.

Mr. Nichols has endured more than his fair share of election disputes. In addition to the typical election time questions and advice Mr. Nichols has provided to his many client cities over the years, Mr. Nichols has participated in initiatives, referenda, recalls and election contests in the public sector and the private sector. In one instance Mr. Nichols provided legal advice for four recall attempts in one year. Mr. Nichols has also acted as lead litigation counsel for initiatives, referenda, recall, council elections and ballot measure contests.

Litigation Experience

- Mr. Nichols successfully defended the City of Pico Rivera in four unlawful termination claims. Two cases in Los Angeles Superior Court, one case before a Federal Arbitrator, and one case before an Arbitration Board. He also obtained positive results in numerous administrative hearings involving wrongful termination, demotions, layoffs, sexual harassment, Last Chance Agreements and employee discipline.
- Successfully defended a CEQA challenge to a major shopping center in the City of Walnut. Mr. Nichols was successful in defending this matter all the way to the California Supreme Court.
- Concluded a negotiated settlement of a complex public works contract dispute involving thirty-two stop notice claimants against the City of Walnut.
- Prevailed in a major subdivision bond foreclosure proceeding against Golden Eagle Insurance Company which was forced into receivership by the State Insurance Commissioner. This was a complex case involving Special Proceedings against the Insurance Commissioner as the receiver for Golden Eagle.
- Defended a challenge to a mixed-use residential/commercial/public parking redevelopment project in downtown Pomona.
- Successfully reclaimed redevelopment property from defaulting developer who sued Pomona Redevelopment Agency for constructive interest in property.
- Successfully defended challenges to subdivision denial by City of West Covina. The case was appealed by the subdivider, and Mr. Nichols prevailed in the Court of Appeal and a Petition to the California Supreme Court.
- Obtained several favorable settlements for the City of Pico Rivera in public works disputes, land use litigation and zoning challenges both in State and Federal courts.
- Arranged a negotiated settlement of a CEQA challenge to the establishment of a waste transfer station, and defeated a cost and fees claim of \$375,000 against the City of Pomona.
- Defeated a Writ of Mandate challenge to the denial of a permit for a day care center in West Covina.
- Successfully defended a Writ of Mandate suit contesting the revocation of a Conditional Use Permit for a small business center by the City of Pomona.

- Mr. Nichols recently successfully defended the City of Pomona Downtown Business Improvement District against a Proposition 218 assessment district challenge. Mr. Nichols originally won the case in the California Court of Appeal, defended the matter twice against Petitions to the California Supreme Court, and ultimately won the case in a published decision after the second review by the California Court of Appeal. (Dahms v. Downtown Pomona Property & Business Improvement District, 2009, 174 Cal. App.4th 708).

Redevelopment And Housing Programs

Mr. Nichols has participated in the negotiation, drafting and completion of Disposition and Development Agreements, Exclusive Negotiating Agreements, Business Assistance Agreements, Relocation Assistance Agreements, Housing Project Agreements, Real Property Purchase Agreements, Real Property Exchange Agreements, Development Agreements, Escrow Assignment Agreements, and Loan Agreements. On a daily basis, Mr. Nichols drafts numerous other real estate transactional documents such as estoppel certificates, promissory notes, deeds of trust, commercial and residential leases, ground leases, deeds and related escrow documents.

Mr. Nichols has been a member of the negotiating team for new car dealerships, affordable transit oriented apartment complexes; single family affordable homes, office building acquisition; and mixed use conversions of hotels and office building into commercial and loft units and shopping center developments. Mr. Nichols also drafted the ENA, DDA, OPA and other documentation to implement these projects.

Mr. Nichols has served as counsel to the City of Pico Rivera Housing Authority and Redevelopment Agency, the West Covina Redevelopment Agency and the Pomona Housing Authority and Redevelopment Agency. All of these agencies administer housing and commercial rehabilitation loan programs. Mr. Nichols assisted in the preparation and refinement of processing and documentation for several of these local state and federal programs. Mr. Nichols participation included evaluating processes, grant compliance, drafting application documents, drafting loan documents, drafting promissory notes, deeds, trust deeds and other security instruments. Mr. Nichols also has litigation and administrative hearing experience in the areas of housing assistance and rental programs.

- **ANDREW L. JARED – PARTNER (ADMITTED TO CALIFORNIA BAR 2001)**

Legal Training and Years of Practice

Mr. Jared received a Juris Doctorate from Pepperdine University and passed the California State Bar in 2001. He received a Master of Science in Environmental Management from the University of London, Wye College in 1999.

Mr. Jared has been a municipal law practitioner for nine years. Prior to that, he was a civil litigator for four years, handling cases throughout California, from San Diego to Sacramento. His experience in municipal law has been with both charter and general law cities.

Knowledge Of, And Experience With California Municipal Law

Mr. Jared has represented cities in all areas of municipal law, including land use, redevelopment law, labor and employment matters, Brown Act and Conflict of Interest issues. Mr. Jared provides legal advice and counsel to all departments within our client cities, from police to planning, from redevelopment to recreation.

As Acting City Attorney/Assistant City Attorney for the City of Pomona and Assistant City Attorney for the City of Chico, he is in regular contact with members of the City Council, and represents the Office of the City Attorney at closed and open portions of Council meetings. He advises the City Manager about issues on a daily basis.

Mr. Jared is responsible for drafting ordinances, reviewing staff reports, preparing legal opinions, and finalizing resolutions. He has prepared legal opinions on matters relating to zoning and planning, historic preservation, redevelopment law, the application of Proposition 218, housing issues, CEQA and environmental laws, as well as many other matters involving state law and municipal codes.

