

DAPEER ROSENBLIT LITVAK LLP
L A W Y E R S

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*MANAGING PARTNER

February 13, 2025

*Via Fed Ex and email:
QBarrow@rwglaw.com*

Quinn Barrow
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: Proposal for Code Enforcement Legal Services

Dear Mr. Barrow:

Thank you for contacting our office with regard to our firm providing code enforcement services to the City of Manhattan Beach. The following represents an updated version of the proposal submitted to you on June 28, 2023. We also enclose a copy of our most recent Firm Profile.

Services

Dapeer, Rosenblit & Litvak, LLP ("DRL") has been providing code enforcement services throughout Southern California since 1979. During that time, we have assisted our City clients with a variety of legal services designed to facilitate and expedite compliance with a multitude of local and State laws, rules, and regulations – including as special counsel for civil enforcement and receiverships, counsel for administrative proceedings and ordinance review and preparation, criminal prosecutions.

Generally speaking, "voluntary compliance" is the chief goal of every jurisdiction we represent because it is typically more efficient, cost effective, and long-lasting – however, obtaining voluntary compliance can often prove difficult if a jurisdiction is not equipped with all of the appropriate "tools". In this regard, our office routinely provides, among other services, the following:

- a) Assist staff in designing and implementing administrative citation programs, review and advise regarding legal requirements to establish such programs and maintain their legal compliance. Assist staff, as requested, in processing administrative citations and representation at any appeal or writ of mandate proceeding in the courts. If we requested, provide assistance in collection of outstanding fines.

- b) Review existing City codes, regulations, rules, resolutions, policies, and practices, and provide recommendations and/or draft amendments, modifications, and/or updates to said codes, regulations, rules, resolutions, policies, and practices.¹
- c) Conduct meetings with City Staff to discuss pending investigations or other matters, and to provide guidance and recommendations for enforcement actions.
- d) Draft correspondence to and conduct meetings with violators in an effort to obtain voluntary compliance without the need for formal legal enforcement proceedings.
- e) Assist City Staff with the preparation and acquisition of warrants to inspect real properties within the City.
- f) Initiate and prosecute criminal actions.
- g) Initiate and prosecute civil enforcement actions, including Health and Safety Receiverships.
- h) Assist staff in initiating administrative remedies, including administrative abatement, license revocation, CUP and special use permit revocations; Prepare City Staff for administrative hearings and, when appropriate, represent City Staff² before a hearing officer or other appellate or reviewing authority (including the Permits and Licenses Committee and Administrative Hearing Officer – or any other appropriate committee, commission, and/or the City Council).
- i) Provide educational trainings to City Staff, as needed and as requested by the City.
- j) Collaborate and confer with City Staff as needed, including consulting with the City Attorney regarding current and proposed State and Federal legislation and/or judicial cases and decisions that may relate to or impact the City.
- k) Perform any other duties or functions as requested and/or approved by the City Manager, City Attorney, and/or City Council.

Through the use of these tools, DRL has amassed an overwhelming record of success in helping Cities achieve their goals to improve and maintain the quality of life for their residents and businesses.³

Although a majority of matters can be resolved through voluntary compliance, some cases require legal action to cause the termination of illegal activities, uses, and/or conduct. With the approval of the City (and, as appropriate, the City Manager, City Attorney, and/or City Council), such legal actions might include, but would not be limited to, (i) the filing of civil injunctive actions to obtain orders from a Court for a violator either to cease an illegal use or activity or to proactively perform an abatement action; (ii) seeking the appointment of a receiver by the

¹ Our office strives to ensure that the laws, regulations, and policies the City uses are not only Constitutionally enforceable, but that they are also practical and efficient for enforcement officers.

² In many instances, our office appears before a reviewing authority and represents Staff in presenting its case in an effort to avoid a potential conflict of interest that could result if a representative of the City Attorney's Office represents Staff and serves as legal counsel to the reviewing authority.

³ In addition to helping Cities achieve the primary goal of compliance with applicable laws, DRL has assisted Cities in obtaining in excess of \$5,000,000 in delinquent transient occupancy taxes, business license taxes and fees, and other miscellaneous fees.

