

BLUE FOLDER ITEM

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

CITY COUNCIL MEETING APRIL 9, 2024

H.7. APPROVAL OF AN AGREEMENT FOR LEGAL SERVICES WITH LEIBOLD, MCCLENDON & MANN

Attached is the following document

- Agreement for Legal Services
- John G. McClendon's Significant Environmental/Land Use/Municipal Law Matters

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is made this 9th day of April 2024, by the CITY OF REDONDO BEACH, a chartered municipal corporation, ("CITY"), and LEIBOLD MCCLENDON & MANN, a professional corporation ("ATTORNEY").

RECITALS

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to the CITY Council's authorization on April 9, 2024.
2. The CITY is a chartered municipal corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California and the Charter of the CITY.
3. The CITY and ATTORNEY desire to enter into an Agreement for services upon the terms and conditions herein.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term of Agreement.** This Agreement shall cover services rendered from April 9, 2024 and until terminated.
2. **Services to be Provided.** The services to be performed by ATTORNEY shall consist of the following:

The services to be provided by ATTORNEY under this agreement will focus on advising the CITY concerning CEQA compliance and potential challenges related to a proposed Green Line expansion by the MTA.

Legal services to be provided by ATTORNEY shall include, but not be limited to, (1) advising the City Council, City Manager and City Attorney on strategies and options available to minimize and/or preclude environmental impacts from the project; (2) review and analysis of draft environmental documents; (3) review and analysis other ancillary documents related to the project; and (4) representing the CITY in all challenges to this project, including but not limited to, hearings before MTA.

With the approval of the City Manager or City Attorney, ATTORNEY may retain for the CITY's benefit the services of consultants and experts to

facilitate the review and analysis of the environmental compliance and other project documents.

3. **Compensation.** ATTORNEY shall be compensated as follows:
 - 3.1 **Amount.** ATTORNEY fees for legal services provided by attorneys shall be \$425.00 per hour and Law Clerks / Legal Assistants/ Paralegals shall be \$155.00 per hour.
 - 3.2 **Payment.** For work under this Agreement, payment shall be made per monthly invoice.
 - 3.3 **Records of Expenses.** ATTORNEY shall keep accurate records of time and expenses. These records shall be made available to CITY. CITY will be responsible for all other out of pocket expenses incurred on its behalf, such as consultants, experts, travel, meals, parking, transcripts of proceedings and services such as messenger/delivery service and large photo-copying jobs. Expenses will be separately itemized in billing statements as "Costs." ATTORNEY will not charge for telephone charges, postage, small photocopying jobs, and telecopying service (incoming or outgoing).
 - 3.4 **Hours.** No specific number of hours of work is guaranteed. It is expected that ATTORNEY's services will be on an as needed basis depending upon the work load.
 - 3.5 **Termination.** CITY and ATTORNEY shall have the right to terminate this Agreement, without cause, by giving fifteen (15) days written notice.
4. **Insurance Requirements.**
 - 4.1 **Workers' Compensation Insurance.** ATTORNEY shall maintain Workers' Compensation Insurance where applicable.
 - 4.2 **Insurance Amounts.** ATTORNEY is not authorized to drive an automobile for the CITY or on CITY business.
 - 4.3 **Malpractice Insurance.** ATTORNEY shall maintain malpractice insurance in an amount satisfactory to the City's Risk Manager.
5. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

6. **Non-Discrimination.** ATTORNEY covenants there shall be no discrimination based upon race, color, creed, religion, sex, marital status, age, handicap, national origin, or ancestry, in any activity pursuant to this Agreement.
7. **Independent Contractor.** It is agreed to that ATTORNEY shall work as an independent contractor and not as employee of CITY, and shall obtain no rights to any benefits which accrue to CITY's employees.
8. **Compliance with Law.** ATTORNEY shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government.
9. **Ownership of Work Product.** All documents or other information developed or received by ATTORNEY in the course and scope of work for the CITY shall be the property of CITY. ATTORNEY shall provide CITY with copies of these items upon demand or upon termination of this Agreement.
10. **Conflict of Interest and Reporting.** ATTORNEY shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement. ATTORNEY agrees to complete and file a California State Form 730 disclosure statement if required by the City Attorney.
11. **Notices.** All notices shall be personally delivered or mailed to the below listed addresses. These addresses shall be used for delivery of service of process.
 - a. Address of ATTORNEY is as follows:
Leibold, McClendon & Mann
9841 Irvine Center Drive, Suite 230
Irvine, California 92618
Attention: John McClendon
 - b. Address of CITY is as follows:

