

**Sacramento City Attorney's Office**  
**1999 - 2000 Annual Report**

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## **PART I**

### **EXECUTIVE SUMMARY**

This report covers Fiscal Year 1999-2000 and contains comparison and progressive information dating back to our first annual report in 1995. Future reports will contain data covering only the most recent five-year period unless the Council directs the inclusion of information for a longer period of time.

Our Fiscal Year 1999-2000 goals, summarized in Part V of this report, included major focus on code enforcement; revision of our various office manuals; implementation of the recommendations in the office audit report; intensification of succession planning and training of attorneys; implementation of our restructuring process with the Special Projects Section; focusing on future space needs in the context of the Civic Center project; implementation of the City Council's goals regarding criminal prosecution of City Code violations; automation upgrading; improvement of our hiring procedures; increasing efforts in the area of cost recovery; and planning of additional seminars for City employees on selected work-related topics.

As part of our synopsis of the 1999-2000 action plan, we have measured our performance in various areas during the reporting period against our stated goals and our performance during prior years. As on prior occasions, we have made significant progress toward fulfillment of most, if not all, of our 1999-2000 goals.

In Part VI, the Administrative portion of this report, we review the administrative functions of the office, including budgeting, assignment control and record keeping.

In Part VII, the Advisory Section portion of this report, we discuss our significant accomplishments during 1999-2000. We also detail the assignments handled by the Advisory Section, providing a range of information, including information regarding: i) the number and type of assignments completed during Fiscal Year 1999-2000; ii) the number and source of contracts and agreements handled by this office; iii) the number and type of Code Enforcement matters, with a breakdown of requests made by each Council District; and iv) the number of requests from the Council, with a breakdown of requests made by each Council member and the Mayor. Comparisons with prior years are made where appropriate.

In Part VIII the Litigation Section, we demonstrated how we reduced our in-house hourly rate while the rate paid to outside counsel increased. The effective hourly rate for in-house attorneys decreased from \$84.00 to \$79.00, as a result of turnover that allowed us to hire at a level lower than that held by the previous attorneys. On the other hand the average rates for outside counsel continued to increase moderately from \$115 to \$120 per hour. The total fees paid to outside counsel decreased significantly from \$371,535 during Fiscal Year 1998-99, to \$138,552 during the 1999-2000 Fiscal Year, representing a savings over last year in

outside counsel fees of 63.25%. For the first time since the inception of the Litigation Section, we did not refer any new cases to outside counsel, with the exception of four cases that were handled at no cost to the City pursuant to the City's tender of its defense to another party defendant. In addition, two cases were referred out after we had devoted substantial time readying them for trial. The Litigation Section's intake of new cases increased from 217 during the 1998-99 Fiscal Year, to 267 during the 1999-2000 Fiscal Year.

In this section of the report, we also review our significant accomplishments during Fiscal Year 1999-2000. We then provide a detailed analysis of the type and number of cases handled by the Litigation Section during the 1999-2000 Fiscal Year as compared to prior reporting periods, including the continued savings that have accrued to the City as a result of the handling of litigation matters on an in-house basis. Our goal, as in previous years, has been to handle all City litigation on an in-house basis and in the most cost effective manner possible. Due, in part, to our implementation of efficiency measures and procedures, and, in part, to hard and intelligent work on the part of the staff, we have been able to efficiently and competently handle the significant increase in new cases.

In Part IX, the Special Projects Section, the duties and responsibilities of this newly created section are discussed. Because this section was created near the end of Fiscal Year 1999-2000, there is limited factual information and data concerning its performance. It is anticipated that future annual reports will provide detailed factual information and data concerning the performance of the Special Projects Section similar to that provided in this report by the Advisory and Litigation Sections.

In Part X, we review our goals for the next five years. In prior years, we set forth an annual action plan. Those plans focused primarily on short term goals, most of which we have achieved during the past six years. Commencing with this fiscal year, we are switching to a five-year action plan which will focus more on long term goals. The action plan will be revised as necessary. Our action plan is designed to further the essence of our mission statement: to provide the highest possible, most effective legal services to our client in both the litigation and advisory areas. While we believe we have delivered high quality services during this reporting period, we recognize that there is always room for improvement and we intend to continue to do so. We also recognize the need to assist the City Council and City Departments in their efforts to improve our City's environment as a place to live, work and play.

New sections added to this report include the Special Projects Section (Part IX); the departmental sources of contracts for fiscal year 1999-2000; and aging of pre-litigated and litigated claims.

## **PART II**

### **INTRODUCTION**

This is the fifth annual report of the City Attorney's Office, and the third report done on a fiscal year basis. The report covers the activities of the Administration, Advisory and

Litigation Sections, and for the first time, the recently established Special Projects Section. This new Section was established, in large part, in response to Council direction. It will focus on a number of projects which are of high priority to the City, including code enforcement; criminal prosecution; debt financing; complex projects; and development in North Natomas.

This report assesses whether the City Attorney's Office is performing as expected. In this report, we also briefly discuss our mission, the budget, the organization, the workload and some of the significant projects on which we worked; and make an assessment of whether we met, exceeded or fell short of our expectations during this reporting period.

It is our assessment that the past fiscal year has been a particularly busy year for the City, and that this is reflected in this report's analysis of the amount and nature of work handled by this office. Development in the City generally, and North Natomas specifically, has increased significantly, and has placed great demands upon City staff, including this office.

### **PART III**

## **AUTHORITY AND FUNCTION**

The authority and function of the City Attorney are set forth in Sacramento City Charter, Section 72 as follows:

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.

Unlike most other departments of the City, the City Attorney's ability to engage in policymaking and to interact with members of the Sacramento community regarding legal issues is restricted by the City Charter, State laws and rules of professional responsibility. As a result, the role of the City Attorney, the City Attorney's client and the nature of the City Attorney's work is not well understood by the community at-large. Many citizens believe that the City Attorney serves as the attorney for the community rather than just the Municipal Corporation, known as the City of Sacramento. Our interaction with community the will change with the commence of criminal prosecution because our role as a criminal prosecutor differs drastically from that of a the attorney to the City. We will be prosecuting cases on behalf of the people and as such the attorney client position is different. Hopefully, this report will be beneficial to the members of the City Council in not only assessing the overall performance of the City Attorney's Office but also in explaining the function of the Office and the nature of its work to the community as well as individual constituents. Questions regarding the content of this report may be forwarded to the City Attorney.

## **PART IV**

### **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 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;
2. Providing 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 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.

## **PART V**

### **SYNOPSIS OF 1999-2000 ACTION PLAN**

Since 1994, the City Attorney's Office has prepared and distributed an intra-office Action Plan. Commencing with the 1998-99 Fiscal Year, the action plan has been formulated on a fiscal year basis and distributed with the annual report. Following is a discussion of the Action Plan for Fiscal Year 1999-2000, and the office's efforts at achieving the goals of that plan.

#### **I. Internal Goals**

##### **A. Client Service**

1. **Code Enforcement.** Upon submittal to this office, code enforcement cases are screened to determine the accuracy of information submitted and the appropriateness of the request for the services of this office. As before, the AttornEase system was used to track assignments to measure the quality and amount of time devoted to working on each matter. We track the assignments by Council district from intake to conclusion. We are currently reviewing a new automated system that will allow for even better

tracking of code enforcement matters and enhance our ability to handle criminal prosecution calendaring functions.

Monthly meetings by the code enforcement review committee (CERC) continued. The separate, one-year contract CAT attorney has been phased out; however, a representative of CAT now joins the office staff during monthly CERC meetings to review the AttornEase log for delays and problem cases. The review committee includes the Chief Assistant City Attorney, Assistant City Attorney, and one or both of the supervising Deputy City Attorneys. With the assignment of code enforcement matters to the Special Projects Section, it is anticipated that the regular meetings will continue, and that this office's responsiveness to Code Enforcement issues will continue to be a priority. The supervisor of Special Projects will attend the CERC meetings.

The Code Enforcement Notebook was completed and distributed on a limited basis. Following editing and other modifications for consistency with the renumbered and retitled City Code, the Code Enforcement Notebook will be reproduced and distributed widely. It will be amended later to address criminal prosecutions.

## **B. Administrative Matters**

**1. Section Manuals.** The Section manuals for the Advisory and Litigation Sections are being revised, and a new manual for the Special Projects Section formulated. Work on the Administration Manual continues.

**2. Office Audit.** In 1998, we commissioned an independent audit of the office. The work on the audit was completed in December 1998 and the final report released in February 1999. The report identified 16 areas that were deserving of recommendations. The recommendations and our progress toward implementing those recommendations are as follows:

### **COMPLETED**

An evaluation of the impact of increased investigator and paralegal support should be performed.

The CAO should request a salary study for attorneys and support staff.

Training paralegal staff in the handling of subrogation claims should be considered.

A more coordinated and seamless secretarial back-up plan should be established.

An evaluation of the cost and benefit of adding one entry level position to provide clerical and back-up support should be performed.

Where permissible, access to the Internet and other useful research tools for investigative support should be obtained and/or clear lines of access established with the appropriate department.

Consideration should be given to obtaining an additional high-volume copier and a fax machine for placement at the end of the office that has this need.

### **ONGOING (Long Term Matters)**

The value and impact of required rotation versus other alternatives for cross training.

A training plan for all staff should be developed and every effort should be made to provide regular training.

Efforts initiated to automate various office practices should be heightened.

A program should be developed for providing legal training to City departments.

### **IN PROGRESS**

Document retention guidelines should be established for the submission and receipt from City Departments.

Regular attorney/department meetings should be established along with a mechanism for determining the need for more up-front attorney involvement and advice.

Standard guidelines should be established for the submission and receipt of legal requests from City Departments.

Standard checklists should be created for gathering information from City Departments.

The cost/benefit of contracting out Police pitches motions should be considered.

For each of the recommendations, we assigned a project manager who has responsibility for monitoring the recommendation until work on it is completed. Budgetary constraints or other factors may limit our ability to implement some recommendations.

**3. Succession Planning.** The position of Chief Assistant City Attorney was added during the past fiscal year. William P. Carnazzo, former Assistant City Attorney, occupies this newly created position, and it is anticipated and expected that he will devote a significant portion of his time to training attorneys in the office to handle the more complex financial, real estate and contractual transactions that the office handles, and that he personally has handled over recent years.

**4. Restructuring.** A third unit, the "Special Projects" Section, has been added to the office. This unit, assigned some of the more experienced attorneys in the office, is charged with handling some of the more challenging, as well as discrete, assignments, including code enforcement, both administrative and judicial; criminal prosecution of City Code violations; municipal financing; large and complex litigation; litigation involving requests for injunctive and equitable relief; writs and appeals; and debt collection. The Chief Assistant City Attorney provides general supervision of the Special Projects Section through the direct supervision of a Supervising Deputy City Attorney.

**5. City Attorney History.** The City Attorney History booklet was completed this past year, in conjunction with the City's celebration of its sesquicentennial anniversary. A presentation of this publication was made to the Council, and it was distributed to area schools, libraries, public agencies and municipal law offices throughout the State that had expressed interest in the booklet.

**6. Space Needs.** Due to the lack of space, this office, with the approval of the Council and City administration, acquired additional space on the seventeenth floor of the U.S. Bank building located at 980 Ninth Street. Although the separation of staff on two different floors is not the optimal solution, it has proven less disruptive than attempting to operate at two different facilities, or to find a new single location for the entire office. The City Attorney's Office anxiously awaits the development of the City Administration building and the ability to house all staff at a single location and on a single floor, with appropriate space for expansion. The Council's support of the new annex proposal is acknowledged and appreciated.

**7. Criminal Prosecution of Code Violations.** Pursuant to the direction of the City Council, this office is proceeding with a program to criminally prosecute City Code violations. Criminal prosecutions are the responsibility of the newly-created Special Projects Section, and appropriate staff is being hired and will be trained with the generous assistance of the District Attorney to handle this assignment. It is anticipated that criminal prosecutions by this office will commence by the first of the year.

### **C. Automation**

**Automation upgrades.** Each year, our office experiences major automation upgrades in an attempt to keep pace with some of the more important technological advancements available for use in law offices. The past fiscal year was no exception. During Fiscal Year 1999-2000, our automation improvements included: a) installation of new Pentium III computers in the expanded office space; b) installation of Microsoft Office 2000 and WordPerfect Office 2000; c) conversion from WordPerfect 6.1 to Corel WordPerfect 9; d) further development of Abacus litigation for calendaring and case management; e) successfully completing all Y2K remediations prior to January 1, 2000; f) upgrading to a new Compaq file server as well as upgrading the server to Novell 5; and g) researching ProLaw software for case and assignment tracking, document indexing, litigation calendaring and records management.

## **D. Personnel-Related Matters**

With the budget improvements over the past fiscal year and the support of the City Council and the City Manager, this office has eliminated the practice of hiring attorneys on a limited term basis, and instead is hiring attorneys on a permanent basis. The hiring of these positions is being achieved with salary savings generated annually as a result of under filling positions when vacancies occur. This change in practice should result in a lower turnover rate, although a comparison of salaries for attorneys in comparable positions, particularly those employed by the state, suggests that the City is still somewhat vulnerable to having its attorneys leave for state positions after receiving appropriate training and experience with the City.

## **E. Fiscal**

**1. Cost recovery .** With the formation of the Special Projects Section and the corresponding increase in Deputy City Attorney positions, we will be devoting more time to the recovery of costs in nuisance abatement actions than we have had the ability to accomplish during previous years. In addition, we are in the process of developing a plan to better assist Revenue in its collection efforts. This is another function of the Special Projects Section.

**2. Attorney's Fees Schedule.** During the 1999-2000 Fiscal Year, we surveyed seven municipalities throughout the State, to determine the types of cases in which they seek to recover attorneys' fees, and their methods for calculating fees for in-house attorneys. We received a wide range of responses, particularly with respect to the manner in which attorneys' fees are calculated. Some municipalities utilize a market rate, whereas others use a "fixed" rate without regard to the applicable market rate, the type of case litigated or the experience level of the litigating attorney; whereas other municipalities use an actual rate based upon the actual costs of employing the attorney. At present, we are calculating attorneys' fees on a blended rate (i.e., the average cost to the City of employing a Deputy City Attorney) for those cases in which there is no applicable market rate (e.g., nuisance abatement cases), and on a market rate for the remainder of the cases litigated by our office (e.g., torts and civil rights cases). During the 2000-2001 Fiscal Year, we intend to establish a range of rates for the cases in which we presently utilize a blended rate, to take into account the experience level of the handling attorney and other relevant factors.

**3. Court Costs.** The court has requested our assistance in collecting court costs on cases in which the City is the prevailing party. We have not achieved as much progress on this issue as we had hoped when we first discussed it in the 1999-2000 Annual Report. With the creation of the Special Projects Section and the addition of new Deputy City Attorney positions, we now have sufficient staffing to enable us to complete this project by establishing a procedural checklist for litigation matters to ensure that we are requesting court costs where recoverable.

## **F. Training**

1. **Ordinance Drafting Procedure.** An internal Ordinance Drafting Manual was completed during the past fiscal year, and is now being used by staff in the office to assist in the preparation of local legislation. To the extent feasible, a "non-legal" version of the manual will be prepared and made available for use by City staff to assist them in better understanding of the ordinance preparation process. We anticipate that this knowledge will aid in streamlining the existing process and reducing the preparation time.

2. **Municipal Law Orientation.** During the past fiscal year, work has commenced on developing an introduction and orientation to staff of the City Attorney's Office on the practice of municipal law. Upon completion of a program for the staff of this office, it is anticipated that a comparable program will be prepared for the benefit of all City staff.