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Superior Court to cause the abatement of an illegal condition, use, or activity if a responsible party is unable or unwilling to do so; and/or (iii) the filing of a misdemeanor complaint against responsible parties.

DRL prides itself on working collaboratively with City Attorneys to assure that our work integrates seamlessly into the work that they perform for their cities.

Professionals:

Although every attorney at DRL would be available to your Division, Managing Partner William Litvak and Senior Partner James Eckart would primarily oversee and handle matters with your Division.

William Litvak, Managing Partner, has been a trial lawyer for over 40 years, the past thirty of which have included code enforcement and municipal litigation services. He has tried numerous cases, both jury and non-jury, both generally and specifically related to code enforcement services. He has appeared before the California State Supreme Court, the California Courts of Appeal, the United States Districts Courts, the Ninth Circuit Court of Appeals. He is licensed by the California State Bar, the Federal District Courts for all districts in California, the Ninth Circuit Court of Appeals, and the United States Supreme Court. He has been awarded an “AV” rating from the Martindale-Hubbell, a peer reviewed lawyer registry and has been designated a “Super Lawyer” for Southern California. He has additionally served as an arbitrator, settlement officer, and judge pro tem for the Los Angeles Superior Court, and has been an instructor, guest speaker, and/or lecturer on such topics as medical marijuana dispensaries, “red light” (gambling and prosecution) nuisance abatement, narcotics nuisance abatement, injunctions and receiverships, and red-light photo enforcement. Mr. Litvak was selected to represent all of the member cities of the California Contract Cities Association in a contractual dispute with the County of Los Angeles related to a multimillion-dollar contract for sheriff services. Mr. Litvak is a graduate of the University of California where he received a Bachelor of Arts Degree and California Western School of Law where he received his Juris Doctorate degree. He also attended the National Institute for Trial Advocacy. Published appellate decisions include: *City of Sierra Madre v. SunTrust Mortgage, Inc.* (2019) 32 Cal App 5th; *People v. Gray* (2014) 58 Cal 4th 901; *D&M Financial v. City of Long Beach* (2006) 136 Cal App 4th; *City of Norco v. Mugar* (2020) 59 Cal App 5th 786; *People v. Goldsmith* (2014) 59 Cal 4th 25

Bar admissions: Admitted to the California State Bar, 1979; Also admitted to the United States Supreme Court, 2004; United States Court of Appeals for the 9th Circuit; United States District Court for the Northern, Central, Eastern and Southern District of California. Also admitted pro hac vice in various state courts and federal judicial districts.

James Eckart, Senior Partner, has spent more than 25 years (both as a City Prosecutor and with the Los Angeles County District Attorney's Office) criminally prosecuting individuals who violate State and local laws. He has assisted our municipal clients on innumerable cases serving in the capacity as legal counsel representing either Staff in administrative proceedings to seek the termination of various public nuisances – including, but not limited to, properties that are used for illegal narcotics, gambling, and prostitution. Mr. Eckart has also served as a hearing officer for administrative proceedings where a conflict of interest exists with a local City Attorney or other legal counsel. He has further been an instructor, guest speaker, and/or lecturer for numerous Police Departments, the Los Angeles County Sheriff's Department, Code Enforcement Officer associations, Los Angeles County Health Department, and other governmental personnel on techniques for general and specialized investigations – including those involving short term rentals, transient occupancy taxes, search & seizure issues, report writing, and procedures and testimony for administrative, civil, and criminal proceedings. Mr. Eckart serves as an adjunct faculty member of Santiago Canyon College, teaching courses on public policy and legal aspects of law enforcement. Mr. Eckart has also authored and presented training to over 300 City Attorneys (through the League of California Cities) on how to successfully prosecute municipal code violations. Additionally, Mr. Eckart regularly drafts ordinances and/or revisions to municipal code provisions to ensure clients have the most up-to-date tools available to tackle issues arising within their jurisdiction. Mr. Eckart received his Bachelor of Arts degree from the University of California and his Juris Doctorate from Loyola School of Law. He also attended the National Institute for Trial Advocacy.

Bar Admissions: Admitted to the California State Bar in 1997.