City of Redondo Beach
City Attorney's Office
415 Diamond Street
Redondo Beach, California 90277
Attention: Michael W. Webb, City Attorney

12. **Licenses, Permits, and Fees.** ATTORNEY shall obtain and maintain a current **California State Bar License**, and all permits, fees, or licenses as may be required by this Agreement.
13. **Familiarity with Work.** By executing this Agreement, ATTORNEY warrants that: (1) he has investigated the work to be performed, (2) he has investigated the site of the work and is aware of all conditions there; and (3) he understands the difficulties, and restrictions of the work under this Agreement. Should ATTORNEY discover any conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY and shall not proceed, except at ATTORNEY'S risk, until instructions are received from CITY.
14. **Time of Essence.** Time is of the essence in the performance of this Agreement.
15. **Limitations Upon Subcontracting and Assignment.** Neither this Agreement nor any portion shall be assigned by ATTORNEY without prior consent of the CITY ATTORNEY.
16. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.
17. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified on provisions waived only by subsequent mutual written agreement executed by CITY and ATTORNEY.
18. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the central branch of the Los Angeles County Superior Court.
19. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties.
20. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS THEREOF, these parties have executed this Agreement on the day and year shown below.

CITY OF REDONDO BEACH

“ATTORNEY”

James A. Light, Mayor

DocuSigned by:
David Mann
By: _____
BEA621005F5A42C...
David Mann, Managing Shareholder

Date: _____

Date: 4/9/2024 | 2:08 PM PDT

ATTEST:

APPROVED AS TO FORM:

Eleanor Manzano, City Clerk

Michael W. Webb, City Attorney

APPROVED:

Diane Strickfaden, Risk Manager

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
CEQA and entitlement work on over 22,000 homes plus commercial/office/retail/industrial developments	City of Lake Elsinore	1997 - present (latest project: 1,400 acre specific plan for over 8,000 homes and more than 4 million square feet of commercial/institutional)	major CEQA, NEPA, ESA, ACOE, etc., issues
General Counsel to the Designated Local Authorities of Los Banos, Mendota, Merced, Pismo Beach, Riverbank and Santa Paula	Six “orphaned” Redevelopment Agencies	2011 - present; overseeing the final dissolution of six of the seven California redevelopment agencies that were “orphaned” when their cities declined to assume responsibility for terminating them	with approval of California’s Department of Finance, appointed general counsel to six former redevelopment agencies
Special CEQA counsel to the Inland Empire Utilities Agency	Inland Empire Utilities Agency	2021 - present; serve as CEQA counsel to Agency	oversee CEQA document preparation and provide litigation defense of \$250M+ water project
<i>Save Redlands Orange Grove v. City of Redlands</i> (San Bernardino County Superior Court Case No. CIVSB2200943)	Petitioner	action filed January 7, 2022; settled in Petitioner’s favor by developers abandoning housing project	action challenging Mitigated Negative Declaration for a project that would eliminate the city’s last remaining historic grove estate
<i>Coalition to Save Redlands Orange Grove v. City of Redlands</i> (San Bernardino County Superior Court Case No. CIVSB2200943)	Petitioner	action filed November 5, 2021; settled in Petitioner’s favor by developer offsetting loss of designated prime farmland	action challenging Mitigated Negative Declaration that failed to address the project resulting in the loss of 58 acres of prime farmland
<i>Arcadians for Environmental Protection v. City of Arcadia</i> (2023) 88 Cal.App.5th 318	Petitioner	action filed September 9, 2020; petition for California Supreme Court review denied May 17, 2023	CEQA action challenging City’s continued “mansionization” of historic neighborhood
<i>City of South Gate v. County of Los Angeles</i> (Los Angeles County Superior Court Case No. 20STCP02807)	City of South Gate	action filed September 1, 2020; settled and dismissed April 209, 2021	action challenging Environmental Impact Report for project on 74-acres of County-owned property
<i>Friends of Upland Wetlands v. City of Upland</i> (San Bernardino County Superior Court Case No. CIVDS2010521)	Petitioner	action filed March 29, 2020; won at trial court, stopping project	action challenging City’s failure to comply with CEQA in approving housing project on wetlands
<i>Save Our Access– San Gabriel Mountains v. Watershed Conservation Authority</i> (2021) 68 Cal.App.5th 8	Petitioner	action filed November 28, 2018; petition for California Supreme Court review denied December 15, 2021	action challenging EIR that provided a single project alternative: the “No Project” alternative
<i>Irvine Coalition for the Environment v. City of Irvine</i> (Orange County Superior Court Case No. 30-2018-00975774)	Petitioner	action filed February 23, 2018; settled October, 2018 on terms acceptable to petitioner	action challenging City’s failure to comply with CEQA in approving massive housing project
<i>North Tustin Coalition v. County of Orange</i> (Orange County Superior Court Case No. 30-2018-00966627)	Petitioner	action filed January 11, 2018; settled March, 2018 on terms acceptable to petitioner	action challenging County’s failure to comply with CEQA in approving housing project