Mr. Jared is also responsible for the drafting, negotiation and interpretation of contracts and redevelopment agreements. He has successfully negotiated numerous contracts involving public works projects, real estate/redevelopment projects, financial and investment advisory services, environmental review, water service, and equipment leasing. Selected specific areas of work include the following:

Litigation

As a civil litigator, Mr. Jared has completed over three hundred and fifty depositions. He has represented developers, subcontractors, and government agencies in tort, construction, and insurance litigation. While at his former employer, he specialized in insurance coverage, construction claims, and complex litigation. On behalf of municipal clients, he has prosecuted claims, including a writ of mandate against an illegally operating medical marijuana dispensary, and abatement proceedings against tobacco shops. He has defended and counseled clients in CEQA suits and mandamus proceedings.

Contracts and Franchises

On a daily basis Mr. Jared reviews, advises staff, and interprets contracts for basic city services (e.g., street sweeping, building inspection services, and public works), as well

as more complicated personnel matters (e.g., personnel MOU's). He has negotiated towing franchise agreements and amendment to the city code for franchising of direct transfer facilities. He has advised on the applicability of State codes and County ordinances on the local regulation of ambulance services.

Police and Personnel Matters

Mr. Jared has advised the Chief of Police and Human Resources Director on personnel matters and police disciplinary procedures, including Notices of Intent, and *Skelly* proceedings. He has appeared at worker's compensation appeals hearings and Public Employee Relations Board (PERB) proceedings. He has appeared at numerous *Pitchess* motions in regard to release of police personnel materials. He has negotiated the terms of employment contracts and separation agreements for various employees and directors, including chief of police.

Public Records Act, Brown Act, and Elections Code

Mr. Jared routinely advises staff on the Public Records Act and Brown Act. He has made presentations on Public Records Act compliance. In regard to public records compliance by police personnel, he has spoken before the Inland Chapter of the California Law Enforcement Association of Records Supervisors. He has provided opinions to the offices of the City Clerk and council members regarding elections code interpretations. He drafted an ordinance and all supporting materials for modernization of the Telephone User Utility Tax, which was successfully adopted by the voters at the November 2009 election.

Medical Marijuana Dispensary / Tobacco Shop / Drug Paraphernalia

Mr. Jared has brought enforcement actions against businesses improperly located in cities in violation of the zoning code. He works closely with police departments in client cities to support enforcement of drug paraphernalia and smoking laws, including an ordinance to regulate tobacco retailers through a permit and licensing process to fund monitoring and enforcement by police personnel. Injunctions sought against two marijuana dispensaries resulted in each leaving the city. Code compliance and business license prosecutions against tobacco shops selling drug paraphernalia resulted in their closure or ultimate compliance.

Sex Offender Registrant Regulation / Sober Living Homes

Mr. Jared has drafted local ordinances to close loopholes in State regulation of sex offenders. By doing so, such ordinances now protect children at day care centers, after-school programs, museums, and other sensitive areas otherwise not covered by state law. He advises staff and law enforcement on the interpretation and enforcement of

sober living homes. He has monitored litigation throughout the state to advise clients on the latest developments in appropriate regulatory techniques.

Land Use/ Environmental/Historic Preservation

Mr. Jared has extensive experience regarding compliance with the California Environmental Quality Act (CEQA). He has advised staff on several major projects, including those related to hospital construction, specific plan adoption, infill mixed-use development, historic preservation ordinance compliance, and code compliance. He provides advice to planning and redevelopment agency staff on land use and historic preservation laws. He advises planning staff and commissions on interpretations of zoning codes, planning law, and building codes. He has advised staff and prosecuted the case for Conditional Use Permit revocation against a restaurant with full liquor license (Type 47) that was operating as a nightclub. He has advised planning staff on general plan and specific plan amendment, as well as general plan renewal.

- **CHRISTOPHER G. CARDINALE – ASSOCIATE (ADMITTED TO CALIFORNIA BAR 2010)**

Christopher G. Cardinale is an Associate with Alvarez-Glasman & Colvin, handling both litigation and transactional matters. Christopher will be assigned to assist Scott and Andrew in servicing the City of San Clemente.

Mr. Cardinale has extensive general litigation and appellate experience in civil rights matters, general tort liability, contract disputes, and CEQA compliance. Additionally, he has advised the firm's public entity and private clients on general municipal law, constitutional law, land use, environmental law and redevelopment-related matters. Recently, Mr. Cardinale was named a 2012 Top Attorney in the field of Civil Litigation by Pasadena Magazine for the second consecutive year.

Mr. Cardinale holds a J.D. from Pepperdine University School of Law, where he appeared on the Dean's List for several terms, and received the prestigious CALI "Excellence for the Future" award in the course "Police Practices," a class focused on the constitutional issues associated with daily police work.

EDUCATION

- Juris Doctor, Pepperdine University School of Law (2010)
- Bachelor of Arts, Communication Studies, Azusa Pacific University, Azusa

ADMISSIONS

- California, 2010
- United States District Court

PRACTICE AREAS

- Public Agency and Municipal
- Land Use and Environmental
- General Litigation
- Public Works
- Public Contracts
- Brown Act Compliance
- Post-Redevelopment Compliance (AB 1x26 and AB 1484)
- Public Records Act
- Constitutional Law
- Civil Rights
- Writs and Appeals

We remain open to further discuss staffing in order to reach a mutually beneficial arrangement to best serve City of San Clemente.

6.3 SUBCONTRACTOR INFORMATION

There are no subcontractors involved in this proposal.

