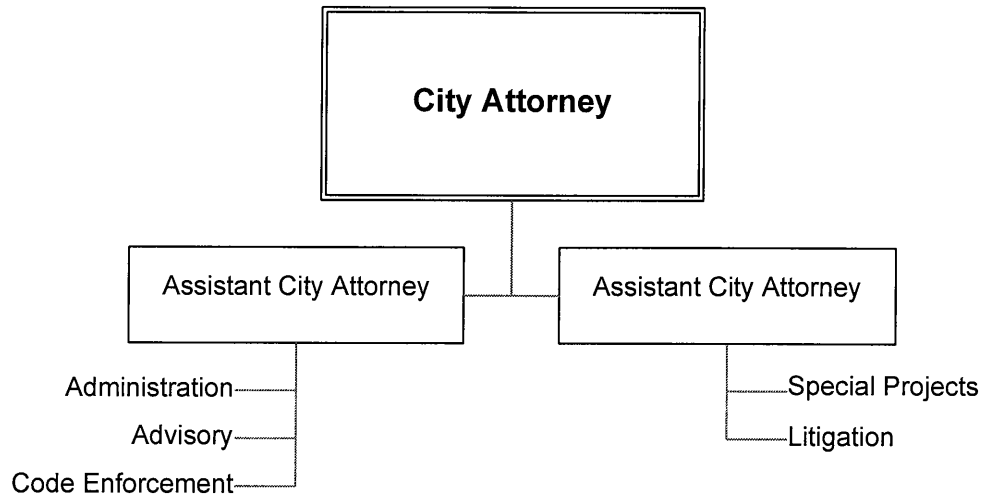


# 6

SECTION 6

**CITY ATTORNEY**



### **CITY ATTORNEY'S OFFICE**

*The mission of the City Attorney's Office is to serve the City of Sacramento by providing the highest quality legal advice and representation to the City Council and the officers and employees of the City in a manner which is as efficient as possible.*

### DESCRIPTION

The City Attorney serves as the legal advisor to the City Council, City Departments and Boards and Commissions as well as the Parking Authority, the Library Authority and the Sacramento Public Facilities Financing Corporation. The Office conducts criminal, civil and administrative litigation on behalf of the City, and prepares ordinances, resolutions, contracts, opinions and other legal documents for the City. The office is organized into administration and four operational sections:

- Administration: The Administration Section develops and implements office policies and procedures; monitors overall office performance; prepares and administers the office budget, handles all personnel hiring and other personnel matters, assembles and analyzes office productivity data, including production of an annual report; and engages in long-range planning. The administration and general support functions of the office are performed under the direction of the City Attorney.
- Advisory: The Advisory Section provides strategic support to the City's policymaking function by responding to requests for legal advice from the City Council, the Charter Officers and City departments and divisions.
- Litigation: The Litigation Section handles the vast majority of lawsuits filed by and against the City of Sacramento.
- Special Projects: The Special Projects Section is a diverse group whose responsibilities include controversial or high profile civil litigation cases and various advisory matters.
- Code Enforcement: The Code Enforcement Section is responsible for all City Code enforcement issues; including training and advising staff on enforcement matters and prosecuting violations through administrative, civil or criminal actions.

### MORE INFORMATION

Please see the following for more information about the City Attorney's Office:

**Website** - <http://www.cityofsacramento.org/cityattorney/>

#### Key Contacts -

**City Attorney**  
Samuel L. Jackson  
**Assistant City Attorneys**  
Richard E. Archibald  
Sandra G. Talbott

**Office of the City Attorney**  
980 Ninth Street, 10<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 808-5346  
[tjones2@cityofsacramento.org](mailto:tjones2@cityofsacramento.org)

