



## California City Attorney

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Burke currently serves the legal needs of over 300 governmental entities. We are frequent lecturers, speakers, and teachers to numerous public administration associations and clients. Our public lawyers collectively have hundreds of years of collective experience as general and special counsel for housing authorities, special districts, cities, towns, counties, and other public agencies. In particular, our California municipal law practice involves advising clients on complying with the Brown Act, the Public Records Act, and the Political Reform Act and the FPPC regulations implementing the Act, and other conflict of interest laws (Government Code section 1090, common law). Burke's California city attorneys have experience in all aspects of these laws.

Burke's California public agency law attorneys regularly work closely with municipal government staff in the preparation of agendas and agenda packets, including reviewing agenda descriptions for open and closed session items and preparing and reviewing agenda reports prepared by staff. We routinely participate in Board and Commission meetings and have substantial experience in advising public clients on meeting procedures. Our team members frequently conduct training and workshops on public agency ethics (AB 1234), the Brown Act and the Public Records Act, and have published in these areas.

In addition to attending public meetings and closed sessions as requested, we are able to advise the public agency clients on preparation of agendas and agenda documents (staff reports, resolutions, administrative items, etc.), legal memoranda, contracts, and reports, as necessary.

## **Code Enforcement and Receiverships**

Burke's California Public Law attorneys provide legal guidance and representation in all aspects of enforcement of a municipal entity's local code ordinances from the investigation stage to prosecution. Burke's code enforcement team consists of experienced professionals, adept at efficiently and successfully handling the complex and politically sensitive issues that municipal entities face when enforcing their code to gain compliance in areas including public nuisance property conditions, zoning code violations, building code compliance, substandard building conditions, and personal conduct violations. Burke's code enforcement team is particularly adept at handling complex enforcement matters involving cannabis businesses and massage parlors.

Burke code enforcement attorneys work closely with municipal government staff to identify the most appropriate strategy and efficiently and effectively achieve compliance. Burke's California code enforcement attorneys assist many public entities with all aspects of code compliance enforcement including: office conferences with suspected code violators, administrative citations and appeals, administrative abatement hearings, inspection warrants, abatement warrants, building demolition, cannabis related issues, civil litigations, writ proceedings and appeals, criminal prosecutions, permitting and licensing revocation, massage parlor regulation and injunctions and receiverships. Burke code enforcement attorneys regularly obtain injunctive relief and are familiar with the most common defenses in these cases, which enables the Burke team to identify the key issues in every litigation. Burke code enforcement attorneys are also well-versed in the Fourth Amendment and other constitutional limitations on enforcement, which enables us to guide our clients through the investigation phase while avoiding potential litigation pitfalls.

Burke code enforcement attorneys also have successfully litigated Health & Safety Receiverships across the State. California Health & Safety Code Receiverships are an effective civil remedy for addressing emergency health and safety housing threats in a community. Burke code enforcement attorneys are experienced in quickly and effectively evaluating a property, obtaining court approval for the nomination of a court appointed receiver and ensuring that the receiver brings the property into compliance with State and local codes at the property owner and property's expense.

## **LAFCO Proceedings**

Local Agency Formation Commissions (LAFCO) are state-mandated

commissions in California responsible for overseeing the formation, dissolution, and boundary changes of local government agencies including cities and special districts. LAFCOs work to encourage efficient and cost-effective delivery of public services by local agencies.

Burke's California city attorneys can assist clients with navigating the LAFCO process and ensuring compliance with applicable laws and regulations including the Cortese Knox Hertzberg Act. We can provide legal guidance on the formation or dissolution of local agencies including conducting feasibility studies and preparing applications for LAFCO approval; representing entities in LAFCO proceedings; and providing advice on the consolidation or coordination of services among local agencies.

### **The Brown Act**

The Ralph M. Brown Act is California's "sunshine law" which governs public meetings of local legislative bodies including city councils, district boards and other local government agencies. The Brown Act ensures that these meetings are conducted in an open and transparent manner, with the public given notice of the meetings and provided an opportunity to attend and participate in the meetings.