Attorneys and Support Staff:

In addition to Mr. Litvak and Mr. Eckart, the following team will be available to serve the City of Manhattan Beach:

Kenneth Dapeer, admitted to California State Bar, 1976
Steven Rosenblit, admitted to California State Bar, 1976
Eric Markus, admitted to California State Bar, 2012
Jocelyn Corbett, admitted to California State Bar, 2004
Lily Keenan, admitted to California State Bar, 2005
Sarah Edmiston, admitted to California State Bar, 2024

Sonia Salazar, Paralegal
Sarah Chi, Administrative Assistant
Zane Bruce, Administrative Assistant

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Sample Relevant Clientele:

The following is a sample of the firm's current client roster:

City of Agoura Hills, 1992 to the present
City of Bell Gardens, 2003 to the present
City of Beverly Hills, 1994 to the present
City of Big Bear Lake, 1997 to the present
City of Calabasas, 2002 to the present
City of Covina, 2008 to the present
City of Culver City, 2001 to the present
City of Diamond Bar, 2003 to the present
City of Downey, 2005 to the present
City of Huntington Park, 1979 to the present
City of Inglewood, commencing 2024
City of Lancaster, 2006 to the present
City of Montclair, 2006 to the present
City of Norwalk, 2004 to the present
City of Paramount, commencing 2024
City of Pomona, 1995 to the present
City of Rancho Cucamonga, 2021 to the present
City of Redlands, commencing 2024
City of South Gate, 1991 to the present
City of West Hollywood, 1986 to the present
City of Westlake Village, 2004 to the present

List of References:

We are pleased to submit the following partial list of references, including contact information.

CITY OF AGOURA HILLS

Nathan Hamburger
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nhamburger@agourahillscity.org

Denice Thomas, AICP
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Agoura Hills, CA 91301
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CITY OF BEVERLY HILLS

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Code Enforcement Manager
Beverly Hills
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Larry Wiener, Esq.
City Attorney
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Beverly Hills, CA 90210
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CITY OF BIG BEAR LAKE

Erik Sund
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Big Bear Lake, CA 92315
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CITY OF CALABASAS

Sparky Cohen
Building Official
Building and Safety - Code Enforcement
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CITY OF COVINA

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Community Development Director
125 E. College Street
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DAPEER, ROSENBLIT & LITVAK LLP

CITY OF CULVER CITY

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Heather Baker, Esq.
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CITY OF DIAMOND BAR

Greg Gubman
Community Development Director
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GGubman@DiamondBarCA.Gov

CITY OF DOWNEY

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(562) 904-7151
IHuitron@downeyca.org

Vince Rosario,
Lieutenant (Downey Police Department)
10911 Brookshire Avenue
Post office Box 7016
Downey, CA 90241
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vrosario@downeyca.org

CITY OF HUNTINGTON PARK

Ricardo Reyes
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DAPEER, ROSENBLIT & LITVAK LLP

CITY OF LANCASTER

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Stradling Yocca Carlson & Rauth
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CITY OF MONTCLAIR

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ECStarr@cityofmontclair.org

Brandon Kumanski, Lieutenant
Montclair Police Department
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Gabe Fondario
Asst. Code Enforcement Manager/Special Operations Unit
5111 Benito St
Montclair CA 91763
(909) 447-3357
GFondario@cityofmontclair.org

CITY OF NORWALK

Ozzie Ramos
Deputy City Manager/Public Safety Director (Norwalk)
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publicsafety@norwalkca.gov

CITY OF RANCHO CUCAMONGA

Carrie Rios
Community Improvement Manager
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Rancho Cucamonga, CA 91730
(909) 774-4204
Carrie.Rios@cityofrc.us

Additional references are available upon request.

Proposed Fees

In order to allow the City to better allocate its resources, DRL does not require a monthly retainer. Rather, we provide legal services on an hourly fee basis at the rate of **\$245.00 per hour** for all legal services. Paralegals, supervised by staff attorneys, are utilized when appropriate to reduce litigation expense to the city and are charged at the rate of **\$195.00 per hour**. In matters that are deemed complex, after consultation with city staff, an hourly **surcharge of \$45.00** will be added to our applicable hourly rate. In addition, if DRL is requested to perform services outside of code enforcement, we will be entitled to compensation commensurate with the hourly rate the City is billed by other law firms that have or are performing similar services for the City. We will account for our services in our invoices in increments of one tenth of an hour.