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>Banning Ranch Conservancy v. City of Newport Beach</i> (2017) 2 Cal.5th 918	Petitioner	after petitioner won at trial court, Court of Appeal reversed in a published decision; petitioner's Petition for Review was granted and thereafter prevailed in a unanimous California Supreme Court decision	action challenging City's failure to comply with CEQA by refusing to identify environmentally sensitive habitat areas (ESHA) in Coastal Zone
<i>Cudahy Citizens Challenging Council Corruption v. City of Cudahy</i> (Los Angeles County Superior Court Case No. BS 174212)	Petitioner	action filed July 17, 2018; petitioner lost at trial court; action mooted while on appeal by re-election of improperly removed council member	action challenges City Council's violation of the Ralph M. Brown Public Meetings Act
<i>California Taxpayers Action Network v. City of San Diego, et al.</i> (San Diego County Superior Court Case No. 37-2016-00030603)	Petitioner	action filed September 1, 2016; petitioner lost at trial court and appealed; Court of Appeal affirmed in unpublished decision	validation action challenging City's imposition of a "voluntary" hotel tax without voter approval
<i>California Water Impact Network v. County of San Luis Obispo</i> (2018) 25 Cal.App.5th 666	Association of California Water Agencies (amicus)	action filed July 28, 2016; petitioner lost at trial court; Court of Appeal affirmed in published decision but California Supreme Court granted "review and hold" pending decision in lead case	action challenged County's long-standing practice of ministerially granting well drilling permits without CEQA review
<i>San Clemente Vacation Rental Alliance v. City of San Clemente</i> (Orange County Superior Court Case No. 30-2016-00858999)	Petitioner	action filed June 20, 2016; parties agreed and participated in mediation by Honorable Judge Robert L. Moss; action settled April, 2018 on terms acceptable to petitioner	action challenging City's failure to comply with CEQA and Coastal Act in approving ordinances banning short-term living units (STLUs)
<i>Highland Springs Conference and Training Center v. City of Banning</i> (2016) 244 Cal.App.4th 267	Petitioner	after trial court's denial of petitioners' joint alter ego motion, Court of Appeal reversed in published decision and on remand the trial court granted their motion	post-judgment action to add alter ego judgment debtor to petitioners' 2008 money judgments awarding them "Private AG" attorneys' fees
<i>Barbara Leibold as City Attorney for the City of Lake Elsinore v. Dana Mark Coon</i> (Riverside County Superior Court Case No. RIC 1603718); <i>Dana Mark Coon v. Barbara Leibold as City Attorney, et al.</i> (Riverside County Superior Court Case No. RIC 1603819)	City Attorney	actions filed March 29 and April 1, 2016; trial court denied Coon's request for immediate relief, and he filed writs of supersedeas and mandate to the Court of Appeal and California Supreme Court, respectively; both writs denied after which the parties settled and dismissed their respective actions as moot	City Attorney refused to approve ballot title and summary for voter initiative for a development agreement; City Attorney's position was later vindicated in <i>Center for Community Action & Environmental Justice v. City of Moreno Valley</i> (2018) 26 Cal.App.5th 689
<i>City of Walnut v. Mt. San Antonio Community College District</i> (Los Angeles County Superior Court Case No. BS 159593 [Master File Case No. BC 576587])	City of Walnut	action filed December 21, 2015; settled 2018 trial court granted writ of mandate ordering community college district to set aside project approvals and awarded City \$543,731 in "Private AG" attorneys' fees	action challenging District's approval of a 10-acre solar project without complying without adequate CEQA review
<i>Coalition to Keep Baldy Wild v. County of San Bernardino</i> (San Bernardino County Superior Court Case No. CIVDS 1516724)	Petitioner	action filed November 19, 2015; trial court granted writ of mandate ordering San Bernardino County to set aside project approvals; real party in interest voluntarily paid petitioner's "Private AG" attorneys' fees	action challenging County's failure to comply with CEQA in approving cell tower facilities in environmentally sensitive area