3. **Cross Training.** Cross-training of staff to handle the broad array of litigation and advisory assignments handled by this office continue. The addition of the Special Projects Section should assist in expediting the cross-training of staff.

## **II. EXTERNAL (CITY-WIDE)**

### **A. Client Services**

1. **Liability Prevention.** We put on two seminars, the Brown Act and the Public Records Act, for City staff through the City University program. Additionally, a series of seminars on code enforcement issues was presented to building, code enforcement and code action team staff. Seminars on the Americans with Disabilities Act (ADA) and the California Environmental Quality Act are scheduled for late August and October, and it is anticipated that additional seminars will be presented during the second half of fiscal year 2000-2001.

2. **Document Retention and Retrieval Policy.** We continue to work, primarily with the City Clerk and the City's Chief Information Officer, to establish a document retention policy consistent with state law. The primary purposes of the policy will include establishing: i) a document retention schedule, so that older documents may either be purged to the extent permitted by law or be properly documented and placed in storage; ii) a requirement for regular and periodic review of documents by City departments; and iii) rules regarding retention of Groupwise messages, E-mails, and other forms of electronic communication.

3. **Legislative Proposition Review.** We reviewed and summarized all state propositions on the March 2000 Primary ballot. The summaries were presented to the City Council for consideration of whether to support or oppose the same.

## **PART VI**

## ADMINISTRATION

### A. GENERAL

Under Charter Section 72, the City Attorney is charged with overseeing the delivery of legal services relating to all legal matters on behalf of the City, the Mayor and City Council, City departments, and all City Boards and Commissions.

The administration and general support functions of the office are performed under the direction of the City Attorney. The structure of the office has been reorganized to include a Chief Assistant City Attorney (William P. Carnazzo), who provides general supervision over the activities of all sections generally, and in particular the newly-formed Special Projects Section, as well as training for those handling municipal financing and complex transactions; and an Assistant City Attorney (Richard E. Archibald), who oversees the Litigation and Advisory Sections. Immediate supervision of the Advisory, Litigation and Special Projects Sections were provided by a Senior Deputy City Attorney, and two experienced Deputy City Attorneys currently being trained for promotion to Senior Deputy City Attorneys. An Office organizational chart reflecting the current organization of the office is shown in **ATTACHMENT A.**

The Advisory Section was supervised for much of the reporting period by then Senior Deputy City Attorney Richard E. Archibald, and for a portion by Senior Deputy City Attorney Shana Faber. As of the date of this report, the work of this section is performed by the supervisor, five (5) Deputy City Attorneys, and two Legal Secretaries. For the first time in a number of years, all of the Deputy City Attorneys are employed on a permanent basis. It is hoped that the City's commitment to permanent employment of City Attorney's staff will result in a more stable workforce.

The Litigation Section was supervised during most of the reporting period by Senior Deputy City Attorney Shana Faber, and for a portion of the period by Bruce C. Cline, an experienced Deputy City Attorney. The work of this section is currently performed by the supervising Deputy City Attorney, and five (5) Deputy City Attorneys, all of whom are employed on a permanent basis. Additionally, support assistance is provided by one Paralegal, one Investigator, three Legal Secretaries, and as available and appropriate, clinical legal interns.

The Special Projects Section was created during the latter part of the reporting period. It is supervised by Sandra Talbott, an experienced Deputy City Attorney. The work of this section is performed by the supervising Deputy City Attorney and six (6) Deputy City Attorneys. Support assistance is provided by three Legal Secretaries and one Paralegal. We are recruiting to fill an investigator position for this section. As the workload of this Section increases, including criminal prosecutions, the number of attorneys as well as support staff will increase commensurately.

With the exception of the administration support staff, support staff is supervised by the Office Administrator, Kathy Widmer. The Office Administrator also manages all non-legal day-

to-day operations of the office, including budget preparation and monitoring; accounts payable and receivable; supplies and equipment; personnel processing and new employee orientation; computer hardware and software; staff training; office space needs, and many other tasks.

The administration support staff is directly supervised by the Administrative Assistant, Toni Jones. The Administrative Assistant is also responsible for administrative support provided to the City Attorney and Chief Assistant City Attorney; monitoring administration functions and recommending efficiency measures; citywide legal training; serving as department representative at meetings as needed; providing reports based on research, studies and surveys; special assignments; and backup to the Office Administrator.

The Administration team, consists of the City Attorney, Chief Assistant City Attorney, Assistant City Attorney, Senior Deputy City Attorney and two experienced, supervising Deputy City Attorneys, along with the Office Administrator and Administrative Assistant. The team meets weekly to discuss issues related to the day-to-day operation and performance of the office, as well as budget, section and other matters. On the first Thursday of each month, we devote time to reviewing our efforts to achieve goals set forth in our action plan.

## **B. BUDGET AND STAFFING**

The City Attorney's budget for Fiscal Year 2000-2001 is \$4,609,595. The budget for Fiscal Year 1999-2000 was \$4,040,333. This is the operating and non-risk litigation expense budget. It does not include the Risk Management Fund for litigation matters. The budget includes salaries and operating costs for 49 full time permanent positions.

## **C. SIGNIFICANT ACCOMPLISHMENTS**

Both the Advisory and Litigation sections were involved in a number of significant projects or cases during the past year.

Included among the more significant projects handled by the Advisory section were the following:

- Water Forum agreement
- Water wheeling agreement with the County for American River water
- Satisfaction of the \$16-17 million loan to Packard Bell, and transfer of Packard-Bell interest in the Army Depot to National Leasing
- Convention Center Hotel project approval and financing
- Acquisition of police/fire facility (Freeport Center)

- Code enforcement notebook
- Preparation of an ordinance drafting manual (internal to CAO)
- Legal advice and preparation, or assistance in preparation, of the following adopted or proposed ordinances (or resolutions, required for the adoption of certain documents, such as the housing element). Proposed ordinances, drafted and given to staff but not yet adopted, are designated by asterisks.
- Continued legal advice and support necessary for development in North Natomas, including updating of North Natomas Financing Plan
- Advice and assistance on other major projects and assignments, including:
  - domestic violence policy
  - Senior Gleaners Land Transaction
  - multi-family residential development guidelines
  - parks master plan, later phases
  - EVOC (emergency vehicle operations center)
  - inclusionary housing ordinance
  - 7<sup>th</sup> Street extension
  - Legal assistance in preparing for 2000 U. S. Olympic Track and Field Trials
  - Environmental Oversight Program (EOP) for development within downtown rail yards
  - North Natomas stadium project
  - Granite Regional Park and development project
  - city-schools “cooperative/joint use” project
  - continued legal advice and support necessary for development in North Natomas, including updating of North Natomas Financing Plan and the Natomas Basin HCP
  - Civic Center project

- increased emphasis on training and education of staff, with legal awareness programs designed to reduce and prevent liability. Programs scheduled for the first half of Fiscal year 2000-2001 include CEQA and the ADA. Recent programs covered were on the Brown Act and the Public Records Act.

- advising and preparing, or assisting in preparing, a broad range of legislation; we also anticipate additional requests for legal support for legislation anticipated for next year, including: legislation concerning social service facilities; overhaul of Title 13 (Water); overhaul of Title 12 (Streets); updating of Title 16 (subdivision ordinance)

- preparation for redistricting process following Year 2000 Census results.

- participation in labor negotiations

- establishment of database for advisory opinions, memos, ordinances, etc.

- review of all state ballot propositions

- ADA Curb Ramp Litigation
- Bank of America Litigation
- Natomas Habitat Conservation Plan Litigation
- Victorio Administrative Appeal
- Preparation of a number of fold out pamphlets of services provided by our office
- Commenced work on the preparation of policies and procedures for the training of staff to handle misdemeanor prosecution of city code violations

#### **D. RECOMMENDATIONS FOR COUNCIL ASSISTANCE**

The following are recommendations of areas where the Council can be of assistance to the Office in reaching our goals during the next fiscal year and beyond. Although some of these recommendations straddle the policy/legal fence, they impact our ability to deliver timely and effective legal advice, opinions and representation.

**1. Timely Performance Feedback.** We request that the Council and Department Heads provide regular feedback as to how we are performing. We desire to hear

immediately when our performance is falling below expectations of our customers. If we learn of concerns when they are fresh, we will be able to obtain adequate information to verify the concerns and make adjustments as necessary. We also like to hear when staff is performing above and beyond expectations.

**2. Local Legislation.** We would like to see the development of some method of organizing and prioritizing legislative proposals. The number and timing of proposed legislative research requests and the priority of the same are not at all organized. At any given period of time, we will be working on 8 to 10 major legislative proposals with no direction as to which has Council or Law and Legislation Committee or City Manager priority. Thus, we attempt to keep all moving forward at the same rate. This often results in two of three moving much slower than the individual proponent had anticipated. The work of our Ordinance Review Committee has been helpful in maintaining the quality of ordinances. However, we need additional assistance with the management of legislative priorities.

## **PART VII**

### **ADVISORY**

#### **A. GENERAL**

The Advisory Section currently consists of five Deputy City Attorneys, and is supervised by Senior Deputy City Attorney Shana S. Faber. **ATTACHMENT B** is a list of the areas in which the Advisory Section performed legal services together with a listing of the attorneys assigned to those areas. The list reflects the current organization of the City and the current assignments of Advisory Section attorneys.

The Advisory Section provides strategic support to the City's policymaking function by responding to requests for legal advice presented by the City Council, the City Manager and the other Charter officers, and the City departments and divisions. The support includes preparation of legislation, preparation and review of contractual documents, providing legal representation and advice at meetings of the Council and City boards and commissions, educating City staff in relevant areas of the law, and keeping the Council and City staff informed on recent changes or developments in the law.

This Section provides a detailed analysis of the workload of the Advisory Section during this reporting period. This is important to the proper management of the increasing workload of this section. The goal of the Advisory Section is to provide prompt, accurate legal advice, and to be able to respond to requests for legal advice within the framework of a well-understood priority system.

This part of the annual report is divided into several sections, the first of which sets forth a list of the most significant accomplishments of the Advisory Section. This section is based primarily on the input from the section attorneys. The remaining sections detail the assignments handled by the Advisory Section in Fiscal Year 1999-2000 and provide a range of information, including information regarding: i) the number and type of assignments completed during Fiscal Year 1999-00; ii) the number and source of contracts and agreements handled by this office; iii) the number and type of Code Enforcement matters, with a breakdown of requests made by each district; and iv) the number of requests from the Council, with a breakdown of requests made by each Council member and the Mayor. As appropriate, comparisons are made to assignments handled by the Advisory Section in previous years.

## **B. SIGNIFICANT ACCOMPLISHMENTS**

### **1. Proactive Advice and Training**

a. *Seminars* - The City Attorney's Office resumed its presentation of formal seminars in Fiscal Year 1999-2000. Through the City University, this office presented seminars for City employees on the Public Records Act and the Brown Act. Additional seminars through the City University are scheduled for late summer and fall of this year on the topics of: i) employment issues under the Americans with Disabilities Act (ADA); and ii) the California Environmental Quality Act (CEQA). Additional seminars will be scheduled for Winter 2000 and Spring, 2001.

In addition to seminars through the City University, this office also put on seminars for individual departments. This included a series of presentations to Code Enforcement, Housing and Dangerous Buildings and the Code Action Team on proper preparation and presentation of documents to support requests for administrative and judicial code enforcement action. It is anticipated that this education process will continue following the transfer of Code Enforcement to the Special Projects Section.

b. *Meetings with Code Enforcement and CAT staff*: - Regularly scheduled meetings with Code Enforcement staff, first established in 1998-99, were continued. These included:

(i) The Senior Deputy City Attorneys, and as appropriate, one or more Deputy City Attorneys, meet on the first of each month with representatives of Code Enforcement, including as appropriate, representatives of Housing and Dangerous Buildings, and the Code Action Team (CAT). The purpose of the meeting is to review pending matters and to discuss any problems or issues that have arisen in the past month.

(ii) On the third Wednesday of each month, the Chief Assistant City Attorney and the Assistant City Attorney, along with the Senior Deputy City Attorney supervising the Special Projects Section, meet internally with the Area Manager responsible for Code Enforcement. As before, this meeting included a review of the AttornEase log, which is updated not less than once a month and often more frequently. Any matters that are

not shown on the AttornEase log as resolved within sixty days of arrival in this office are reviewed and the log revised to show their current status.

With the transfer of code enforcement matters to the Special Projects Section, it is anticipated that regular meetings between that Section and representatives of Code Enforcement and related departments will continue.

c. *Meetings with Police Department* - The SPOA, along with one or more attorneys who handle Police Department matters, meet with representatives of the Police Department in the morning on the first Wednesday of each month to discuss recent court cases and legislation, and to discuss any problems or issues that have arisen in the past month.

d. *MCLE* - California attorneys are subject to a mandatory continuing legal education requirement (MCLE), pursuant to which all attorneys are required to devote a certain number of hours to continuing legal education. The City Attorney's Office is a certified provider of continuing legal education and regularly provides courses to its attorneys and those from other offices. This year included presentations made by attorneys employed by the City Attorney's Office. Representatives from the County Counsel's office and the consolidated Superior and Municipal Courts were regular attendees at courses offered during this reporting period.

## **2. Selected Significant Assignments**

a. *Code Enforcement* - This office increased the amount of time devoted to code enforcement during this reporting period. This was true for both the Advisory Section as well as the Litigation Section. This year was the second year that the AttornEase tracking system was in place for the full reporting period. As noted below, there was a significant increase in the number of code enforcement matters handled by this office. A detailed discussion of code enforcement assignments is found in subsection C 6 below.

b. *Army Depot: Satisfaction of Packard Bell Loan and Transfer to National Interest* - This office provided advice to assist City staff in obtaining full payment and satisfaction of the outstanding \$16-\$17 million loan to Packard Bell, and subsequently transferring the Packard-Bell interest in the former Army Depot site to National Leasing. This office continues to provide legal advice and assistance to City staff in its efforts to help National Leasing expedite the reuse of the Army Depot site.

c. *North Natomas: General* - Substantial time was again spent during the past fiscal year on continuing efforts to make development in North Natomas a reality. This included work on individual development projects, and the various entitlements and agreements required by those projects. To further streamline the development process, additional standard agreements and forms were prepared for transactions and situations that are likely to be repeated in the context of most development projects.

Several large bond transactions were completed in conjunction with North Natomas development. Representatives from this office actively participated and rendered advice on these transactions. Future financial transactions of this type will be the responsibility of the new Special Projects section. Indeed, one or more transactions completed during the latter part of the fiscal year were handled by attorneys now in that section.

As noted in last year's report, this office expended a great deal of time in past years assisting City staff in developing the Natomas Basin Habitat Conservation Plan, and obtaining approval of the wildlife agencies, the developers, the community and the City Council. Over the past year, this office has assisted staff in fine-tuning the Plan, and establishing appropriate standards and procedures to ensure proper implementation and compliance with the approved plan.

