Celebrating the Sesquicentennial of the Sacramento City Attorney’s Office (1849 - 1999)

DEDICATION

The publication of this history booklet is dedicated to the men and women who have served in the Sacramento City Attorney’s Office with pride and distinction between the years of 1849 and 1999.

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MESSAGE FROM THE AUTHOR

Sam Jackson asked me to work on the preparation of this publication outlining the history of the Sacramento City Attorney’s Office. The publication is to be a part of the commemoration of the 150th year anniversary of the founding of the City of Sacramento. We have located some heretofore unassembled information about the former City legal officers and the office activities.

Sam asked me to write this message because I have the longest tenure as City Attorney of Sacramento. My time as City Attorney was twenty-two years and four months. It covered the period from 1968 to 1991. I worked an additional three years for the City as Assistant City Attorney, from 1965 to 1968. In the 1960’s, the City had only two, or at times, three attorneys working in the office. When I was appointed City Attorney, Dave McMurtry and I were it. With a population of about 270,000, the office was very understaffed compared to other cities. The office gradually grew until, in the late 1980’s, it achieved a size somewhat comparable to other cities in the same population category.

I enjoyed my work with the City of Sacramento. I worked with many excellent and dedicated staff members. I commend, specifically, Dave McMurtry and Ted Kobey, who were my chief assistants. There is also some satisfaction in the fact that eight former staff members became city attorneys of other cities in California, Sam Jackson is City Attorney of Sacramento, and two former staff members are now Federal District Court Judges.

Gathering information for this publication has been a slow but enjoyable process. We found some information about all of the 42 City Attorneys and Corporation Counsels. We also located some information about the City Prosecutors. The office can be proud of its history. Much more information was gathered than could be used for this little publication. Also, more information is still out there, in case someone wants to carry on the work.

I thank the staff in the California Room at the State Library for their excellent help. I also thank the folks at the newspaper desk in the City Library. They were very helpful and cooperative. I appreciate the help from the City Clerk’s Office in making their indexes available. I thank Jim Henley, Director of the Sacramento Museum of History, for his discussions on the general history of Sacramento and his review of the Sacramento time line. Pat Johnson on his staff has also provided valuable advice and made available the early charters, ordinances and information.
about 19th century city attorneys. I appreciate the enthusiastic support of my wife, Gloria, on this project and her help in research and editing. Finally, I thank Gloria Morrison from the City Attorney’s Office, who, fortunately, has a great disposition and willingly typed and retyped the many drafts of these materials.

JAMES P. JACKSON
City Attorney, Retired

MESSAGE FROM THE CITY ATTORNEY

In 1988, James (Jim) P. Jackson, Sacramento’s City Attorney, had a vision of creating a composite of history on the Office of the City Attorney since its inception in 1849. He commenced collecting historical facts on the office and the attorneys who had served as chief legal advisor to the City. The collected information included a complete listing of names and tenure of office for each City attorney, corporation counsels and some City prosecutors. However, the press of daily business precluded him from finishing this work prior to his retirement in 1991.

When the City Attorney’s Office relocated in 1996 from the Plaza Building (921 10th Street) to the U.S. Bank Building (980 9th Street), I had pictures taken of the most recent buildings that housed the office. These photographs led to the collection of some photos of recent city attorneys, and that led me to Jim’s idea for a more complete history on the office and its role in the development of our City. Although Jim was extremely busy traveling and assisting other cities as interim City Attorney while they conducted recruitments for a permanent city attorney, he graciously agreed to take on the task of researching, collecting data and writing a history booklet for the City’s sesquicentennial celebrations in 1999-2000. The compensation he received for this project was not even adequate to pay for his many trips to Sacramento from the Bay Area and the many, many hours spent reading and jotting down notes for this publication.

The City of Sacramento is indebted to Jim for his dedication to this project. I hope you enjoy reading this great history. If you get one-tenth as much enjoyment from reading this as the enthusiasm Jim put into preparing it, his labor of love is well worth it.

SAMUEL L. JACKSON
City Attorney
The language in the Sacramento City Charter relating to the Office of the City Attorney is set forth in Section 72 as follows:

The City Council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention of other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney’s office.

MISSION STATEMENT

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, including:

1. Providing the highest quality representation in handling a majority of the City’s litigation. This is accomplished 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;

2. Providing the highest quality legal advice in all non-litigation work. This is accomplished by continuing to devote the time and resources necessary to assure that requests for opinion, ordinances, contracts and other documents, and all other non-litigation matters are handled in the highest professional manner;

3. Working, 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.
SACRAMENTO CITY ATTORNEYS, CITY
PROSECUTORS AND
CORPORATION COUNSEL HISTORY

Generally

The former city attorneys, city prosecutors and corporation counsels of Sacramento include a former governor, a U. S. Senator, a person who was both a governor and senator, many California legislators, and many state and local court judges, including a chief justice of the California Supreme Court and a longtime appellate court justice. In addition, many were respected practitioners of the law for many years in Sacramento or other Northern California locations. This includes an internationally-known attorney who is currently the most senior partner of the largest law firm in Northern California outside of the Bay Area.

City Attorneys

The first City Attorney was appointed in 1849. Thereafter, from 1850 through 1857, city attorneys were elected for one-year terms. The City Attorney’s salary in 1850 was $4,000 per year. This amount was reduced as the gold rush subsided so that by 1855, the City Attorney’s salary was $2,000. In 1878, the salary was $1,800. In 1906, it increased to $2,400 and in 1921, it increased to $4,800.

For a period of five years, from 1858 to 1863, the City and County of Sacramento were consolidated. The person who was elected District Attorney was also City Attorney. Commencing with the Charter of 1863, the City Trustees appointed the City Attorney. This continued until the Act of 1870 when the District Attorney appointed the City Attorney. In approximately 1875, the Office of City Attorney was made elective again and the person elected served a two-year term. This continued until the Commission form of government was adopted in 1912. Since then, the City Attorney has been appointed by the City’s governing body. The attorney serves at the pleasure of the City Council.