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>Coalition for the San Leandro Shoreline v. City of San Leandro</i> (Alameda County Superior Court Case No. RG 15782404)	Petitioner	action filed August 18, 2015; settled July, 2017 on terms acceptable to petitioner	action challenging City's failure to comply with CEQA in approving massive project
<i>San Diegans for Open Government v. San Diego State University Research Foundation, et al.</i> (2017) 13 Cal.App.5th 76	Petitioner	action filed April 9, 2015; petitioner lost at trial court; Court of Appeal affirmed in published decision but California Supreme Court granted "review and hold" pending decision in lead case	petitioner alleges government entities and professor violated state conflict of interest laws in approving a contract with professor's entity
<i>City of Walnut v. Mt. San Antonio Community College District</i> (Los Angeles County Superior Court Case No. BS 154389 [Master File Case No. BC 576587])	City of Walnut	action filed March 26, 2015; trial court granted writ of mandate ordering community college district to set aside project approvals	action challenging District's claim that its development of a massive parking structure is exempt from City's land use and zoning laws
<i>Save the Arcadia Highlands v. City of Arcadia</i> (Los Angeles County Superior Court Case No. BS 154327)	Petitioner	action filed March 12, 2015; settled October, 2015 on terms acceptable to petitioner	action challenging City's continuing approval of "mansions" in historic neighborhoods
<i>Standard Pacific of Orange County, Inc., et al. v. City of Walnut, et al.</i> (Los Angeles County Superior Court Case No. BS 151140)	City of Walnut	action filed October 1, 2014; settled January, 2016 on terms acceptable to City	action challenging City's sale of 16.5-acre parcel claiming violations of Planning and Zoning Law, Map Act, CEQA and inverse condemnation
<i>CUMV v. City of Moreno Valley</i> (Riverside County Superior Court Case No. RIC 1403052)	Petitioner	action filed March 27, 2014; trial court denied petitioner's petition for writ of mandate and Court of Appeal affirmed in unpublished decision	action challenging City's failure to comply with CEQA in approving warehouse/regional HQ
<i>Coalition for Land Use Equity v. City of West Covina</i> (Los Angeles County Superior Court Case No. BS 144547)	Petitioner	action filed May 12, 2013; trial court granted writ of mandate ordering City to set aside project approvals; real party in interest appealed but later requested its appeal be dismissed. City Council subsequently reconsidered the project and rejected it	action challenging City's failure to take action on petitioner's appeal of planning commission's project approval
<i>Arakelian Enterprises, Inc. v. City of Montebello, et al.</i> (2014) 234 Cal.App.4th 382	City of Montebello	action filed August 20, 2012; trial court granted City's demurrer without leave to amend and petitioner appealed. Court of Appeal affirmed in a published decision	Petitioner sought writ of mandate commanding City to reconsider and approve petitioner's new waste hauling contract
<i>City of Montebello v. Vasquez, et al.</i> (2014) 226 Cal.App.4th 1084	City of Montebello	action filed July 23, 2012; City brought conflict of interest action against former City officials; trial court denied defendants' anti-SLAPP motion, Court of Appeal affirmed denial in published decision and California Supreme Court granted review and reversed in a 5-2 decision	City claimed defendants violated state conflict of interest laws in approving a \$150 Million waste hauling contract