6.4 REFERENCES

Agency	Dates of Service	Responsible Officer
City of Pomona Deputy City Attorney	2000 to Present	Linda Lowry City Manager (909) 620-2051 Linda_Lowry@ci.pomona.ca.us
City of Pomona Deputy City Attorney	2000 to Present	Raymond Fong Assistant City Manager (909) 620-2410 Raymond_Fong@ci.pomona.ca.us
Town of Yountville Deputy Town Attorney	2010 to Present	Steve Rogers Town Manager (707) 944-8851 srogers@yville.com

City of Pico Rivera Assistant City Attorney	2007 to Present	Ben Martinez Community Development Director (562) 801-4336 bmartinez@pico-rivera.org
City of Montebello Deputy City Attorney	2006 to Present	Francesca Tucker-Schuyler City Administrator (323) 887-1363 fschuyler@Cityofmontebello.com
Southeast Area Animal Control Authority (SEAACA) Authority Counsel	1991 to Present	Cathy Kyle Executive Assistant (562) 803-3301 administration@seaaca.org
City of West Covina Assistant City Attorney	2001 to Present	Jeff Anderson Planning Director (626) 939-8423 Jeff.anderson@westcovina.org

6.5 BUSINESS LICENSE

AGC will comply with all provisions of San Clemente Municipal Code including business license tax and any license and permit requirements.

EXHIBIT A



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

ATTACHMENT A
CERTIFICATION OF COMPLIANCE WITH TERMS AND CONDITIONS OF RFP

I have read, understand and agree to comply with the terms and conditions specified in this Request for Proposal. Any exceptions MUST be documented.

YES

NO

Scott Nichols
 Signature of Authorized Representative

October 8, 2014

Date

Scott E. Nichols, Partner

Name and Title of Authorized Representative

EXCEPTIONS: Attach additional sheets if necessary. Please use this format.

EXCEPTION SUMMARY FORM

RFP SECTION NUMBER	RFP PAGE NUMBER	EXCEPTION (PROVIDE A DETAILED EXPLANATION)
		N/A

EXHIBIT C



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.



Signature of Authorized Representative

October 8, 2014

Date

Scott E. Nichols, Partner

Name and Title of Authorized Representative

EXHIBIT D



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.

Scott Nichols

Signature of Authorized Representative

Scott E. Nichols, Partner

 Title of Authorized Representative

Alvarez-Glasman & Colvin

 Business/Contractor/ Agency

October 8, 2014

 Date



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

Acceptance of Certification

1. This bid/agreement/proposal or like document has the potential to be a recipient of Federal funds. In order to be in compliance with Code of Federal Regulations, the City requires this completed form. By signing and submitting this document, the prospective bidder/proposer is providing the certification and acknowledgement as follows:
2. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
3. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
4. The potential recipient of Federal assistance funds agrees by submitting this bid/agreement/proposal or like document that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

Instructions for Certification

1. The City of San Clemente sometimes receives Federal funding on certain purchases/projects. To ensure that the City is in compliance with Federal regulations we require the Debarment, Suspension, Ineligibility Certification form to be completed.
2. The City of San Clemente checks the System for Award Management at www.sam.gov to make sure that Contractors who are awarded City contracts and/or purchase orders are not debarred or suspended. Prospective contractors should perform a search on this website for your company and or persons associated with your business.
3. If your business is in compliance with the conditions in the form, please have the appropriate person complete and sign this form and return with your bid/proposal/agreement.
4. If at anytime, your business or persons associated with your business become debarred or suspended, we require that you inform us of this change in status.
5. If there are any exceptions to the certification, please include an attachment. Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception, indicate to whom it applies, initiating agency and dates of action.
6. Note: Providing false information may result in criminal prosecution or administrative sanctions.

***If you have any questions on how to complete this form, please contact the
City of San Clemente, Assistant City Manager's Office at (949) 361-8341***

Rev 12.11.13

EXHIBIT E

Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) ALVAREZ-GLASMAN & COLVIN	
	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) ▶ _____ <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.) 13181 Crossroads Parkway North, Suite 400 City, state, and ZIP code City of Industry, CA 91746	Requestor's name and address (optional)
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)																				
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;">Social security number</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>	Social security number																		
Social security number																				
Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="margin: auto;"> <tr><td colspan="9" style="text-align: center;">Employer identification number</td></tr> <tr> <td style="width: 20px; height: 20px; text-align: center;">9</td> <td style="width: 20px; height: 20px; text-align: center;">5</td> <td style="width: 20px; height: 20px; text-align: center;">-</td> <td style="width: 20px; height: 20px; text-align: center;">3</td> <td style="width: 20px; height: 20px; text-align: center;">9</td> <td style="width: 20px; height: 20px; text-align: center;">9</td> <td style="width: 20px; height: 20px; text-align: center;">4</td> <td style="width: 20px; height: 20px; text-align: center;">5</td> <td style="width: 20px; height: 20px; text-align: center;">0</td> <td style="width: 20px; height: 20px; text-align: center;">7</td> </tr> </table>	Employer identification number									9	5	-	3	9	9	4	5	0	7
Employer identification number																				
9	5	-	3	9	9	4	5	0	7											

Part II Certification	
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.	
Certification instructions. 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.	

Sign Here	Signature of U.S. person ▶	Date ▶ 4-7-2014
------------------	----------------------------	------------------------

General Instructions

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

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at 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.

EXHIBIT G



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
\$ 7,500	General Legal Services (see Attachment "A")	\$ 185 General 195 Special 225 Litigation	Special legal services Litigation services
OTHER COSTS (Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
Fee	Item	Services at No Cost	
\$ 0.20 per page 0.50 per page At cost	Copies Facsimile Postage (See Cost Proposal for additional costs)	Travel time (i.e., portal-to-portal) is <u>not</u> billed to the client for council meetings and planning commission meetings and is included in the retainer amount.	