### **OBJECTIVES FOR FY2005/06**

- Provide the highest quality litigation representation by continuing to devote the time and resources necessary to assure that each case is investigated, analyzed, researched and prepared for settlement or trial in the highest professional manner.
- Provide the highest quality legal advice by continuing to devote the time and resources necessary to assure that requests for opinions, ordinances, contracts and other documents and all other non-litigation matters are handled in a timely and professional manner.
- Work, on a continuing basis, with City officers and employees to provide advice and educational services to accomplish the policy objectives of the City and to prevent legal problems from arising.
- Provide efficient, cost effective delivery of legal services, focusing on preparation and implementation of standardized procedures and forms and pursuing additional cost recovery through possible enactment of legislative authority at the local level.
- Protect the public through vigorous, timely abatement of neighborhood and public nuisances; use administrative, civil and criminal enforcement methods to promote compliance with City laws and regulations; work with city staff and the community to design measures to prevent or discourage code violations, especially criminal conduct.

### **ACCOMPLISHMENTS IN FY2004/05**

In Fiscal Year 2004/05, the accomplishments of the Advisory, Litigation, Special Projects and Code Enforcement sections included the following:

#### **Advisory**

- Drafted and/or provided legal advice on ordinances and legislation, including ordinances involving Old Sacramento signs, sewer and storm drain system financing, equal benefits, historic preservation, land use around light rail stations, affordable housing, and the Parks and Recreation Advisory Commission.
- Continued legal advice in support of the day-to-day activities of all City departments and of significant projects, including redevelopment of the UP Railyards, Sacramento Intermodal Transportation Facility, development of parks throughout the City, Army Depot, infill development, and North Natomas development.
- Provided legal advice, drafted and negotiated agreements, and assisted City staff as needed for major City and private projects, including 911 emergency response cost recovery fee, solid waste facility host fee, various projects involving Regional Transit, County of Sacramento and other local public agencies, and development of City fiber optic system. Advisory attorneys also provide support for the defense of the City in litigation matters.

#### **Litigation**

- Handled litigation cases in-house rather than by referring to outside counsel resulting in substantial savings in attorney fees incurred by the City. Resolved at least 60% of cases without the payment of money through dispositive motions.

**Special Projects**

- Continued to handle complex litigation with a great degree of success, including defense of the City from a constitutional challenge to early closure of the State Fair, and defense awards in employment and large personal injury cases.
- Continued to provide extensive legal advice and support for issues related to development and finance issues for development in the North Natomas area, and throughout the City.

**Code Enforcement**

- Successfully obtained the City's first Gang Injunction in the Franklin Villa area against a local gang heavily engaged in drug trafficking. The injunction ordered gang members to refrain from committing certain specified acts. Since the date of the injunction, police report the named gang members have not returned to the area.
- Obtained a closure order and injunction against a drug house in Natomas where neighbors and their children were threatened and had weapons brandished at them.
- Created the Downtown Task Force – worked closely with Police and Code to create a task force that would focus on problems, crimes and other issues in Downtown (including Alkali Flats). Attorney assigned to oversee the task force. Attended monthly meetings and created a priority project list after consultation with all interested parties that has enabled departments to combine individual resources in a more strategic manner.

**PROPOSED BUDGET/STAFFING CHANGES**

**Organizational Changes**

None

**Organizational Assessment**

The City Attorney's Office organized an internal budget committee consisting of five staff members who volunteered to participate. The committee reviewed the operating budget expenditures and made suggestions for reductions and also for possible new revenues. The end result was a recommendation to reduce law books from our library and to rely on computerized or on-line resources for legal research. This reduction together with a commitment to scale back expenditures in other areas such as training and travel, among others, helped the City Attorney's Office achieve the required 2% reduction for the FY05 budget. In addition, we have a proposed amendment to Chapter 1.28 of the City Code to allow for collection of attorneys' fees from code violators where attorneys' time has been expended in code enforcement matters. The proposed amendment is scheduled to go before the Law & Legislative Committee on April 19, 2005 and to City Council on May 10th or 17th, 2005.