Burke Public Law attorneys play a critical role in ensuring that their clients comply with the Brown Act. We provide legal guidance on the requirements of the Brown Act, including notice requirements, public participation requirements, and other procedural requirements, as well as advice on addressing allegations of violations of the Act. Helping to promote greater transparency and accountability in local government is a fundamental part of our practice. Burke California city attorneys also provide training to local officials and staff on compliance with the Brown Act to ensure that everyone within the agency understands existing law or is aware of new laws affecting their work. Doing so promotes public trust and confidence in our democratic process.

### **Elections and Redistricting**

Burke's California Public Law attorneys help clients with ensuring that local elections are conducted fairly and in compliance with applicable laws and regulations. We provide legal guidance on the requirements for conducting elections including ballot access, voter registration and enforcement of election laws, helping to ensure that candidates, ballot measures, and campaigns comply with all applicable law.

Burke Public Law attorneys also provide representation in litigation and other disputes related to election procedures. This may include defending or challenging the results of an election. We take great pride in ensuring that the democratic process is upheld and the will of the people is reflected in the outcomes of local elections.

### **Land Use Planning, Housing, and Development**

Burke's California city attorneys provide legal guidance and representation to public agencies in all aspects of land use planning, housing, and development matters in California. As city attorneys to 36 California cities and special counsel on complex projects to many more, Burke attorneys regularly represent public agencies throughout the state in connection with Planning and Zoning law requirements, the Subdivision Map Act, CEQA and NEPA environmental compliance, and California's special laws regarding housing.

We assist our clients in their policy-making and regulatory capacity, and regularly help craft ordinances amending zoning codes, adopting objective development standards, and implementing state housing laws, such as the State Density Bonus Law, ADU Law, SB 9. We also represent public agencies in connection with General Plan updates, with particular experience helping public agencies develop and defend updates to the General Plan's Housing Element.

Our attorneys are also well-versed in assisting clients with specific development projects. We regularly represent public agencies throughout California in real estate and development matters, including due diligence, title and survey review, negotiation and drafting of retail and commercial leases, subdivision matters, licenses, easement agreements, exclusive negotiating agreements, purchase and sale agreements, ground leases, statutory development agreements, disposition and development agreements, compliance with the Surplus Land Act, and matters relating to hazardous materials/Brownfields remediation. As noted above, we also have robust experience with the application of California's housing laws to individual projects. We regularly evaluate applications for consistency with the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, and other new housing streamlining legislation.

When necessary, Burke's California city attorneys are prepared to defend their public agency client's interests in court. Burke attorneys have successfully litigated a high volume of CEQA and NEPA compliance issues at trial and appellate levels. Likewise, Burke attorneys defend public entities from lawsuits regarding project approvals and denials, as circumstances dictate. Our attorneys are strategic thinkers that help our clients anticipate issues that may arise during litigation and include material in the record to position our

clients for successful outcomes.

Finally, Burke attorneys represent public agencies in all aspects of affordable housing development and financing, and the development and implementation of affordable housing programs and policies. Collectively, we have assisted in the development of thousands of units of affordable housing in California in developments funded with state and federal low-income housing tax credits, taxable and tax-exempt bond proceeds, local housing trust fund monies, redevelopment tax increment and housing successor funds, project-based Section 8 and VASH vouchers, CDBG, HOME, funds provided by the California Department of Housing and Community Development, conventional loans, and other sources.

### **Federal, State, and Local Government Relations**

Burke Public Law attorneys provide legal guidance and representation in matters related to government relations. We can advise clients on how to interact with local, state, and federal government entities to advance their interests and achieve their goals. We also help clients to comply with applicable laws and regulations governing interactions with government officials and agencies.

Burke's California Public Law attorneys represent clients in meetings and negotiations with government officials and can help to develop strategies for advocacy on behalf of clients. We can also provide advice on lobbying registration and reporting requirements, ethics and conflict of interest rules, and other compliance issues related to government relations. Overall, we work to help clients navigate the complex landscape of government regulation and policymaking, and achieve our client's objectives through effective advocacy and engagement with government entities.

### **California Public Records Act**

The California Public Records Act (PRA) is a law granting the public the right to access public records. This law is intended to promote transparency and accountability in government; it helps ensure that the public may access information needed for informed participation in the democratic process.