While a consensus-based plan was adopted as a result of these efforts, litigation was filed in state and federal courts challenging the plan's provisions. This office, along with outside counsel, is representing the City in this litigation. The state court litigation was resolved successfully for the City, and the Habitat Conservation Plan was upheld. That decision is now on appeal. The federal court litigation was the subject of hearings this past spring, and the matter was submitted and the parties await a decision on potentially dispositive motion(s).

d. *Acquisition of the Police/Fire Facility (Freeport Center)* - This office assisted Real Estate and other interested departments in purchasing the Freeport Center for use as the headquarters for the Police and Fire Departments. This office will continue to provide legal assistance and advice in the process to convert the existing building for use by the Police and Fire Departments.

e. *Ordinance Research and Preparation* - During this reporting period, we researched, drafted or assisted in drafting a large number of ordinances and other forms of municipal legislation which were adopted by the Council or which are being processed for adoption by the City Council. Included were the following:<sup>1</sup>

- ordinance establishing park impact development fee parks master plan, phase 1
- adult entertainment ordinance\*
- ordinance adopting City Code update
- historic preservation ordinance\*

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<sup>1</sup>The asterisk (\*) next to an ordinance indicates that the ordinance was not adopted by the Council during the fiscal year and is pending. These ordinances have either been completed and are being processed by City staff for consideration by the Council or are in the final stages of development and should be processed by City staff and brought forward for Council consideration before the end of the calendar year.

- housing element update
- Beat feet (anti-prostitution and anti-drug dealing) ordinance
- ordinance updating title 12 (City property and franchises)
- ordinance regulating pay telephones\*
- boating (camping on the river) ordinance
- social service siting ordinance\*
- zoning ordinance update
- zoning ordinance amendments re: recycling, solid waste facilities
- update of SMARA (surface mining) ordinance
- residential demolition ordinance\*
- campaign reform ordinance, including lobbyist regulations\*
- density bonus ordinance\*

f. *Water law*- The Advisory Section has continued to advise and represent the City on water matters. This included advice and representation with respect to i) the City's participation in the Water Forum process, the first phase of which was successfully completed during the fiscal year and resulted in the execution of the Water Forum agreement. Implementation of the Water Forum Agreement will involve significant additional advice and representation; ii) execution of the water wheeling agreement with the County of Sacramento for the use of American River water; iii) the City's water supply expansion project; iv) the City's participation in the State Water Resources Control Board's Bay/Delta proceedings; v) the City's fish screen replacement project; and vi) a comprehensive revision and update of the water system regulation in the City Code.

g. *Utilities* - The Advisory Section continued to provide advice and representation on a broad range of utilities projects, including i) implementation of the City's combined sewer system rehabilitation and improvement project, including the Sump 2 improvement project; ii) purchase of the parking area needed for the new utilities administration building; iii) numerous utility infrastructure projects throughout the City; iv) environmental review and compliance issues; and v) utility rate and impact fee issues.

## **C. STATISTICAL INFORMATION**

1. **Total.** The standard which the Advisory Section attorneys and support staff utilize, calls for the preparation of an assignment sheet for all matters estimated to involve one hour or more of an attorney's time. The preparation of an assignment sheet results in the matter being formally listed and carried in the database as an "assignment." The list of assignments included in the database does **not** include the standard contracts and agreements processed by the Advisory Section, and these are not included in the assignment figures set forth below. These matters are tracked in a separate contracts and agreements log, which is discussed in subsection C.7. below. The assignment figures set forth below also do **not** include advisory Code Enforcement assignments maintained in the AttornEase log.

We have almost doubled our handling of advisory assignments during the last five years, without any appreciable increase in staffing to this Section. In fact, we are reducing the number of attorneys assigned to this Section to reassign them to the Special Projects Section. Some of the Advisory workload will also be transferred to the new section.

The total number of advisory assignments in Fiscal Year 1999-2000 was 2156. By comparison, the total number of advisory assignments listed for fiscal year 1998-99 was 1868, for Fiscal Year 1997-98 the number was 1747, and for calendar year 1997 the number was 1745. Going back further, in 1996 the total number of advisory assignments listed was 1434, and in 1995 the number of assignments listed was 1125.

For comparative purposes, the number of assignments in Fiscal Year 1999-2000 represents an approximate 14.7% increase over the number of assignments in Fiscal Year 1998-99; an approximate 22.7% increase over the number of assignments in Fiscal Year 1997-98; an approximate 22.87% increase over the number of assignments in calendar year 1997, and an approximate 49.5% increase over the number of assignments in 1996.

2. **Totals by Attorney.** Set forth below is a chart showing the number of assignments by attorney. The absolute numbers set forth in the chart do not reflect the nature of the assignments, their difficulty, or the amount of time involved in bringing each one to completion. The amount of attorney time required for any single assignment varies from a minimum of one hour to several days or even weeks.

It should be noted that several attorneys who were in the Advisory Section left the office during Fiscal Year 1999-2000. Additionally, several attorneys in the Advisory Section were transferred to the Special Projects Section during the last half of the fiscal year.

#### **ASSIGNMENTS BY ATTORNEY**

<b>ATTORNEY</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>FY 1997-98</b>	<b>FY 1998-99</b>	<b>FY 1999-00</b>
S. Jackson		10	25	11	8	15
W. Carnazzo	172	352	342	444	452	349
R. Archibald	50	174	157	142	154	242

D. Balter	148	151	178	163	135	342
J. Robinson	177	158	271	282	368	409
S. Faber						32
D. Schulte						151
S. Itagaki						173
R. Lovell						24
G.Martinez			181	170		
S. Johns				65	406	261
R. Tokunaga*					42	76
S. Talbott*					47	61
M. Johnson*					29	12
Others <sup>2</sup>	578	589	591	470	227	
<b>TOTALS</b>	1125	1434	1745	1747	1868	2156

### 3. Average Number of Assignments Per Attorney.<sup>3</sup>

<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>
114	119.5	213	194	227	240

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<sup>2</sup>For convenience and simplicity, the chart includes only those attorneys who were in the Advisory Section at either the beginning or the end of Fiscal Year 1999-00. The asterisks indicate attorneys who have transferred to the Special Projects Section or are no longer with the office. Assignments performed by attorneys in Fiscal Year 1999-00 as well as previous years who are no longer with the office and who were not in the Advisory Section at either the beginning or the end of the reporting period were totaled cumulatively and are reflected in the "Other" category. Details concerning Fiscal Year 1997-98 (e.g., they were handled by litigation attorneys) and calendar year 1997 are set forth in last year's annual report, and the details for calendar years 1995 and 1996 are set forth in the 1996 annual report.

<sup>3</sup> In calculating the averages for FY 1999-2000, FY 1998-1999, FY 1997-1998 and calendar year 1997, only those attorneys who were in the Advisory Section either at the beginning or the end of the relevant period were included; additionally, those attorneys who handled fewer than ten advisory assignments were excluded. The number of assignments attributable to attorneys not included in calculating the averages were deducted from the total number of assignments before calculating the average. One attorney transferred to the Advisory Section in mid-April, 2000, and her time was "prorated" when calculating the number of FTE's working in the Advisory Section during FY 1999-2000. Although three attorneys rotated out of the Advisory Section into the Special Projects Section during the latter part of the Fiscal Year, and therefore began doing non-Advisory work, their time was not prorated, and they were considered to have worked full-time in Advisory for the fiscal year. Had their time been prorated in some fashion, the average number of assignments per attorney for FY 1999-2000 would have been higher.

**4. Assignments Completed by Reporting Period.**

	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>
<b>Pending</b>	192	842	445	634 236	73	
<b>Closed</b>	933	597	1300	1113	1631	2083

**5. Assignments by Source.** The table below shows where our workload originates within the city organization. These figures were set forth for the first time in the 1996 Annual Report and are based on the actual number of assignments presented to this office by the Department or Function for which an assignment sheet was filled out. These figures give the reader some idea as to the demands made by individual departments; however, they do not necessarily reflect the amount of time, as measured in full time employees (FTEs) or other similar standard, performing tasks for a particular Department or Function.

<b>Department or Function</b>	<b>1996 (%)</b>	<b>1997 (%)</b>	<b>FY 97-98 (%)</b>	<b>FY 98-99 (%)</b>	<b>FY 99-00 (%)</b>
Human Resources	4.8	1.7	2.1	.3	.2
Neighborhood Services	4.7	12.2	9.6	9.8	4.8
Public Works	25.5	23.1	24.7	32.2	31.6
Utilities	8.1	8.6	10.4	8.78	8.34
Police	8.6	8.4	11.1	8.89	9.42
Treasurer	2.6	5.4	7.2	2.6	4.76
City Manager	1.5	1.5	1.5	1.2	1.07
City Council	7.0	3.8	3.74	3.39	3.64
Fire	2.7	.9	1.1	.5	1.35
Employee Relations	.8	.5	.6	1.93	1.59
Planning	12.8	8.6	9.3	11.4	15.07
Community/Visitor Services	.7	2.7	2.3	1.78	4.85
City Clerk	.8	1.8	.9	.65	1.54
Finance	1.8	1.66	2.6	2.58	2.61
Library	.6	.79	.95	.59	1.54

Miscellaneous <sup>4</sup>	17.0	18.45	12.9	3.39	3.82
	100%	100%	100%	100%	100%

**6. Code Enforcement.** As noted above, the AttornEase log was used to track code enforcement assignments for the FY 1999-00 reporting period, the second year that this system has been used. This includes assignments from the recently formed Code Action Team (CAT) as well as from Housing and Dangerous Buildings and Code Enforcement. Prior to the establishment of the AttornEase system, a separate, manual tracking and assignment system was utilized for code enforcement matters.

*a. Total Number of Code Enforcement Assignments*

As shown below, there were 367 requests for legal assistance on code enforcement matters in Fiscal Year 1999-2000, as compared to 330 requests in Fiscal Year 1998-99, 219 requests in Fiscal year 1997, and 220 requests in calendar year 1997. Included within these figures are requests related to proceeding with enforcement action against individual properties, as well as requests for legal opinions. The figures include requests from CAT, Housing and Dangerous Buildings and Code Enforcement. These figures are generally limited to requests involving individual properties, and do not include assignments related to broader requests, such as requests for legislation. The 1999-2000 code enforcement workload increased slightly over 10% during this reporting period and 40% over the past three years.

**TOTAL NUMBER OF CODE ENFORCEMENT ASSIGNMENTS**

1997	FY 97-98	FY 98-99	FY 99-00
220	219	330	367

*b. Types of Code Enforcement Assignments*

The categories of requests for assistance in code enforcement matters are as follows:

**NUMBER OF CODE ENFORCEMENT ASSIGNMENTS BY TYPE**

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<sup>4</sup> The assignments in this category are varied, often entailing some administrative work. However, it also reflects many matters that did not fit well within our system of designating the department or function originating the assignment. For example, an assignment that originated from more than one department would be listed in this category.

<b>Assignment Type</b>	<b>1998-1999</b>	<b>1999-2000</b>
Abatement	60	40
Demolition	110	134
Notice to Vacate	2	9
Opinion	33	38
Refer to Litigation	3	5
Securement	102	129
Social Nuisance	0	0
Warrant	20	12
<b>TOTAL</b>	<b>330</b>	<b>367</b>

c. *Code Enforcement Assignments by Council Districts*

In the AttornEase log, figures are maintained for the number and type of requests by Council district. Following is a chart showing the source by district of requests for legal assistance on code enforcement matters.

**1999-00 CODE ENFORCEMENT ASSIGNMENTS BY COUNCIL DISTRICT**

<b>Assignment Type</b>	Dist.1	Dist.2	Dist.3	Dist.4	Dist.5	Dist.6	Dist.7	Dist.8	Total
Abatement	2	15			15	2	2	4	40
Demolition	10	59	1	4	48	8	2	2	134
Notice to Vacate		5			3	1			9
Opinion	3	13	3	3	9	1	1	5	38
Refer to Litigation		1		1	1			2	5
Securement	6	40	2		53	11	1	16	129
Social Nuisance									
Warrant	0	2			6	3		1	12

TOTALS:	21	135	6	8	135	26	6	30	367
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**1998-99 CODE ENFORCEMENT ASSIGNMENTS BY COUNCIL DISTRICT**

<b>Assignment Type</b>	Dist.1	Dist.2	Dist.3	Dist.4	Dist.5	Dist.6	Dist.7	Dist.8	Total
Abatement	2	32	1	1	14	2	1	6	60
Demolition	4	45	2	3	40	8		8	110
Notice to Vacate						1		1	2
Opinion	3	17		2	6	2		3	33
Refer to Litigation	1		1					1	3
Securement	4	45	1	6	18	6		22	102
Social Nuisance									
Warrant	1	10			8		1		20
TOTALS:	15	149	5	12	86	19	2	42	330

d. *Comparison of Code Enforcement Assignments in FY 1999-00 with Prior Years*

While the AttornEase system provides a wealth of information, as shown above, not all of the same information is available under the manual tracking system utilized for prior years. In the Fiscal Year 1998-99 Annual Report, figures were provided for the number of demolition requests, requests for summary abatement, requests for abatement warrants, and the number of files referred to litigation in 1998 and FY 1998-99. For comparison purposes, set forth below is a chart showing the same information for the Fiscal Years 1999-00, 1998-99 and 1997-98, and calendar year 1997.

**SELECTED ASSIGNMENTS: 1997, FY 1997-98, FY 1998-99, FY 1999-00**

<b>Nature of Request</b>	<b>1997</b>	<b>FY 97-98</b>	<b>FY 98-99</b>	<b>FY 99-00</b>

Demolition Requests <sup>5</sup>	66(1)	66(5)	110(19)	134(24)
Summary Abatement	57	64	72	40
Abatement Warrants	9	18	20	12
Files Referred to Litigation	11	11	14	5

**7. Contracts.** The Advisory Section processes a broad range and large number of contracts. During Fiscal Year 1999-2000, 1,073 contracts were processed, as compared to 1056 in Fiscal Year 1998-99 and 1002 in Fiscal Year 1997-98. Following are figures for the number of contracts processed during the calendar years of 1996 and 1997, and the Fiscal Years of 1997-98, 1998-99 and 1999-2000.

**NUMBER OF CONTRACTS PROCESSED**

1996 (Calendar)	1997 (Calendar)	FY 1997-98	FY 1998-99	FY 1999-00
844	851	1002	1056	1073

The contracts included in the contracts log and reflected in the foregoing chart represent the more straightforward contracts reviewed by this office. As a general rule, assignment sheets are not prepared for these contracts and these contracts are not considered or counted as assignments for purposes of the figures set forth in subsections 1 and 2 above. Non-standard agreements, including those of a custom or more complex nature which required the expenditure of significant amounts of attorney time (e.g., Convention Center financing contractual documents, North Natomas infrastructure contractual documents) are not included or reflected in the foregoing chart, but are the subject of assignment sheets and included within the figures set forth in subsections 1 and 2 above. Contracts for demolition presented by CAT, Housing and Dangerous Buildings and Code Enforcement are not reflected in the foregoing chart, but are accounted for separately under the AttornEase log.

For the first time, information was gathered concerning the departmental sources of contracts processed by this office during the entire past fiscal year. <sup>6</sup> Following are two charts, one showing the source of contracts by department in fiscal year 1999-2000; and the

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<sup>5</sup>The numbers in parentheses indicate the number of demolition requests denied by this office. Some of these matters were resubmitted after consideration of legal advice and were approved.

<sup>6</sup>The contract log maintained for fiscal year 98-99 did not include the departmental source of the contract (See 98-99 Annual Report, p. 26, footnote 10). A manual sampling of four months, July and August 1998, and January and February 1999 was undertaken, and the numbers and percentages set forth above reflect this limited sampling.

other comparing the figures regarding sources of contracts for fiscal year 1999-2000 figures to those for fiscal year 1998-1999.<sup>7</sup>

**CONTRACTS PROCESSED IN FY 1999-2000**

<b>Department</b>	<b>No. of Contracts</b>	<b>Percentage</b>
Public Works	473	44.0
Utilities	174	16.2
Planning & Development	59	5.5
Police Department	28	2.6
Downtown Department (now the Downtown & Regional Enterprises Department)	106	9.9
Neighborhood Services (including Parks & Code Enforcement)	177	16.5
Personnel	3	.3
Other	53	5.0
<b>TOTAL:</b>	<b>1073</b>	<b>100%</b>

**CONTRACTS PROCESSED (Percentage Comparison)**

<b>Department</b>	<b>Percentage of Contracts FY 98-99</b>	<b>Percentage of Contracts FY 99-00</b>
Public Works	38.0	44.0
Utilities	21.0	16.2
Planning & Development	8.6	5.5
Police Department	7.6	2.6

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<sup>7</sup>See footnote 10 above. The figures for fiscal year 1998-99, while believed to be representative, were based on a sampling of four months only for that year.