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

HOURLY FEE – NO RETAINER			
Hourly Fee	Services	Attorney & Personnel	Minimum Increment
\$ 185 195 225	General legal services Special legal services Litigation	Scott E. Nichols Andrew L. Jared Christopher G. Cardinale	.10 hour
OTHER COSTS (Photocopying, Westlaw, or Lexis fees, overhead factor, etc.)			
Fee	Item	Services at No Cost	
\$0.20 per page 0.50 per page At cost	Copies Facsimile Postage (See Cost Proposal for additional costs)	Travel time (i.e., portal-to-portal) is <u>not billed</u> to the client for council meetings and planning commission meetings and is included in the retainer amount.	

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

PROPOSERS' CHOICE
<p>Retainer with Hourly Cap Plus Hourly Rates</p> <p>The City would pay a retainer of \$7,000 per month, which equates to \$175 per hour for the first 40 hours of work performed during a given month. General and Special legal services in excess of 40 hours are billed at a blended rate of \$195/hour for all attorneys. Litigation is billed at \$225/hour for Partners and \$200/hour for Associates.</p>

EXHIBIT H

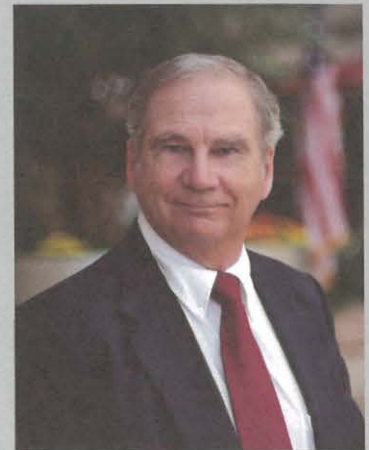
OUR PEOPLE

SCOTT E. NICHOLS

Partner

□ Municipal and Public Sector Experience

- **Alvarez-Glasman & Colvin**, City of Industry, CA Firm specializing in Municipal Law and Redevelopment – Partner (2000 to present)
- **Siegel & Nichols**, Long Beach, CA, General practice firm specializing in municipal law – Principal Partner (1991 to 2000)
- **Todd & Siegel**, General practice firm specializing in municipal law – Member (1979 to 1991)
- **City of South Pasadena Community Redevelopment Commission** – Assistant City Attorney & Special Counsel (2006 to 2009)
- **City of Walnut** – City Attorney (1980 to 2006)
- **City of South Pasadena** – Deputy City Attorney (2006-2007)
- **Southeast Area Animal Control Authority (“SEACA”)** – General Counsel (1993 to present)
- **City of Pico Rivera** – City Attorney (1993 to 2000); Deputy City Attorney (1979 to 1993); Assistant City Attorney (2007 to present)
- **City of West Covina** – Assistant City Attorney (2000 to 2014); Special Counsel to City of West Covina and to the West Covina Successor Agency (August 2014 to present)
- **City of Pomona** – Deputy City Attorney (2000 to present)
- **City of Lakewood** – Assistant City Attorney (1979 to 1991)
- **City of La Puente** – Assistant City Attorney (1979 to 1991)
- **Clark Fergus & Associates** – General Law Practice (1977 to 1979)
- **City of Tustin** – Deputy City Attorney (1975 to 1977)
- **City of Fountain Valley** – Special Redevelopment Counsel (1976)
- **Rourke & Woodruff**, General Law practice specializing in municipal law –Member (1975 to 1977); Law Clerk (1973 to 1975)



EDUCATION

- Juris Doctor, Pepperdine University School of Law (1975)
- Bachelor of Arts, University of Southern California (1968)

ADMISSIONS

- California State Bar
- United States District Court

PRACTICE AREAS

- Public Agency and Municipal Law
- Land Use and Planning
- Redevelopment Transition
- Real Estate Law
- Public Works and Government Contracting
- Construction Law
- Election Law and Initiative Process
- Affordable Housing and Regulation

CONTACT

P 562.699.5500

F 562.692.2244

E snichols@agclawfirm.com

□ **Specialization**

Redevelopment and Housing Law

Scott's extensive legal experience is the result of 33 years of diversified practice in Municipal Law, Litigation, Mandamus, and other special proceedings, including extensive experience in redevelopment, housing, land use, environmental, subdivisions, mobile home rent control, zoning and public works contracts. During his tenure, Scott has attended thousands of City Council, Redevelopment and Planning Commission meetings.

Scott has participated in the negotiation, drafting and completion of Disposition and Development Agreements, Exclusive Negotiating Agreements, Business Assistance Agreements, Relocation Assistance Agreements, Housing Project Agreements, Real Property Purchase Agreements, Real Property Exchange Agreements, Development Agreements, Escrow Assignment Agreements and Loan Agreements. On a daily basis, Scott drafts numerous other real estate transactional documents such as estoppel certificates, promissory notes, deeds of trust, commercial and residential leases, ground leases, deeds and related escrow documents.

Before joining AGC in February 2000, Scott was a principal partner with the law firm of Siegel and Nichols, a firm specializing in municipal law. Scott was the City Attorney for the City of Walnut for twenty-five years, and spent twenty years representing the City of Pico Rivera and the Pico Rivera Redevelopment Agency. He also serves as Assistant or Deputy City Attorney for the cities of West Covina, Pomona, Bell Gardens, Pico Rivera and Montebello and served as Deputy City Attorney for the cities of South Gate, South El Monte, and Baldwin Park where his primary work focused on land use and redevelopment.

