

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY MANAGER WILDE
CITY CLERK/ASSISTANT CITY MANAGER CARLSON**

FROM: HOLLY C. WELLS

RE: SECOND QUARTER CITY ATTORNEY REPORT

CLIENT: CITY OF WHITTIER

FILE NO.: 507456.60

MEETING DATE: AUGUST 18, 2026

The purpose of this Second Quarter City Attorney Report is to provide the City of Whittier with a summary of all legal work performed from April 1, 2026, through June 30, 2026. It will highlight updates to the Council on pending projects and our team's priority projects as we move into the third quarter of 2026.

This report will provide a breakdown of the number of hours worked in general legal services and those worked on specific projects and matters. To assist the Firm in doing this in a cost-effective manner, additional files have been created to allow Council and Administration to carefully review the legal work required for each given project or specific matter. Furthermore, this report is broken into four primary sections: I) Summary of Hours Worked by Topic; II) Summary of Legal Work by Month; and III) Brief summary of recommendations regarding 2026 legal projects based on current and outstanding legal work. The Firm's approach to the report can be revised to fit the Council's needs and preferences.

I. SUMMARY OF HOURS WORKED BY TOPIC

This section of the report provides a summary of the hours worked by topic during this quarter.

- General Business 2026-2027 – 206.60 Hours Worked
- Eric Fleming Injunction – 91.80 Hours Worked
- Ground Passenger Fee Implementation – 39.60 Hours Worked
- BTI Access Issues – 16.70 Hours Worked
- Turnagain Marine Construction Corp. Complaint – 11.70 Hours Worked
- Collin Lease Dispute (Harbor Triangle) – 6.00 Hours Worked
- Bradley Adams-US DOL – 4.60 Hours Worked
- General Administration – 3.50 Hours Worked
- Collin Lease Dispute (Harbor Store) – 2.60 Hours Worked

- Title 3 Tax Revisions – 1.80 Hours Worked
- Collin Lease Dispute (Harbor Loop) – 1.70 Hours Worked
- General Tax Matters – 0.90 Hours Worked
- Whittier Marina Condominium Association Lease – 0.90 Hours Worked
- Whittier Seafood Bankruptcy – 0.30 Hours Worked
- Council Policy Manual – 0.20 Hours Worked

II. SUMMARY OF LEGAL WORK BY MONTH

The following provides a summary of legal services provided by month. Please be aware that attorney-client matters involving personnel or other confidential or privileged matters are noted only generally. To the extent Council would like an assessment of those matters, a separate attorney-client privileged report can be provided.

April 2026

Attorney Holly Wells analyzed and addressed tax apportionment questions, handled Council manual revisions, and conducted legal research related to the ground passenger fee implementation. Attorney Wells continued to discuss the status of the City's ongoing projects with the City Administration team.

Attorneys Michael Schwarz, Matthew Widmer, Richard Moses, and Holly Wells addressed several lease matters through correspondence with title companies and City Administration, research and analysis of the City's current code provisions, and drafting correspondence to lessees to mitigate issues.

Attorneys Schwarz, Moses, and Wells met with the City Manager and Harbor Master and attended the Council meeting.

Attorneys Brian Gerd and George Pitts handled motion practice in the Eric Fleming Injunction litigation that is in Superior Court and the Alaska Supreme Court.

Attorney Arina Filippenko conducted legal research regarding sales tax apportionment for sales tax and ground passenger fee issues.

Attorney Valerie Delatorre conducted legal research regarding property rights associated with harbor slips.

Attorney Haley Wehrheim conducted legal research regarding rules of professional conduct in support of a determination letter to the City, related to the ground passenger fee implementation.

Attorney Jennifer Alexander handled an ongoing Department of Labor investigation.

Paralegal Cherise Chong assisted the legal team with drafting the 2026 first quarter city attorney report.

May 2026

Attorney Wells coordinated the legal team and City Administration team to address lease violations, ground passenger fee implementation questions, and executive session procedures. She also attended City Council meetings.

Attorneys Schwarz, Widmer, Moses, and Wells continued to address multiple lease matters.

Attorneys Gerd conducted legal research governing tolls and ground passenger fees in relation to a State's request for information. Attorney Hannah Clancy prepared a response to the State.

Attorney Clancy addressed Begich Tower Inc. (BTI) access issues by reviewing BTI bylaws and other historical documentation, preparing a resolution draft, and corresponding with the City Manager and acting Assistant City Manager.

Attorney Pitts reviewed the City's proofs of claim in relation to the Whittier Seafood Bankruptcy matter and corresponded with the Finance Director and City Manager regarding the claim distribution and status.

Attorney Moses had begun handling a Turnagain Marine Construction Corporation litigation.

Attorneys Gerd and Pitts continued to lead the Eric Fleming Injunction motion practice.

Attorney Adam Cook researched and advised the City on a potential bid protest.

Paralegal Chong coordinated the legal team to revise and finalize the 2026 first quarter city attorney report.

June 2026

Attorney Wells attended City work sessions and meetings. She also conducted legal research and drafted memorandums on several outstanding matters, such as leasing issues, the Open Meetings Act, conflicts of interest, and constitutional questions.

Attorneys Wells and Clancy continued to correspond with the State's acting attorney general regarding a proposed ground passenger fee ordinance. Separately, they corresponded with BTI's homeowners association and conducted legal research to address BTI access issues.

Attorneys Schwarz, Widmer, Moses, and Wells continued to address multiple lease matters.

Attorney Moses continued to address the Turnagain Marine Construction Corporation litigation by coordinating with the parties and preparing motion practice. He also attended City Council meetings.

Attorney Filippenko conducted legal research regarding docking fee taxation and sales tax caps.

Attorney Gerd continued to lead the Eric Fleming Injunction motion practice.

Paralegal Chong handled the review and responses to public records requests.

III. PRIORITIES FOR THE THIRD QUARTER OF 2026 (July 1, 2026-Sept. 30, 2026)

Currently, our team is working closely with the City Manager and Administrative team to work through pending priorities and objectives of Council. Our priorities include addressing the implementation of the ground transportation fee that became effective January 1, 2026, revising and reviewing Title 4 of Whittier Municipal Code alongside the City Clerk, and working with the City Manager on ARRC land matters.

IV. CONCLUSION

While we made every attempt to be comprehensive in this report, the legal work performed on Whittier's behalf is extensive, and this report provides only an overview of that work. To the extent Council members have specific questions that may require additional research, we encourage members to provide City Clerk/Assistant City Manager Carlson with those questions before the Council meeting, so we are prepared to provide knowledgeable and thorough responses.