**Augmentations**

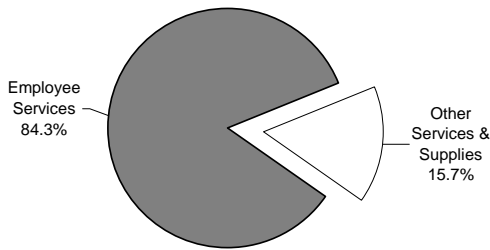
The augmentations of the City Attorneys' Office include the following:

- Two attorneys and two support positions as recommended in the comprehensive staffing study approved by the Mayor and City Council.

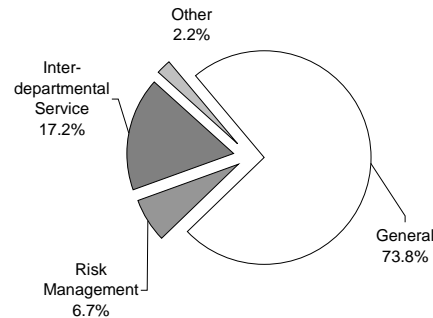
Department Budget Summary

City Attorney Budget Summary	FY 2003/04 Actual	FY 2004/05 Approved	FY 2004/05 Amended	FY 2005/06 Proposed	Change More/(Less) Proposed/Amended
Positions (FTE)	52.00	52.00	53.00	53.00	0.00
<b>Budgeted Expenditures</b>					
Employee Services	4,733,189	5,495,728	5,596,454	5,913,784	317,330
Other Services & Supplies	986,355	1,108,884	1,108,884	1,102,301	(6,583)
Equipment	0	0	0	0	0
CIP & Grant Offsets	0	0	0	0	0
Transfers	(48,500)	0	0	0	0
<b>Total:</b>	<b>5,671,044</b>	<b>6,604,612</b>	<b>6,705,338</b>	<b>7,016,085</b>	<b>310,747</b>
<b>Funding Summary by Fund/Special District</b>					
General	4,347,526	4,865,352	4,966,078	5,179,897	213,819
N Natomas Neigh Landscape Main	0	0	0	0	0
Water	138,690	151,550	151,550	156,065	4,515
Risk Management	648,272	648,272	648,272	471,112	(177,160)
Inter-departmental Service	536,556	939,438	939,438	1,209,011	269,573
<b>Total:</b>	<b>5,671,044</b>	<b>6,604,612</b>	<b>6,705,338</b>	<b>7,016,085</b>	<b>310,747</b>

**Budgeted Expenditures - FY06**



**Funding Summary - FY06**



Division Budget Summary

City Attorney Division Budgets	FY 2003/04 Actual	FY 2004/05 Approved	FY 2004/05 Amended	FY 2005/06 Proposed	Change More/(Less) Proposed/Amended
CITY ATTORNEY	5,635,653	6,404,612	6,505,338	6,816,085	310,747
LITIGATION	35,391	200,000	200,000	200,000	0
<b>Totals:</b>	<b>5,671,044</b>	<b>6,604,612</b>	<b>6,705,338</b>	<b>7,016,085</b>	<b>310,747</b>

Staffing Levels

City Attorney Division FTEs	FY	FY		FY	Change
	2003/04 Actual	2004/05 Approved	2004/05 Amended	2005/06 Proposed	More/(Less) Proposed/Amended
CITY ATTORNEY	52.00	52.00	53.00	53.00	0.00
Totals:	52.00	52.00	53.00	53.00	0.00