Downtown Department (now the Downtown & Regional Enterprises Department)	7.0	9.9
Neighborhood Services (including Parks & Code Enforcement)	8.0	16.5
Personnel	3.6	.3
Other	6.0	5.0
TOTAL:	99.8%	100.0%

#### D. CITY COUNCIL ASSIGNMENTS

Included among the advisory assignments are assignments received directly from the Mayor or individual Council members. Some detail regarding these assignments is provided below.

**1. Total Number of Council Assignments.** The total number of assignments received from the Mayor and City Council during Fiscal Year 1999-2000 was 26, as compared to 57 in Fiscal Year 1998-99, 69 in Fiscal Year 1997-98, 116 in calendar year 1996, and 96 in calendar year 1995.

#### 2. Council Assignments by Originator.

	1995	1996	1997	FY97-98	FY98-99	FY99-00
Council member Fargo	10	13	8	8	3	2
Council member Kerth	13	12	11	8	9	2
Council member Cohn	9	14	5	13	3	2
Mayor/CM Jimmie Yee	5	4	5	2	4	4
Council member Joe Yee						3
Council member Hammond			6	6	7	4
Council member Jones					4	4
Council member Waters	19	14	15	7	11	1
Council member B. Pannell					5	8
Council as a whole		2	2	4	3	2

Former Council members <sup>8</sup>	40	57	20	21	8	8
Totals	96	116	74	69	57	29

**3. Council Assignments Completed/Pending.**

The table set forth below tabulates City Council assignments completed during 1995, 1996, 1997, FY 1997-98 and FY 1998-99 and those which have been carried over into the subsequent year.

<b>Year</b>	<b>Completed</b>	<b>Carried Over</b>
1995	74	26
1996	105	24
1997	79	7
FY1997-98	69	4
FY1998-99	55	6
FY1999-00	32	3

**PART VIII**

**LITIGATION**

**A. GENERAL**

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<sup>8</sup>Requests made by former Council members during their terms on the Council were aggregated and set forth on this line.

This section of the annual report will provide a detailed analysis of the type and number of cases handled by the Litigation Section during the 1999-2000 Fiscal Year as compared to prior reporting periods, including the continued savings that have accrued to the City as a result of the handling of litigation matters on an in-house basis. Our goal, as in previous years, has been to handle all City litigation on an in-house basis and in the most cost effective manner possible.

During the 1999-2000 Fiscal Year, the Litigation Section ranged from 5-8 Deputy City Attorney positions, 1-2 paralegal positions and one investigator position. The Section was supervised by Senior Deputy City Attorney Shana S. Faber through April 14, 2000, and thereafter supervised by Deputy City Attorney Bruce C. Cline following the restructuring of the office and the formation of the new Special Projects Section. The restructuring and formation of the Special Projects Section also changed the composition of the Litigation Section from Deputy City Attorney positions to five positions, and reduced the number of paralegal positions from two positions to one position. A corresponding amount of work was also transferred to Special Projects. **ATTACHMENT C** is a list of the various types of cases that were handled by the Litigation Section during the 1999-2000 Fiscal Year, together with a listing of the attorneys assigned to those cases. The attorneys listed are currently assigned to the Litigation Section as of July 15, 2000, as a number of attorneys previously assigned to the Section during the 1999-2000 Fiscal Year, have left the office.

During the 1998-1999 Fiscal Year, the Litigation Section implemented a number of efficiency measures, which were discussed in detail in last year's Annual Report. During the most recent fiscal year, the Litigation Section focused on refining and standardizing those procedures, which resulted in our ability to continue to handle a high number of cases in a cost-efficient and streamlined manner. This was accomplished despite an increase in new cases from 217 for the 1998-1999 Fiscal Year, to 267 for the 1999-2000 Fiscal Year. The litigation workload increase during this reporting period is slightly over 23%.

Although we switched to a fiscal year reporting period during the 1997-1998 Fiscal Year, we continue to provide data on both a calendar and fiscal year basis in certain categories.

**B. SIGNIFICANT ACCOMPLISHMENTS**

**1. Reduction In Litigation Costs.** Pursuant to the City Council's direction in 1994, the City Attorney's Office has handled litigation on an in-house basis, with the twin goals of reducing outside counsel fees while at the same time providing the highest quality legal services. As demonstrated below, we continue to meet those goals.

<u>FISCAL YEAR</u>	<u>OUTSIDE COUNSEL FEES</u>
1993-94	\$1,145, 407
1994-95	\$693,000
1995-96	\$454,594

1996-97	\$342,751
1997-98	\$499,827
1998-99	\$371,535
1999-00	\$138,552

The above figures represent a decrease in payouts for outside counselfees of 63.25% from the 1998-99 payout, as compared to a 25.66% reduction in the 1998-99 Fiscal Year from the amount paid in 1997-98. This is the highest single year percentage savings we have achieved to date. However, by conservative estimates, we continue to save in excess of a million dollars in attorneys' fees annually by handling risk cases in-house. For the first time since the inception of the Litigation Section, we did not refer any newly filed cases to outside counsel during the 1999-2000 Fiscal Year, with the exception of four cases that were handled by outside counsel at no cost to the City. In those cases other parties' defendant accepted the City's tender of defense. In addition, two cases were referred out after we had devoted substantial time to preparing the same for trial.

Finally, the City's costs for maintaining a staff of in-house attorneys to handle litigation matters dropped during the 1999-2000 Fiscal Year, in comparison to the 1998-99 Fiscal Year. Preliminarily, we wish to point out that due to a computation error, the in-house hourly rate stated in last year's report should have been \$84.00, rather than \$65.00. During the 1999-2000 fiscal year, this rate dropped to \$79.00, as a result of an increase in Deputy City Attorney positions created due to turnover that allowed us to fill the vacancies at a lower level. This represents a 5.95% decrease from last year's actual rate.

#### **HOURLY ATTORNEY RATES**

<u>YEAR</u>	<u>IN-HOUSE</u>	<u>OUTSIDE</u>
1995	\$54.80	\$100.00
1996	\$68.00	\$105.00
1997-98	\$71.80	\$110.00
1998-99	\$84.00 (Corrected rate)	\$115.00
1999-2000	\$79.00	\$120.00

The effective hourly rate for in-house attorneys assumes an average 40-hour work week, and does not take into account the actual number of attorney work hours, which continue to range from between 40-65 hours per week.

**BODILY INJURY AND PROPERTY DAMAGE  
PAYOUTS - ALL CLAIMS**

<u>Year</u>	<u>Bodily Injury</u>	<u>Property Damage</u>
1994-95	\$2,172,252.52	\$727,787.57
1995-96	\$2,021,002.03	\$631,599.93
1996-97	\$2,248,692.51	\$1,322,481.77
1997-98	\$3,339,003.76	\$1,731,919.04
1998-99	\$3,851,558.03	\$783,561.58
1999-2000	\$3,871,377.20	\$981,392.83

These figures include cases settled prior to the filing of lawsuits as well as those settled after a lawsuit had been filed. The payouts for bodily injury claims continued to remain relatively high, as compared to the 1994-95 through 1997-98 Fiscal Years. This is attributable to the settlement before trial of two wrongful death cases, two vehicular negligence lawsuits involving serious injuries, two employment discrimination lawsuits; and a police misconduct case with allegations of elder abuse, which was settled during trial. Additionally, the City entered into a post-trial settlement of an employment discrimination lawsuit, for the total sum of \$650,000.00. The increase in payouts for property damage claims was primarily attributable to a single payout totaling \$145,830.00 in an environmental cleanup case, which was settled prior to a lawsuit being filed.

**PAYOUTS ON CASES HANDLED  
BY THE LITIGATION SECTION**

The following tables represent the total payouts on Risk Management cases closed by the Litigation Section. Costs do not include an hourly rate for attorney time, which would be categorized as attorney's fees.

<u>Fiscal Year</u>	<u>Cases Closed</u>	<u>Bodily Injury</u>	<u>Property Damage</u>	<u>Costs</u>
1995-96	50	\$920,979.73	\$24,107.47	\$94,070.02
1996-97	67	\$1,433,645.95	\$21,397.70	\$71,420.62
1997-98	69	\$2,951,340.17	\$210,192.65	\$67,917.60
1998-99	97	\$1,065,108.00	\$69,391.00	\$144,043.00

1999-00	86	\$3,439,974.57	\$91,144.71	\$197,324.20
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The increase in both costs and bodily injury payouts for the 1999-2000 Fiscal Year, is attributable to the handling and ultimate settlement of two catastrophic injury cases. Despite the fact that the Litigation Section closed a substantially higher percentage of Risk Management cases than outside counsel during the 1999-2000 Fiscal Year (86 cases, as compared to 17 cases closed by outside counsel), our costs remained 31% lower than the costs incurred by outside counsel (set forth immediately below). The increase in property damage payouts is attributable to the settlement of three vehicular negligence lawsuits (\$52,980.00) involving extraordinary property damage claims, and a wrongful demolition lawsuit (\$25,000.00).

**PAYOUTS ON CASES HANDLED  
BY OUTSIDE COUNSEL**

The following tables represent the total payouts on Risk Management cases closed by outside counsel on a fiscal year basis from 1995-96 forward, including costs and other expenses incurred such as expert witness and attorneys' fees. These figures are only for cases closed during the applicable reporting year, and include all payments made on the case regardless of the check issuance date. Legal expenses on cases that remain open are not included, but will be reported when closed.

<b>Fiscal Year</b>	<b>Closed Cases</b>	<b>Bodily Injury</b>	<b>Property Damage</b>	<b>Costs</b>
1995-96	17	\$205,235.00	\$113,800.00	\$ 635,279.05
1996-97	8	\$206,646.00	\$ 3,453.26	\$ 211,448.95
1997-98	16	\$180,500.00	\$ 450.55	\$ 443,237.80
1998-99	17	\$141,500.00	\$983,948.00	\$1,446,381.00
1999-00	17	\$927,520.00	\$ 45,343.16	\$ 286,053.11

The increase in bodily injury payouts for the 1999-2000 Fiscal Year is primarily attributable to the post-trial settlement of a discrimination lawsuit for the total sum of \$650,000.00, which included attorneys' fees. Additionally, a wrongful death action and employment discrimination lawsuit were settled by outside counsel prior to trial, accounting for \$175,000.00 of the total bodily injury payouts.

**PAYOUTS BROKEN DOWN INCREMENTALLY**

The following is a comparative breakdown on a fiscal year basis of payouts on litigated cases handled by the Litigation Section, and outside counsel. The total indemnity paid

includes both bodily injury and property damage payouts, and total legal expenses include ordinary legal costs (e.g., deposition transcripts, service of process fees), expert witness fees, and, in the case of outside counsel, attorneys' fees. Note that we do not include in expenses for cases handled in-house attorney fees because the cost of our attorneys' time is spread over many matters where as outside counsel time is devoted solely to the cases shown.

1995-96	Litigation Section Cases			Outside Counsel Cases		
	No. of Closed Legal Cases	Total Indemnity Paid	Total	No. of Closed Cases	Total Indemnity Paid	Total Legal Expenses
Under 100K	48	\$330,087.20	\$ 56,221.29	15	\$ 56,035.00	\$494,746.23
100K-249K	1	\$200,000.00	\$ 36,325.88	2	\$263,000.00	\$140,532.82
250K-499K	1	\$415,000.00	\$ 1,522.85			
500K-999K						
Over 1 Million						
Grand Total	50	\$945,087.20	\$94,070.02	17	\$319,035.00	\$635,279.05

1996-97	Litigation Section Cases			Outside Counsel Cases		
	No. of Closed Legal Cases	Total Indemnity Paid	Total	No. of Closed Cases	Total Indemnity Paid	Total Legal Expenses
Under 100K	64	\$ 414,825.58	\$ 54,684.90	7	\$ 63,684.65	\$191,988.27
100K-249K	2	\$ 277,500.00	\$ 15,454.72	1	\$146,414.70	\$ 19,460.68
250K-499K						
500K-999K	1	\$ 760,459.40	\$ 1,281.00			
Over 1 Million						

<b>Grand Total</b>	<b>67</b>	<b>\$1,452,784.98</b>	<b>\$71,420.62</b>	<b>8</b>	<b>\$210,099.35</b>	<b>\$211,448.95</b>
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<b>1997-98</b>	<b>Litigation Section Cases</b>			<b>Outside Counsel Cases</b>		
	<b>No. of Closed Cases</b>	<b>Total Indemnity Paid</b>	<b>Total Legal Expenses</b>	<b>No. of Closed Cases</b>	<b>Total Indemnity Paid</b>	<b>Total Legal Expenses</b>
<b>Under 100K</b>	<b>65</b>	<b>\$ 490,780.54</b>	<b>\$ 61,005.02</b>	<b>16</b>	<b>\$180,950.55</b>	<b>\$443,237.80</b>
<b>100K-249K</b>	<b>2</b>	<b>\$ 363,887.89</b>	<b>\$ 4,276.93</b>			
<b>250K-499K</b>	<b>1</b>	<b>\$497,073.38</b>	<b>\$ 110.65</b>			
<b>500K-999K</b>						
<b>Over 1 Million</b>	<b>1</b>	<b>\$1,809,791.01</b>	<b>\$ 2,525.00</b>			
<b>Grand Total</b>	<b>69</b>	<b>\$3,161,532.82</b>	<b>\$ 67,917.60</b>	<b>16</b>	<b>\$180,950.55</b>	<b>\$443,237.80</b>

<b>1998-99</b>	<b>Litigation Section Cases</b>			<b>Outside Counsel Cases</b>		
	<b>No. of Closed Cases</b>	<b>Total Indemnity Paid</b>	<b>Total Legal Expenses</b>	<b>No. of Closed Cases</b>	<b>Total Indemnity Paid</b>	<b>Total Legal Expenses</b>
<b>Under 100K</b>	<b>95</b>	<b>\$ 516,642.00</b>	<b>\$129,123.00</b>	<b>15</b>	<b>\$141,500.00</b>	<b>\$1,225,197.10</b>
<b>100K-249K</b>	<b>1</b>	<b>\$ 115,000.00</b>	<b>\$ 5,053.00</b>	<b>1</b>	<b>\$158,948.00</b>	<b>\$ 19,855.02</b>
<b>250K-499K</b>						
<b>500K-999K</b>	<b>1</b>	<b>\$ 502,857.00</b>	<b>\$ 9,867.00</b>	<b>1</b>	<b>\$825,000.00</b>	<b>\$ 201,329.00</b>
<b>Over 1 Million</b>						
<b>Grand Total</b>	<b>97</b>	<b>\$1,134,499.00</b>	<b>\$146,134.99</b>	<b>17</b>	<b>\$1,125,448.00</b>	<b>\$1,444,289.01</b>

1999-00	Litigation Section Cases			Outside Counsel Cases		
	No. of Closed Cases	Total Indemnity Paid	Total Legal Expenses	No. of Closed Cases	Total Indemnity Paid	Total Legal Expenses
Closed without payment	41		\$ 31,805.60	12		\$ 36,908.00
Under 100K	39	\$ 807,388.08	\$ 61,059.61	2	\$ 79,343.160	\$182,036.80
100K-249K	4	\$ 457,594.89	\$ 11,379.66	2	\$243,520.00	\$ 67,108.31
250K-499K	1	\$ 319,254.39	\$ 39,961.25			
500K-999K				1	\$650,000.00	\$ 0 <sup>9</sup>
Over 1 Million	1	\$1,946,881.92	\$ 53,118.08			
Grand Total	86	\$3,531,119.28	\$197,324.20	17	\$972,863.16	\$ 286,053.11

**NUMBER OF ALL NEW CASES FILED**

<u>1996</u>	<u>1997</u>	<u>1979-98</u>	<u>1998-99</u>	<u>1999-00</u>
228	172	219	217	267

**NUMBER OF NEW RISK CASES FILED**

<u>1996</u>	<u>1997</u>	<u>1979-98</u>	<u>1998-99</u>	<u>1999-00</u>
80	62	73	80	98

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<sup>9</sup> Costs incurred in connection with this case, were not paid until after the close of the 1999-2000 Fiscal Year, and will be included in next year's Annual Report.

