

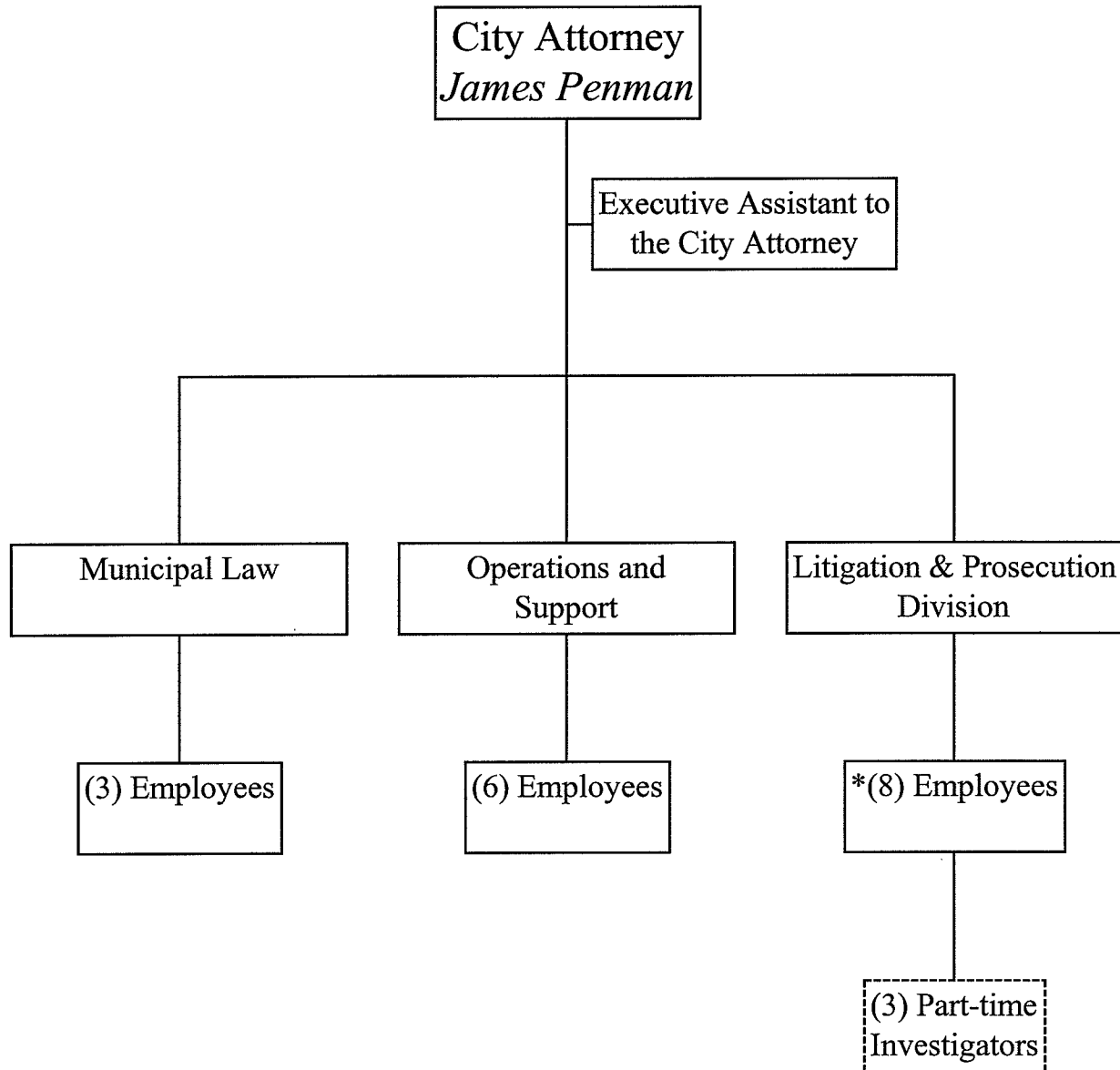
CITY ATTORNEY

***REPRESENT THE CITY IN
COURT ACTIONS***

***PROSECUTE VIOLATIONS OF
MUNICIPAL CODE AND CERTAIN
STATE LAWS***

***ADVISE MAYOR, COMMON
COUNCIL, DEPARTMENT HEADS,
BOARDS & COMMISSIONS AND
ALL OTHER CITY STAFF***

CITY ATTORNEY



* One (1) full-time investigator position filled by two (2) half-time investigators

CITY ATTORNEY

ACCOUNT NUMBER: 001-050

FUND: GENERAL FUND

ABOUT THE DEPARTMENT

The City Attorney is an elected position established by the City Charter. The City Attorney is the chief legal advisor for the City, and for all Departments, Boards, and Commissions of the City.