**TRENDS**

<b>Advisory Actions - Advisory and Special Project Sections</b>	<b>FY2000/01</b>	<b>FY2001/02</b>	<b>FY2002/03</b>	<b>FY2003/04</b>
<b>Number of City Council assignments</b>				
Received	76	98	83	93
Completed	71	99	73	103
Carried Over	14	13	23	13
<b>Number of Non-City Council assignments</b>				
Received	2404 (1851) <sup>1</sup>	2123 (1740) <sup>1</sup>	2021 (1750) <sup>1</sup>	1992 (1615) <sup>1</sup>
Completed	2201 (1946) <sup>1</sup>	2076 (1882) <sup>1</sup>	1886 (1655) <sup>1</sup>	2017 (1627) <sup>1</sup>
Number of contracts received and approved	1469	1545	1475	1467

<sup>1</sup>The higher number represents the total number of advisory assignments handled by the office, including those handled by the Special Projects Section. The lower number in parentheses reflects the number of advisory assignments handled by the Advisory Section alone.

<b>Code Enforcement</b>	<b>FY2000/01</b>	<b>FY2001/02</b>	<b>FY2002/03</b>	<b>FY2003/04</b>
Code Enforcement matters handled (advisory & administrative)	313	365	529	458
<b>Criminal Prosecution</b>				
Number of cases referred	124 <sup>2</sup>	2292	2939	3108
Number of citations and complaints filed	119 <sup>2</sup>	2092	1920	2549
Number of cases closed	63 <sup>2</sup>	1491	1207	1373

<sup>2</sup>From initiation of criminal prosecution on February 5, 2001 through June 30, 2001

<b>Litigation Actions - Litigation and Special Projects Sections</b>	<b>FY2000/01</b>	<b>FY2001/02</b>	<b>FY2002/03</b>	<b>FY2003/04</b>
Number of cases handled by in-house/hourly rate	467 <sup>3</sup> /\$82	425 <sup>4</sup> /\$87	391 <sup>5</sup> /\$94	415 <sup>8</sup> /\$113
Number of cases handled by outside counsel/hourly rate	13/\$130	8/\$125	10/\$130	9/\$139
Outside counsel legal costs <sup>6</sup>	\$176,870	\$166,094	\$213,483 <sup>7</sup>	\$207,706

<sup>3</sup> 339 cases handled by Litigation Section and 128 handled by Special Projects

<sup>4</sup> 303 cases handled by Litigation Section and 122 handled by Special Projects

<sup>5</sup> 289 cases handled by Litigation Section and 102 handled by Special Projects

<sup>6</sup> Costs have consistently gone down since 1994 when outside counsel legal costs were \$1,145,407 and increasing.

<sup>7</sup> City experienced a 28% increase in outside counsel fees due to novel circumstances, i.e., the onset of active litigation in a complex federal toxic remediation suit and the need to hire conflicts counsel in multiple cases arising out of allegations of misconduct involving a police officer.

<sup>8</sup> 313 cases handled by Litigation Section and 102 handled by Special Projects

Proposed Positions

<b>500</b>	<b><u>City Attorney</u></b>	<b><u>FY2004/05</u></b>	<b><u>FY2005/06</u></b>	<b><u>Change</u></b>
	Assistant City Attorney	2.00	2.00	0.00
	City Attorney	1.00	1.00	0.00
	Deputy City Attorney II	5.00	5.00	0.00
	Investigator (Ex)	2.00	2.00	0.00
	LAN Administrator (Ex)	1.00	1.00	0.00
	Law Office Administrator	1.00	1.00	0.00
	Legal Secretary	12.00	12.00	0.00
	Legal Staff Assistant (Ex)	3.00	3.00	0.00
	Paralegal	3.00	3.00	0.00
	Senior Deputy City Attorney	16.00	16.00	0.00
	Special Assistant to City Attorney	1.00	1.00	0.00
	Supervising Deputy City Attorney	4.00	4.00	0.00
	Supervising Legal Secretary	2.00	2.00	0.00
	<b>Organization Total:</b>	<b>53.00</b>	<b>53.00</b>	<b>0.00</b>
	<b>DEPARTMENT TOTAL:</b>	<b>53.00</b>	<b>53.00</b>	<b>0.00</b>