## NUMBER OF NEW CIVIL CODE ENFORCEMENT CASES FILED

<u>1996</u>	<u>1997</u>	<u>1979-98</u>	<u>1998-99</u>	<u>1999-00</u>
37	26	20	19	40

**2. Profile of Opened Cases.** During the 1999-2000 Fiscal Year, the Litigation Section experienced a sharp increase in new cases. 267 new cases were opened, in comparison to 217 cases that were opened during the 1998-99 Fiscal Year. This represents a 23% increase in new cases filed between the 1998-99 and 1999-2000 Fiscal Years. The tables set forth below show a comparison profile of new cases from 1996 through 1999-2000.

### A. 1996 Opened Cases Handled In-House

#### a. Risk Management Cases

1.	Tort	71
2.	Civil Rights	4
3.	Employment Discrimination	2
4.	Inverse Condemnation	<u>3</u>
	Total	80

#### b. Neighborhood Services Cases

1.	Drug Abatement	8
2.	Housing	20
3.	Miscellaneous	<u>9</u>
	Total	37

#### c. Miscellaneous Cases

1.	Eminent Domain	0
2.	Weapons Petitions	20
3.	Writ Actions	11
4.	Breach of Contract/Stop Notice	11
5.	Subrogation	35
6.	Other general	<u>16</u>
	Total	93

#### d. Administrative Hearings

1.	Discipline	12
2.	Retirement	<u>5</u>
	Total	17

**GRAND TOTAL 228**

**B. 1997 Opened Cases Handled In-House**

a.	<i>Risk Management Cases</i>	
1.	Tort	53
2.	Civil Rights	8
3.	Employment Discrimination	0
4.	Inverse Condemnation	0
5.	ADA	<u>1</u>
	Total	62
b.	<i>Neighborhood Services Cases</i>	
1.	Drug Abatement	1
2.	Housing	18
3.	Code Enforcement	<u>7</u>
	Total	26
c.	<i>Miscellaneous Cases</i>	
1.	Eminent Domain	1
2.	Weapons Petitions	22
3.	Writ Actions	6
4.	Breach of Contract/Stop Notice	2
5.	Subrogation	15
6.	Other general	<u>18</u>
	Total	64
d.	<i>Administrative Hearings</i>	
1.	Discipline	16
2.	Retirement	<u>4</u>
	Total	20

**GRAND TOTAL 172**

**C. 1997-98 Opened Cases Handled In-House**

a.	<i>Risk Management Cases</i>	
1.	Tort	58

2.	Civil Rights	13
3.	Employment Discrimination	2
4.	Inverse Condemnation	<u>0</u>
	Total	73

b. *Neighborhood Services Cases*

1.	Drug Abatement	1
2.	Housing	12
3.	Code Enforcement	<u>7</u>
	Total	20

c. *Miscellaneous Cases*

1.	Eminent Domain	18
2.	Weapons Petitions	23
3.	Writ Actions	8
4.	Breach of Contract/Stop Notice	6
5.	Subrogation	19
6.	Other general	<u>23</u>
	Total	97

d. *Administrative Hearings*

1.	Discipline	24
2.	Retirement	<u>5</u>
	Total	29

**GRAND TOTAL** 219

**D. 1998-99 Opened Cases Handled In-House**

a. *Risk Management Cases*

1.	Tort	60
2.	Civil Rights	13
3.	Employment Discrimination	4
4.	Inverse Condemnation	1
5.	ADA	<u>2</u>
	Total	80

b. *Neighborhood Services Cases*

1.	Drug Abatement	4
2.	Housing	13

3.	Code Enforcement	<u>2</u>
	Total	19

c. *Miscellaneous Cases*

1.	Eminent Domain	7
2.	Weapons Petitions	30
3.	Writ Actions	8
4.	Breach of Contract/Stop Notice	1
5.	Subrogation	19
6.	Other general	<u>16</u>
	Total	81

d. *Administrative Hearings*

1.	Discipline	33
2.	Retirement	<u>4</u>
	Total	37

**GRAND TOTAL** 217

**E. 1999-2000 Opened Cases Handled In-House**

a. *Risk Management Cases*

1.	Tort	79
2.	Civil Rights	11
3.	Employment Discrimination	1
4.	Inverse Condemnation	0
5.	ADA	<u>7</u>
	Total	98

b. *Neighborhood Services Cases*

1.	Drug Abatement	2
2.	Housing	22
3.	Code Enforcement	<u>16</u>
	Total	40

c. *Miscellaneous Cases*

1.	Eminent Domain	5
2.	Weapons Petitions	33
3.	Writ Actions	2

4.	Breach of Contract/Stop Notice	1
5.	Subrogation	10
6.	Other general	<u>52</u>
	Total	103

d. *Administrative Hearings*

1.	Discipline	15
2.	Retirement	<u>11</u>
	Total	26

**GRAND TOTAL 267**

As shown above, the Litigation Section experienced a significant increase in new Neighborhood Services cases (40 new cases, as compared to 19 during the 1998-1999 Fiscal Year). This is the highest number of code enforcement filings since we commenced submitting annual reports for 1994-95. This number will increase dramatically with the assumption of criminal prosecutions of code enforcement violations.

Of the 79 tort cases opened in Fiscal Year 1999-2000, only 8 involved allegations of police misconduct. Of these 8 cases, 4 involved allegations of excessive force and 4 involved allegations of false arrest.

Of the 11 civil rights cases that were opened in Fiscal Year 1999-2000, 5 involved allegations of police misconduct. 4 of the 5 police cases involved allegations of excessive force, and the remaining lawsuit involved allegations of false arrest. Of the remaining 6 civil rights lawsuits filed during the 1999-2000 Fiscal Year, 4 involved allegations of employment discrimination, 1 was an inverse condemnation claim, and the remaining lawsuit alleged that the plaintiff's vehicle was wrongfully towed. Additionally, the number of alleged police misconduct civil rights lawsuits dropped sharply from 10 cases during the 1998-1999 Fiscal Year, to 5 cases during the 1999-2000 Fiscal Year.

**3. In-House Handling of Litigation.** The Litigation Section continues to retain a high number of cases for handling in-house. During the 1999-2000 Fiscal Year, the Litigation Section retained for handling 98 of the 102 tort and other damages cases filed against the City. All four cases referred to outside counsel were assumed as a result of another party defendant accepting the City's tender of defense. Thus, the City was not required to pay any legal expenses in connection with those cases.

**TOTAL NUMBER OF CASES HANDLED IN-HOUSE**

<u>1996</u>	<u>1997</u>	<u>1997-1998</u>	<u>1998-1999</u>	<u>1999-2000</u>
383	417	463	430	481

**AVERAGE NUMBER OF CASES HANDLED PER ATTORNEY<sup>10</sup>**

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-1999</u>	<u>1999-2000</u>
63.8	69.5	77.1	71.6	73.1

The above numbers represent an 11.86% increase in the total number of cases handled in-house during the last Fiscal Year, and a 25.58% increase from 1996 to the present.

**NUMBER OF NEW CASES REFERRED TO OUTSIDE COUNSEL**

1999-00

4

**NUMBER OF PREVIOUSLY FILED CASES REFERRED TO OUTSIDE COUNSEL**

1999-00

2

**TOTAL NUMBER OF CASES HANDLED BY OUTSIDE COUNSEL**

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>
29	18	18	18	7

We are pleased at the fact that the number of cases handled by outside counsel continue to go down from prior years, and declined significantly during the 1999-2000 Fiscal Year. The cases listed in the above chart reflect the total number of new previously filed cases referred to outside counsel as well as those unresolved cases already in the hands of outside counsel. As previously stated, four of these cases were referred out at no expense to the City.

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<sup>10</sup> For the purposes of this analysis, these averages are calculated on the basis of 7 FTE's. The number of Deputy City Attorneys that were actually assigned to the Litigation Section during the 1999-00 Fiscal Year varied from 5 to 8 FTE's.

**4. Total Closure Rate for Cases Handled In-House During Fiscal Year 1999-2000.** The following figures represent our total case closure rates from 1996-98 through 1999-2000.

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-1999</u>	<u>1999-2000</u>
199	156	250	239	229

Our litigation case closure rates from Fiscal Years 1996-98 through 1999-2000 have remained consistent around 50% of all open files. The closure rate during any given year is dependent upon a variety of factors, including the number and type of cases handled from year-to-year, and the complexity of the cases handled.

**5. Average Attorney Hours Per Case.** The following figures represent the average amount of attorney hours expended per type of case handled by the Litigation Section during the 1999-2000 Fiscal Year, and the savings to the City on a per case basis utilizing an hourly rate of \$79.00 for in-house attorneys and \$120.00 for outside counsel.

<u>Case Type</u>	<u>Avg Hours per Case</u>	<u>Avg Savings Per Case</u> <sup>11</sup>
Bankruptcy	0	N/A
Civil Rights	59.0	\$2419.00
Construction	10.0	\$ 410.00
Disciplinary Hearings	148.0 <sup>12</sup>	\$6068.00*
Eminent Domain	80.0 <sup>13</sup>	\$3280.00 <sup>14</sup>
Housing/Code Enforcement	16.0	\$ 656.00*
Retirement Hearings	10.0	\$ 410.00*
Subrogation	17.0	\$ 697.00
Tort	85.0 <sup>15</sup>	\$3485.00
Weapons Petitions	2.0	\$ 82.00*
Writ Actions	35.0	\$1435.00
Miscellaneous	10.0	\$ 410.00

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<sup>11</sup> Where an asterisk appears with the projected cost savings, these cases are rarely sent to outside counsel.

<sup>12</sup> The increase in hours is attributable to the handling of a lengthy demotion case.

<sup>13</sup> The increase in hours is attributable to the necessity of filing a number of eminent domain suits related to several Public Works projects.

<sup>14</sup> The projected savings are based on an average rate of \$120.00 for outside counsel. In reality, outside counsel charge between \$200.00-\$225.00 per hour to litigate eminent domain cases.

<sup>15</sup> The increase in hours is attributable to the handling of several catastrophic injury cases, including a police shooting.

**6. In-House Paralegal and Investigative Services.** The City continues to realize a savings as a result of performing paralegal and investigative work on an in-house basis. Outside counsel typically charge the City \$50.00-\$60.00 per hour for their paralegal staff. Additionally, outside process servers continue to charge approximately \$35.00 for serving summons and subpoenas. That amount goes up if the process server is unable to complete service of process on the first attempt, or is required to go outside of Sacramento County. Many of our services involve multiple attempts, particularly in those cases where the City has initiated a lawsuit (such as Neighborhood Services cases and eminent domain lawsuits) and is attempting to serve the summons and complaint on the defendant(s). During the 1999-2000 Fiscal Year, our in-house investigator completed 112 services of process, approximately the same number as last year. Had these services been referred to an outside process server, it would have cost the City a minimum of \$3,920.00 in process service fees.

**7. Other Statistical Information.**

a. *Number of claims filed against the City*

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<b><u>1999-2000</u></b>
739	933	899	842	843

b. *Total number of claims resolved prior to litigation*

<u>1999-00</u>
804

c. *Total number of claims resolved prior to litigation w/o payment*

<u>1999-00</u>
496

During reporting period, 804 of the 843 claims filed were resolved prior to litigations. This represented a 95% closure rate of claims before litigations was commenced. Also during this period, the 496 of the 804 claims resolved were disposed of with no payments. The resolution of claims without payment represents 59% resolution of

all pre-litigation claims. This excellent work by Risk Management represents a significant savings in litigation costs.

d. *Average aging of resolved claims*<sup>16</sup>

**PRE-LAWSUIT CLAIMS**

<b>Fiscal Year</b>	<b>Claims resolved with payment of money</b>	<b>Claims resolved without payment of money</b>
1995-96	4.13 months	8.19 months
1996-97	5.35 months	8.05 months
1997-98	4.58 months	7.56 months
1998-99	2.88 months	5.64 months
1999-00	2.04 months	3.39 months

**LITIGATED CLAIMS**

<b>Fiscal Year</b>	<b>City Attorney's Office</b>		<b>Outside Counsel</b>	
	<b>Cases resolved with payment of money</b>	<b>Cases resolved without payment of money</b>	<b>Cases resolved with payment of money</b>	<b>Cases resolved without payment of money</b>
1995-96	22.83 months	21.36 months	16.26 months	23.06 months
1996-97	18.89 months	17.99 months	8.03 months	18.37 months
1997-98	19.26 months	14.36 months	16.13 months	14.15 months
1998-99	12.67 months	11.46 months	1.70 months	8.73 months
1999-00	N/A	4.05 months	N/A	5.53 months

e. *Number of aged cases over 24 months*

This item, for which we started capturing data as of the 1999-2000 Fiscal Year, tracks the number of cases that have been pending 24 months or longer as calculated from the date the case was assigned to counsel. As of 1999-2000 Fiscal Year, the City

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<sup>16</sup> The litigated claims include both cases litigated by outside counsel and the Litigation Section. Aging is based on the date of loss to date of closure; payment is then apportioned back to the fiscal year of the date of loss.

Attorney's Office handled four cases with aging ranging from 2.23 years to 3.04 years. Two of these cases were transferred from federal court to state court, with a corresponding delay in the proceedings. One of these cases was subsequently dismissed by the state court judge, and the other is the subject of a stay order, pending the resolution of the appeal of the dismissal of the federal court action. The remaining case is still pending in federal court, with a trial date scheduled for April 2001. It is not atypical in federal court to schedule cases for trial as far out as 2-3 years from the case filing date.

There were three cases handled by outside counsel, with aging ranging from 2.74 years to 2.92 years. One was a wrongful death lawsuit filed by minor children, which was subject to a longer statute of limitations. The case was settled during the 1999-2000 Fiscal Year. The second case was tried to verdict in state court, which resulted in a hung jury. It is currently reset for trial in August 2000. The third case was assumed by outside counsel pursuant to the City's tender of its defense to a co-defendant; accordingly, we do not maintain control over the litigation of the case or the timing of its resolution.

f. *Number of torts/civil rights and other damages cases initiated against the City*

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>
162	81	93	109	102

g. *Number of cases initiated by the City*

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-1999</u>	<u>1999-2000</u>
100	67	87	75	88

h. *Number of New Neighborhood Services Cases Handled*

<u>1996</u>	<u>1997</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>
37	26	20	19	40

The trend indicates a range of between 162 (1996) to 102 (1999-2000) torts and civil rights case filings against the City per year. As discussed in last year's Annual Report, this represents a significant decrease in new case filings against the City, when compared to new filings against the City in 1995 (189 new cases) and 1996 (162 new cases).

