

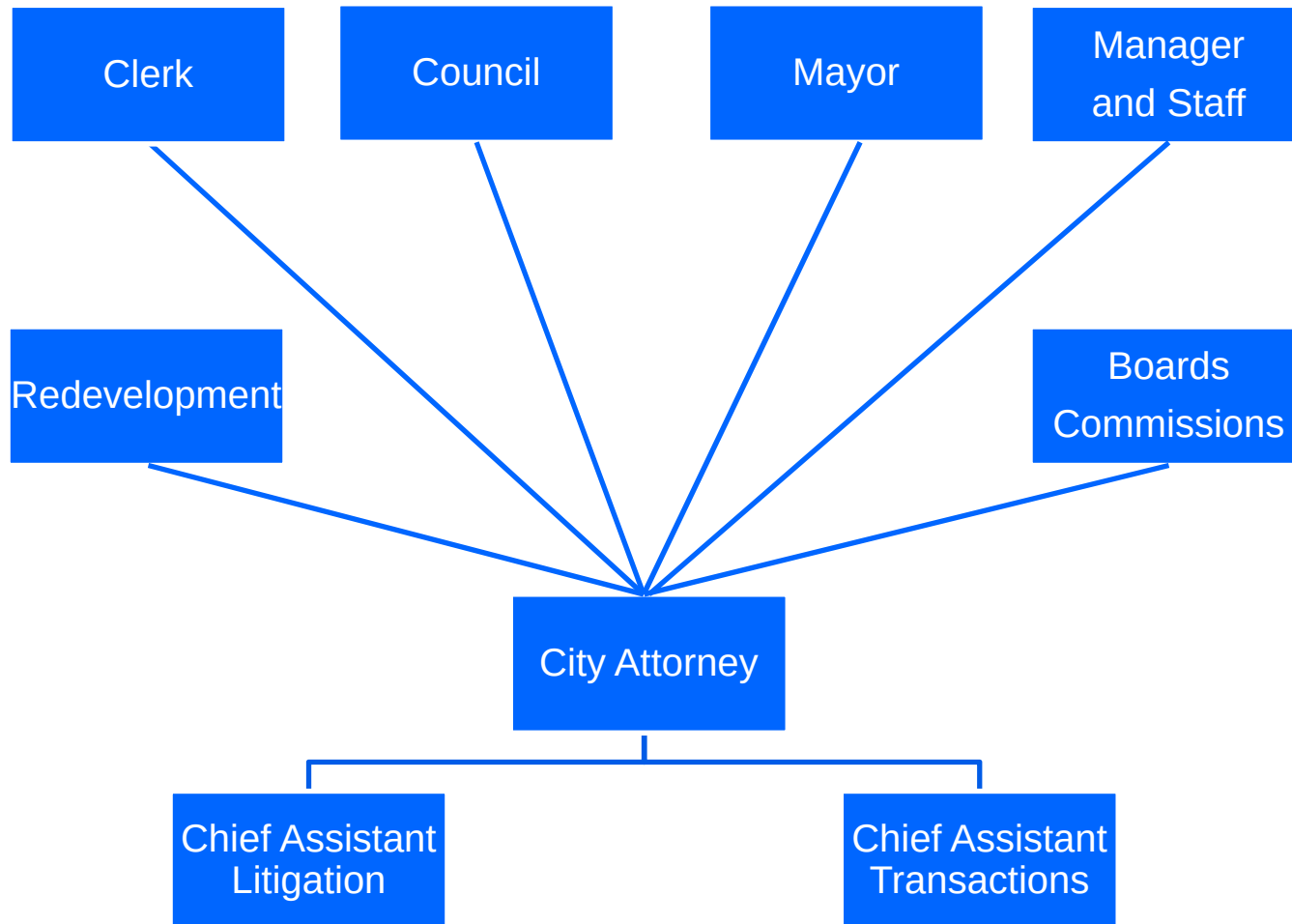
City Attorney's Office Budget Presentation