There have been 36 city attorneys of Sacramento in the 150-year history of the City. There were 23 city attorneys in the first 48 years of the City’s existence and only 13 attorneys in the last 102 years. In the early years, the city attorneys usually served the City in the early part of their career. The city attorneys in the 20th century generally served for longer periods. In the past 70 years, the city attorney appointment has generally been the principal career position for the attorney serving the City.

Corporation Counsels

The Charter of 1893 authorized the Mayor to appoint an attorney, in addition to the elected City Attorney, to assist with the legal work of the City. The Board of Trustees (i.e., City Council), adopted an ordinance in 1894 creating the position of Corporation Counsel. Among other duties, the Corporation Counsel was to take charge of civil matters including litigation. The City Attorney had responsibility for criminal prosecutions. Six different Corporation Counsels were appointed during the period 1894 to June 30, 1912. The pay varied from $1,500 a year in 1896 to $2,100 a year in 1912.

City Prosecutors

The City Charter of 1921 authorized the City Attorney to appoint a member of the staff as a City Prosecutor. The Prosecutor was responsible for the prosecution of criminal cases before the Police Court and later, the Municipal Court. At times, the Prosecutor also functioned as an Assistant City Attorney. The City Prosecutor position existed until 1964. Its duties were transferred to the Office of the District Attorney thereafter. The City Attorney’s Office will be reinstating criminal prosecution in 2000.

A complete list of former City Prosecutors was not found. However, Will Carragher was the City Prosecutor in the late 1920’s and a Superior Court Judge in the 1930’s. Anthony Scalora, an extremely accomplished and successful trial attorney, was Prosecutor from 1948 to 1952. William Gallagher served as City Prosecutor from 1952 to 1961. Thereafter, he served as Municipal Court Judge from 1961 to 1964 and Superior Court Judge from 1964 to 1980. He was in private practice from 1980 to 1993. In 1994, he started work again as a Superior Court Judge serving on assignment. He is still doing it,
working full time. Michael Virga was City Prosecutor from 1961 to January 1964. He served as a Superior Court Judge from 1970 to 1993. Daniel Sullivan was the last City Prosecutor, serving five months in 1964. He is still engaged in the practice of law.

**Growth of Office**

The staff of the City Attorney’s Office grew slowly until the last 20 years. In the early years, the attorneys generally had no assistants. Later, they generally had at least one assistant. In 1966, a second assistant was hired. In 1980, there were eight attorneys in the office. In 1996, the number was 14 attorneys. As of 1999, there were 24 attorneys.

**Some Notable City Legal Officers**

**J. Neely Johnson** was elected to a one-year term as city attorney in early April 1850 and subsequently elected to another one-year term in 1851. He was born in Indiana in 1825 and became a lawyer in Iowa at the age of 21. He came overland to Sacramento, arriving in July 1849. Things moved fast in those early days, and eight months later, he was elected city attorney at the age of 25. After his two years of service as city attorney, he was elected as state assemblyman from Sacramento County in 1852. The J. Neely Johnson house, located at 1029 F Street, constructed in 1854, remains the oldest house in the City. In 1855, at the tender age of 30, he was elected the fourth governor of California. He was a member of the American (Know Nothing) Party which was the successor to the Whig Party. It appears that he served well during his two-year term as governor. Among other things, he substantially reduced the State’s debt which existed when he took office. However, he lost political favor when he had the audacity to advise the Vigilante Committee of San Francisco to let the duly-constituted public officers handle law enforcement matters in that city. Even his own party did not nominate him for a second term as governor. It should be noted, however, that from 1853 to 1914, no California governor was reelected. Later, Johnson moved to Nevada where he held several important offices, including serving as a member of the Nevada Supreme Court. He died in Salt Lake City at the age of 47.

**Cornelius Cole** was City Attorney of the City of Sacramento and District Attorney of Sacramento County in 1860 and 1861. This was during the time the City and County of Sacramento were consolidated. He was born in New York and graduated from the church-related Wesleyan University in Connecticut. At the time of his graduation, he was asked by the president of the university: “Mr. Cole, what do you propose to do?” Cole answered: “I intend to study law, sir.” “Well,” said the Reverend Doctor, “a man may be a good lawyer and a good Christian, but it’s a pretty tight squeeze.” After serving as city attorney, Cole was elected to Congress in 1863 on a statewide ballot. He was later elected to a full-term in the United States Senate, serving from 1867 to 1873.

In 1870, there were only 17 State of California trial court judges. They were called District Court Judges and each served a specific area. They were the predecessors to the present day Superior Court Judges. In 1870, three of the 17 District Court Judges in the State were former city attorneys of Sacramento.

A book, entitled “History of the Bench and Bar of California” was published in 1901. This book includes biographical information on the attorneys who were considered to be the leading members of the Bench and Bar in California. For the 40-year period from 1860 to 1900, the persons who were city attorneys of Sacramento during 22 of those years are included in this book.

One of those was **Elijah Carson (E.C.) Hart**. He served as City Attorney of Sacramento from 1886 to 1887 and from 1890 to 1893. He was born in Nevada in a covered wagon while his parents were crossing the plains to California. His middle name was Carson because he was born on the banks of the Carson River. He had little formal education and started to work at the age of twelve as an assistant to a printer. He later became a newspaper reporter, editor and publisher. At the age of 30, in 1884, he commenced the study of law. He was admitted to practice in 1885 and was elected City Attorney of Sacramento the following year. He served in the State Assembly in 1888 and 1889. He was re-elected City Attorney in 1890 and served until April 1893 when he resigned to enter the State Senate. He was later elected Superior Court Judge of Sacramento County and served in that capacity from 1897 to 1906. Thereafter, he was elected and served as Associate Justice of the Third District Court of Appeal in Sacramento for 22 years until his death in 1929. He was considered the dean of the State’s Supreme and Appellate Court benches. His wife of more than 50 years was a niece of Kit Carson.

