



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: September 5, 2017

Agenda Item 6-N
Approvals:
City Manager JM
Dept. Head JS
Attorney SS
Finance JCR for JV

Department: Finance and Administrative Services
Prepared By: Erik Sund, Assistant City Manager

Subject: *DESIGNATION OF LEGAL FEES*

Fiscal Impact: Yes. Budget amounts for Legal Fees are included in various department budgets for FY 2017-18.

Summary: As significant legal matters arise, it is staff's intent to obtain City Council approval prior to incurring substantial legal costs on the matter. Staff will provide City Council with a description of the matter and an estimated cost of the legal services required. If legal costs for the matter continue beyond the original estimate, staff will bring the item back to City Council for further review.

If the estimated legal costs are approved by Council, but exceed the remaining available legal budget for the fiscal year, additional budget appropriations will be requested, as needed.

Discussion: At this time, there is one legal matter for which staff seeks Council approval to proceed:

Jim Bieber v. City of San Clemente, et al.
estimate \$81,000
average monthly \$15,000 (August-October); \$35,000 (November)

The City was served with a lawsuit filed by Jim Bieber and his attorney, Chad Morgan, alleging several violations of the Public Records Act. The total estimated legal cost is expected to be incurred over fiscal year 2017-18. All records sought in the lawsuit have been produced, even though the City disagreed that their production is legally required. The lawsuit continues notwithstanding this.

Recommended Action: STAFF RECOMMENDS THAT the City Council:
1. Approve the estimated legal costs for the one case noted in this report.

Notification: None