The City Attorney's Office provides legal counsel and representation for the City, prosecutes and defends legal actions, and protects the interests of the public. The City Attorney, with a staff of 24, including 9 attorneys, secretaries and investigators, provides the following important and valuable legal services:

- Defends the City in civil lawsuits brought against the City, its officials, employees, and its departments; prosecutes violations of the City's *Municipal Code* and certain state laws; and, pursues actions to recover costs from third parties for damages and liability to the City.
- Negotiates, reviews, edits, and drafts contracts and other transactional documents and agreements for the City.
- Serves as general legal counsel and representative; researches, prepares ordinances, resolutions, and legal opinions on a wide variety of issues, and advises City employees regarding liability issues.

EXPENDITURES BY CATEGORY

| CATEGORY | 2006-07 ACTUAL | 2007-08 ACTUAL | 2008-09 PROJECTED | 2009-10 ADOPTED |
|-------------------------|-------------------|-------------------|----------------------|--------------------|
| PERSONNEL | 2,215,514 | 2,515,573 | 2,566,122 | 2,575,700 |
| MAINTENANCE & OPERATION | 309,220 | 313,897 | 455,692 | 412,300 |
| CONTRACTUAL SERVICES | 564,765 | 638,604 | 565,338 | 501,000 |
| INTERNAL SERVICE | 21,303 | 22,472 | 15,400 | 17,100 |
| CAPITAL OUTLAY | 1,927 | 125 | 8,647 | 2,700 |
| DEBT SERVICE | 0 | 0 | 0 | 0 |
| TOTAL | 3,112,729 | 3,490,670 | 3,611,199 | 3,508,800 |

CITY ATTORNEY

2008-09 KEY ACCOMPLISHMENTS

- ✓ The City Attorney's Office has continued to aggressively defend our City in lawsuits in which we are named as a defendant. In 2008, 46 lawsuits were concluded which resulted in a net liability savings to the City of just over \$79,000,000 and in additional settlements paid to the City of just over \$470,000.
- ✓ The City Attorney's Office has continued to aggressively enforce 7 existing permanent injunctions against gangs in the City; adding 58 new individual gang members to the list and subjecting these gang members to the restrictions imposed by the Court prohibiting specified gang activity.
- ✓ The City Attorney's Office continues to monitor the Flesh Club which has remained closed after a successful Red Light Abatement Action.
- ✓ The City attorney's Office coordinated multiple department (Police, Fire, Code Enforcement) actions against persons violating the City's ordinances, rules and regulations. As a result of the closing of substandard and dangerous housing, 66 families, consisting of 131 adults and 146 children, were assisted by the City in moving to residences that were clean, safe, and in compliance with City Building and Fire Codes.
- ✓ This fiscal year the office prosecuted 12,757 misdemeanor/infraction cases in Superior Court.
- ✓ This fiscal year the City Attorney's Office established the procedures for Administrative Civil Penalties (ACPs). The ACPs began to be issued in July. This fiscal year the Hearing Officer has imposed over \$1,000,000 in penalties. The City Attorney's Office has collected over \$100,000 worth of penalties and filed over \$150,000 in liens.

2009-10 KEY GOALS

- Past litigation against the City has demonstrated that the establishment of goals by this office raises liability issues potentially costly to the City. Therefore, no goals are stated.

DID YOU KNOW?

- The functions of the City Attorney's Office are to defend the City in court actions, including tort lawsuits, to commence litigation as approved by the City Attorney and directed by the Mayor and Common Council or pursuant to law, and to prosecute ordinance violations and violations of certain state laws pursuant to the City Attorney's independent prosecutorial authority. It is also the function of the City Attorney's Office to issue legal opinions and provide legal advice to the Mayor and Common Council, City Manager's Office, department heads and other city employees, and to numerous boards and commissions; to provide advice concerning existing and newly enacted laws, rules, regulations, and court decisions; prepare or review resolutions, ordinances, leases and complex agreements; and, to attend and provide legal counsel at various meetings with the Mayor, Common Council, Planning Commission, Ways and Means Committee, Legislative Review Committee and other decision-making and advisory bodies of the City.