By far the best-known of Sacramento’s legal officers was **Hiram W. Johnson**. He is referred to in the book “The Governors of California” by Melandy and Gilbert as the person in California who had “... the most successful career in public office in the history of the State, serving as governor and United States senator for a total of 34 years.” Hiram Johnson was not a city attorney of Sacramento but rather served in the position of Corporation Counsel from 1896 to 1897 and from 1900 to 1903. Johnson was born in Sacramento in 1866. He was educated in Sacramento schools, graduating from high school at the age of 16. When he was barely 13, he greatly impressed President Ulysses S. Grant by reciting a poem, “Sheridan’s Last Charge,” during Grant’s visit to Sacramento. Johnson’s father, Grove Johnson, was a very successful trial attorney in Sacramento and was a reformer in his early years.
For his support in the considerable fear within the Republican Party that this insurgent local group would marshal its forces in opposition to Clark who was left with conducting a shoestring operation. Southern Pacific also played a part with rumors circulating that any operation as an independent trouncing William Land by almost a two to one vote. Grove Johnson openly opposed his sons in these campaigns. Clark won the election because the opposition politicians had rented all of the available buildings. Grove Johnson openly opposed his sons in these campaigns. Clark won the election as an independent over William Land by almost a two to one vote. However, in the next election for mayor, Clark did not succeed. There was considerable fear within the Republican Party that this insurgent local group would affect the Party’s control of the State government. Thus, the Republican Party marshaled its forces in opposition to Clark who was left with conducting a shoestring operation. Southern Pacific also played a part with rumors circulating that any railroad employee who failed to support the Southern Pacific ticket would be fired. After Clark lost the election, the Johnson brothers moved their law office to San Francisco. San Francisco provided a greater forum for their reform efforts and also minimized the open political feud they faced with their father in Sacramento. Within a very short period of time, Hiram became one of the best known and most effective trial attorneys in San Francisco. He was appointed special prosecutor in corruption trials against San Francisco’s political bosses and successfully prosecuted these cases. His involvement in statewide politics increased, and in 1910, he ran for governor. This was the year of the first direct primary election in the State and it broke the power of the Southern Pacific. Prior to that time, candidates were nominated at conventions by the political parties. Both the leading political parties were strongly influenced by the Southern Pacific. Thus, it was very difficult for anyone in opposition to the Railroad to get nominated. With the direct primary law, anyone could file to seek their party’s nomination. This is the manner in which Hiram Johnson became governor. He filed in the primary as a Republican and after a campaign based almost totally on opposition to the Southern Pacific, received the nomination of his party. He thereafter was elected governor. He served as governor from 1911 until 1917. In 1916, he was elected as U. S. Senator from California. He served in the Senate from 1917 until his death in 1945. Hiram Johnson’s connection with Sacramento politics played a very significant part in his development as a political figure. His strong stand in favor of reform, against corruption, and against the Southern Pacific intensified during this period. His experience in political campaigns in Sacramento was to serve him well in his run for higher office later in his career.

Samuel L. Jackson, the current City Attorney, has had a very full and active career. His career success is the result of hard work and enormous energy.

Sam was born in Pensacola, Florida. He was raised in a single parent home and was on the honor roll in high school. He served in the Air Force inViet Nam. Thereafter, he worked full time while a student at Sacramento City College. He graduated from Sacramento State University with honors in 1974. He then entered the University of the Pacific, McGeorge School of Law, and was given the Faculty Outstanding Student Achievement Award upon graduation in 1977. He worked two years in the Sacramento District Attorney’s Office. In 1979 he joined the Sacramento City Attorney’s Office as a Deputy City Attorney. He was promoted to Senior Deputy City Attorney in 1988 and was appointed City Attorney in 1994. He has worked for the City for the last thirteen years without using any sick leave.

Through the years, Sam Jackson has been a member of many, many organizations and has been president of most of those organizations. Examples include serving as President of the Sacramento County Bar Association, McGeorge College of Law Alumni Association, Wiley W. Manuel Bar Association and the Sacramento-Mother Lode Governmental Attorneys Association. He has also served a term as a member of the Board of Governors of the State Bar of California and the State Bar Committee of Bar Examiners.
MURRAY MORRISON  
First City Attorney. Appointed November 10, 1849. Later became a State District Court Judge (predecessor to Superior Court Judge) for the 17th District.

J. NEELY JOHNSON  
Elected city attorney twice, in 1850 and 1851. Elected to State Assembly in 1852. Elected fourth governor of California in 1855 for a two-year term. Later served as Nevada Supreme Court Justice.

JOHN HYER  
City Attorney, 1852. He was from New York. Was in private practice in Sacramento both before and after his City Attorney service. Practiced law with J. W. Winans at 3rd & I Streets until about 1863.

LEWIS SANDERS, JR.  
City Attorney, 1853. Born in Kentucky in 1796. Was elected several times to the Kentucky Legislature, also served as Kentucky Secretary of State. Was appointed U. S. Attorney for Kentucky by President Jackson. Came to Sacramento in 1852 and practiced law here into the early 1860's. Was considered an excellent lawyer and outstanding advocate.

W. CYRUS WALLACE  
City Attorney, 1854. Was the first elected District Attorney of Sacramento County in 1850. Later, he was a State District Court Judge for 11 years and State Superior Court Judge for five years.

HORACE SMITH  
City Attorney, 1855. Mayor of Sacramento, 1850-1851. (Filled the vacancy created by the death of Hardin Bigelow in December 1850.) Shot and killed in a legal dispute in Virginia City, Nevada, in 1863.

HENRY STARR  
City Attorney, 1856. Served as a county judge in Illinois before coming to California. Elected to State Assembly in 1859. Elected District Attorney of Sacramento County in 1871.

GEORGE R. MOORE  

R. F. MORRISON  
City Attorney, 1858 and 1859. Served as a State District Court Judge from 1869 to 1879. Elected Chief Justice of California Supreme Court in 1879. Served until his death in 1887.

CORNELIUS COLE  

W. W. UPTON  
City Attorney, 1862. Was a member of the Michigan and California Legislatures. Moved to Oregon in 1865. Appointed Justice of the Oregon Supreme Court in 1867 and subsequently served as Chief Justice. Later, he was appointed Second Controller of the U. S. Treasury and worked in Washington, D. C.

E. H. HEACOCK  
City Attorney, 1863 through 1866. Superior Court Judge, Santa Cruz County for 12 years. Later, appointed Superior Court Judge in Santa Barbara County. Appointed to the post of U. S. Master in Chancery and Examiner in San Francisco. Served for 19 years.

