



PATRICK MUNOZ

Partner

Government and Regulatory

Orange County

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Patrick Muñoz' practice emphasis includes a wide variety of legal matters, both litigation and transactional, encountered in the representation of public entities and private individuals and organizations dealing with governmental agencies.

Patrick is readily familiar with all aspects of general municipal affairs and the myriad of state and federal statutes, regulations and case decisions which regulate local governmental agencies, and those who do business with them. He currently serves as the City Attorney for the cities of Dana Point and Twentynine Palms. He has previously served as the City Attorney for Adelanto, and Assistant City Attorney in the cities of San Juan Capistrano, San Fernando, West Covina and Baldwin Park.

Patrick has developed a particular practice emphasis in matters involving solid waste. In this regard he has negotiated and written contracts and franchise agreements for both public entities and private solid waste enterprises, and has actively participated in the adoption of statewide solid waste regulations and the permitting of solid waste facilities. He has also dealt extensively with regulations applicable to CRV pursuant to the California's Beverage Container Recycling and Litter Reduction Act.

His practice has not been limited to the representation of public agencies. Utilizing the legal, management and business skills required in his City Attorney practice, he also serves as general counsel for several medium-sized and small businesses, advising them in a wide variety of matters. He has additional experience as a governmental affairs representative, handling matters for private parties and entities in situations in which clients find themselves interacting with governmental agencies. His private client representation includes both litigation and non-litigation matters in areas of land use, acquisitions, administrative law, Alcoholic Beverage Control regulations, and contractual negotiations and disputes.

Related Services

- Government and Regulatory
- Condemnation and Property Valuation
- Environmental
- Government Relations and Political
- Land Use and Natural Resources
- Municipal Law General and Special

Related Industries

- Public Entities and Municipalities
- Environmental and Natural Resources
- Food and Beverage
- Sports and Entertainment

Bar & Court Admissions

- State Bar of California
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Areas of Focus

- Solid Waste Matters
- Local Government Law
- Land Use Law
- General Counsel – Public and Private Entities

Public Law Career Highlights

Mr. Muñoz started with Rutan and Tucker's Public Law Section in 1990 after graduating with honors from Loyola Law School. Soon thereafter he became Assistant City Attorney in the Cities of West Covina, Baldwin Park, San Fernando and Canyon Lake, as well as Deputy City Attorney in the City of Irvine.

In these roles, among other things, he assisted with the incorporation of the City of Canyon Lake and regularly participated as a speaker at the annual California Building Officials' Conference. As Assistant City Attorney for San Fernando, he drafted an ordinance banning two warring gangs from a local park which withstood an A.C.L.U. challenge and served as a model for gang abatement in Los Angeles County.

In 1994 Mr. Muñoz became Twentynine Palms' City Attorney. In this role for over 30 years he has assisted in a wide variety of projects including, perhaps most notably, the annexation of the Twentynine Palms Air Ground Combat Center. He also lead the City's successful legal efforts to preserve its former Redevelopment Agency's bond proceeds for use in a project intended to assist with the revitalization of the City's historic downtown. He ultimately assisted the City in successfully implementing that economic development project in the post-Redevelopment Era. In addition, he assisted the City with a complex LAFCO proceeding whereby the City facilitated the transfer of fire protection authority from the local water district to the County, thereby ensuring a sustainable funding mechanism for ongoing fire protection service in the region.

Mr. Muñoz also serves as the General Counsel for the Morongo Basin Transit Authority, now known as Basin Transit, which provides public transportation services in the communities of Twentynine Palms, Yucca Valley, and Joshua Tree.

The City of Dana Point appointed Mr. Muñoz as its City Attorney in 2002. As City Attorney, among other achievements, he led the City's legal efforts related to the approval of the Headlands development by the California Coastal Commission, and successfully defended against related legal challenges to this approval. Since that time, he has been involved in countless matters involving coastal development and related regulations on behalf of the City. He also successfully led the defense of a complex legal challenge to the City's Housing

Element by which opponents to a mobile home park closure sought to eliminate the City's ability to exercise its land use authority in connection with

Education

- Loyola Law School (1989), magna cum laude; Member, Order of The Coif; Member, Alpha Sigma Nu and St. Thomas More Jesuit honor societies; Member, Loyola Law Review; Member, Loyola Law School Scott Moot Court Team

any project. He also lead the City's legal team against efforts by the IRS to compel recreation class instructors to be classified as employees, rather than the common practice of classifying them as independent contractors. Prior to the passage of Proposition 64 which decriminalized cannabis in California, he led Dana Point's legal efforts by which it obtained judgments in excess of \$7,000,000.00 against various marijuana dispensaries that were illegally operating in the City in violation of California's then existing medical marijuana laws.