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>West Covina Improvement Association v. City of West Covina</i> (Los Angeles County Superior Court Case No. BS 135923)	Petitioner	action filed February 21, 2012; trial court granted writ of mandate ordering City to set aside project approvals; City initially appealed but later abandoned it. In 2015, California's State Controller's audit of the City concluded the City wasted over \$1 million on an illegal project	action challenging City Council's approval of sale of publicly-owned civic center property to private developer after planning commission rejected project's adverse environmental impacts
<i>Inland Oversight Committee v. County of San Bernardino, et al.</i> (2015) 239 Cal.App.4th 671; (2015) 239 Cal.App.4th 679; (2015) 239 Cal.App.4th 689	Petitioner	action filed February 6, 2012; petitioner prevailed against defendants' demurrers and defendants filed writs to Court of Appeal which granted writs and ordered action dismissed in three published decisions	action challenging County's approval of a \$102 Million settlement with a developer on a 3-2 vote after one County Supervisor voting affirmatively subsequently pled guilty of selling his vote
<i>Coalition to Make the Fairplex Play Fair v. City of Pomona</i> [RPI Los Angeles County Fairgrounds] (Los Angeles County Superior Court Case No. BS 135163)	Real Party in Interest "Fairplex"	action filed December 21, 2011; trial court granted writ of mandate ordering City to set aside project approvals despite client formally abandoning plans to develop it	action backed by business [Public Storage Inc.] challenged City's approval of client's reuse of fairground stables for public storage facilities
<i>Citizens Opposing a Dangerous Environment v. County of Kern</i> (2014) 228 Cal.App.4th 360	Petitioner	action filed October 19, 2011; trial court denied relief and petitioner appealed; appellate court affirmed in published decision	action challenging County's approval of massive wind turbine project in the path of airport runway
<i>Fallbrook Public Utilities District v. Eastern Municipal Water District & United States of America</i> [MCB Camp Pendleton] v. Eastern Municipal Water District, et al.	Eastern Municipal Water District	2003 - 2011 - represented Eastern Municipal Water District as special environmental counsel in CEQA and water law litigation filed in federal court	successfully thwarted plaintiffs'/petitioners' efforts to enjoin use of effluent pipeline
<i>Foothill Communities Coalition v. County of Orange</i> (2014) 222 Cal.App.4th 1322	Petitioner	action filed April 14, 2011; petitioner won at trial court, but Court of Appeal reversed in part; County's Board of Supervisors rescinded project approval thereby mooting action	first published decision in California holding that "spot zoning" includes preferential spot zoning as well as discriminatory "reverse" spot zoning
<i>Pasadena Coalition for Responsible Development v. City of Pasadena</i> (Los Angeles County Superior Court Case No. BS 130039)	Petitioner	action filed January 11, 2011; trial court granted writ of mandate ordering City to set aside project approvals and City and real party in interest appealed; appellate court and Supreme Court rejected appeal	action challenging City's failure to take action on petitioner's appeal of planning commission's project approval
<i>Oso Viejo Neighbors Association v. City of Mission Viejo</i> (Orange County Superior Court Case No. 30-2009-00319861)	Petitioner	action filed November 12, 2009; settled May, 2010 on terms acceptable to petitioner	action challenging City's failure to comply with CEQA in approving dog park
<i>Citizens for Honesty and Integrity by Callexican Officials v. Heffernan Memorial Healthcare District, et al.</i> (Imperial County Superior Court Case No. ECU05585)	Petitioner	action filed October 2, 2009; healthcare district and property seller changed terms of contested land purchase agreement to provide for CEQA compliance and give district an option to forego purchase and obtain full return of its deposit; settled on terms acceptable to petitioner	action challenging healthcare district's approval to purchase 15 acres without complying with CEQA