M. C. TILDEN  
City Attorney, 1867-1868 and again 1872-1873. Well-known lawyer who practiced law for many years in various places in Northern California and Nevada.

S. SOLON HALL  
City Attorney, 1869. Police Judge of Sacramento, 1862-1865. After City Attorney service, he prosecuted some of the most important criminal cases in the State, including the Yoakum murder trials in Bakersfield.

JOHN K. ALEXANDER  
City Attorney, 1870. Elected Superior Court Judge in Monterey County in 1879. Reelected and served until 1891.

CHARLES T. JONES  
City Attorney, 1871. Was district attorney. Practiced law in Sacramento for many years. Still practicing in 1915.

W. R. HINKSON  
City Attorney, 1874. All we know is that his office was at the northwest corner of 5th and J Streets and his residence was at the southwest corner of 7th and I Streets. That was a three-block commute.
W. A. ANDERSON
Elected City Attorney and served nine years, 1875-77 and 1880-85. Considered an excellent attorney. Involved in some of the most important litigation on the coast. Elected to the State Assembly in 1893. Thereafter, he was Police Judge of Sacramento for many years.

HENRY L. BUCKLEY
City Attorney, 1878-1879. Was District Attorney, 1880-1886. Served as Police Judge of Sacramento, 1886-1890. When he died in 1898 at age 45, the San Francisco Call newspaper referred to him as “one of the best-known criminal lawyers of this section.”

ELIJAH CARSON HART
City Attorney, 1886-1887, 1890-1893. Member of California Assembly and Senate. Superior Court Judge of Sacramento County, 1897-1906. Elected and served as a Justice of the Third District Court of Appeal in Sacramento for more than 22 years, 1906-1929.

WILLIAM S. CHURCH

CHARLES N. POST
City Attorney, 1893. Elected justice of the peace and served 1884-1889. Later Assistant Attorney General of California (the No. 2 position in the office) and prosecuted some important criminal cases. Became Superior Court Judge in 1906 and served until his death in 1914.

J. FRANK BROWN
City Attorney, 1894-1897. A successful attorney whose career was affected by ill health. He suffered from a spinal disease for many years and was an invalid much of that time. He died in 1915 at the age of 47.

ROBERT T. DEVLIN

HIRAM W. JOHNSON
Corporation Counsel, 1896-1897 and 1900-1903. Best known of Sacramento’s legal officers. Served as Governor from 1911 to 1917 and as U. S. Senator from 1917 to 1945. Very active in two successful campaigns to get a reform mayor elected in Sacramento at the turn of the century. Credited, more than any other, with ending Southern Pacific’s domination of State politics.

JAMES B. DEVINE
Corporation Counsel, 1898-1899. Born in Sacramento in 1861. Served as Justice of the Peace in 1887-1891. After service as Corporation Counsel, he engaged in private practice. Was considered brilliant, very well read in the law, and of sound judgment. When he died in 1909 at age 48, judges and attorneys alike referred to him as one of the best all-round lawyers in the State.

A. A. DELIGNE
City Attorney, 1898-1901. Not much is known about him but the “A. A.” stands for Augustus Alphonse. Born in Sutter County in 1866. Practiced law in Sacramento after service as City Attorney.

S. LUKE HOWE
City Attorney, 1902-1909. For 22 years, he was the senior partner of the law firm of Howe, Hibbitt and Johnston. Howe specialized in criminal law. He was also secretary of the Sacramento Bar Association for 20 years. Howe is the only former city legal officer known to have served time in jail. In 1921, he served five days in jail and was fined $500 for contempt of court because he unlawfully interfered with a grand jury investigation.

D. L. DONNELLY
Corporation Counsel, 1904-1905. Was studious and well informed and was helped in practice by lawyers Peter Shields and Arthur Seymour. He was a law partner of Seymour’s. He suffered from tuberculosis for years and finally had to stop all legal practice. He died in 1911 at the age of 36.

R. PLATNAUER
Corporation Counsel, 1906-1910. Very active in office performing many services for the City Council. Also, active in the courtroom (see story entitled “More Than Verbal Arguments”). Practiced law in Sacramento before and after service as Corporation Counsel. Was still practicing in 1932.

J. VIVIAN HART

R. T. MCKISICK
City Attorney, 1912-1914. Involved in drafting new City Charter establishing a commission form of government. Also principal person involved in obtaining approval of nearly $1 million of bonds for Sacramento River levee and by-pass work.

ARCHIBALD YELL
City Attorney, 1914-1920. Previously was State Senator and Folsom Prison warden. In 1914, he advised school officials to stop their efforts to force the resignation of teachers who married during the school year. The marriages were “not a matter of School Department business.”

R. L. SHINN
City Attorney, 1920-1928. Well-respected City Attorney. Strongly supported by leading members of the Bar during a difficult period of Sacramento history. Strong opponent of the Ku Klux Klan during its resurgence in the Sacramento area in the early 1920’s.

HUGH B. BRADFORD
City Attorney, 1928-1944. Previously was State Assemblyman. Also was District Attorney of Sacramento County for eight years before his appointment as City Attorney. After retirement from the City of Sacramento, was employed by the State to codify its Rules and Regulations. Was a founder of the law firm of Bradford, Cross, Dahl and Hefner.

RICHARD J. LAWRENCE
City Attorney, 1944-1946. Prior to appointment was Chief Deputy District Attorney.

EVERETT M. GLENN
City Attorney, 1946-1965. Was City Prosecutor from 1940 to 1946. City grew from a population of about 120,000 to 265,000 during his City Attorney tenure, primarily as a result of 80 annexations and the merger with the City of North Sacramento, all of which he assisted to completion.

JOSEPH E. COOMES
City Attorney, 1965-1968. Prior to appointment was Redevelopment Agency Counsel and Assistant City Attorney. After service as City Attorney, joined law firm of McDonough, Holland and Allen. Has been Chairman of the Board of Directors of the firm and is currently the most senior partner of the firm. The McDonough firm is the largest law firm in Sacramento and Northern California outside of the Bay Area. It has approximately 90 lawyers. Mr. Coomes is an internationally-known land use, housing and redevelopment attorney.

