

RESOLUTION NO. 5509

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
CONFIRMING ITS POLICY CONCERNING THE CITY'S PARTICIPATION IN
FRIEND-OF-THE-COURT BRIEFS

WHEREAS, public agencies and municipalities statewide are from time to time involved in cases involving issues of general interest and applicability to the City's interests; and

WHEREAS, the City is asked from time to time to support other public agencies in "amicus curiae" or friend-of-the-court briefs in cases which have the potential to affect the City's policies, authority or liability; and

WHEREAS, frequently there is insufficient time to place the issue of friend-of-the-court participation on the City Council agenda for Council approval because of the extremely short time period within which such briefs must be filed; and

WHEREAS, the City Attorney has advised the City Council that participation in such briefs is in the City's interest; and

WHEREAS, there is no cost to the City in adding its name to a friend-of-the-court brief; and

WHEREAS, other California cities have lent assistance to the City by participating in friend-of-the-court briefs in behalf of the City; and

WHEREAS, the City Attorney usually has the benefit of the League of California Cities' recommendation on the advisability of the City's participation in friend-of-the-court efforts for appellate court cases; and

WHEREAS, the League has an extensive process for evaluating friend-of-the-court briefing efforts and recommends City participation in briefs only if the legal issues are of statewide significance and are ones in which cities have a common interest in the same outcome; and

WHEREAS, the City values the League's recommendation because the League's review process involves collective review by as many as 24 city attorneys from all regions of the state as well as the city officials who sit on the League's board of directors; and

WHEREAS, the City Council retains its prerogative to object to the City's joinder in any friend-of-the-court briefs recommended by the City Attorney; and

WHEREAS, this resolution reconfirms the City's existing policy and practice authorizing the City Attorney to file friend-of-the-court briefs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The City Council authorizes the City Attorney to make a preliminary decision to add the City as a participant in friend-of-the-court briefs under the following circumstances:

a) The City Attorney has reviewed the legal issues presented by the case and has determined that participation in the friend-of-the-court brief would protect or advance the City's legal interests; and

b) Joinder in the brief is consistent with existing City ordinances, resolutions or policies; and

c) The League of California Cities and/or its Legal Advocacy Committee is recommending this City join the brief; and

d) There is not cost to the City for joining the friend-of-the-court brief.

Section 2. For cases in which participation has not been considered by the Legal Advocacy Committee of the League of California Cities, or in which the Legal Advocacy Committee has no position, the preliminary decision regarding participation in friend-of-the-court briefs may be made by the City Manager on recommendation of the City Attorney under the following circumstances:

a) The City Attorney has reviewed the legal issues presented by the case and has determined that participation in the friend-of-the-court brief would protect or advance the City's legal interests; and

b) Joinder in the brief is consistent with existing City ordinances, resolutions or policies; and

c) There is no cost to the City for joining the friend-of-the-court brief.

Section 3. For all other cases, the decision regarding friend-of-the-court participation shall be made by the City Council in closed session upon recommendation of the City Attorney.

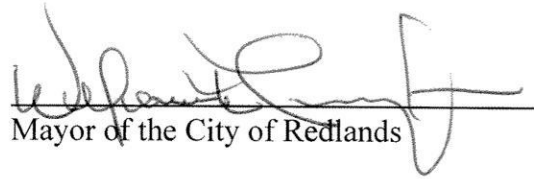
Section 4. City staff members who receive solicitations regarding the City's participation in friend-of-the-court briefs shall transmit those solicitations to the City Attorney for evaluation under this policy.

Section 5. The City Attorney is directed to promptly notify the City Council and affected department managers by informational memorandum as soon as practicable of any instance in which the City Attorney or City Manager has made a preliminary decision that the City should join in a

friend-of-the-court brief pursuant to this policy. The City Attorney's informational memorandum shall designate a date by which the City will join the friend-of-the-court effort unless any City Councilmember or affected department manager notifies the City Attorney to agendize the matter for discussion in closed session.

Section 6. No joinder based on the City Attorney's or City Manager's preliminary decision shall be made in a friend-of-the-court effort if any City Councilmember notifies the City Attorney to request that the matter be agendized for discussion in closed session.

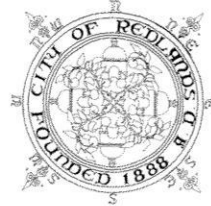
ADOPTED, SIGNED AND APPROVED this 5th day of May, 1998.


Mayor of the City of Redlands

ATTEST:


City Clerk

Office of the
City Attorney
City of Redlands



Daniel J. McHugh, Esq.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CITY ATTORNEY

DATE: APRIL 28, 1998

RE: FRIEND OF THE COURT BRIEFS

Attached for your consideration is a resolution which reconfirms the City's existing policy authorizing the City Attorney to file "Friend of the Court" briefs whenever our assistance and support is sought by the League of California Cities. As the City Council is aware, Redlands regularly participates in Friend of the Court briefs on legal matters pending before the Court of Appeal and Supreme Court which may have an impact on City business and the citizens of Redlands. It is not uncommon for fifty or more cities to join in such briefs, especially when statewide concerns are at stake.

The City may join a Friend of the Court brief and add its support to that of the League and other cities at no cost. Further, adding Redlands' name to a brief is helpful to staff in that we are kept up to date on pending legal matters which may affect City affairs.

A number of years ago, the City Council, in closed session, authorized the City Attorney to file such briefs. This matter is before you simply to reconfirm that policy, and reconfirm for you that staff will keep you apprised of all those briefs on the which the City joins.

DANIEL J. McHUGH

Attachment

DJM1167PW