Additionally, we would be reimbursed for any out-of-pocket expenses associated with our assignments as follows:

Attorney Service Charges: As incurred by DRL for the personal service of notices upon defendants or other parties to litigation matters, the filing of pleadings in court and the procurement of public records from governmental agencies or court reporters, when needed, for a particular case.

Commercial Data Base Providers: \$25.00 per request/search, plus actual charges of the service provider.

On-Line Legal Research Charges: As incurred.

Postage and Courier Charges: As incurred.

Copier Charges: B&W \$0.05/page; color \$0.10/page.

Third Party Expert Witness or Consulting Fee: As incurred.

Court Reporter or Transcript Fees: As incurred.

Exhibit Preparation or Photograph Expense: As incurred.

We do not add a surcharge to costs incurred with third parties. Advance approval is sought for all charges for experts, court reports, transcripts and other trial related expenses.

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Conflict of Interest

DRL has no reportable conflict of interest with the City of Manhattan Beach.

Insurance

DRL maintains and will maintain at all times insurance coverage as required by the City.

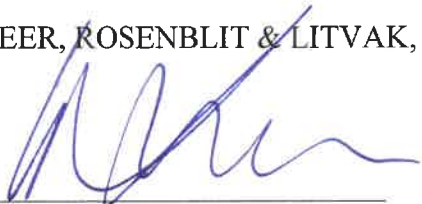
Conclusion

We thank you for your consideration and sincerely hope that we may be of service to your community. We welcome any questions you may have.

Respectfully Submitted,

DAPEER, ROSENBLIT & LITVAK, LLP

By:



William Litvak



DAPEER ROSENBLIT LITVAK, LLP

- Protecting Communities Since 1979 -

FIRM PROFILE AND PROPOSAL FOR CODE ENFORCEMENT /
CITY PROSECUTOR AND LITIGATION SERVICES

PRESENTED TO THE

City of

Manhattan Beach

February 13, 2025

CONTACT INFORMATION

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TEL (310) 477-5575

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INTRODUCTION AND FIRM HISTORY

Dapeer, Rosenblit & Litvak, LLP (“*DRL*”) began representing municipalities in 1979 and has dedicated itself to assisting local communities in their efforts to provide quality of life to their residents and protect against conditions and activities that impact the public health, safety, and welfare.

Over the course of the past 40 years, *DRL* has worked to reduce blight, increase public safety, and combat all types of nuisances that, as per the “broken window” theory, undermine the social and economic backbones of communities. *DRL* has accomplished these tasks by helping cities establish “Code Enforcement” policies and procedures; training officers to detect, investigate, and abate municipal code violations; instituting processes designed to increase voluntary compliance; modifying and/or adopting necessary code provisions to achieve community goals; and, commencing appropriate legal enforcement procedures in the administrative, civil, and criminal arenas - all while also helping municipalities establish cost recovery programs to ensure the continued viability and vitality of such law enforcement efforts.

While traditional violations of building and safety codes persist, social and environmental changes have created ever new and more complex situations. *DRL* has been innovative in creating legal avenues to address these problems and to cooperate with various local, state and federal authorities in addressing complex legal violations. *DRL* has been and continues to lead the legal community in dealing with these problems creatively and efficiently.

DRL attorneys regularly prosecute violators of local ordinances, appear in administrative proceedings, act as hearing officers for public entities, and appear in civil proceedings to enforce local law and to advocate for their municipal clients. *DRL* attorneys actively litigate in all state and federal courts and regularly appear in appellate courts, including the California Courts of Appeal, the California Supreme Court, the 9th Circuit and the United States Supreme Court. These appearances have resulted in numerous published opinions of importance to local communities.

DRL attorneys are regarded as experts in the field of “Code Enforcement” and have been featured as guest speakers and lecturers to law enforcement agencies, government associations, and educational institutions throughout the State. *DRL* attorneys have spoken on such topics as criminal procedure and prosecutions; investigations and Fourth Amendment implications; administrative citation programs; regulation of adult businesses and other First Amendment activities; medical marijuana dispensaries; hoarders/packrats;



receiverships; and cost-recovery programs.