JAMES P. JACKSON
City Attorney, 1968-1991. Prior to appointment, was Assistant City Attorney of Santa Rosa and Sacramento. Active in League of California Cities, serving as League Board Member and President of City Attorneys Department. Longest tenure of city attorneys in Sacramento. Staff grew from two to 14 attorneys during time in office.

SHARON SIEDORF CARDENAS
City Attorney, 1991-1994. Only woman city attorney. Prior to appointment, she was a Deputy City Attorney supervising other land use attorneys in the Los Angeles City Attorney’s Office. Currently, she is an Assistant City Attorney in that office. The Los Angeles City Attorney’s Office has approximately 350 attorneys.

SAMUEL L. JACKSON
SACRAMENTO CITY ATTORNEYS’ PHOTOS

J. Neely Johnson 1850 & 1851
S. Solon Hall 1869

John K. Alexander 1870

W.A. Anderson 1875 - 1877
1880 - 1885

Elijah Carson Hart 1886 - 1887
and 1890 - 1893

Charles N. Post 1883
SACRAMENTO CITY ATTORNEYS' PHOTOS

S. Luke Howe
1902 - 1909

J. V. Hart
1910 - 1912

R. L. Shinn
1920 - 1928

R. T. McKisick
1912 - 1914

R. L. Shinn
1920 - 1928

Hugh B. Bradford
1928 - 1944

R. J. Lawrence
1944 - 1946

Everett M. Glenn
1946 - 1965

Joseph E. Coomes
1965 - 1968

SACRAMENTO CITY ATTORNEYS' PHOTOS

1928 - 1968
SACRAMENTO CITY ATTORNEYS' PHOTOS
1968 - PRESENT

James P. Jackson
1968 - 1991

Sharon Sedorf-Cardenas
1991 - 1994

Samuel L. Jackson
1994 - Present

SACRAMENTO CORPORATION COUNSELS' PHOTOS

Robert T. Devlin
1894 - 1895

J. B. Devine
1898 - 1899

Hiram Johnson
1896 - 1897 and 1900 - 1903

D. L. Donnelly
1904 - 1905
No photo available

R. Platnauer
1906 - 1910

J.R. Hughes
1910 - 1912
One of the earliest actions of the City Council, on November 12, 1849, was an environmental regulation. It directed the Marshal to prevent injury to trees along the waterfront. It seems that ropes from ships were tied to the trees causing them to lose bark. The City officials tried to stop this tree damage. Alas, we are told they were too late. The trees were already damaged beyond recovery and died in spite of the regulation.

In 1888 the Council (then called the Board of Trustees) adopted an ordinance prohibiting the sale of cigarettes to, or the smoking of cigarettes by, persons 17 years and under. The preamble to this ordinance is interesting and makes one wonder why tobacco company officials (and others) have taken so long to get it. This 19th century preamble reads as follows:

Believing that the habit of cigarette smoking now indulged in by persons at or under the age of seventeen years is pernicious, dangerous, and that it tends to shorten life, impair vigor, destroy manly strength, and have the direct tendency of transmitting a weakly race to posterity, the Board of Trustees, [adopts the ordinance]. (Emphasis added.)

Each year the Council set the property tax rate. This continued until 1978 when Proposition 13 (Jarvis-Gann Initiative) was passed. Proposition 13 limited the property tax rate for all local agencies to 1% of assessed value. But in 1889, the tax rate for the City, including the schools, was 2% of assessed value. The general city government received 50% of this amount. The schools received only 16% while the libraries received 2%. The Fire Department received 11-1/2% which was more than the 9% the Police Department received.

The indexes revealed many interesting ordinances which reflect the early history of the City. Free schools were first authorized in 1853. In 1872, the Street Commissioner also held the title of Superintendent of the Chaingang.

An 1873 ordinance prohibited washing clothes in the I Street slough. Also in 1873, an ordinance made it unlawful for a female person after midnight to be in a "...public drinking saloon, beer cellar or billiard room...." Also, it was unlawful for any person to "...utter, in the hearing of any person, any bawdy, lewd or obscene language, words or epithets...." In the 1870's, the President of the Board of Trustees was paid $2500 per year. The Second Trustee was paid $1800 per year and the Third Trustee was paid $1200 per year. In 1999, the Sacramento City Council members are paid a maximum of only $1200 per year for their City work.

An 1897 ordinance prohibited throwing banana peelings and other similar substances on sidewalks or the floor of street railway cars. Certain streets were designated in 1902 for driving cattle through the City. Later, some of the same streets were designated as truck routes.

The regulation of horse-drawn hacks later developed into the regulation of taxis. Mufflers were required on motor vehicles in 1911.

Many franchises were issued for utilities, such as gas and electricity. For example, in 1896, a 25-year gas franchise was issued to Pacific Gas Light and Fuel Company. The franchise authorized the Company to install gas lines in any City street. The City’s franchise fee was 3% of the gross receipts of the Company. The Company was also restricted in the amount it could charge for gas.

Most cities adopted laws in the distant past which would clearly be unconstitutional today. Sacramento was no exception.

Sadly, in 1894, the Sacramento City Charter provided that “No Chinese shall ever be employed, directly or indirectly, on any work of the city or in the performance of any contract or subcontract of the city, except in punishment of crime.”

Ordinance No. 17, passed in January 1851, mixed church and state by prohibiting a wide range of activities on Sundays. The purpose of the ordinance, as reflected in the title, was "...for the better observance of the Christian Sabbath Day." The prohibitions included not only such things as gambling, cock fighting and prize fighting, but also theatrical performances, opera and concert singer programs, and sleight of hand exhibitions.

Under an ordinance adopted in 1888 (Ordinance No. 237), a saloon, dance house, theater or variety show could have its license revoked and business closed immediately and without a hearing. All it took was a complaint stating that the business was being conducted in other than a “lawful, orderly, reputable and decent manner.” The complaint had to be signed by “reputable citizens" who constituted a majority of the residents on the block where the business was located.
APPELLATE LITIGATION

Approximately 105 appellate court decisions involving the City of Sacramento have been found. No doubt additional cases exist because some cases involving the City do not contain the name “Sacramento” in the case title. Approximately 80 of the appellate court decisions have been reviewed. The City of Sacramento won 70% of these cases.

