



CITY OF POMONA COUNCIL REPORT

May 5, 2025

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: René Anderson, Human Resources/Risk Management Director

SUBJECT: APPROVAL OF AMENDMENT TO THE SPECIAL LEGAL COUNSEL PANEL

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Approve the hourly rate increase for Lozano Smith Attorneys at Law to a range of \$295 - \$395 for Partners, Senior Counsel, and Of Counsel; and
- 2) Approve the hourly rate increase for Atkinson, Andelson, Loya, Rudd & Romo to \$385 per hour for Of Counsel; and
- 3) Authorize the City Manager to execute retainer agreements with the requested firms.

EXECUTIVE SUMMARY: The Special Legal Counsel Panel is composed of attorneys and law firms selected based on their background and expertise in specialized areas of law, including police liability, dangerous condition of public property, environmental matters, water rights, eminent domain, and other fields as needed. Lozano Smith, Attorneys at Law (Lozano Smith) have requested an increase in their hourly rates from \$250 to a range of \$295–\$395 for Partners, Senior Counsel, and Of Counsel attorneys. Similarly, Atkinson, Andelson, Loya, Rudd & Romo (AALRR) have requested an increase in their hourly rate from \$295 to \$385.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

☒ When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT: The costs for legal services have been incorporated into the adopted Fiscal Year 2024–25 operational budget. To date, the City has expended approximately \$167,000 for services provided by Lozano Smith during their tenure. At this time, the City has not utilized the

services of Atkinson, Andelson, Loya, Rudd & Romo (AALRR); however, their services are anticipated to be used for future employment related matters. Legal expenses for liability litigations are funded through appropriations from the Self-Insurance Fund (Account No. 668-1352-52257-00000). The proposed hourly rate adjustment for Lozano Smith establishes a billing range of \$295 to \$395 for Partners, Senior Counsel, and Of Counsel attorneys. The proposed hourly rate for AALRR establishes a billing rate of \$385 for Of Counsel attorneys.

PREVIOUS RELATED ACTION:

- July 18, 2016 – Approved deletion of firms no longer used, the addition of Pillsbury Winthrop Shaw Pittman, LLP and Atkinson, Andelson, Loya, Rudd & Roma, and a rate increase for LCW.
- May 21, 2018 – Approved the addition of Lozano Smith, Attorneys at Law.

DISCUSSION: Pomona City Charter Section 703 provides that “[t]he City Attorney shall serve as the chief legal advisor to the Council, the City Manager, and all City departments and appointed bodies, and shall have the authority to represent the City in all civil and criminal matters...” When specialized legal services are required, Pomona City Code (PCC) Section 2-993.2(7) exempts procurement of specialized legal services from the bidding process. On November 21, 2005, the City Council approved the Legal Counsel Referral Policy, which sets forth a procedure for utilizing outside counsel when expertise is required in specialized areas of law. The initial panel of attorneys and law firms was approved by the City Council in 2006 and has subsequently been updated and approved by the Council as shown above.

In response to rising operational costs and broader market adjustments in the legal industry, Lozano Smith has requested an increase to its hourly rates for legal services. Specifically, the firm proposes raising its rates for Partners, Senior Counsel, and Of Counsel attorneys from the current \$250 per hour to a range of \$295 to \$395 per hour. Individual rates will vary based on each attorney’s years of experience and area of specialization. This is the first requested rate adjustment by Lozano Smith in more than seven years. Lozano Smith is a well-regarded law firm specializing in advising public sector clients in labor and employment litigation, with eight offices across California, including one in Los Angeles.

Similarly, due to increased operational costs and market changes, AALRR has submitted a request to adjust its hourly rate structure, proposing an increase from \$295 to \$385 per hour for Of Counsel attorneys. AALRR was originally appointed to the Special Legal Counsel Panel in 2016 to provide independent legal services to the City Council for employment-related litigation matters. This request represents the firm's first proposed rate adjustment since its initial engagement with the City.

Approval of the proposed action would authorize the requested rate increase and require an update to the Special Legal Counsel Panel, as reflected in Attachment No. 1.

Prepared by: Naela Cansino, Risk Manager

ATTACHMENT:

Attachment No. 1 – Updated Special Legal Counsel Panel