The firm also regularly works with city staff and management and city attorneys in creating programs, protocols and ordinances that address problems and tailor them to the unique circumstances faced by individual cities.

DRL is “AV” rated by Martindale-Hubbell (their highest rating for ethics and quality of legal service), is a member of the Law Council of America, and is dedicated to diversity in the legal community. *DRL* attorneys have also been recognized as Southern California “Super Lawyers” and “Rising Stars.” As representatives of local government, *DRL* has adopted the highest standards of ethical responsibility. The attorneys at *DRL* understand that their roles as prosecutors and public representatives entail a duty to seek justice in all enforcement actions – whether administrative, civil, or criminal.

DRL has garnered a reputation with judges and defense counsel in criminal and civil courts throughout the State as experienced prosecutors and litigators who utilize every available tool to obtain compliance and maintain public safety for our clients, while being fair and reasonable to preserve both our clients’ and the courts’ resources.

Notwithstanding the 160 years of collective courtroom experience of senior *DRL* attorneys, *DRL*’s philosophy and commitment is to obtain voluntary compliance whenever possible. The arts of persuasion and diplomacy are utilized with great success to achieve this objective – allowing *DRL* and its clients to either avoid costly litigation altogether or to conclude it with the highest degree of success. *DRL* also believes a fundamental aspect of obtaining voluntary resolutions is an understanding in the community that *DRL* lawyers are skilled advocates who take great care to prepare each case for trial and demonstrate a proficiency as to the facts and law applicable to each matter. As a result of their diligent and thorough efforts, *DRL*’s lawyers have enjoyed extraordinary success in both voluntary compliance and at trial.

While preserving its prosecutorial independence, upholding ethical responsibilities and avoiding conflicts of interest, *DRL* attorneys work closely with City Staff in all matters referred to it. *DRL* attorneys maintain regular communications with City Staff to ensure that the best interests of the community are always paramount in any legal decisions made. Constant communication and involvement with City Staff are a mainstay of *DRL*’s philosophy and a substantial reason for its continued success.

DRL also recognizes that the hard work and dedication of City personnel are the foundation of any successful code enforcement proceeding. As such, our clients have embraced our core belief that the firm is more than just the attorneys who handle courtroom proceedings. Rather, the firm is part of the



“City Team” (which consists not only of Code Enforcement Officers, but also representatives of the Police and Fire Departments, as well as Building & Safety, Planning, Public Works, and Finance Departments, and other City divisions). *DRL* attorneys are often requested to provide advice and strategy at the commencement of an investigation by Police and Fire Departments, as well as Building & Safety, Planning, Public Works, and Finance Departments, and other City divisions). *DRL* attorneys are often requested to provide advice and strategy at the commencement of an investigation to provide the City with the best chance of achieving quick and complete compliance. In most cases, *DRL* increases the City’s voluntary compliance success rate by issuing written compliance request letters to violators prior to commencing legal action. And, if additional evidence or investigation is required prior to commencing an enforcement proceeding, *DRL* attorneys will not only advise Staff what is required but will provide insight into and assistance with accomplishing it.

The dedication, experience, and philosophy of *DRL* has allowed the firm to successfully resolve thousands of cases involving:

- Building Codes
- Zoning Codes
- Fire Codes
- Property Maintenance & Health Codes
- Nuisance Abatement
- Civil Injunctions and Receiverships
- Marijuana Regulations
- Short Term Rental Regulations
- Red Light Abatement Ordinances and Statutes
- Massage Establishment Reg.
- Adult Entertainment Regulation
- License and Tax Codes
- Automated Red-Light Traffic Enforcement
- Ordinance Review and Analysis
- Municipal Legal Defense
- Specially Regulated Activities

Miscellaneous Matters

- Noise disturbances, illegal peddling, drinking in public, aggressive panhandling, and illegal use of public property.
- Animal Control/Dangerous and Vicious dogs.
- Prostitution and Gambling issues.
- License and Permit Revocations.
- Conditional Use Permit enforcement and termination.
- Defending cities in mandamus proceedings in the superior court.