During Scott's tenure as Lakewood Assistant City Attorney, he successfully acted as lead litigation counsel on behalf of the City in several cases involving public works construction, constitutional challenges, land use zoning challenges, personnel, wrongful termination, nuisance abatement, code enforcement and administrative hearings.

Scott's strength in providing practical solutions to complex city issues has earned him the respect of the legislative bodies that he represents. His versatility in addressing an array of complex municipal matters has created a portfolio of successful results both in and out of the city council chambers and courtrooms.

Scott has a proven track record of longevity in dynamic, diverse communities throughout Los Angeles County. He has dedicated his legal career to the areas of municipal law and redevelopment law.

CEQA, NEPA, Real Estate, Environmental, Hazardous Waste, and Land Use

Scott's particular area of expertise is land use planning, including Subdivision Map Act, CEQA, zoning, general plans, real estate and redevelopment. Over the past 33 years, Scott has been involved in providing land use planning advice to the cities of Lakewood, Pico Rivera, La Puente, Walnut, Baldwin Park, Tustin, Pomona and West Covina. Scott has also provided his land use expertise and litigations skills to the private sector, including small businesses, individuals and large corporations such as Wyle Laboratories and U-Haul Corporation.

Scott has been lead counsel in land use litigation for the Cities of Lakewood, Walnut, Pico Rivera, South El Monte, West Covina and Pomona. These cases range from simple code enforcement actions to CEQA litigation involving a large shopping center which was successfully litigated all the way to the California Supreme Court. Scott has successfully defended many general plan, zoning ordinance, CUP and variance challenges.

While Scott has the knowledge and experience to litigate land use cases, it has always been his policy to practice preventive law. Legal foresight and careful planning is more effective than costly litigation.

Litigation Experience

- Defended a challenge to a mixed-use residential/commercial/public parking redevelopment project in downtown Pomona.
- Successfully reclaimed redevelopment property from defaulting developer who sued Pomona Redevelopment Agency for constructive interest in property.
- Successfully defended challenges to subdivision denial by City of West Covina. The case has been argued on appeal, and a favorable decision for the City is expected.
- Obtained several favorable settlements for the City of Pico Rivera in public works disputes, land use litigation and zoning challenges both in State and Federal courts.
- Arranged a negotiated settlement of a CEQA challenge to the establishment of a waste transfer station, and defeated a cost and fees claim of \$375,000 against the City of Pomona.
- Defeated a Writ of Mandate challenge to the denial of a permit for a day care center in West Covina.
- Successfully defended a Writ of Mandate suit contesting the revocation of a Conditional Use Permit for a small business center by the City of Pomona.

EXHIBIT I

OUR PEOPLE

ANDREW L. JARED

Partner

□ Municipal and Public Sector Positions

- **Beverly Hills Unified School District** – Deputy General Counsel (April 2014 to present)
- **City of Chico** – Assistant City Attorney (April 2014 to present)
- **City of Pomona** – Acting City Attorney/ Assistant City Attorney (October 2007 to Present)
- **City of Pomona** – Deputy City Attorney (March 2006 to October 2007)
- **City of West Covina** – Deputy City Attorney (2006 to 2014); Special Counsel to the West Covina Successor Agency (2012 to 2014); Special Counsel to the City of West Covina and to the West Covina Successor Agency (August 2014 to present)
- **City of Bell Gardens** – Deputy City Attorney (2006 to present)
- **City of Pico Rivera** – Deputy City Attorney (2007 to present)
- **City of Montebello** – Deputy City Attorney (2008 to present)
- **Town of Yountville** – Deputy Town Attorney (2009 to present)

□ Other Legal Employment

- **Law Offices of Zimmerman & Kahanowitch** – Civil Litigation and Insurance Defense (2002-2006)
- **Los Angeles City Attorney's Office** – Law Clerk, Criminal Division (2000-2001)
- **City of El Monte** – Intern, Community Redevelopment Agency (1999-2000)



EDUCATION

- Juris Doctor, Pepperdine University School of Law (2001)
- Master's of Science in Environmental Management, University of London, Wye College (1999)
- Bachelor of Arts in Geography, University of California, Los Angeles (1993)

ADMISSIONS

- California
- United States District Court

PRACTICE AREAS

- Public Agency and Municipal Law
- Land Use and Planning
- Redevelopment Transition
- Real Estate Law
- Labor and Employment
- Legislative Advocacy
- Election Law and Initiative Process
- Litigation
- Construction Law

CONTACT

P 562.699.5500

F 562.692.2244

E ajared@agclawfirm.com

□ **Municipal Law Experience**

Andrew presently serves as the Acting City Attorney/Assistant City Attorney for the City of Pomona and Assistant City Attorney for the City of Chico. He is in regular contact with members of the City Council, and represents the Office of the City Attorney at closed and open sessions of Council meetings.

He provides legal advice and counsel to all departments within our client cities, from police to planning, from redevelopment to recreation. He is responsible for drafting ordinances, reviewing staff reports, preparing legal opinions and finalizing resolutions. He has prepared legal opinions on matters relating to zoning and planning, historic preservation, redevelopment law, the application of Proposition 218, housing issues, CEQA and environmental laws, as well as many other matters involving state law and municipal codes.

He is also responsible for the drafting, negotiation and interpretation of contracts and redevelopment agreements. He has successfully negotiated numerous contracts involving public works projects, real estate/redevelopment projects, financial and investment advisory services, environmental review, water service and equipment leasing.

□ **Land Use/ Environmental/Historic Preservation**

Andrew has extensive experience regarding compliance with the California Environmental Quality Act (CEQA). He has represented municipal clients in several writs of mandate defending approval of development rights.