The first Sacramento appellate court decision was decided in 1859. The California Supreme Court approved Sacramento’s assessments for street improvements in the case of Burnett v. City of Sacramento 12 Cal. 76.

Two cases involved interpretations of the original Sutter grants to the City and lot owners. In the case of Futterer v. City of Sacramento (1925) 196 Cal. 248; 237 P. 48, the California Supreme Court held that the City could build a municipal auditorium on a block given to the City by John Sutter, Jr. Under the grant, the property was for the public use of the City inhabitants as determined by the City authorities. The Court stated that the City could also rent the auditorium to persons from time to time for concerts and performances for which an admission was charged. The Court found that the occasional rental of the facility did not change its use from public to private.

The case of Gramer v. City of Sacramento (1935) 2 Cal.2d 426, 41 P2d 543 held that those who had been conveyed lots, pursuant to grants from John Sutter and his son, owned to the center of the street abutting their lots. Sutter’s heirs claimed that if City officials abandoned a street or alley, it returned to them rather than the lot owners. In ruling in favor of the lot owners, the Supreme Court cited the apparent intent of John Sutter, Jr. to divest himself of any interest in the property at the time of the grant. The failure of Sutter to provide for a reversion of the property in the event of abandonment, and the failure of Sutter’s heirs to claim ownership earlier since the City had been abandoning streets for more than sixty years, were also reasons why the lot owners prevailed.

The City, in 1923, adopted a general zoning ordinance which established five different land use districts. In the case of Feraut v. City of Sacramento (1928) 204 Cal. 687, 269 P. 537, Plaintiff claimed that her property, located on the south side of J Street between 38th and 39th Streets, should be zoned commercial rather than multi-family residential. The property was located across the street from commercial property. The Supreme Court upheld the City zoning stating that the Court would not substitute its judgment for that of the municipal authorities. The Court pointed out that because some property is worth less than nearby property due to zoning does not mean there is an improper exercise of the police power. The zoning was also consistent with the zoning pattern followed throughout the City.

Two Sacramento cases arose out of the 1930’s Depression and involved City employees. In early 1932, the City found it necessary to drastically cut its expenses. It was faced with either reducing personnel in the Police Department or obtaining contributions from the salaries of all its members. The members of the Police Department unanimously agreed in writing to donate a designated number of days of service without pay to the City during the years 1932, 1933, 1934 and 1935. Each person stated on each check received during this period that the amount shown on the check was in full payment for the services rendered. A police officer filed a claim in 1937 to recover the amount of salary contributed from 1932 through 1935. The Court of Appeal rejected the claim in the case of Gamble v. City of Sacramento (1941) 43 Cal.App.2d 200, 110 P2d 530. The Court held that the Police Department personnel had voluntarily, with full knowledge, waived their right to full pay and agreed to donate a portion of their services to the City. Such an agreement was enforceable and was not against public policy.

In the case of Mansur v. City of Sacramento (1940) 39 Cal.App.2d 426, a provision in the City Charter was challenged. Plaintiff was hired as a pump operator and stationary engineer and worked for eleven days in August 1939 until it was discovered his wife worked for the State of California. Sacramento at that time had a provision in its City Charter that prohibited the City from employing a person whose spouse was employed by the State or any other governmental agency. It was argued by the City that this provision helped solve the depression era unemployment problem by limiting married couples to only one government job. The Court rejected this argument saying spouses should not be penalized in this manner. In the Court’s opinion, the Charter provision was invalid because “... the attempted classification is purely arbitrary, artificial and contrary to our fundamental law . . . .” (supra at p. 431).

In the case of Reynolds v. City of Sacramento (1973) 9 Cal.3d 405, 107 CR 681, the California Supreme Court upheld the City’s ordinance prohibiting nude food servers. The U.S. Supreme Court refused to grant a hearing.

The case of Commercial Builders of Northern California v. City of Sacramento 941 F2d 872 (1991) involved a new and unusual development fee. Most building fees are imposed on residential development. This fee was imposed on industrial and commercial developments of the type which generate jobs. The theory of the City was that these developments will attract new employees to the area and a certain percentage of the workers will need and qualify for low income housing. The City argued that the nonresidential developments should help pay to alleviate some of this low income housing shortage. The City had commissioned a study which
showed the relationship between the new development and the housing needs. The fee was set much lower than could have been justified under the study. The U. S. Court of Appeals, Ninth Circuit, upheld the ordinance stating that there is no unconstitutional taking of property if the fee is being used “...for the purpose of paying a social cost that is reasonably related to the activity against which the fee is assessed.” The U. S. Supreme Court refused to grant a hearing in this case.

OFFICE LOCATIONS

After the completion and opening of the City Waterworks Building at Front and I Streets in 1854, the City offices were moved to the second floor of that building. The City Attorney’s Office was at that location until 1858, when the City and County were merged. Thereafter, until 1863, the District Attorney also served as City Attorney. The office was in the courthouse. After the separation of the City and County in 1863, the District Attorney appointed a person to serve as City Attorney for some years. The City Attorney’s Office appears to have been located in the private law office of the person serving as City Attorney. This continued even after the City Attorney again became an elected office in about 1875. It was not until 1885 that the office moved back into the City Hall. At that time, the City Hall was still at Front and I Streets in the old Waterworks Building. The City Hall was moved to 326 J Street in about 1900. The City Attorney’s Office remained at Front and I Streets. However, S. Luke Howe appears to have used his own private office at 426½ J Street during his time as City Attorney (1902-1909).

In 1911, the current City Hall at 915 I Street was opened. By 1914, the City Attorney’s Office was located there. It remained there for almost 50 years.

In about 1962, the office moved from the City Hall to the Prom Building which is located at 812 Tenth Street. Starting with only one of the suites in that building, the office grew until it eventually occupied the entire building.

In 1989, the office was moved to the Plaza Building at 921 Tenth Street. A session of the California Legislature had been held on this site in the late 1800's.
In 1996, the City Attorney’s Office moved to its current location at 980 Ninth Street, Tenth Floor (U. S. Bank Building).