**EXPENDITURE BUDGET LINE ITEM DETAIL
FISCAL YEAR 2009-2010**

FUND 001 GENERAL FUND

DIVISION 051 CITY ATTORNEY

| ACCOUNT OBJECT & TITLE | ACTUAL 2006-07 | ACTUAL 2007-08 | PROJECTED 2008-09 | ADOPTED 2009-10 |
|--|-----------------------|-----------------------|--------------------------|------------------------|
| 5011 SALARIES PERM/FULLTIME | 1,674,915 | 1,841,045 | 1,844,776 | 1,861,800 |
| 5013 AUTOMOBILE ALLOWANCE | 4,500 | 5,700 | 6,000 | 6,300 |
| 5014 SALARIES TEMP/PARTTIME | 76,176 | 96,056 | 91,213 | 90,200 |
| 5015 OVERTIME | 345 | 1,997 | 5,516 | 3,000 |
| 5026 PERS RETIREMENT | 243,357 | 343,012 | 371,488 | 361,200 |
| 5027 HEALTH & LIFE INSURANCE | 186,290 | 194,597 | 213,824 | 221,400 |
| 5028 UNEMPLOYMENT INSURANCE | 4,390 | 4,862 | 4,869 | 4,700 |
| 5029 MEDICARE | 25,540 | 28,305 | 28,436 | 27,100 |
| TOTAL PERSONNEL SERVICES | 2,215,514 | 2,515,573 | 2,566,122 | 2,575,700 |
| 5111 MATERIALS & SUPPLIES | 12,345 | 11,779 | 16,056 | 20,900 |
| 5112 SMALL TOOLS & EQUIPMENT | 0 | 0 | 0 | 1,100 |
| 5121 ADVERTISING | 6,511 | 0 | 0 | 4,400 |
| 5122 DUES & SUBSCRIPTIONS | 11,356 | 11,397 | 9,720 | 14,000 |
| 5123 LIBRARY BOOKS | 73,553 | 88,765 | 87,606 | 75,000 |
| 5131 MILEAGE | 95 | 0 | 108 | 300 |
| 5132 MEETINGS & CONFERENCES | 4,463 | 6,691 | 8,375 | 6,000 |
| 5133 EDUCATION & TRAINING | 10,837 | 7,994 | 2,599 | 7,400 |
| 5171 RENTALS | 5,530 | 4,910 | 5,892 | 5,000 |
| 5172 EQUIPMENT MAINTENANCE | 4,353 | 3,679 | 2,904 | 9,000 |
| 5174 PRINTING CHARGES | 8,061 | 6,956 | 11,828 | 11,900 |
| 5175 POSTAGE | 5,159 | 4,598 | 6,576 | 7,000 |
| 5176 COPY MACHINE CHARGES | 4,336 | 8,881 | 11,075 | 11,100 |
| 5177 LITIGATION EXPENSES | 162,586 | 158,157 | 292,864 | 238,600 |
| 5183 MANAGEMENT ALLOWANCE | 35 | 90 | 88 | 600 |
| TOTAL MAINTENANCE & OPERATION | 309,220 | 313,897 | 455,692 | 412,300 |
| 5502 PROFESSIONAL/CONTRACTUAL SVCS | 8,603 | 910 | 6,167 | 6,000 |
| 5503 LITIGATION-OUTSIDE ATTORNEYS | 556,163 | 637,554 | 558,024 | 494,000 |
| 5505 OTHER PROFESSIONAL SERVICES | 0 | 140 | 1,147 | 1,000 |
| TOTAL CONTRACTUAL SERVICES | 564,765 | 638,604 | 565,338 | 501,000 |
| 5601 GARAGE CHARGES | 2,535 | 883 | 400 | 600 |
| 5604 IT CHARGES IN-HOUSE | 2,700 | 2,500 | 1,400 | 2,800 |
| 5605 TELEPHONE SUPPORT | 8,981 | 6,342 | 4,400 | 4,400 |
| 5610 COMMUNICATION SHOP | 5,200 | 9,700 | 6,900 | 4,600 |
| 5612 FLEET CHGS - FUEL | 1,887 | 3,047 | 2,300 | 4,700 |
| TOTAL INTERNAL SERVICE CHARGES | 21,303 | 22,472 | 15,400 | 17,100 |
| 5702 COMPUTER EQUIPMENT | 0 | 125 | 6,463 | 200 |
| 5704 MISCELLANEOUS EQUIPMENT | 1,927 | 0 | 2,185 | 2,500 |
| TOTAL CAPITAL OUTLAY | 1,927 | 125 | 8,647 | 2,700 |
| TOTAL | 3,112,729 | 3,490,670 | 3,611,199 | 3,508,800 |

