

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS
CITY MANAGER WILDE
CITY CLERK CARLSON

FROM: HOLLY C. WELLS
JESSICA J. SPUHLER

RE: FOURTH QUARTER CITY ATTORNEY REPORT

CLIENT: CITY OF WHITTIER

FILE NO.: 507456.60

MEETING DATE: FEBRUARY 17, 2026

The purpose of this Fourth Quarter City Attorney Report is to provide the City of Whittier with a summary of all legal work performed from October 1, 2025, through December 31, 2025. It will highlight any updates to the Council on pending projects and our team's priority projects as we move into the first 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 2024-2025 – 64.90 Hours Worked
- Eric Fleming Injunction – 28.80 Hours Worked
- Lease Transfer – 7.50 Hours Worked
- Alaska Railroad Real Estate Issues – 4.50 Hours Worked
- General Counsel Advice – 3.20 Hours Worked
- General Administration – 1.90 Hours Worked
- Whittier Marina Condominium Association – 1.10 Hours Worked
- Whittier Seafood Bankruptcy – 0.50 Hours Worked
- Head of Bay Project – Huna Totem – 0.40 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.

October 2025

Attorney Holly Wells corresponded with Council members and administration to address legal concerns surrounding a proposed transient moorage resolution. Attorney Wells also prepared for and attended the canvassing and certification of the election.

Attorney Jessica Spuhler worked with various City personnel regarding Buckner funds, EPA grants, an RFQ for Brownfield work, and the potential legal action by the Railroad/Cruise lines.

Attorney Michael Schwarz assisted the Finance Director and Assistant City Manager with reviewing and revising lease assignments.

Attorney George Pitts continued to monitor the Whittier Seafood Bankruptcy matter regarding the sale of Salacia property and advised the Finance Director regarding its status and next steps.

Attorney Arina Filippenko reviewed ADEC grant requirements and drafted a request for a water well subsidized loan.

Attorney Brian Gerd handled extensive motion practice in the Eric Fleming Injunction litigation.

Attorney Richard Moses prepared for and attended the City Council meeting.

November 2025

Attorney Wells conducted research regarding transient moorage, questions arising surrounding the annual general election, and water and utility deposits. Further, Attorney Wells advised the City Clerk regarding lease enforcement and vessel impoundment procedures. Attorney Wells also prepared for and attended the City Council meeting.

Attorney Spuhler provided insight into RCA obligations regarding utility deposits. Attorney Spuhler also reviewed correspondence regarding Huna Totem.

Attorney Schwarz continued to work with City personnel and the surveyor's office regarding lease assignments and ground lease templates.

Attorney Gerd continued to monitor and conduct research pertaining to the Fleming Injunction litigation and advised the City Manager regarding its status and next steps.

December 2025

Attorney Wells worked with the City Manager regarding the Alaska Railroad Corporation ("ARRC") land acquisition process; prepared for Councilmember good governance training; and continued to conduct research on election matters, utilities, and the derelict vessel impoundment process. Attorney Wells also continued to coordinate with the legal team and City personnel to address various outstanding projects.

Attorney Spuhler reviewed Head of Bay leases and continued to assist Attorney Wells with ARRC-related matters.

Attorney Schwarz continued to work with the City Manager, Assistant City Manager, and Finance Director to review lease assignments and revise lease templates.

Attorney Filippenko drafted updates to the council training manual and assisted Attorney Wells with training material preparation.

Attorney Gerd continued to monitor the Eric Fleming Injunction litigation and advise the City Manager of its status.

Attorney Moses prepared for and attended the City Council meeting.

III. PRIORITIES FOR THE FIRST QUARTER OF 2026 (January 1 – March 31, 2026)

Based upon current projects and newly seated Council members, we recommend Council revisit its local priorities before the new year. 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 3 of Whittier Municipal Code alongside the City Clerk, working with Administration to devise the annual Land Allocation Plan, 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 Carlson with those questions before the Council meeting so we are prepared to provide knowledgeable and thorough responses. Further, we also encourage Council members to review the list of priorities laid out for the third quarter, so that we can work together to amend these priorities as Council sees fit at its February meeting.