He has advised staff on several major projects, including those related to hospital construction, specific plan adoption, infill mixed-use development, historic preservation ordinance compliance and code compliance.

He provides advice to planning staff on land use and historic preservation laws, and interpretations of zoning and planning law. He has advised staff and prosecuted the cases for revocation of Conditional Use Permit against restaurants with full liquor license (Type 47) operating as a nightclub.

He has advised planning staff on general plan and specific plan amendments, as well as general plan renewal.

□ **Litigation**

As a civil litigator, Andrew has completed over 350 depositions. He has represented developers, subcontractors, and government agencies in tort, construction and insurance litigation. While at his former employer, he specialized in insurance coverage and complex litigation. He tried his first jury trial and twelve bench trials while still in law school during an internship at the Los Angeles City Attorney's Office. On behalf of municipal clients, he has prosecuted claims, including a writ of mandate, against an illegally operating medical marijuana dispensary and abatement proceedings against tobacco shops. He has defended and counseled clients in CEQA suits and mandamus proceedings.

□ **Contracts and Franchises**

On a daily basis Andrew reviews, advises staff, and interprets contracts for basic city services (e.g., street sweeping, building inspection services, and public works), as well as more complicated personnel matters (e.g., personnel MOU's). He has negotiated towing franchise agreements and amendment to the city code for franchising of direct transfer facilities. He has advised on the applicability of state codes and county ordinances on the local regulation of ambulance services.

□ **Police and Personnel Matters**

Andrew has advised the Chief of Police and Human Resources Director on personnel matters and police disciplinary procedures, including Notices of Intent and *Skelly* proceedings. He has appeared at worker's compensation appeals hearings. He has appeared at numerous *Pitchess* motions in regard to release of police personnel materials. He has negotiated the terms of employment contracts and separation agreements for various employees and directors, including chiefs of police.

□ **Public Records Act, Brown Act, and Elections Code**

Andrew routinely advises staff on the Public Records Act and Brown Act. He has made presentations on Public Records Act compliance. In regard to public records compliance by police personnel, he has spoken before the Inland Chapter of the California Law Enforcement Association of records supervisors. He has provided opinions to the offices of the city clerk and council members regarding elections code interpretations. He drafted an ordinance and all supporting materials for modernization of the Telephone User Utility Tax, which was successfully adopted by the voters at the November 2009 election.

□ **Service, Awards, Publications and Speaking Engagements**

- Editor, Chapter 2, Municipal Law Handbook, CEB/League of California Cities, Committee, 2013 - Present
- "Law Enforcement Agencies and the Public Records Act", California Law Enforcement Association of Records Supervisors, Inland Chapter, April 2008
- Member, Mt. San Antonio College Citizens' Oversight Board, 2014 – Present
- Chair, City of Glendora, Planning Commission, 2013 – Present
- Commissioner, City of Glendora, Planning Commission, 2011 - 2013
- Member, Rotary International, Pomona Rotary Club, 2011 - Present
- Rotary Youth Leadership Awards (RYLA), District 5300, Facilitator, 2013; Area Representative, 2013 - 2014
- Member, City of Glendora, Glendora Trails Committee, 2003 – 2011
- Coach, Glendora Youth Volleyball, 2013
- Coach Glendora Youth Basketball, 2012
- Mothers and Fathers in Sympathy and Support (M.I.S.S) Foundation, Co-Founder Arcadia Chapter, 2002-2010; Glendora Chapter, 2010 - 2013
- Assistant Coach, Glendora Lassie League Softball, 2010 - 2011
- Assistant Cubmaster, Cub Scout Pack 493, 2011 - 2013

EXHIBIT J

OUR PEOPLE

CHRISTOPHER G. CARDINALE

Associate

□ Municipal and Public Sector Experience

- **Beverly Hills Unified School District** – Deputy General Counsel (April 2014 to present)
- **City of Chico** – Deputy City Attorney (April 2014 to present)
- **City of West Covina** – Assistant City Attorney (2013 to 2014); Special Counsel to the City of West Covina and to the West Covina Successor Agency (August 2014 to present)
- **City of Montebello** – Assistant City Attorney (2013 to present/Deputy City Attorney (2010 to 2012)
- **City of Bell Gardens** – Deputy City Attorney (2010 to present)
- **City of Pico Rivera** – Deputy City Attorney (2010 to present)
- **City of Pomona** – Deputy City Attorney (2010 to present)
- **Town of Yountville** – Deputy Town Attorney (2012 to present)

□ Specialization

Christopher G. Cardinale is an Associate attorney with Alvarez-Glasman & Colvin, specializing in handling a diverse range of litigation and transactional matters for the City's municipal clients. In addition, he has gained significant experience advising planning commissions and city councils on Brown Act compliance. Since the dissolution of redevelopment agencies (Assembly Bills 1x26 and 1484), Mr. Cardinale has become a preeminent authority on post-redevelopment agency dissolution procedures and successor agency matters.



EDUCATION

- Juris Doctor, Pepperdine University School of Law (2010)
- Bachelor of Arts, Azusa Pacific University (2007)

ADMISSIONS

- California
- United States District Court

PRACTICE AREAS

- Public Agency and Municipal Law
- Land Use and Planning
- Redevelopment Transition
- Public Works and Government Contracting
- Real Estate Law
- Litigation

CONTACT

P 562.699.5500

F 562.692.2244

E ccardinale@agclawfirm.com

On the general litigation side, Mr. Cardinale has extensive trial and appellate court experience in civil rights matters, contract disputes, CEQA compliance, extraordinary writs, the Public Records Act, post-redevelopment agency dissolution procedures and successor agency matters, and land use matters.