BUDGET - JUSTIFICATION

051 CITY ATTORNEY

001 GENERAL FUND

OBJ JUSTIFICATION

- 5111** PURCHASE OF MISCELLANEOUS OFFICE SUPPLIES AND SPECIAL OFFICE SUPPLIES RELATING TO INVESTIGATOR'S NEEDS, SUCH AS CASSETTE TAPES FOR INTERVIEWS, FILM, FILM PROCESSING/DEVELOPMENT, ETC.
- 5112** PURCHASE OF OFFICE FURNITURE, CALCULATORS, ETC. COSTING LESS THAN \$500.00.
- 5121** ADS IN SUN, PRESS ENTERPRISE ETC. AND L.A. DAILY JOURNAL ETC. FOR FULL-TIME ATTORNEYS, SECRETARIES, PARALEGALS AND INVESTIGATORS, AS NEEDED.
- 5122** DUES: STATE BAR OF CALIFORNIA (\$5,450); AMERICAN BAR ASSOCIATION (\$525); SAN BERNARDINO COUNTY BAR ASSOCIATION (\$1,600) RIVERSIDE COUNTY BAR ASSOCIATION (\$200) DISTRICT ATTORNEY'S ASSN. (\$650); IMLA (\$2,200); SUBSCRIPTIONS: SUN (\$200); LA DAILY JOURNAL (\$650) GIEMLA (\$75); RIVERSIDE PRESS ENTERPRISE (\$250); MISCELLANEOUS (\$1,580); ASSOC. OF TRIAL LAWYERS OF AMERICA (\$500); FEDERALIST SOCIETY (\$120).
- 5123** ON-LINE LEGAL RESEARCH, UPDATING OF LAW PUBLICATIONS, AS WELL AS OTHER PUBLICATIONS TO KEEP ABREAST OF CURRENT TRENDS IN THE LAW AND LEGAL ISSUES AFFECTING MUNICIPALITIES. IN ADDITION TO THE UPDATING ETC., WE HAVE APPROXIMATELY \$5,300 IN FIXED COSTS OF SUPPLEMENTS TO THE SETS OF BOOKS CURRENTLY IN OUR LIBRARY
- 5131** REIMBURSEMENTS FOR STAFF'S USE OF PRIVATE VEHICLES FOR TRAVEL TO SEMINARS, MEETINGS AND OTHER WORK-RELATED TRAVEL.
- 5132** LEAGUE OF CALIFORNIA CITIES ANNUAL MEETING (WILL BE ATTENDED BY AT LEAST 1 ATTORNEY); LEAGUE OF CALIFORNIA CITIES SPRING MEETING (WILL BE ATTENDED BY AT LEAST 1 ATTORNEY); IMLA MID-YEAR MEETING (WILL BE ATTENDED BY AT LEAST 1 ATTORNEY); IMLA ANNUAL MEETING (WILL BE ATTENDED BY 1 ATTORNEY). CITY ATTORNEY WILL ATTEND LEAGUE OF CA CITIES COMMITTEE MEETINGS AND LEGISLATIVE HEARINGS AND MEETINGS. ATTENDANCE BY ATTORNEYS AND TRAVEL TO THESE MEETINGS AND CONFERENCES TO KEEP THEIR STATE BAR LICENSE CURRENT; THESE MEETINGS AND CONFERENCES WILL ENABLE THE ATTORNEYS TO STAY ABREAST OF THE CHANGING LAWS AND COURT DECISIONS AND DEVELOPING LEGAL ISSUES IN THEIR RESPECTIVE AREAS.
- 5133** ATTENDANCE BY ATTORNEYS AND TRAVEL TO VARIOUS MEETINGS AND SEMINARS, AS REQUIRED BY LAW TO KEEP THEIR STATE BAR LICENSE CURRENT, AND TO STAY ABREAST OF THE CHANGING LAWS AND COURT DECISIONS AND DEVELOPING LEGAL ISSUES IN THEIR RESPECTIVE AREAS.
- 5171** EXPENSE FOR THE RENTAL OF EQUIPMENT, SUPPLIES, STORAGE UNIT FOR THE STORAGE OF CONFIDENTIAL MATERIAL ETC.
- 5172** MAINTENANCE (LABOR CALLS) FOR PCS AND PRINTERS, MAINTENANCE CONTRACT FOR COMPUTER SYSTEM, COPIER REPAIR OF TYPEWRITERS AND TRANSCRIBERS ETC.
- 5174** PRINTING OF FORMS, LETTERHEADS, MUNICIPAL CODE UPDATES, MISCELLANEOUS LEGAL FORMS, ETC.
- 5175** INCREASE IN CODE ENFORCEMENT CASES THAT REQUIRE CERTIFIED LETTERS, MAILING OF LEGAL DOCUMENTS AND ROUTINE BUSINESS CORRESPONDENCE, FEDERAL EXPRESS CHARGES FOR OVERNIGHT MAIL, MAILING OF LARGE PACKAGES AND BOXES OF MATERIALS ON LITIGATION
- 5176** COPIES OF CORRESPONDENCE, LITIGATION DOCUMENTS, ORDINANCES, RESOLUTIONS, AGREEMENTS, LEASES, AND MISCELLANEOUS.
- 5177** COSTS FOR EXPERT WITNESS FEES, INVESTIGATION FEES, COURT REPORTER FEES FOR DEPOSITIONS, FILING FEES, MILEAGE TO DEPOSITIONS, COURT APPEARANCES AND MISCELLANEOUS EXPENSES.