The Corporation Counsel offices (from 1894 to 1912) were in the private law offices of those serving in that position.

The City Prosecutor’s Office (from 1921 to 1964), was located in the old Hall of Justice Building at 813 6th Street.

MORE THAN VERBAL ARGUMENTS

It was not unheard of in those early years for opposing attorneys in trial to exceed the bounds of verbal argument and engage in pushing, shoving and even fisticuffs in the courtroom. Hiram Johnson was involved in one such incident of the pushing and shoving variety, after which, the trial proceeded as if nothing had happened.

A more serious altercation is recorded in the Sacramento Union of August 18, 1906. R. Platnauer, who was the City’s Corporation Counsel at the time, was engaged in a non-city trial with Chauncey H. Dunn on the other side. Platnauer said something during trial which Dunn did not like. Dunn shook his fist at Platnauer and when Platnauer started to rise, he hit him in the face. Platnauer jumped up and tried to get at Dunn, but three men in the courtroom grabbed and held him. They succeeded in holding him despite Platnauer’s rage and demands to be set free. While Platnauer was being held, Dunn hit him again, making his nose bleed. The judge, in his white summer vest, came down from the bench to try to quell the riot. His vest was a “mess of gore” when he got through. Someone called the sheriff’s office and, after the deputies arrived, Platnauer was released. He washed up in the back room and trial resumed. Both men apologized to the Court. In the Union article the next day, a picture of Platnauer is shown with the caption reading “R. Platnauer—Upon Whose Countenance Lawyer C. H. Dunn Practiced.”

THE CITY ATTORNEY’S OFFICE IN 1999

The Sacramento City Attorney’s Office in 1999 consists of 47 persons, 24 of whom are attorneys. The office is divided into administration, advisory, and litigation sections. The administration section consists of the City Attorney, the Assistant City Attorney, two Senior Deputy City Attorneys, the Office Administrator and technical and clerical support staff. The advisory and litigation sections function under the general direction of the Assistant City Attorney and under the immediate supervision of the one of the Senior Deputies. In addition to the supervisors, each section has a complement of attorneys and legal support staff.

The attorneys and legal support staff generally rotate between the advisory and litigation sections to become fully cross-trained.

Legal matters handled by the advisory section include researching and drafting all City ordinances; drafting all resolutions of legal significance; and providing written and verbal legal advice and opinions to the City Council, charter officers, department
heads and all City Council appointed boards and commissions. The number of advisory assignments in the past two years for which figures are available has increased slightly more than 20% per year. The major user of advisory legal services is the Public Works Department with about 25% of the total assignments. Other big users listed in order are the Police Department, Utilities Department, Neighborhood Services and the Planning Department.

The litigation section handles claims and actions filed by the City and against the City, its officials, officers, employees and members of all boards and commissions. Included among such actions are matters involving automobile accidents, contract disputes, code enforcement, financing, zoning, eminent domain, civil rights and employment. A major change instigated by Sam Jackson in recent years is that the City Attorney’s Office now handles, in-house, almost all of the City’s litigation. With the exception of workers’ compensation cases, the office directly represents the City in approximately 98% of all City-involved litigation. In 1994, the office handled about 27% of such cases. The increased litigation load has been accomplished with a surprisingly small increase in staff and has resulted in large savings to the City. The office has an outstanding record of success with its litigation. In Fiscal Year 97-98, approximately 48% of all cases filed against the City were dismissed without the payment of any money. The dismissal percentage for Fiscal Year 98-99 was 47%.

The staff is very diverse in terms of municipal law experience, background, ethnicity, age and gender. The work assignments are handled in a team atmosphere. The office has an annual operating budget of just under $4,000,000.

The office keeps abreast of automation developments. All of the attorneys, as well as all support staff, have computers at their desks. This equipment and software are constantly being upgraded. Almost all of the legal research is accomplished on-line and with CD-ROM databases.

The office publishes an Annual Report. The latest Report was published after the 1998-99 fiscal year ending June 30, 1999. It has 68 pages, includes a detailed analysis of the work performed in the last several years and demonstrates that the office is very well organized and is focused on providing excellent service to its clients. The Report concludes with the statement by City Attorney Sam Jackson that “It remains our desire to become the best public law office in the State.” The staff members are already well on their way to achieving that goal.

SACRAMENTO TIME LINE

- 1839 - John Sutter arrived. The construction of Sutter’s Fort was completed in 1841, at what later became the area bounded by J, 26th, L and 28th Streets in the City of Sacramento.

- In the winter of 1846-47, four volunteer rescue groups departed from Sutter’s Fort to bring relief to the Donner party near Truckee.
• Sacramento’s first newspaper, the Placer Times, was published on April 28, 1849, at Sutter’s Fort.

• August 1, 1849, the first City Council meeting was held.

• In 1849, real estate land speculation caused Old Sacramento lots to be sold and resold as many as fifty times in a single year.

• Sacramento’s population in 1850 was about 6,800 and its area was 4.5 square miles. The California Legislature approved the City Charter on February 27, 1850. This is considered the official date of incorporation.

• In August 1850, the Squatters Riots occurred, leaving several dead, including the Sheriff. Mayor Bigelow was wounded and died in December 1850.

• In October 1850, people were dying of cholera in Sacramento so quickly that several hundred were buried in a common grave at the City cemetery.

• In July 1851, Sacramentans formed a vigilante committee in response to lawless elements within the community. Many in the community feared the town would be controlled by the gambling and saloon interests.

• In September 1852, Warren’s New England Seed Store on J Street between Front and Second hosted an agricultural fair, which later evolved into the Sacramento State Fair.

• On November 2-3, 1852, a fire destroyed buildings with a value equal to 80% of the assessed value of the City.

• Sacramento became the permanent state capital in 1854. The City of Sacramento contributed $8,000 to help make the move from Benicia. The first capitol building in Sacramento was the County Courthouse.

• On April 1, 1854, Sacramento’s first permanent City Hall was completed. The building housed the jail, police, mayor, city council, treasurer, and water works. The Discovery Museum building in Old Sacramento is a replica of the first City Hall and stands today on the original site.

• 1856 - California’s first railroad, the Sacramento Valley Railroad, was completed from Sacramento to Folsom.