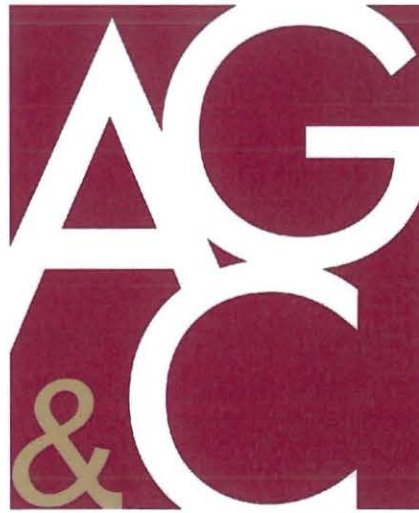
With regard to his transactional experience, Mr. Cardinale has handled land use and planning matters, contract negotiations and drafting, ordinance crafting, dispute resolution, real property transactions, and day to day municipal affairs.

Mr. Cardinale holds a J.D. from Pepperdine University School of Law, where he was named to the Dean's List numerous times, and received the prestigious CALI "Excellence for the Future" award in the course "Police Practices," a class focused on the constitutional issues associated with daily police work. In 2013, he was named Top Attorney in the field of Civil Litigation by Pasadena Magazine for the third consecutive year.

□ **Publications**

Fair Housing for Sober Living: How the Fair Housing Act Addresses Recovery Homes for Drug and Alcohol Addiction, republished in "At The Cutting Edge 2010 - Land Use Law from The Urban Lawyer." © 2011 American Bar Association.

Alcoholism, Drug Addiction, and the Right to Fair Housing: How the Fair Housing Act Applies to Sober Living Homes, published in California Real Property Journal Vol.27, No. 4, 2009 and republished in the California Public Law Journal, Vol. 33, No. 2, Spring 2010.



ALVAREZ-GLASMAN & COLVIN

ATTORNEYS AT LAW

**COST PROPOSAL
PART II OF II**

**CITY OF SAN CLEMENTE
RESPONSE TO REQUEST FOR PROPOSAL
NO. 2015-001
FOR CITY ATTORNEY SERVICES**

SOUTHERN CALIFORNIA
13181 Crossroads Parkway North
Suite 400 – West Tower
City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244

NORTHERN CALIFORNIA
V-Marketplace Offices
P.O. Box 4016
Yountville, CA 94599
tel 707.944.0540 fax 707.944.0580

WWW.AGCLAWFIRM.COM

snichols@agclawfirm.com

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7. COST

7.1 OPTION A – FIXED RETAINER PLUS HOURLY BILLING

AGC proposes a monthly retainer of \$7,500 for the General Legal Services work performed each month. General Legal Services are described in the attached worksheet (Attachment “A”).

Work performed as Special Legal Services (all services outside of General Legal Services, except Litigation Services) as described in Attachment “A” are billed for non-litigation services at the blended rate of \$195 per hour for the City Attorney, Assistant City Attorney, Deputy City Attorney and Partners and Associates of AGC. Paralegal/law clerks are billed at \$110 per hour.

Work performed as Litigation services (as defined in Attachment “A”) are billed at the rate of \$225 per hour for Partners and \$200 per hour for Associates

We also propose a Consumer Price Index adjustment to be implemented at the beginning of the first fiscal year after the first anniversary of the contract between AGC and the City, and at the beginning every fiscal year thereafter.

Other costs and related expenses which are billed to the City are set forth below.

AGC does not propose a minimum contract term or protective severance clause.

7.2 OPTION B - HOURLY FEES FOR ALL WORK WITHOUT A RETAINER

AGC proposes the following hourly rates without a retainer:

Proposed AGC Attorney	Proposed Title	Hourly Rate
Scott E. Nichols	City Attorney	\$185 General legal services \$195 Special legal services \$225 Litigation services
Andrew L. Jared	Assistant City Attorney	\$185 General legal services \$195 Special legal services \$225 Litigation services

Christopher G. Cardinale	Deputy City Attorney	\$175 General legal services \$185 Special legal services \$200 Litigation services
Partners	as needed	\$185 General legal services \$195 Special legal services \$225 Litigation services
Senior Associates	as needed	\$175 General legal services \$185 Special legal services \$200 Litigation services
Associates	as needed	\$165 General legal services \$175 Special legal services \$200 Litigation services
AGC Paralegals and Law Clerks	as needed	\$110 per hour

Other costs and related expenses which are billed to the City are set forth below.

7.3 OPTION C -- RETAINER WITH HOURLY CAP PLUS HOURLY RATES

RETAINER. The City would pay a retainer of \$7,000.00 per month, which equates to \$175 per hour for the first 40 hours of work performed during a given month. Such "Retainer Hours" are billed at the discounted rate regardless of whether such work performed is General Legal Services or Special Legal Services, as described in Attachment "A."

FEES ABOVE RETAINER. Subsequent to the Retainer Hours being exhausted, general municipal legal services are calculated at \$185 per hour for partners and \$175 per hour for associates. Labor law and code enforcement services are then billed at \$210/hour.

All civil litigation services are considered extraordinary services and charged at the rate of \$225 per hour for partners and \$200 per hour for associates. Litigation commences when the City Council or City Manager authorizes AGC to defend legal action or administrative proceedings against the City or commence legal action or administrative proceedings by the City.

Billable services performed by paralegal and law clerk are billed at \$110.00/hour.

Billing Method

AGC provides an itemized billing statement once a month with a complete listing of all services rendered and costs advanced. We work cooperatively with clients to provide a clear and comprehensive billing statement.

Attorneys bill at .10 hour increments.