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>Quartz Hill Cares v. City of Lancaster</i> (Los Angeles County Superior Court Case No. BS 122336)	Petitioner	action filed August 26, 2009; petitioner lost at trial court and won reversal on appeal in unpublished decision	action challenging City's conversion of residentially-zoned land to commercial retail use
<i>Save Our Neighborhood Group v. City of Lancaster</i> (LA County Superior Court Case No. BS 121501)	Petitioner	action filed July 2, 2009; petitioner lost at trial court and won reversals on appeals in two unpublished decisions	action challenging City's conversion of residentially-zoned land to commercial retail use
<i>Coalition for Honesty and Integrity in Calexico v. City of Calexico</i> (Imperial County Superior Court Case No. ECU05244)	Petitioner	action filed June 5, 2009; settled on terms acceptable to petitioner	CEQA action challenging adequacy of EIR City prepared for a private development; worked with City Attorney and Developer's counsel to resolve
<i>Citizens for Honesty and Integrity in Residential Planning v. City of Murrieta, et al.</i> (Riverside County Superior Court Case No. RIC526341)	Petitioner	action filed May 11, 2009; settled on terms acceptable to petitioner	CEQA action challenging adequacy of MND City prepared for a private development; worked with City Attorney and Developer's counsel to resolve
<i>Mike Torres v. City of Montebello, et al.</i> (2014) 234 Cal.App.4th 382	City of Montebello	action filed April 23, 2009; City conceded petitioner's claims and trial court granted writ of mandate. Court of Appeal affirmed	Petitioner claims City violated a number of laws in approving a new waste hauling contract
<i>Coalition for Environmental Integrity in Yucca Valley v. Town of Yucca Valley</i> (San Bernardino County Superior Court Case No. CIVSS 810232)	Petitioner	action filed July 30, 2008; after petitioner obtained a favorable tentative from the court, the developer agreed to settle action on terms acceptable to petitioner	action challenging adequacy of EIR Town prepared for a private development project
<i>Defend the Bay v. City of Newport Beach</i> (Orange County Superior Court Case No. 30-2008-00180005)	Petitioner	action filed January 18, 2008; City and The Irvine Company agreed to settlement on terms acceptable to petitioner	CEQA and Planning and Zoning Law action challenging City's approval of private development
<i>Coalition for Honest Environmental Evaluation and Timely Analysis in Highland v. City of Highland</i> (San Bernardino County Superior Court Case No. CIVSS 800276)	Petitioner	action filed January 11, 2008, and assigned to San Bernardino County designated CEQA Judge Donald Alvarez; settled on terms acceptable to petitioner	action challenging adequacy of MND City prepared for a private development; worked with City Attorney and Developer's counsel to resolve
<i>Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa</i> (2011) 198 Cal.App.4th 939	Petitioner	action filed November 11, 2007; city subsequently revoked entitlements after developer declined to continue its indemnity of city in litigation, and petitioner later obtained reversal on appeal in a published decision	CEQA and Planning and Zoning Law action relating to City's approval of a regional shopping center
<i>Coalition for Honest Environmental Evaluation in Perris v. City of Perris</i> (Riverside County Superior Court Case No. RIC477811)	Petitioner	action filed August 10, 2007; settled on appeal on terms acceptable to petitioner	CEQA and Planning and Zoning Law action relating to City's approval of a regional shopping center

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>Coalition for Environmental Justice in Pomona v. City of Pomona</i> (Los Angeles County Superior Court Case No. BS110029)	Petitioner	action filed July 19, 2007, and assigned to Los Angeles County designated CEQA Judge Thomas I. McKnew, Jr.; parties stipulated to issuance of court order setting project approvals aside and awarding petitioner its attorney's fees	action challenging adequacy of EIR prepared for waste transfer station
<i>His Light Investments, et al. v. County of San Bernardino</i> (San Bernardino County Superior Court Case No. CIVSS 702996)	Petitioners	action filed June 25, 2007; petitioners' appealed and appeal was denied in unpublished decision	action challenged County's violation of specific provisions of the Planning and Zoning Law by reversing the County Planning Commission's prior approval of Petitioners' affordable housing project
<i>County of San Bernardino v. Alison Law-Mathisen, et al.</i> (San Bernardino County Superior Court Case No. SCVSS 147767)	Defendants	County filed action March 7, 2007, and assigned to Judge J. Robert Fawke; after defendants forced County to amend its Complaint three times; 1½ years later, County dismissed its action against them	County disputed defendants' claim that their land use complied with County's Development Code per provisions of the Subdivision Map Act.
<i>Banning Bench Community of Interest Association v. City of Banning</i> (Riverside County Superior Court Case No. RIC461069 [Consolidated with Case No. RIC 460950)	Petitioner	action filed November 22, 2006, and assigned to Riverside County designated CEQA Judge Thomas H. Cahraman; court issued peremptory writ of mandate directing City to set aside its approval of 1,500 home development on 1,500-acre site and later issued ruling awarding petitioners their attorneys' fees at full lodestar with a 2.0 multiplier	action challenged adequacy of EIR prepared for SunCal Company's proposed Black Bench Community
<i>Highland Concerned Citizens United to Protect the Environment v. City of Highland</i> (San Bernardino County Superior Court Case No. SCVSS 142901)	Petitioner	action filed October 13, 2006; settled on terms acceptable to petitioner	action challenged adequacy of MND for private development project; convinced City Attorney to support petitioner's position and prevail on real party to delete portions of project
<i>Citizens for Political Responsibility in Pico Rivera v. City of Pico Rivera Redevelopment Agency, et al.</i> (Los Angeles County Superior Court Case No. BS104265)	Petitioner	action filed July 20, 2006, and assigned to Los Angeles County designated CEQA Judge Dzintra Janavs; court issued ruling denying peremptory writ of mandate; appeal later dismissed	action challenged City's administrative approval of private development project without complying with Redevelopment Plan requirements
<i>Affordable Pasadena Housing in Distress v. City of Pasadena</i> (Los Angeles County Superior Court Case No. BS 110029)	Petitioner	action filed June 9, 2006, and assigned to Los Angeles County designated CEQA Judge Dzintra Janavs; court issued peremptory writ of mandate ordering City to set aside ordinance and case thereafter settled on terms acceptable to petitioner	CEQA and Planning and Zoning Law action challenging City's downzoning in response to NIMBY complaints
Interim District Counsel and Prosecutor, Los Osos Community Services District (San Luis Obispo County)	Los Osos Community Services District	October 2005-June 2006	Defended District in Central Coast Regional Water Quality Control Board ACL Complaint and court regarding wastewater treatment facility