• From 1858 to 1863, the City and County of Sacramento were consolidated as one governmental body.

• On April 4, 1860, the first eastbound pony express rider left Sacramento at 2:45 a.m.

• After the floods of 1862, a decision was made to raise the level of the downtown area (Front Street to 15th, I to L Streets) from 18 inches to 12 feet. The City interests forced the issue which resulted in the dissolution of City-County government. The work was completed in 1869. The City became insolvent for a time as a result of the huge expense of this project.

• 1863 - Track for the first continental railroad was laid in Sacramento.

• The interior of Sacramento’s first skyscraper, the State Capitol Building, was completed in 1869. The exterior was completed in 1874.

• May 10, 1869, marked the completion of the transcontinental railroad. The Central Pacific Railroad Company of Sacramento built the western portion of the route.

• In March 1874, the California State Legislature authorized the construction of Folsom Prison, which was not completed until 1888.
- In 1878, Sacramento boasted eight breweries which produced more than 500,000 gallons of beer during the year.
- In 1879, California's first tax-supported public library opened in Sacramento, a predecessor of today's joint City/County public library system.

Former President U. S. Grant visited Sacramento on September 22, 1879 and became the first president to visit the City. He stayed at the Golden Eagle Hotel located at 7th and K Streets.

- 1885 - Mrs. E. B. Crocker donated her family's art gallery, built in 1873, to the City of Sacramento.
- 1890 - The Native Sons of the Golden West purchased Sutter's Fort and gave it to the State of California the following year.

- In 1894, as a result of the Pullman Strike, federal troops occupied Sacramento and placed the City under federal control. The only other time the Sacramento area was under federal control was during the Mexican War when John C. Fremont occupied Sutter's Fort in 1846.

- In 1895, Sacramento celebrated the longest transmission of three-phase hydroelectric power from Folsom Power House to Station A in downtown Sacramento. A huge celebration, culminating in the Carnival of Lights parade, lit up the downtown night on September 9th.
- 1900 - City population was about 30,000. Total Sacramento County population was 46,000. Southern Pacific Railroad was the largest employer.
- 1910 - Sacramento had 140 passenger trains in and out of the City every day. The main shops of the Southern Pacific and Western Pacific Railroads in California were located in Sacramento. The City population was 45,000. Sacramento was also the center of the gold mining industry as well as the major center of the fruit growing business.

- In 1911, William Land, a former Sacramento mayor, bequeathed $250,000 to the City for a free public park that Sacramentans could enjoy. The City eventually purchased the William Land Park property in 1923.
- In 1911, the first annexation to the City since incorporation occurred. A large area to the south and east was added, increasing the City from an area of 4.5 square miles to 13.9 square miles. The annexation added about 15,000 people to the City population.
- 1916 - The Yolo Causeway opened.
- 1918 - Mather Field opened as an Army aviation school.
- 1921 - Sacramento commenced operation under the City Council-City Manager form of government. Council members were elected at large for two-year terms. The Council-Manager system still exists.
- 1924 - The Southern Pacific Depot at 5th and I Streets opened to the public.
- February 22, 1927 - The Sacramento Memorial Auditorium opened.
- June 1927 - The river boats “Delta King” and “Delta Queen” commenced passenger service between Sacramento and San Francisco.
- 1927 - Voters approved the creation of the Sacramento Municipal Utility District (SMUD). City officials supported the campaign.

Sacramento Memorial Auditorium

- 1930 - The Sacramento Municipal Airport, located at Freeport Boulevard, began operation.
- 1935 - Over 10,000 people helped to celebrate the completion of the Tower Bridge, which cost $1,000,000.
- 1940 - The last run of the Sacramento Northern, an electric inter-urban railway, occurred as bus lines replaced the route from Sacramento to Chico. The “Delta King” and “Delta Queen” stopped passenger service in October 1940. Currently, the “Delta King” is a permanent fixture at the Sacramento waterfront and the “Delta Queen” is a cruise boat on the Mississippi River.

- In 1942, the Sacramento Solons baseball team won its one and only pennant in the Pacific Coast League.

- 1947 - Classes began for the newly-formed Sacramento State College (now California State University, Sacramento) on Sacramento Junior College campus. The new Sacramento State College campus opened in February 1953 at 6000 J Street. As the new campus was being completed, classes were held in such locations as a room above Shakey’s Pizza Parlor at 57th and J Streets.

- 1948 - Belle Coolege, Sacramento’s first woman mayor, was appointed by her City Council colleagues.

- In 1953, Sacramento’s first television station, KCCC Channel 40, began broadcasting with the World Series.

- 1955 - Folsom Dam was completed.

- 1964 - The City of North Sacramento merged with the City of Sacramento.

- Between 1946 and 1965, the City grew from 13.9 square miles to 111 square miles.

- 1972 - The voters approved election of City Council members from districts for four-year terms. The mayor was to be directly elected.

- 1974 - The Sacramento Convention Center opened. It was expanded in 1995.

- 1974 - The first Jazz Jubilee was held in Old Sacramento. In 1998, 113 bands participated and 110,000 people attended.

- 1976-1982 - The $68,000,000 restoration of the State Capitol occurred.

- 1981 - The California State Railroad Museum was completed.

- 1983 - Queen Elizabeth II of England toured Sutter’s Fort.

- 1983 - Anne Rudin became Sacramento’s first elected woman mayor and served as mayor until 1992.

- October 25, 1985 - The Sacramento Kings, National Basketball Association franchise, made its debut in Sacramento.

- 1986 - The Light Rail system began operation.

- 1991 - The renovated and expanded Downtown Plaza Shopping Center, located on K Street, from 4th to 7th Streets, opened for business.

- 1991 - The first Jazz Jubilee was held in Old Sacramento. In 1998, 113 bands participated and 110,000 people attended.


- 1992 - The Wells Fargo Bank Building opened at 400 Capitol Mall. It is the City’s tallest building, at 404 feet and contains 31 stories.

- 1999 - The City of Sacramento’s population is 403,312. The State of California is, by far, the largest employer with more than 70,000 employees in the Sacramento area.

- 1999 - The new Federal Courthouse opened at 5th and I Streets.