Of the 88 cases initiated by the Litigation Section during the 1999-2000 Fiscal Year, 10 were subrogation actions; 33 were weapons confiscation petitions; 40 were neighborhood services enforcement cases; and the remaining five cases were eminent domain actions.

**8. Internal employment related cases.** Of the 98 torts and civil rights lawsuits filed against the City in the 1999-2000 Fiscal Year, four involved allegations of discrimination and/or sexual harassment by current or former City employees. All new filings were retained for handling in-house. As mentioned above, four were sent out on tenders of defense at no cost to the City and two previously filed cases were referred to outside counsel.

**9. High profile litigation.** During the 1999-2000 Fiscal Year, the Litigation Section handled the following high profile, potentially high exposure and/or complex litigation. Due to the fact that many of these cases are still pending, we do not provide any detailed discussion of them:

Barden v. City (ADA curb cut litigation)

Boehm v. City (employment discrimination)

Clarke v. City (Dismissed. Civil rights violation - alleged false arrest by police officer)

Club Fantasy v. City (Settled. First Amendment lawsuit related to denial of use permit)

Cook v. City (Settled. Wrongful death case - police motor vehicle accident)

Cummings, et al. v. City (sexual harassment/employment discrimination lawsuit by three female SPD officers)

Davis v. City (Dismissed. Wrongful death case - police motor vehicle accident)

Dowden v. City (First Amendment case related to demotion of police lieutenant)

Friends of Swainson's Hawk v. City (environmental challenge to Natomas Habitat Conservation Plan)

Halstead v. City (alleged denial of equal protection by police of stalking victim)

Hunter v. City (civil rights violation - alleged excessive force by police officer)

Hymore v. City (alleged sexual assault by former City Community Services Officer)

Jorgensen v. City (personal injury case - police motor vehicle accident)

Lister v. City (disability discrimination lawsuit by former City employee)

Miller v. City (challenge to Saturday Night Special ordinance)

People v. Arcadia Machine & Tool, Inc. (Northern California cities gun manufacturers litigation<sup>17</sup>)

Ross v. City (civil rights case - police officer involved shooting)

Showalter v. City (wrongful death case - alleged excessive force by police)

Smith v. City (Settled. Employment discrimination case)

Swetz v. City (Settled. Excessive force and elder abuse case)

Whitted v. City (civil rights case - alleged excessive force by City and UCD police officers)

Zerelli v. City (Dismissed. Wrongful termination)

**10. Selected Litigation Successes.** The following high profile, potentially high exposure, and/or complex cases were successfully handled by the Litigation Section during the 1999-2000 Fiscal Year:

City v. Clinton Hotel: This was a Health & Safety Code Section 11570 case, to abate drug and prostitution related activity at a local hotel. The City successfully persuaded the owner of the hotel to evict the tenants, which was sufficient to resolve the blight and nuisance activities in the neighborhood.

Club Fantasy v. City: This lawsuit arose out of the City's denial of Club Fantasy's adult related business permit. Club Fantasy asserted a number of claims and damages, in excess of \$350,000.00. The City contested the business loss claims, and resolved the matter in mediation for the total sum of \$50,000.00, and an agreement to comply with future ordinances, subject to certain limitations, conditions and restrictions.

Davis v. City: The plaintiff's daughter was killed when the car she was riding in as a passenger rolled and then crashed into a garage at high speed, after the police had initiated a brief pursuit of the driver. The plaintiff thereafter filed suit against the City and several individual officers in state court, alleging causes of action under both state law and the federal civil rights statute. Under the federal civil rights statute, a prevailing party is

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<sup>17</sup> Although the lawsuit has been filed by several outside law firms, our office is integrally involved in coordinating discovery and all settlement discussions.

entitled to attorney's fees, whereas the state claims do not permit the recovery of attorney's fees. On the motion of the City, the trial court dismissed the plaintiff's civil rights claims, but allowed the case to continue as to the state claims. The state claims were later dismissed.

Gorre v. City: The plaintiff brought suit in federal court for violation of his civil rights, alleging that SPD officers had improperly searched his house, detained him and took his weapons after he had confronted the officers with a loaded AR-15 assault rifle. At trial, the plaintiff requested damages of \$50,000.00. The jury returned a defense verdict.

Last reporting period, we received a favorable defense verdict in another civil rights case filed by the same plaintiff in federal court.

Silva v. City: The plaintiff, a former City seasonal employee, alleged that the City had discriminated against him on the basis of ADA (a mental impairment). The case was successfully resolved in federal court, and was appealed by the plaintiff to the 9<sup>th</sup> Circuit Court of Appeal. The appeal court returned a decision favorable to the City.

## **11. Mediations, Settlements and Other Dispositions.**

a. *Settlements* - We have continued to achieve favorable settlements in a cost-effective manner. In one motor vehicle case where the front of the plaintiff's vehicle was struck by a large City truck pulling a flat bed trailer, plaintiff's initial settlement demand was \$115,000.00. We were able to successfully resolve the matter for \$1,500.00. In a wrongful death lawsuit filed by the six adult children of a pedestrian who was fatally struck by a police car. The initial demand was \$1,000,000.00. We were able to successfully resolve the matter for under \$100,000.00. In a wrongful demolition case arising out of a code enforcement proceeding, the plaintiff initially demanded the sum of \$50,000.00 plus attorneys' fees. The case was settled for the total sum of \$20,500.00. In yet another wrongful demolition case, we were able to completely resolve the lawsuit by extinguishing the City's enforcement and demolition lien on the property.

b. *Dismissals/favorable verdicts* - During the 1999-2000 Fiscal Year, the Litigation Section secured the dismissal and/or a favorable verdict in 26 Risk Management lawsuits without the payment of any money, either through insisting that the plaintiff's voluntary dismissal of the lawsuit (17 cases), a court-ordered dismissal following the filing of a dispositive motion by the City (7 cases), or a defense verdict at trial (2 cases). Additionally, one case resulted in a hung jury.

Our dismissal rate for all risk cases handled during this reporting period was 25.5%. Although, this dismissal rate was lower than our 47% and 48% dismissal rates respectively for the prior two reporting periods, it is still a significant accomplishment. This reduced dismissal rate was due, in part, to the 23% increase in cases handled and a drop of approximately 4% in our case closure rate.

## PART IX

### SPECIAL PROJECTS SECTION

#### General

In March 2000 the City Attorney's Office began a restructuring process to facilitate the handling of misdemeanor prosecutions of City Code violations and several other new assignments. This included the creation of the Special Projects Section (SPS). Because this Section was recently created, we have little performance data regarding this section on which to report during this reporting period.

The Section is designed to provide limited vertical handling of some high profile matters which might require the assignment of more than one attorney or matters which require a greater continuity as they move from Advisory to Litigation. This section was also designed specifically to meet the concerns of the City Council with respect to code enforcement, cost recovery and other issues. The Section will handle all aspects of code enforcement including advisory and litigation (civil, criminal and administrative hearing matters).

In addition to code enforcement, the new section will handle matters related to high profile litigation, extraordinary relief, injunction monitoring, collections, asset seizure, intellectual property, elections, and finance matters.

This portion of the annual report will provide an overall scope of the duties and responsibilities the SPS will take on in the coming fiscal year.

#### A. Staffing

The SPS currently consists of 6 Deputy City Attorneys, one Investigator and one Paralegal. It is anticipated that the SPS will add more positions prior to the end of the calendar year to assist with criminal prosecutions. At least two attorney positions will be dedicated to the handling of administrative, civil and criminal code enforcement matters. The SPS is supervised by Deputy City Attorney Sandra Talbott. **ATTACHMENT D** is a list of the various assignments that will be handled by the SPS along with a list of the attorneys assigned to those projects. The Section will consist of some of our more seasoned and cross-trained staff (attorneys and support) who will be able to handle high profile and complex advisory and litigations assignments with minimum supervision.

#### B. Responsibilities

**Code Enforcement.** Previously, code enforcement matters were initially handled in the Advisory Section. The Advisory statistics for last fiscal year are reported in Part VII above. Litigation related to code enforcement matters were referred to the Litigation

Section. The Litigation statistics for the last fiscal year are reported in Part VIII above. The creation of the Special Projects Section allows all code enforcement matters to be consolidated for handling in one section. This includes advisory and litigation matters involving civil, criminal and administrative advice and case filings.

With respect to criminal prosecutions, the City Attorney's Office plans to focus on the most severe code violations. We will work with the City Council, Code Enforcement, SPD, Fire, Animal Control and other departments to determine the initial categories of matter that would be better suited for criminal sanctions.

Our review of misdemeanor and infraction matters submitted to the District Attorney during 1999 for criminal prosecution, revealed approximately 1200 citations/arrests for City Code violations. The District Attorney has graciously agreed to work with the City Attorney's Office, the Court, the Police Department, Code Enforcement, Court Liaison, the Probation Department and others impacted to achieve a smooth transition of this work from that office to the City Attorney's Office around the first of the year. A transition team is being selected to work on staffing, training, policies and procedures, and implementation of the transition plan.

**Extraordinary Relief.** The City Attorney's Office is called upon on numerous occasions during a given year to initiate and defend matters that require quick and intense action. These matters include, temporary restraining orders, injunctions, various types of writs, appeals and amicus briefs. Although we have performed well when called upon to handle these tasks, the interruption of other ongoing litigation on short notice to handle such matters is often frustrating and stressful. To minimize this frustration and stress, this work will generally be centralized in the new Special Projects Section. One of the responsibilities of the new section will be to have two attorneys trained to quickly respond to such matters without the usual disruption.

**Injunction/ Monitoring Process.** We obtain many injunctions during the course of a year. Most of these are obtained in the area of code enforcement. After this remedy has been obtained, a copy of the injunction is provided to the department responsible for enforcement. There is no system currently in place for monitoring compliance with these injunctions by any City department. As is generally the case with other City Attorney Offices in the state, this office relies on the responsible department to notify us when further legal action is required to enforce the terms of an injunction or when a contempt action may be appropriate. As a result of the absence of a system to call each outstanding injunction up for review at a prescribed period of time, both our office and the responsible department are required to engage in a substantial amount of work-up to prepare the matter for further proceedings or to commence a completely new action for non-compliance. Monitoring the status of compliance with these injunctions every six months or some other reasonable period will allow for a quicker return to court for further relief while the facts are still somewhat fresh. We will be working with Neighborhood Services and other departments to develop and implement a monitoring system.

With the cooperation of the responsible City department, we are proposing a process to monitor compliance with injunctive relief orders, whether court imposed or by settlement agreement, during the time period that orders for injunctive relief are in effect and subject to enforcement. The monitoring process will benefit the individual department and the City by ensuring that the path of least resistance is followed to obtain compliance in the most cost effective and least time consuming manner. More importantly, this will prove to be beneficial to council districts because we will be able to more quickly identify continuing violations and commence appropriate action. This will require that we work closely with the responsible departments to ensure that they are able to devote staff time to investigative work as soon as a problem is identified.

**Collections/Foreclosures.** The City of Sacramento's Revenue Division handles collections on behalf of City departments. The revenue division is overburdened with small claims cases and other larger collection matters.

An increase in code enforcement activity will likely result in an increase in the amount of fines and penalties and therefore cause an increase in workload for the Revenue Division. The City Attorney's Office is in the process of developing a procedure to assist the Revenue Division in monitoring certain collection matters similar to the injunction monitoring procedure. In addition, a set of guidelines will be established to assist the Revenue Division in the collection of personal obligation liens and judgments.

Finally, as deemed necessary by this office and Revenue, foreclosure action will be taken against real property will be instituted to recover City funds expended to remedy nuisances and to execute on other liens in favor of the City.

**Special Advisory/Litigation Assignments.** The new section will handle a number of assignments designated as controversial assignments or high profile litigation which require a substantial amount of continuity. This will include matters on which the Council or the City Manager has focused, or which are the subject of substantial public or media attention. Such focus will be viewed only as an indicator that the issue is more likely than not an appropriate focus of our attention. However, it will not be determinative of what, if any, actions will be taken, especially criminal action. In addition, we have designated high profile litigation as those matters involving a reasonable probability of at least \$400,000 in damages if liability is established and/or matters involving alleged misconduct by high-level City officials.

**Asset Seizure/Impoundment Proceedings.** Proceedings under the Vehicle Seizure Ordinance approved by the City Council in August 1999 are being handled by the SPS. The Sacramento Police Department and the City Attorney's Office have worked together to formulate a procedure that has resulted in the successful seizure of 26 vehicles. The following chart breaks down by council district the number of vehicles seized; the number of vehicles forfeited; the disposition of the vehicle; the number of owners arrested; the number arrested who reside in Sacramento County but outside the district where the sting occurred; and the number arrested who reside outside of Sacramento County.

## BEAT FEET CASES BY COUNCIL DISTRICT

	D - 2	D - 5	D - 6	Totals
Number of SPD "Stings" in District	2	1	3	6
Number of Vehicles Seized	7	3	16	26
Number of Vehicles Forfeited	2	0	3	5
Number of Vehicles Returned In Settlement Agreement	5	3	13	21
Number of Vehicles Owned By Arrestees	4	2	9	15
Number of Arrestees Residing Outside District of Arrest	5	2	13	20
Number of Arrestees Residing Outside Sacramento County	1	0	1	2

The enforcement of the Vehicle Seizure Ordinance only began in January 2000. This is too short of a period of time to assess the effect of the program on the neighborhood nuisances it was designed to impact. However, we have recovered approximately \$15,000.00 in enforcement costs. The costs are paid by arrestees prior to the release of seized vehicles. The average cost paid per seized vehicle is approximately \$700.00. The objective of cost recovery is to eventually make enforcement of the program revenue neutral. Currently, the City Attorney's Office and the Police Department are assuming enforcement efforts into current staffing workloads. We are scheduled to join the Police Department in providing a more comprehensive report to the Council on the results of enforcing the ordinance in January 2001.

Cases dealing with impoundment of maritime vessels under the recently enacted Boat Removal Ordinance will be handled by this section. To date, we have not been called upon to provide legal assistance in seizing any offending vessels.

**Intellectual Property.** The State of California is in the process of adopting legislation to protect and preserve its rights to property that it creates. For example, computer software programs, publishing materials and other items (created, owned and sold by the state) will be protected by pending legislation. The City of Sacramento is monitoring this legislation; developing a list of items subject to protection (computer programs, logos, symbols, patches, wearing apparel, etc.) and is exploring ways to protect the rights to such items. The new section will commence developing limited expertise in intellectual property law.

**Financing/Economic Development.** Attorneys in the new section will handle complex, long-term projects involving assessment districts, Mello-Roos Community Facility Districts, Citybond issues, North Natomas development, economic development incentives, City investments and similar matters. Hands on training of attorneys to handle these matters is currently being conducted by the Chief Assistant City Attorney.

**Elections/Campaign Finance.** The new section will address election and campaign finance issues. Since the City does not have campaign finance regulations in place, many new campaign finance issues have been presented to SPS attorneys for research and formulation of legal opinions.

### **C. Section Efficiency/Goals**

The SPS will focus on organizational measures to promote efficiency within the new unit in cooperation with the Advisory and Litigation sections. We are in the process of creating a "Special Projects" Manual intended to provide guidance to Special Project Section attorneys regarding case assignments and procedure. We are also investigating the possibility of obtaining a new calendaring / tracking system which will allow all sections to access the same information and schedule events in one program.