- Representing appellants and respondents in governmental and private party appeals.
- Formulating or revising code enforcement programs.
- Assisting task force programs (police, fire, building planning, county health and state agencies) to reduce crime and related Housing and Building Code violations.
- Overseeing “sting” operations by police/sheriff personnel regarding motel operators and illegal massage parlors. Prosecuting injunctive actions in the superior court to abate continuing public nuisances and receiverships, including Health and Safety Code receiverships.

Services Available Related to Code Enforcement Programs

- Code Enforcement Case and Program Consultation
- Criminal Prosecution
- Administrative Enforcement/Hearings
- Health and Safety Code Receiverships
- Inspection and Abatement Warrants
- Administrative Citations Hearings and Appeals
- Civil Code Enforcement
- Municipal Litigation Specialty Ordinance Review and Preparation
- Mandamus and Appellate matters
- Custom program and litigation services

DRL has successfully assisted Cities in increasing the percentage of matters resolved through voluntary compliance – thereby avoiding the unnecessary expenditure of precious City resources. In order to achieve these results, however, requires that the City and its prosecutor be prepared to proceed with prosecution or litigation to demonstrate that absent voluntary compliance, there will be legal consequences to violating local and state laws.

DRL works closely with staff and city attorneys in formulating protocols for rendering services and in identifying areas where the firm may be of assistance. Staff attorneys meet with appropriate City Staff to discuss current City policies, procedures, and practices as they relate to the enforcement of the municipal code and applicable State laws, in addition to coordinating procedures for the referral of cases to our office. Care would be taken to discuss ongoing cases, as well as any areas on which the City would like to focus its code enforcement efforts and resources.

Upon transfer of cases to our office, *DRL* lawyers will independently analyze the issues and evidence in each case. Thereafter, the firm will provide Staff with our recommended course of action – which will be based upon our experience and expertise at achieving complete compliance in a timely fashion, while preserving City resources.



If desired by the City, *DRL* will hold “office hours” at City Hall on a regular (agreed-upon) basis to provide City Staff an opportunity to meet with us to discuss ongoing cases and/or other issues. Notwithstanding any agreed-upon office hours, *DRL* lawyers will be readily accessible at all times to respond to any telephonic or email inquiries and/or to discuss cases with Staff.

Firm Staffing

DRL is one of the most established and experienced law firms in California dedicated to assisting Cities in the enforcement of its municipal code and applicable State laws through administrative, civil, and criminal processes.

The team that will provide services includes the following, in addition to paralegals, clerks, and administrative assistants. All attorneys are licensed to practice law throughout California.

- William Litvak, Partner (*Managing Partner – Chief Trial Attorney*)
- Steven H. Rosenblit, Partner (*Prosecutor and City Counselor*)
- Kenneth B. Dapeer, Partner (*Prosecutor and City Counselor*)
- James Eckart, Partner (*Lead Prosecutor and City Counselor*)
- Eric P. Markus (*Senior Trial Counsel*)
- Jocelyn Corbett (*Prosecutor and City Counselor*)
- Patricia Fitzgerald (*Prosecutor*)
- Sarah Edmiston (*Associate*)

Senior Attorneys

William Litvak has handled criminal and civil matters – both at the trial and appellate levels – on behalf of municipalities for almost 30 years and has been named a Super Lawyer for Southern California multiple times. He has additionally served as an arbitrator, settlement officer, and judge pro tem for the Los Angeles Superior Court, and has been an instructor, guest speaker, and/or lecturer on such topics as medical marijuana dispensaries, “red light” (gambling and prosecution) nuisance abatement, narcotics nuisance abatement, injunctions and receiverships, and red light photo enforcement, including appearing before the California Supreme Court in a successful defense of these important safety programs. Recently, he was also successful before the 9th Circuit of the United States Court of Appeal in protecting the rights of city police and enforcement officers to enter private businesses for the purposes of investigating violations of law. Mr. Litvak was selected to represent all of the member cities of the California Contract Cities Association in a contractual dispute with the County of Los Angeles related to a multimillion-



dollar contract for sheriff services. He is licensed to practice before all courts of this state, the 9th Circuit and the United States Supreme Court. He also regularly represents public entities in civil rights, inverse condemnation and commercial matters.