Burke Public Law attorneys are dedicated to ensuring that their clients comply with PRA requirements. We provide legal guidance on the scope of PRA compliance including what records are subject to disclosure. Additionally, we provide representation in litigation involving the PRA including disputes over the release of records or the

adequacy of a government agency's response to a request.

### **Fair Political Practices Commission Regulation**

The Fair Political Practices Commission (FPPC) is the regulatory agency that enforces California law governing campaign finance, lobbying, and ethics in government. These laws are complex and constantly evolving. Compliance with these regulations is critical for candidates, elected officials, and public entities.

Burke's California Public Law attorneys can provide legal guidance and representation regarding FPPC regulations and compliance. Such counseling may include advising on compliance with the statement of economic interest (Form 700) requirements, conflict of interest rules, and other ethical regulations.

### **Ordinances and Resolutions**

Burke's California city attorneys are experts in drafting, amending, or repealing resolutions and ordinances affecting a wide variety of issues. We also provide legal guidance regarding the potential impacts of proposed ordinances including the potential for legal challenges or conflicts with other applicable laws.

Burke Public Law attorneys represent clients in negotiations with stakeholders including government entities, community organizations, and other interested parties. We help develop strategies for advocacy and engagement including public outreach and communication. Plus, we help assess the political landscape to achieve client objectives.

California is on the forefront of enacting rules ensuring ethical and transparent government. There are a robust set of governmental ethics laws establishing standards of conduct for public officials, regulate campaign finance and lobbying activities, and promote transparency and accountability in government decision-making. The laws are designed to prevent conflicts of interest, promote public trust, and ensure that elected officials and government employees act with integrity and accountability. Our deep understanding of the complex rules governing ethics is essential for anyone involved in public activities.

### **Public Works Bidding and Contract Disputes**

Burke's California city attorneys have substantial experience in public

works contracts, public bidding ,and procurement; including advice and consultation on preparation of bid documents, review and analysis of bids, evaluation of bid protests, negotiation and drafting of architect's agreements and construction contracts, construction management issues, surety issues, liquidated damages, stop notices, change orders, extra work and delay claims, dispute resolution, arbitration and trial.

Our attorneys have been involved in all phases of public and private construction projects. Burke attorneys routinely assist our public agency clients in drafting and negotiating public works contracts and public bidding documents. Our attorneys have substantial experience in public works contracts including advice and consultation on preparation of bid documents, review and analysis of bids, evaluation of bid protests, construction management issues, surety issues, liquidated damages, stop notices, change orders, extra work and delay claims, suspension of work and contract terminations, claims resolution including negotiation, mediation, arbitration and litigation. Members of our Construction Law Practice Group have prosecuted and defended claims in federal and state court, and in domestic and international private arbitrations, and in public arbitrations before the California Office of Administrative Hearings.

Burke has represented clients in all facets of construction and procurement law, including:

- Preparation, review, counseling, and negotiation of professional service and construction contract documents, including bid forms and contract procedures
- Bid protests and award disputes involving issues of responsiveness, responsibility, mistake, subcontractor listing requirements, and other related issues
- Insurance requirements and disputes
- Surety claims and disputes
- Labor law issues, including prevailing wages
- Mechanic's lien, bond, and stop notice claims
- Construction claim preparation and defense, including claims for delay, disruption, acceleration, differing site conditions, and termination
- Resolution of performance issues through mediation, arbitration, litigation, administrative proceedings, and negotiation
- Contractor's license law matters
- Construction defect litigation
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- Prosecution and defense of errors and omission claims against design professionals

We represent numerous cities, counties, community college districts, special agencies, and hospital districts in connection with capital improvement programs involving new construction and renovations, with several projects exceeding \$100 Million. Our scope of services includes drafting and negotiating professional services agreements, drafting construction front-end documents for public bidding, advising on bidding issues, construction claims, and related construction disputes.

### **Consult the Burke City Attorney Team**

At Burke, Williams & Sorensen, LLP, a California city attorney is always ready to lend their experience and knowledge to help clients reach their goals and objectives with efficiency and compassion. [Contact us today](#) to learn more about how a Burke California city attorney can help you.