#### **1. Code Enforcement**

The Code Enforcement Notebook has been completed and will be a valuable tool in providing guidance in the investigation of code enforcement complaints; the selection and use of the various code enforcement alternatives; preparation of cases for administrative and civil proceedings; and recovery of enforcement costs. A new section will be added later to address criminal prosecution.

#### **2. Contact with Section and Departments**

- a. *Special Projects Section Meetings* - The SPS meets biweekly every other Monday from 9:00am - 10:00am to discuss current events, assignments and administrative matters.
- b. *Meetings with Code Enforcement and CAT staff* - Regularly scheduled meetings with Code Enforcement staff established within the Advisory section will continue in the Special Projects Section.
- c. *Meetings with Public Works* - The Supervising Deputy City Attorney will meet quarterly with the Public Works Department to discuss pending matters and upcoming large projects.

- d. *High Profile Litigation Meetings* - Special Projects will meet with the Risk Management division on a quarterly basis to discuss high profile litigation. In addition, we meet with the Council and the City Manager on such issues as deemed necessary.
- e. *Meetings with the Sacramento Police Department* - Special Projects meets periodically with SPD to discuss Beat Feet operations and procedure issues.

### **3. Training**

The SPS will promote training in all areas related to the responsibilities described above.

### **4. Standardized Forms**

The SPS will take advantage of the form files created by the Advisory and Litigation Sections and update these form files as needed for SPS use.

## **Part X**

### **CITY OF SACRAMENTO CITY ATTORNEY'S OFFICE FIVE-YEAR ACTION PLAN**

In furtherance of our mission of the City Attorney's Office to provide the highest quality legal services, each year we have prepared and closely monitor a plan designed to: (1) promote efficient and cost-effective delivery of such services; (2) assist us in taking advantage of enhanced technology; and (3) foster employee and overall office growth and development. These plans have not focused on the routine and reactive work performed by the office on a daily basis. Over the past six (6) years, these plans have guided our efforts to work on short term improvement goals.

We believe there is always a need for growth and development, we have met most, if not all, of those short term goals and feel the need to start focusing on more long range goals. Accordingly, commencing with Fiscal Year 2000-2001, we are developing action plans for a five year period. We believe a five-year plan would be more beneficial to our planning process. Some of the areas which have always required us to plan beyond an annual action plan include: staffing, space needs, enhanced technology, and succession planning. Several of these subjects are discussed in this plan. Future plans will be adjusted as necessary to add new and delete completed projects.

This initial five (5) year plan will likely be the subject of much change during the next three years as we define and redefine the scope of projects and develop and adjust project completion time lines.

Below is list of projects on which we will initially be devoting time. We welcome further directions from the Council and input from Charter Officers and City departments. We will continue to monitor our five (5) year plan periodically and report to the Council on the same annually.

Thanks to the City Manager's recommendation and the Council's authorization, we have suspended the hiring of limited-term staff with salary savings. The staff positions we were filling each year on a temporary basis had a very high and early vacancy rate. It was very disruptive to completing planned tasks and achieving cross-training. We are now using that carry over salary savings to hire permanent staff. Thus, for the first time since 1994, our action plan will not list staffing as a critical concern.

## **I. INTERNAL GOALS**

### **A. Administrative Matters**

**1. Section Manuals.** There is a constant need to add new and update existing policies and procedural manuals. These manuals are designed to reduce the amount of stress staff would otherwise face when handling assignments or engaging in activities with which they are not well acquainted. They also serve as institutional memory as to how assignments and activities have been handled in the past.

**2. Development of Special Projects Section.** The development of this new section will require much administrative attention during the next few years. Staff in this section will constantly be shifting their attention between advisory and litigation functions. Although the section will be staffed with more seasoned employees, there still may be the tendency to give some types of assignments more attention than others. This is the situation we desired to avoid when we assumed litigation in-house. In addition to monitoring how assignments are handled, the number and variety of new subject areas that are being handled by this section dictate that we spend a lot of time training staff and developing expertise.

**3. 1998 Office Audit.** An audit of the office was conducted at our request during the last fiscal year. The audit report contained 16 recommendations. We have completed implementation of seven (7) recommendations. We have implemented or we are in the process of implementing six (6) of the remaining recommendations, some of which overlap. Finally, we are currently reviewing three others for feasibility of implementation. Work will continue until all recommendations have been implemented or a decision made that it is not feasible to do so. The audit report is of great assistance in improving on how we deliver legal services. Our thanks are extended to Ken Nishimoto and Greg Norton for their commitment to and hard work in preparing the audit.

**4. Succession Planning.** The office has been training our staff since 1994 in an effort to be better prepared to take advantage of our in-house knowledge and expertise before retirements or other employment separations result in the loss of those benefits. With few exceptions, it is much more prudent to train in-house staff to develop expertise in areas which repeatedly require legal assistance. More effort will be devoted to increasing our training in the handling of office administration tasks currently handled by the City Attorney and the two assistants. The goal is to have an adequate number of staff members knowledgeable in all aspects of the office operations so that should something unexpected happen to our leaders, others will be available to assume new duties with little anxiety.

**5. Space Needs.** This subject has not been addressed in our annual action plans since 1996. That is when we relocated from the Plaza Building to the U.S. Bank Building. The original space in the U. S. Bank Building was adequate until 2000 when the council authorized us to acquired additional available space on a different floor of the building. We are once again out of space. Therefore, we are exploring options that include renovation of the current space which could result in the elimination of conference room space. Every effort will be made to create additional work space within existing facilities for all staff until the new City Hall annex is constructed. Our two current lease expires in February 2003.

**6. Criminal Prosecution of Code Violations.** Over the past five years, we have been asked by the Council on several occasions to study the feasibility of handling the most egregious code violations as misdemeanors. Our staffing has not been adequate in the past to undertake this responsibility. However, we currently have staffing to commence such enforcement. We are working with the District Attorney's Office to assume responsibility of the criminal prosecution of City Code violations by the beginning of the next calendar year. To that end, we are working on the establishment of a transition plan while we are completing the hiring and training of staff. The hiring of new staff provided for in our existing budget resources. We will monitor this program very closely during the next few years.

**7. Automation upgrades.** Projects scheduled for completion during Fiscal Year 2000-2001 include, a) establishing remote access via VPN; b) implementing a cases management and calendaring software program to integrate and track all matters currently tracked on three separate programs; c) purchasing new laptops; d) continuing to develop long-term projects for developing our intranet and document management; e) establishing regular communication with technology staff in other City Attorney's Offices; f) continuing the converting of our law library from hard copy books to software; and g) working closely with Technical Services to promote citywide uniformity while maintaining the security required for our work product.

**8. Salary survey.** A number of factors, including our recent audit, increases in salaries of other local and state agencies, and our recent secretary job

assessment, warrant a serious review of the salaries of all City Attorney staff. We have experienced a significant number of staff members leaving for state positions because of higher salaries. Failure to review our salaries will place our office at a disadvantage of training staff for the benefit of others. We have presented salary survey data to Labor Relations for consideration at the conclusion of the current labor negotiations. This is an area that may require continuous review during the next few years.

**9. Cost recovery.** We will establish a checklist to be followed in all cases where legal action is undertaken by our office to collect fees and charges to the fullest extent possible unless directed otherwise by the Council. This will be completed and implemented during the 2000-2001 Fiscal Year by the Special Projects Section. In addition, the Court has requested our assistance in collecting cost that are due to the Court when we are the prevailing party.

**10. Attorney's Fees Schedule.** During the 1999-2000 Fiscal Year, we surveyed seven municipalities throughout the State to determine the types of cases in which they seek to recover attorneys' fees, and their methods for calculating fees for in-house attorneys. We received a wide range of responses, particularly with respect to the manner in which attorneys' fees are calculated. Some municipalities utilize a market rate, whereas others use a "fixed" rate without regard to the applicable market rate, the type of case litigated or the experience level of the litigating attorney, whereas other municipalities use an actual rate based upon the actual costs of employing the attorney. At present, we are calculating attorneys' fees on a blended rate (i.e., the average cost to the City of employing a Deputy City Attorney) for those cases in which there is no applicable market rate (e.g., nuisance abatement cases), and on a market rate for the remainder of the cases litigated by our office (e.g., torts and civil rights cases). We will establish a range of rates for the cases in which we utilize a blended rate, to take into account the experience level of the handling attorney and other relevant factors.

## **B. Training**

**1. Ordinance Drafting.** We are exploring ways to streamline the process and reduce the time required for ordinance preparation. We have created a process and procedure manual that will be reviewed by staff prior to undertaking the preparation of a new ordinance or the amendment of an existing ordinance. These procedures will reduce the learning curve for those who have not prepared ordinances or have prepared very few. In addition to offering more training to our staff in this area, we intend to create a version of the process and procedure manual for other departments.

**2. Municipal Law Orientation.** We are working on the establishment of a municipal law orientation for new attorneys, those who rotate to the Advisory Section for the first time, and for Law Clerks and Interns. This orientation will focus on some of the basic principles of municipal law and how it differs from that which governs private business and that which governs other public agencies. We also intend to create a version of this that is suitable for all city staff and present it through City University.

**3. Cross-Training.** We will continue to cross-train our entire staff in an effort to enhance our ability to meet the needs of the client at all times. Cross-training means that each employee in the office will be able to handle a variety of advisory and litigation assignments. This prevents lapses in service delivery due to vacations, illness, injury, jury duty, reassignment and separation from City service. Finally, cross-training reduces the need to retain highly paid consultants or to bypass loyal, long-time but untrained employees when opportunities present themselves. We are nearing the point where almost everyone has been provided concentrated training in Litigation and Advisory work.

### **C. Client Service**

**1. Code Enforcement.** We will continue to refine our handling of code enforcement matters with the addition of criminal prosecution remedies. We will experience a substantial increase in code enforcement matters when criminal prosecutions are transferred from the District Attorney's Office.

**2. Conflict Counsel.** During 1997, we implemented a plan to use other public law office counsel to serve in our stead, at no cost, when conflict of interest situations arise involving City Boards and Commissions. Other area public agencies provided counsel to our Boards and Commissions as needed and we provided the same service to others. This has proven to be beneficial to the City in terms of savings on outside counsel fees. We will continue our efforts in this regard.

## **II. EXTERNAL (CITY-WIDE)**

### **A. Client Services**

**1. Surveys.** Conducting client surveys will continue to be part of our future action plans. The primary objective of these surveys is to assist us in becoming aware of client concerns regarding services rendered and to allow us to take timely corrective action as deemed necessary. The surveys also reveal information that we are able to utilize for the development of better legal services delivery even though we may already be performing well in given areas. Following is a summary of the survey we conducted during the last reporting period and comments on action we have taken or will be taking:

A substantial majority of the responses indicated that our delivery of legal services was above expectations in both the litigation and advisory sections of the office. Services in the areas of labor relations, ordinance drafting and contract issues received particularly favorable comments.

We received requests to devise a method of informing departments of all the types of services we perform so that they may avail themselves of those services prior to a need for crisis management. We are currently providing such information through section staffing assignment sheets (**see Attachments B, C, and D**). Additionally, we will develop

in-house, a City Attorney services informational pamphlet to aid in further communicating what services we provide.

We were asked to continue to improve communications with departments regarding the status of lengthy assignments, particular litigation assignments, and to notify them of potential adverse legal ramifications flowing from the way they are doing business. We continue to work with our staff to improve in this area.

We were asked to consider sharing with departments a of periodic (monthly or quarterly) summary sheet of legal services in progress. We are considering how we might provide meaningful information without divulging strategic information which may not retain its privileged and confidential status. We will give this significant thought because we do believe that there is some value in sharing with all clients some information regarding the regular successes we enjoy as well as our failures and problems we encounter that could reduce liability risks.

We were asked to explain our annual billing system for each department. We have never had a billing system for client services. This idea was considered by the previous City Manager and discarded. What we are requested to do annually is to provide the best possible estimates of how we are spending our time. We do so on time allocation charts that are required to be completed by all departments. The figures we show on the staff time usage allocation sheets are derived in two manners. First, we look at all assignments that enter the office and require at least one hour of attorney time. Next, we determine what part of an attorney's time is being devoted to particular departments on a weekly and monthly basis. This is necessary because many of the assignments that require more than an hour to complete often require weeks, months and in some instances years to resolve. Only attorney staff time is tracked in this manner. We do not require attorneys to formally keep time sheets unless they are working on a project for which there is direct funding (as opposed to general fund support) that requires strict accounting, or they are working on a litigation matter that involves the potential for the recovery of attorneys' fees. Many of the attorneys in the office routinely exceed the regular 40-hour work week. Although we take active steps to discourage it, a few attorneys regularly work 50 to 60 hours per week.

We are asked by some departments to provide more statistical information regarding the nature and source of assignments handled by this office. We currently provide this information in our annual reports. Attempting to provide such information on a more frequent basis throughout the fiscal would be quite burdensome and, from our perspective, of limited value, and for these reasons we have declined to do so. If there is a great demand for such information, we will give further consideration to this request.

We sent a memo on the foregoing to all department heads summarizing areas of improvement and explaining courses of action we will take for each at the beginning of the calendar year.

**2. Liability Prevention.** We will increase the number of legal awareness seminars presented through City University. These seminars are designed to meet the needs of employees at every level of the organization. Through these seminars, we hope to provide employees information on how they might avoid potential liability situations.

We also intend to work with Risk Management and the Police Department to standardize our early participation in shooting and homicide cases that potentially involve civil liability.

**3. Document Retention and Retrieval Policy .** We are working with the City Clerk and the City Manager to establish a document retention policy consistent with state law which recognizes the use of advanced technology for records retention and retrieval. This effort is necessary because current state law and City practices regarding record retention and retrieval are not keeping pace with rapid changes in technology.

**4. Major Projects Monitoring.** We have had in place since approximately 1996 a plan to monitor the progress of major projects that are substantially likely to require legal assistance at a future point. However, the plan has been just to monitor such projects. This involved nothing more than placing them on a radar screen and waiting for the request for legal advice. We were not adequately structured or staffed to commence advance preparation to provide legal advice on all such projects. We will make an effort to be better prepared to provide legal input into the planning process of such projects. In fact, we have already commenced preliminary research on at least four major projects which are sure to require legal assistance, namely Annexation, Redistricting following the 2000 Census, the City's water rights, and technology.

**5. E-Government.** One of the major projects to which we will be paying close attention is E-Government. The use of technology to deliver municipal services is moving forward at a rapid pace. Work in this area is generally divided into three components: policy, technical and legal. It appears that the City is keeping abreast of changes in this area as to technical matters. The City also appears to be keeping policy related issues in this area. However, our office usually waits until requests are received that involve one or both of the first two components before we act. We are deviating from that norm by working with other local agencies, area public law office administrators, other City attorneys and Federal, State and County legal offices to try and get ahead of the anticipated legal work. We envision that this legal work will span a broad list of subject areas such as developing standard binding agreements for electronic use, competitive bidding, tax, ADA, intellectual property, and a number of constitutional, contractual and other rights. We are working to establish a coalition of public law offices to research and develop some standard materials for use by all interested parties.

**6. Sphere of Influence/Annexation.** Another area among the major projects that will require a substantial amount of staffing time is the subject of SOI/Annexation. Dependent upon the actual direction that this project takes, it could result

in a large quantity of work akin to that involved in the North Natomas Community Plan Area. This will require us to consider the extent to which such a quantity of work can (or cannot) be efficiently absorbed into and performed by existing staffing levels. Based upon past experience, it appears that it may be necessary to add staff resources to adequately address this project.

**7. Legislation.** We plan to review all state propositions and present summaries of the same to Council in adequate time for consideration of adopting resolutions in support or opposition.

