

1 **RESOLUTION NO. 2023-R\_\_\_\_\_**

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 CULVER CITY, CALIFORNIA, AUTHORIZING THE CITY  
5 ATTORNEY TO INITIATE CERTAIN TYPES OF  
6 LITIGATION AND RESPOND TO REQUESTS FOR  
7 AMICUS CURIAE PARTICIPATION OR ASSISTANCE.

8 WHEREAS, Culver City Charter Section 901 sets forth the duties of the City  
9 Attorney, which include, among other things, serving as the chief legal adviser to the City in  
10 all matters pertaining to the business of the City and representing the City in all legal  
11 actions in which the City is concerned or is a party; and

12 WHEREAS, in the course of discharging the duties set forth in City Charter  
13 Section 901, the City Attorney receives requests for amicus curiae participation or  
14 assistance from the League of California Cities, other municipal law organizations,  
15 individual cities, and other public entities; and

16 WHEREAS, with respect to those matters that are routine in nature and  
17 advance the City's interest, it is expedient to authorize the City Attorney, in consultation  
18 with the City Manager, to provide amicus curiae participation or assistance; and

19 WHEREAS, on September 22, 1986, the City Council, by motion, previously  
20 authorized the City Attorney to determine whether the City should join in amicus curiae  
21 briefs when such joinder is at no cost to the City, and to inform the City Council when such  
22 joinders are made; and

23 WHEREAS, in the course of discharging the duties set forth in City Charter  
24 Section 901, it is necessary and expedient for the City Attorney to have the authority to  
25 undertake certain actions and enter into certain agreements without seeking City Council  
26 approval; for example, matters pertaining to the public health, safety and welfare that  
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1 require immediate action, such as civil injunctions for violations of the Culver City Municipal  
2 Code.

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4 NOW, THEREFORE, the City Council of the City of Culver City, DOES  
5 RESOLVE as follows:

6 1. The City Council hereby authorizes the City Attorney to initiate certain  
7 types of litigation and respond to requests for amicus curiae participation or assistance, as  
8 follows:  
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10 A. **Initiation of Litigation:** When the City Attorney deems it  
11 appropriate, in consultation with the City Manager, the City Attorney may:

12 i. Initiate litigation when the subject matter of the litigation  
13 involves time sensitive matters relating to the public's health, safety and  
14 welfare (e.g., civil injunctions for violations of the Culver City Municipal Code);

15 ii. Initiate litigation to collect debts or obligations paid by the  
16 City that are the responsibility of third parties (e.g., subrogation, indemnity);

17 iii. Enter into agreements to toll any applicable statute of  
18 limitations with respect to litigation brought by or against the City; and

19 iv. Enter into joint defense, joint privilege, or common  
20 interest agreements in order to share privileged information, strategies, or  
21 efforts without waiving the attorney-client and attorney work product  
22 privileges.

23 B. **Amicus Curiae Participation or Assistance:**

24 i. The City Attorney, after consultation with the City  
25 Manager, is authorized to determine whether or not the subject matter of  
26 requests for amicus curiae participation or assistance involve issues that  
27 are routine in nature and advance the City's interest, or whether the  
28 subject matter presents sensitive issues of policy for the City Council.

ii. When the City Attorney, after consultation with the City  
Manager, determines that the subject matter of a request for amicus  
curiae participation or assistance involves routine issues that advance the  
City's interest, the City Attorney is authorized to provide such amicus  
curiae participation or assistance as they deem appropriate. The City

1 Attorney shall inform the City Council of any action taken by the City  
2 Attorney to provide amicus curiae participation or assistance.

3 iii. When the City Attorney, in consultation with the City  
4 Manager, determines that the subject matter of a request for amicus  
5 curiae participation or assistance involves one or more sensitive issues of  
6 policy, and that it is appropriate to recommend that the City of Culver City  
7 provide amicus curiae participation or assistance, the request shall be  
8 brought to the City Council for decision.

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10 2. This Resolution shall supersede the City Council motion passed on  
11 September 22, 1986, referenced in the above recitals.

12 APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

13 \_\_\_\_\_  
14 ALBERT VERA, Mayor  
15 City of Culver City, California

16 ATTEST:

17 APPROVED AS TO FORM:

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19 \_\_\_\_\_  
20 JEREMY BOCCHINO  
21 City Clerk

22 \_\_\_\_\_  
23 HEATHER BAKER  
24 City Attorney