Other Costs and Related Expenses

Copies:	\$0.20 per page
Facsimile:	\$0.50 per page
Postage, long distance phone, and out of picket expenses:.....	At cost
Mileage:.....	At current IRS rate
Travel (non-local air):.....	At cost
Legal Research (Westlaw).....	At cost

AGC prides itself in working with our clients to achieve cost-effective billing rates and to engage in legal practices which maximize our clients' dollars. The foregoing rates are subject to negotiation and revision should the City believe that an alternate arrangement would be favorable.

If selected, AGC would work with the City Manager and staff to keep budgeted amounts on track for particular projects. We would provide a semi-annual report summarizing expenditures and projecting the forecast of case and project expenditures for the remaining fiscal year. However, as much legal work is dependent on external influences (e.g., suit filed against the City, unexpected legal issues facing the City), we find that the blended rate structure as proposed that covers the widest array of services for the lowest cost suits most cities the best.

Our firm works cooperatively with our clients to meet the client's needs to provide a clear, comprehensive billing statement. AGC provides an itemized billing statement once a month with a complete listing of all services rendered and costs advanced.

Invoices are provided on a monthly basis, which includes retainer and any supplemental fees and costs incurred during a calendar month. Attorneys bill at .10 hour increments, with no minimum billing per task. All fees are subject to negotiation. Education expenses, such as MCLE courses, are not charged to the client. AGC does not charge for word processing or computer services.

Travel time (i.e., portal-to-portal) is not billed to the client for council meetings and planning commission meetings and is included in the retainer amount. Additional travel required by client within the counties of Orange, Los Angeles and San Diego would be billed at cost and at one-half the time traveled. Travel beyond these areas would be billed at cost and the full time traveled.

Mr. Nichols and Mr. Jared will be available to attend all meetings, team-building conferences and other essential policy development sessions on an as needed basis. We anticipate frequent contact with staff and the Council via telephone. Both attorneys are available at all times via email, and cell phone numbers are provided to members of the City Council and City Manager.

AGC is open to discussions as to the amount of time required to be devoted to services provided for the City of San Clemente. We remain open to discuss this aspect of staffing further to reach a mutually beneficial arrangement to best serve the City of San Clemente.

Our firm works cooperatively with our clients to meet the client's needs to provide a clear, comprehensive billing statement.

8. INVOICING

AGC will comply with the City of San Clemente's invoicing requirements and format.

ATTACHMENT A

Name of Firm: Alvarez-Glasman & Colvin

Service	General Services	Special Services	Primary Designated Attorney
Routine Legal Advice, Consultations, and opinions to the City Council and Staff, which can be responded to orally, not involving more than one (1) hour of research.	X		City Attorney / Asst. City Attorney
Assistance with preparation and review of ordinances, agreements, contracts and related documents	X		City Attorney
Attendance at 2 City Council Meetings per month	X		City Attorney
Attendance at 2 Planning Commission Meetings per month	X		Asst. City Attorney / Dep. City Atty.
Attendance at 4 other meetings per month, as necessary	X		City Attorney / Asst. City Attorney / Dep. City Attorney
Attendance weekly at regularly scheduled office hours at City Hall, as arranged	X		City Attorney / Asst. City Attorney
Monitor pending and current State and Federal legislation and case law, and advise as appropriate	X		City Attorney
Agenda review and follow-up.	X		City Attorney
Standard contract review and revision (not to exceed one hour)	X		City Attorney / Asst. City Attorney
Standard ordinance/resolution review and revision, which can be responded to orally, not involving more than one (1) hour of research.	X		City Attorney / Asst. City Attorney
Standard conflict issues, which can be responded to orally, not involving more than one (1) hour of research.	X		City Attorney
Brown Act issues, which can be responded to orally, not involving more than one (1) hour of research.	X		City Attorney
Public Record Act request issues, which can be responded to orally, not involving more than one (1) hour of research.	X		Asst. City Attorney / Dep. City Atty.
Risk management services		X	Litigation Partner / Senior Assoc.
Routine personnel and labor questions, which can be responded to orally, not involving more than one (1) hour of research.	X		City Attorney / Asst. City Attorney

* Except litigated matters

Name of Firm: Alvarez-Glasman & Colvin

Service	General Services	Special Services	Primary Designated Attorney
Code Enforcement issues - City Code interpretation.	X		City Attorney
Code Enforcement issues - preparation and review of notices, demands, and orders; appointment of receivers and other non-traditional remedies;		X	Asst. City Attorney / Dep. City Atty.
Litigation. Litigation commences when the City Council or City Manager authorizes AGC to defend legal action or administrative proceedings against the City or commence legal action or administrative proceedings by the City.		X	City Attorney / Asst. City Attorney / Litigation Partner
Labor negotiations and Personnel Services		X	City Attorney / Asst. City Attorney / Litigation Partner
Property Transactions		X	City Attorney / Asst. City Attorney
Water law and water quality issues.		X	City Attorney/ Dep. City Atty.
Franchising.		X	City Attorney / Asst. City Attorney / Dep. City Attorney
Public works bid disputes, prevailing wage, right of way acquisition, etc.		X	City Attorney / Asst. City Attorney / Dep. City Attorney
Development services - CEQA issues, endangered species, etc.		X	City Attorney / Asst. City Attorney / Dep. City Attorney
Development services - review of General and Specific Plan amendments and documents, conditions of approval, housing issues; obtaining orders to vacate and/or demolish.		X	City Attorney / Asst. City Attorney / Dep. City Attorney

* Except litigated matters

Name of Firm: Alvarez-Glasman & Colvin

Service	General Services	Special Services	Primary Designated Attorney
Appearances before other public entities or governmental agencies on behalf of the City.		X	City Attorney

* Except litigated matters