Over the past few years, we have noticed that several emergency or interim ordinances have expired or nearly expired before permanent measures were in place. This resulted in last minute amendment/extension ordinances being presented to Council for approval. In an effort to reduce such events, our office has suggested working with the City Manager's Office to develop a plan to monitor such ordinances to ensure critical review at least thirty (30) days prior to the expiration date. If extensions are necessary, such extensions should be prepared and presented to Council at least two weeks prior to the expiration date of the existing ordinance. This will allow at least one week for Council to seek any additional desired information prior to being compelled to act on such extensions.

Finally, we are considering providing periodic updates on the status of pending ordinances. We are working with the City Manager's Office to establish a prioritization and status reporting system. There are several ordinances that have been pending for some time and awaiting the resolution of policy issues. In addition, the scope of some ordinances change several times during the period between inception and completion. Further, some of the proposed changes may not have been envisioned by the proponent. All these factors slow the completion of research, redrafting and staffing out the final drafts for comments. A written status reporting procedure would alert all concerned as to the status of slow moving ordinances and foster the opportunity for action to move them forward in a more timely manner.

## **PART XI**

### **CONCLUSION**

In this annual report, we have addressed our Administrative, Advisory, Litigation and Special Projects Section assignments undertaken during Fiscal Year 1999-2000. We have also addressed action taken to improve our delivery of legal services, especially in the code enforcement area. We have also shown our continued success in handling a significantly increased advisory and litigation workload. Although the Special Projects Section is relatively new, it too is experiencing a steady increase in workload.

We have reviewed our goals for Fiscal Year 1999-2000 and how we met them, and we have expressed our goals for our Five Year Plan. It is our vision that the information presented in this annual report will assist us in achieving those goals.

We hope this annual report will be of assistance to the City Council, the Charter Officers and Department Heads, and the citizens of the City of Sacramento in better understanding the function of the City Attorney's Office; what legal services we deliver; how we deliver those services, and to whom they are delivered. In addition, it is our desire that this report will be used as a vehicle for assessing our performance during the annual budgeting process and providing feedback which we might draw upon to improve the performance and responsiveness of the City Attorney's Office in the future.

It remains our desire to become the best public law office in the State. We continue to believe this goal to be a realistic one, and continue to make great strides toward accomplishing it.

We welcome comments and suggestions by the Council, Charter Officers and City Departments for improvements in our annual reports and as to how we may better serve you and the public. Questions and comments may be directed to the attention of the City Attorney at your earliest convenience.

## **CAO Organization Chart**

(Toni has under Power Point)

## **ATTACHMENT A**

# ADVISORY SECTION ASSIGNMENTS

## Supervising Attorney

Shana S. Faber, Senior Deputy City Attorney

## Section Attorneys

Diane Balter  
Joe Robinson  
Steve Itagaki  
Steve Johns  
Vacant

### **A. CITY COUNCIL -- *Mayor Jimmie R. Yee & Councilmembers***

#### **1. Boards/Commissions:**

- a. Law & Legislation Committee [Shana Faber, Steve Johns, Diane Balter]
- b. SAFCA [Bill Carnazzo, Joe Robinson]
- c. Sacramento Public Library Authority [Shana Faber, Diane Balter]

#### **2. Advisory Functions:**

- a. Conflict of interests advice (Political Reform Act, Gov. Code §1090, general conflict issues) [Bill Carnazzo, Richard Archibald, Steve Johns]
- b. Review of council agenda [All]
- c. Brown Act issues [All]
- d. Mass mailings [Shana Faber, Steve Johns]

### **B. CITY MANAGER -- *Robert Thomas, City Manager***

#### **1. Advisory Functions:**

- a. General advice, opinions, project review [Bill Carnazzo, Rich Archibald, Shana Faber]

### **C. CITY TREASURER -- *Tom Friery, Treasurer***

[Shana Faber; Diane Balter]

#### **1. Advisory Functions**

- a. Administration
- b. Agreements

## ATTACHMENT B

**D. CITY CLERK** -- *Valerie Burrowes, City Clerk*  
[Rich Archibald, Shana Faber]

**1. Advisory Functions:**

- a. Administration (opinions, etc)
- b. Elections Advice
- c. Conflicts of interest (Political Reform Act Requirements)
- d. City contribution limits code

**E. ADMINISTRATIVE SERVICES**--*Betty Masuoka, Ass't City Manager*  
*Ken Nishimoto, Director*

**1. Boards/Commissions** [Shana Faber, Diane Balter]

- a. Civil Service Board
- b. SCERS Administration, Investment & Fiscal Management Board
- c. SCERS Retirement Hearing Commission

**2. Advisory Functions-Finance** [Diane Balter, Steve Itagaki, Joe Robinson]

- a. Administration [Diane Balter, Steve Itagaki]
- b. Budget [Diane Balter, Steve Itagaki]
- c. Asset management [Diane Balter, Steve Itagaki]
- d. Accounting [Diane Balter, Steve Itagaki]
- e. Revenue/Permits & Licenses [Diane Balter, Steve Itagaki]
- f. Payroll [Diane Balter, Steve Itagaki]
- g. Utility billing [Diane Balter, Steve Itagaki]
- h. Purchasing & Stores [Joe Robinson]
- i. ESD office [Joe Robinson]

**3. Other Advisory Functions** [Shana Faber, Diane Balter]

- a. Retirement
- b. Occupational Safety & Health
- c. Benefits
- d. Testing/recruitment, personnel problems (including EEO/AA)
- e. Workers compensation/unemployment insurance
- f. Labor relations issues, arbitration cases
- g. Training
- h. Management Assessment/Intervention Team (MAIT)
- i. Computer operations
- j. Communications
- k. Mail/printing

**F. PUBLIC SAFETY** – *Richard Ramirez, Deputy City Manager*  
*Arturo Venegas, Chief of Police*  
*Dennis Smith, Chief of Fire Department*

[Fire - Shana Faber, Diane Balter, Police - Shana Faber, Steve Itagaki,  
Legislation/Transactions - Shana Faber, Diane Balter, Steve Itagaki,  
Steve Johns]

**1. Advisory Functions:**

Police Department

- a. Administration (opinions, general orders, etc.)  
[Shana Faber, Steve Itagaki]
- b. Legislation/Transactions [Shana Faber, Diane Balter, Steve Itagaki,  
Steve Johns]

Fire Department

- a. Administration (opinions, etc.) [Shana Faber, Diane Balter]
- b. E.M.S. functions [Shana Faber, Diane Balter]
- c. Legislation/Transactions [Shana Faber, Diane Balter, Steve Itagaki,  
Steve Johns]

**G. PUBLIC WORKS** – *Tom Lee, Deputy City Manager*  
*Mike Kashiwagi, Public Works Director*  
*Jim Sequeira, Utilities Director*

[Bill Carnazzo, Rich Archibald, Shana Faber, Diane Balter, Steve  
Itagaki, Steve Johns, Joe Robinson]

**1. Advisory Functions:**

Public Works (Shana Faber, Diane Balter, Steve Itagaki,  
Steve Johns, Joe Robinson)

- a. Transportation Division (including air quality) (Shana  
Faber, Steve Johns)
- b. On-Street Parking & Animal Services Division (Shana Faber,  
Diane Balter)
- c. Engineering Division (design, construction, etc.) (Shana Faber,  
Steve Johns)
- d. Real Estate Section (including eminent domain advice) (Shana  
Faber, Diane Balter, Steve Johns)
- e. Solid Waste Division (Rich Archibald, Shana Faber, Steve Itagaki)
- f. Environmental issues (CEQA [public projects], ESA,  
hazardous/toxic materials) (Shana Faber, Diane Balter, Steve  
Johns)
- g. Facility Management (Steve Itagaki, Steve Johns)

- h. Administration (project planning, etc.) (Shana Faber, Diane Balter, Steve Johns)
- i. Procurement matters (construction contracts; ESBD compliance) (Shana Faber, Steve Johns)
- j. Contract review (Shana Faber, Steve Johns)
- k. Development Services (subdivisions, etc.) (Shana Faber, Steve Johns)
  
- l. Street Abandonments (Shana Faber, Steve Johns)
- m. Traffic Division (Shana Faber, Steve Johns)

Utilities (William Carnazzo, Joe Robinson)

- n. Water issues (CCOMWP; water supply, SWRCB; USBOR)
- o. Sewer issues (NPDES permits for combined and other sewer systems, impact fees)
- p. Stormwater issues (NPDES permits)
- q. Administration (project planning)
- r. Flood control (FEMA issues, floodplain issues, SAFCA)
- s. Procurement matters (construction contracts, ESBD compliance)
- t. Financial issues (impact fees)
- u. Contract review
- v. Environmental issues (CEQA [public projects], ESA, hazardous/toxic)

**H. NEIGHBORHOOD, PLANNING & DEVELOPMENT SERVICES**

*Tom Lee, Deputy City Manager  
 Mike Hanamura, Area 3, Gary Little, Area 4  
 Max Fernandez, Area 1, Kelly Montgomery, Area 2  
 Gary Stonehouse, Planning Director, Dennis Richardson, Building  
 Official*

[Bill Carnazzo, Rich Archibald, Shana Faber, Diane Balter, Steve Johns, Steve Itagaki]

**1. Boards & Commissions:**[Rich Archibald, Shana Faber, Steve Johns]

- a. Planning Commission
- b. Design Review & Preservation
- c. Sacramento Heritage, Inc.
- d. Construction Advisory and Appeals Board

**2. Advisory Functions:**

Planning and Development Services [Shana Faber, Diane Balter; Steve Johns]

- a. Administration

- b. Planning Division
- c. Building inspections
- d. Environmental (CEQA - private projects)
- e. Subdivisions
- f. Development Agreements
- g. Redevelopment matters

Neighborhoods (Shana Faber, Diane Balter, Steve Johns)

- a. Parks & Recreation issues/Camp Sacramento (Diane Balter)
- b. Administration (services for Area Managers) (Diane Balter, Steve Johns)
- c. Nuisance ordinances [Shana Faber, Steve Johns (enforcement issues)]

**I. CONVENTION, CULTURE & LEISURE --** *Richard Ramirez, Deputy City Manager (Downtown) Tom Lee, Deputy City Manager (Economic Development)*

[Bill Carnazzo, Rich Archibald, Diane Balter, Steve Itagaki, Steve Johns]

**1. Advisory Functions:**

- a. Economic Development (Bill Carnazzo, Rich Archibald, Diane Balter)
- b. Off-Street Parking (Steve Johns)
- c. Community/Convention Center (Diane Balter)
- d. Old Sacramento (Diane Balter, Steve Itagaki)
- e. Project review and advice (Bill Carnazzo; Rich Archibald; Diane Balter; Steve Johns)

**J. CULTURAL ARTS --** *Betty Masuoka, Assistant City Manager*  
[Shana Faber; Diane Balter]

**1. Boards & Commissions**

- a. Metro Arts Commission
- b. Museum & History Commission
- c. Library Authority (J.P.A.)

**2. Advisory Functions:**

- a. Library
- b. Zoo/Fairytale Town
- c. Golf
- d. Crocker Art Museum
- e. History Museum/archives
- f. Science Center

- g. Waterfront & Marina

## **K. MISCELLANEOUS MATTERS**

1. Ordinance/resolution drafting
2. Staff report review
3. Ordinance and opinion review

**Note:** as to these miscellaneous items, final review of ordinances, certain staff reports, and opinions will be done by Bill Carnazzo or Rich Archibald, except where it is determined that the City Attorney needs to be involved.

# LITIGATION SECTION ASSIGNMENTS

## Supervising Attorney:

Bruce C. Cline, Deputy City Attorney

## Section Attorneys:

Paul A. Gale  
Richard A. Lovell  
Marcos A. Kropf  
Matthew D. Ruyak  
Michael T. Sparks

### **A. TORTS - GENERAL**

(Dangerous Condition, Vehicle, False Arrest, Excessive force, etc.)

Bruce C. Cline, Marcos A. Kropf, Matthew D. Ruyak, Paul A. Gale, Michael T. Sparks, Richard A. Lovell

### **B. EMPLOYMENT DISCRIMINATION**

Bruce C. Cline, Marcos A. Kropf, Michael T. Sparks

### **C. 1983 CIVIL RIGHTS ACTIONS**

Bruce C. Cline, Marcos A. Kropf, Matthew D. Ruyak, Paul A. Gale, Michael T. Sparks, Richard A. Lovell

### **D. EMINENT DOMAIN**

Bruce C. Cline, Marcos A. Kropf, Matthew D. Ruyak

### **E. GENERAL**

Bruce C. Cline, Marcos A. Kropf, Matthew D. Ruyak, Paul A. Gale, Michael T. Sparks, Richard A. Lovell

### **F. CONSTRUCTION**

Bruce C. Cline, Marcos A. Kropf

### **G. ADMINISTRATIVE HEARINGS**

Bruce C. Cline, Richard A. Lovell, Matthew D. Ruyak, Michael T. Sparks

### **H. SUBROGATION**

Bruce C. Cline, Marcos A. Kropf, Matthew D. Ruyak, Paul A. Gale, Michael T. Sparks, Richard A. Lovell



# **SPECIAL PROJECTS SECTION ASSIGNMENTS**

## Supervising Attorney:

Sandra G. Talbott, Deputy City Attorney

## Section Attorneys:

Gerald Hicks  
Denaeh Lahann  
Gustavo Martinez  
Deborah Schulte  
Robert D. Tokunaga  
Lan Wang

### **A. CODE ENFORCEMENT**

Gustavo Martinez, Lan Wang

### **B. EXTRAORDINARY RELIEF**

(Temporary restraining orders, injunctions, various writs, appeals and assisting other agencies with amicus briefs)

Sandra Talbott, Gerald Hicks, Denaeh Lahann, Gustavo Martinez, Deborah Schulte, Robert D. Tokunaga, Lan Wang

### **C. INJUNCTION/PROBATION MONITORING PROCESS**

Sandra Talbott, Lan Wang, Denaeh Lahann

### **D. COLLECTIONS/FORECLOSURE MONITORING**

Sandra Talbott, Denaeh Lahann, Gustavo Martinez, Deborah Schulte, Lan Wang

### **E. SPECIAL LITIGATION ASSIGNMENTS**

(Special Civil Rights, Employment Discrimination, Excessive Force, Catastrophic Injury, etc.)

Sandra Talbott, Gerald Hicks, Denaeh Lahann, Gustavo Martinez

### **F. SPECIAL ADVISORY ASSIGNMENTS**

Sandra Talbott, Gerald Hicks, Denaeh Lahann, Gustavo Martinez, Deborah Schulte, Robert D. Tokunaga, Lan Wang

## **ATTACHMENT D**

**G. ASSET SEIZURE/IMPOUNDMENT PROCEEDINGS**  
(Vehicle Seizure Ordinance and Boat Removal Ordinance)

Sandra Talbott, Gustavo Martinez, Lan Wang

**H. INTELLECTUAL PROPERTY**  
(Protection of rights to computer software programs, publishing materials, logos, symbols, patches, wearing apparel, etc.)

Robert D. Tokunaga, Denae Lahann, Gerald Hicks, Deborah Schulte

**I. FINANCING/ECONOMIC DEVELOPMENT**  
(Assessment districts, Mello-Roos Community Facility Districts, City bond issues, North Natomas development, and similar matters)

Sandra Talbott, Robert D. Tokunaga, Deborah Schulte

**J. GENERAL**

Sandra Talbott, Gerald Hicks, Denae Lahann, Gustavo Martinez, Deborah Schulte, Robert D. Tokunaga, Lan Wang