BUDGET - JUSTIFICATION

051 CITY ATTORNEY

001 GENERAL FUND

OBJ JUSTIFICATION

- 5183 REIMBURSEMENT FOR BUSINESS EXPENSES INCURRED BY THE CITY ATTORNEY.
- 5502 FOR PROFESSIONAL/CONTRACTUAL SERVICES.
- 5503 COST OF ATTORNEYS FEES CHARGED BY OUTSIDE ATTORNEYS.
- 5505 MISCELLANEOUS CONTRACTS AND SERVICES THAT DO NOT FALL WITHIN THE DEFINITIONS OF THE OTHER CATEGORIES UNDER CONTRACTS AND SERVICES.
- 5601 CHARGES FROM CITY'S FLEET DIVISION (INCLUDING STAFF TIME AND OVERHEAD) RELATED THE MAINTENANCE AND OPERATION OF MOTOR VEHICLES ASSIGNED TO THIS DEPARTMENT. (CHARGE-BACKS BASED ON ACTUAL COSTS INCURRED.)
- 5604 THE PORTION OF THE CITY'S TOTAL INFORMATION TECHNOLOGY SERVICES COSTS (INCLUDING STAFF TIME) RELATED TO THIS DEPARTMENT. CHARGES ARE BASED ON TYPE OF EQUIPMNT, SOFTWARE AND SUPPORT UTILIZED BY DEPARTMENT.
- 5605 CHARGES FROM THE CITY'S TELECOMMUNICATIONS DIVISION (INCLUDING STAFF TIME AND OVERHEAD) RELATED TO THIS DIVISION'S TELECOMMUNICATIONS COSTS (CHARGE-BACKS BASED ON ACTUAL COSTS INCURRED).
- 5610 THE PORTION OF THE CITY'S OVERALL RADIO COMMUNICATIONS COSTS (INCLUDING OVERHEAD AND STAFF TIME) RELATED TO THIS DEPARTMENT'S OPERATIONS.
- 5612 CHARGES FROM THE CITY'S FLEET DIVISION (INCLUDING STAFF TIME AND OVERHEAD) FOR FUEL COSTS RELATED TO MOTOR VEHICLES IN THIS DIVISION (CHARGE-BACKS BASED ON ACTUAL COSTS INCURRED).
- 5702 ADDITIONAL COMPUTER EQUIPMENT TO SUPPLEMENT CURRENT COMPUTER SYSTEM.
- 5704 MISCELLANEOUS EQUIPMENT