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>Wal-Mart Real Estate Business Trust v. City Council of the City of San Marcos, et al.</i> (2005) 132 Cal.App.4th 614	referendum sponsors	elections law litigation: defended City's placement of referendum on ballot [electorate subsequently approved referendum by a vote of 2-to-1]	appeal affirmed the right of prevailing defendants to recover their "private Attorney General" attorney's fees
Emerald Meadows Ranch Owner Participation & Disposition and Development Agreement	County of Riverside EDA	negotiated agreement for redevelopment of 270-acre mixed use private development project	
University Village Student Housing Towers	R.D. Olson Development	Fall, 2004 - negotiated and structured Owner Participation Agreement for client's takeover and completion of \$40 Million "University Village Student Housing Towers" project near U.C. Riverside	City of Riverside waived conflict
<i>Redlands Residents for Rural Living v. City of Redlands</i> (San Bernardino County Superior Court Case No. SCVSS 96182)	Petitioner	action filed July 27, 2005, and assigned to San Bernardino County designated CEQA Judge John P. Wade; following court's issuance of tentative ruling in petitioner's favor, the parties stipulated to a settlement on terms acceptable to petitioner	action challenging adequacy of EIR prepared in connection with City's approval of intensive private development project in environmentally sensitive area
<i>Communities Against Blight v. City of San Jacinto</i> (Riverside County Superior Court Case No. RIC 416034)	Petitioner	action filed July 29, 2004, and assigned to Riverside County designated CEQA Judge Gloria Conner Trask; court issued ruling denying peremptory writ of mandate; judgment sustained on appeal	action challenging adequacy of EIR for private development project
<i>The Redlands Association v. City of Redlands and County of San Bernardino</i> (San Bernardino County Superior Court Case No. SCVSS 96959)	Petitioner	action filed November 20, 2002, and assigned to San Bernardino County designated CEQA Judge John P. Wade; petitioner abandoned action	action challenged tax sharing agreement between City and County entered into without CEQA compliance
<i>The Redlands Association v. City of Redlands and San Bernardino County Flood Control District</i> (San Bernardino County Superior Court Case No. SCVSS 107472)	Petitioner	action filed September 5, 2002, and assigned to San Bernardino County designated CEQA Judge John P. Wade; petitioner abandoned action	action challenged sale of City-owned property to County Flood Control District without compliance with Planning and Zoning Law
<i>The Redlands Association v. City of Redlands</i> (San Bernardino County Superior Court Case No. SCVSS 102032)	Petitioner	action filed April 7, 2002, and assigned to San Bernardino County designated CEQA Judge John P. Wade; court denied petition for writ of mandate and no appeal was taken	action challenged City's provision of water and wastewater outside its jurisdiction in violation of voter-enacted amendment to City's General Plan
<i>People for Environmentally Responsible Construction v. City of Stanton</i> (Orange County Superior Court Case No. 02CC00379)	Petitioner	action filed December 24, 2002, and assigned to Judge C. Robert Jameson; settled on terms acceptable to petitioner	action challenged adequacy of MND for private development project; convinced City Attorney to support petitioner's position and prevail on real party to provide additional mitigation measures