James Eckart has spent the past 19 years (both as a City Prosecutor and with the Los Angeles County District Attorney's Office) criminally prosecuting individuals who violate State and local laws. He has been an instructor, guest speaker, and/or lecturer for numerous Police Departments, the Los Angeles County Sheriff's Department, Code Enforcement Officer associations, Los Angeles County Health Department, and other governmental personnel on investigation techniques, search & seizure issues, report writing, and court procedures and testimony. Mr. Eckart authored and presented training to over 300 City Attorneys (through the League of California Cities) on how to successfully prosecute municipal code violations.

Steven Rosenblit and **Kenneth Dapeer** founded this office in 1978, and since that time they have focused their practice almost exclusively on serving municipalities as their designated City Prosecutors. Their dedication to providing their municipal clients with the best legal advice and highest quality work product has resulted in frequent requests for Mr. Rosenblit and Mr. Dapeer to be instructors, lecturers, and speakers at code enforcement workshops for code enforcement officers throughout the State.

Fee and Compensation Schedule:

Every municipality is unique – and its level of code enforcement activity is equally so. In consideration of the varying degrees of code enforcement activity by each of our municipal clients, the Firm does **not** seek a monthly retainer for legal services. Rather, the firm's legal fees are based upon an hourly rate (as set forth herein). As such, fees are only incurred when and if the City requires assistance from the Firm. Due to the experience of the Firm's lawyers and staff in code enforcement, the Firm is able to provide the highest quality of services in the most efficient manner possible, thereby maximizing the cost effectiveness of the City's code enforcement program.

Hourly rates for all municipal services are \$245 per hour, except for complex matters in which case hourly fees are \$290 per hour. Paralegals are used to reduce overall cost to the City and are billed at the rate of \$195 per hour

Expenses and Costs

In addition to fees, the Firm would be entitled to reimbursement of costs and expenses incurred in performing our services. Such costs would include, but not be limited to:



- Online 3rd Party Database access – Transaction fee of \$25 per request/search, in addition to actual charges for the service provider.
- Online legal research charges – As incurred at cost.
- Copier charges – B&W – 5¢/page; Color – 10¢/page.
- Postage – As incurred, at cost
- Exhibit preparation (including enlargement of photographs) – As incurred at cost.
- Court reporter or transcript fees – As incurred at cost.
- Approved travel expenses, As incurred at cost.
- Parking, entrance or other fees incurred to attend hearing or proceeding – As incurred at cost.
- Any extraordinary expenses (e.g., 3rd party expert witness or consulting fees) – As incurred with prior City approval.

Fee and Cost Recovery

The firm believes that to the extent legally permissible the public should not have to bear the ultimate cost for remediation of code violations or to secure compliance with the City's laws. Therefore, in each proceeding we evaluate all available sources for reimbursement to the City for the attorneys' fees, staff time and expenses incurred. In accordance with applicable law, we will endeavor to request reimbursement in appropriate circumstances.

Insurance

DRL maintains professional liability coverage in the amount of \$2,000,000 per occurrence and \$2,000,000 in the aggregate, as well as CGL coverage.

Conclusion

DRL's core belief is that the best results are obtained through thoughtful, deliberate, and thorough preparation. The Firm steadfastly adheres to the principles of respect, courtesy, cooperation, and diversity. While always ready to proceed with litigation, *DRL* attorneys strive to reach a voluntary resolution to disputes.

DRL attorneys are available to provide training, advice, and support to City Staff to ensure the best possible result from legal enforcement actions. The Firm understands the budgetary and other resource constraints that our clients face, and the Firm work as part of the City Team to maximize the results of any enforcement action commenced by the City while conserving City resources.

Neither *DRL* nor its lawyers seek or accept assignments as City Attorneys. The



Firm believes that as city prosecutors it needs to provide an independent perspective unrelated to the City's policy decisions thus avoiding any appearance that prosecutorial services are being used for any other purpose. *DRL* values its independence and reserves to the judgment of its lawyers consistent with ethical obligations to determine which cases will proceed to prosecution.

DRL lawyers are excited about this opportunity to work with City of Manhattan Beach, and believe that our experience, competitive fees, and dedication to the field of public law make the firm uniquely qualified to assist the City with its code enforcement needs.

For further information, please contact the firm's managing partner, William Litvak as indicated below or at wlitvak@drllaw.com.

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