Mr. Muñoz served as the City Attorney for the City of Adelanto from 2007 until 2009. In that role he was an integral part of the City's legal team when, due to a severe economic downturn, it was forced to deal with the fallout of its default on a complex financing involving auction rate bonds and a so called "SWAP." Through a creative combination of water and sewer rate increases, bond refinancing, and the sale of certain public properties his efforts enabled the City to successfully avoid filing for bankruptcy protection, while at the same time achieving a funding mechanism that complied with applicable laws that often handcuff local agencies, such as Proposition 218.

Mr. Muñoz has negotiated numerous solid waste franchise agreements including agreements in the cities of Santa Clarita, Simi Valley, Santa Ana, Fullerton, Irvine, San Clemente, La Quinta, Dana Point, Twentynine Palms, Lynwood, Huntington Park and La Palma. He assisted the Orange County City Managers Association in negotiating an amendment with the County of Orange to the County's Waste Disposal Agreement which directs flow of Countywide solid waste the County's landfill system. Mr. Muñoz actively participated in the adoption of statewide regulations by the California Integrated Waste Management Board applicable to solid waste facility permitting, and in a related vein successfully defended a solid waste enterprise which was accused by the LEA and CalRecycle of operating in violation of these regulations. He has also successfully processed both local land use entitlements and State solid waste facility permits on behalf of solid waste enterprises. Following the adoption of SB 1383 and its complex regulations, Mr. Muñoz assisted numerous cities in implementing required enforcement measures as well as in updating and bringing their franchise agreements into compliance with the new legal requirements.

Mr. Muñoz has handled numerous complex litigation matters on behalf of various cities. These cases have included landslide and flooding claims, challenges to the award of solid waste franchises, inverse condemnation claims, ADA claims, suits brought pursuant to 42 USC Section 1983, Coastal Act claims, CEQA claims, challenges to regulation of so called "sober living homes", claims based on cannabis regulations, and writ challenges to development projects and ordinances. He has regularly handled cases before California's appellate courts, and has appeared before the California Supreme Court.

Over the years Mr. Muñoz has been a speaker at a variety of League of California City committee meetings/conferences, and has assisted with updating the California Municipal Law Handbook. He has served as a volunteer moot court judge for the Constitutional Rights Foundation, has handled several

pro-bono cases for Orange County's Public Law Center, and has given numerous presentations on Legal Ethics to a variety of public officials.

Representative Cases

- City of Dana Point v. New Method Wellness, Inc. (2019) (39 Cal. App. 5th 985
- City of Dana Point v. Beach Cities Collective (2014) (Docket No. G047839)
- City of Dana Point v. California Coastal Com. (2013) 217 Cal. App. 4th 170
- Ambac Assur. Corp v. Adelanto Public Utility Authority, (2011) U.S.D.C. Southern District of New York – 2011 U.S. Dist. LEXIS 131680
- Traudt v. City of Dana Point, Calif. Court of Appeal – (2011) 199 Cal. App. 4th 886
- Dana Point Safe Harbor Collective v. Superior Court, Supreme Court of California (2010) 51 Cal. 4th
- Weitzman v. City of Dana Point, Calif. Court of Appeal – (2006) 4th Dist – Div 3 – G036199, 2006 Cal. App. Unpub. LEXIS 11677
- Hamilton v. City Council of Dana Point, Calif. Court of Appeal – (2005) 4th Dist – Div 3 – G034788, 2005 Cal. App. Unpub. LEXIS 10130
- Santa Ana Food Market, Inc. v. Alcoholic Beverage Control Appeals Board, Calif. Court of Appeal – (1999) 76 Cal. App. 4th 570

Publications

- “The Truth About Marijuana Dispensaries,” Orange County Lawyer, August 2011
- “Challenging the IRS on the Status of Independent Contractors,” Western City Magazine, July 2010

Awards & Honors

- Southern California Super Lawyers 2012-2020, 2022-2024
- Daily Journal's Top 25 Municipal Lawyers of 2011
- AV® Preeminent™ rating with LexisNexis/Martindale Hubbell

Community Affiliations

Mr. Muñoz has a long record of community service. He is currently a board member and Past President of the Board of the Orange Coast College Foundation and over the years he has been a board member of Prevent Child Abuse Orange County/The RAISE Foundation; Hoag Hospital Foundation's 552 Club; Costa Mesa Chamber of Commerce's CM 500; and the Santa Ana Chamber of Commerce. He has been a volunteer leader for the Newport Beach Little League and the Newport-Mesa YMCA Indian Princess organization. His volunteer efforts have been publicly recognized on numerous occasions including by:

- The 2001 Hoag Hospital Siracusa Award
- The 2005 Costa Mesa Chamber of Commerce and South Coast Metro Alliance Community Spirit Award, and

- The 2006 Hoag Hospital Dr. David Martyn Memorial Award

Memberships & Associations

- Board Member, Southern California Golf Association, Jr. – SCGA Foundation
- Board Member, Orange Coast College Foundation
- Member, OCBA Society of Fellows