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
<i>The Redlands Association v. City of San Bernardino</i> (San Bernardino County Superior Court case No. SCVSS 96182)	Petitioner	action filed October 25, 2002, and assigned to San Bernardino County designated CEQA Judge John P. Wade; court issued peremptory writ of mandate directing City to set aside its approval; City subsequently paid petitioner's attorney's fees	action challenging City's agreement to provide services outside its jurisdiction without complying with CEQA
<i>Elsinore Christian Center v. City of Lake Elsinore</i> 291 F.Supp.2d 1083 (C.D.Cal. 2003)	City of Lake Elsinore	obtained District Court ruling favorable to City; that ruling reversed by Ninth Circuit; action settled while Petition for Certiorari was pending before the U.S. Supreme Court	one of the first reported RLUIPA decisions
Westgate DDA project (Beach Blvd. at Lincoln Ave.)	City of Anaheim	2003-prepared all CEQA and NEPA compliance documents for commercial redevelopment of former landfill site nicknamed "Sinkin' Stinkin' Lincoln"	major CEQA, NEPA, toxics, and water quality issues
City of Garden Grove Redevelopment Plan and EIR	City of Anaheim	2002 - opposed proposed redevelopment plan and EIR in adjacent city	opposition successful and project was abandoned
<i>The Redlands Association v. City of Redlands and County of San Bernardino</i> (San Bernardino County Superior Court Case No. SCVSS 86680)	Petitioner	action filed February 7, 2002, and assigned to San Bernardino County designated CEQA Judge (now Justice) Jeffrey King; action induced County to abandon deal, and the court later awarded petitioner its attorney's fees	action challenged agreement between City and County for failure to comply with CEQA and Planning and Zoning Law
Jeffrey-Lynne (Disneyland) Housing Project	City of Anaheim	2001 - prepared Addendum to prior EIR for major housing project	no litigation filed, and project was completed
<i>San Bernardino Residents for Responsible Development v. City of San Bernardino</i> (San Bernardino County Superior Court Case No. SCVSS 80404)	Petitioner	action filed August 10, 2001, petitioners lost at trial court and action settled on terms acceptable to petitioner following appellate court's issuance of written Tentative ruling in petitioner's favor	action challenged adequacy of MND for private development project; real party offered settlement after reading appellate court's Tentative
<i>The Redlands Association v. City of Redlands and County of San Bernardino</i> (San Bernardino County Superior Court Case No. SCVSS 79374)	Petitioner	action filed July 2, 2001; California Supreme Court denied Petition for Review	action challenged settlement agreement among City, County and Majestic Realty for failure to comply with CEQA and Planning and Zoning Law
<i>Coalition to Save San Timoteo Creek v. County of San Bernardino, et al.</i> (San Bernardino County Superior Court Case No. SCVSS 74111)	Petitioner	action filed January 23, 2001, and assigned to San Bernardino County designated CEQA Judge (now Justice) Jeffrey King; court issued two peremptory writs of mandate	CEQA and water law action challenging County Flood Control District's approval of flood control improvements along San Timoteo Creek
<i>Jobe v. City of Orange</i> (2001) 88 Cal.App.4th 412	Real Party in Interest Lutheran High School of Orange County	vindicated the City's approval of a MND for a private high school expansion, but appellate court denied real party in interest's attorney's fees request it had a nonpecuniary interest in the litigation	California Supreme Court subsequently rejected <i>Jobe's</i> holding that nonpecuniary interests disqualify fee awards in <i>In re Conservatorship of Whitley</i> (2010) 50 Cal.4th 1206

JOHN G. McCLENDON'S SIGNIFICANT ENVIRONMENTAL/LAND USE/MUNICIPAL LAW MATTERS

MATTER	ENTITY REPRESENTED	STATUS/OUTCOME	COMMENTS
Proposed Maranatha Christian High School campus at 1 Carter Avenue, Sierra Madre, CA	City of Sierra Madre	2000-2001 - served as special counsel for the City on controversial foothills development project; City Council denied project approval	the high school subsequently mooted controversy by relocating its campus to the City of Pasadena
<i>In the Matter of the Application of the Southern California Water Company (U 133 W) for a Certificate of Public Convenience and Necessity Pursuant to California Public Utilities Code Section 1001 to Extend its West Orange County System to the Bolsa Chica Planned Community (PUC Application No. 9311003)</i>	City of Huntington Beach	1999-2000 - represented protestant City of Huntington Beach before the PUC in opposing Southern California Water Company's application to provide water and wastewater service to Bolsa Chica	PUC approved Southern California Water Company's application by a 3-to-2 vote, rejecting the City's protest