June 2019



Budget Year 2019 - 2020

CAO Provides Legal Services To All Officials



City Attorney's Office

FY 2018 - 2019 Highlights

- Transactional projects: DARM streamline ordinances (at-risk development, money-back guarantee), motel inspection program, alcohol regulation, TCC grant and sub-recipient agreements, Southwest Specific Plan, prevailed in litigation relating to water capacity fee, amendments to solid waste agreements, master trails agreement. Ongoing projects: Darling relocation, FATForward/PLA, HSR, conflict and elections advice, Hotel Fresno, cannabis regulation, Specific Plans (West Area, Southeast, and Industrial), MLK Development Agreement, Housing Element compliance, General Plan MEIR update, options for addressing homelessness.
- Litigation Unit defends tort cases against the City. In FY 2019, 86 new litigation cases were served on the City, for a total of 245 litigation cases currently being defended by in-house attorneys and outside counsel. Numerous cases are being dismissed on dispositive motions or settled for less than \$25,000.
- The Labor and Employment group, including outside counsel, has prevailed on all 15 disciplinary appeals in front of the CSB and all DFEH/EEOC complaints. Labor and Employment has also reviewed and approved over 281 disciplinary actions.
- The Litigation Unit monitors over 45 active bankruptcy cases in which the City is a creditor.
- Public Records Act attorneys and paralegals have processed over 1,800 PRAs (7.5/work day) and 315 subpoenas.
- Prosecuted over 1,666 new criminal (misdemeanor / infraction) cases with over 6,521 (27/work day) total appearances.
- The office continues to be very responsive to questions, requests, and code enforcement referrals.

Anti Slum Enforcement Team (ASET) and Code Enforcement

- Under the Rental Housing Division of DARM and the CAO, ASET has identified and aggressively pursued landlords in violation of health and safety laws through compliance agreements, citations, and petitions for receivership. These efforts have resulted in thousands of housing code violations being cured, with compliance increasing.
- ASET's Rental Housing inspectors have 17 active cases representing 467 units and over 13,096 violations. In FY 18-19, an additional 4,759 violations have been brought into full compliance in over 353 units.
- ASET entered into compliance agreements with 14 multi-family complexes, resulting in repair of 172 units.
- The Code unit has handled 11 petitions to appoint a health and safety receiver of multi-family and single-family properties with significant substandard conditions and long Code and PD histories. These petitions either resulted in the appointment of a receiver or motivated the property owner to bring the property into compliance. There are 5 properties currently in the pre-receivership process.
- The Code unit has recovered City costs for ASET of approximately \$89,000.
- Two legal investigators offer rapid responses and legal assistance with a variety of code matters, including requests from Councilmembers, code enforcement, and ASET. Legal investigators evaluated 116 potential ASET properties, including site visits, witness interviews, and evidence collection.
- Law Clerks have continued to perform well beyond expectations assisting with ASET, Code, and other legal matters – assisted DARM with Code violations at over 50 different properties; responded to emergency issues, obtained inspection and abatement warrants; assisted with receiverships, have successfully represented the City in administrative hearings; and drafted warning letters to residents regarding public nuisances.

Requests for Legal Services By Calendar Year

(in addition to litigation and other projects without an RLS)

<u>Department</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>*2019</u>
Public Works	371	383	464	416	492	362
DPU	164	338	346	360	313	285
DARM	226	231	238	346	365	482
Personnel	132	140	156	189	549	422
Police	79	77	74	79	84	43
PARCS	69	120	107	103	91	105
Finance	61	49	63	69	84	84
Airports	99	49	70	58	83	100
Mayor & CMO	30	53	38	106	117	134
CDBG/HOME/ESG	16	87	68	0	74	91
Fire	38	38	33	27	40	24
Transportation	41	49	48	98	135	122
Council Districts	9	13	10	45	25	72
Retirement	19	17	13	0	1	7
ISD	10	9	18	68	56	33
City Clerk	<u>7</u>	<u>6</u>	<u>5</u>	<u>9</u>	<u>13</u>	<u>9</u>
Totals:	1371	1659	1757	1973	2522	*2375

*YTD annualized (10/work day)

Authorized Positions

City Attorney

Chief Assistant 2

Assistant 3

Supervising Deputy 2

Deputy 14

Total Lawyers: 22

Additionally:

Law Clerks (part time)

***Admin Clerk – Reception (part time)**

Contract Attorney (PD)

Executive Assistant 4

Management Analyst II

Sr/Paralegal 5

Sr/Legal Secretary 8

Investigators 2

***Sr Law Clerk 4 (full time)**

Total Office: 46

***Not funded**

City Attorney's Office Significant Impacts to Resources

- PRA responses have become extremely consuming. With passage of SB 1421 and AB 748 far more police records are now available, requiring review for protected confidential information.
- Municipal Code violations, requiring time for our police advisor and prosecutor to be supplemented with time from litigators to cover court appearances.
- With economy doing relatively well, seeing many development projects.
- Specific plans, General Plan MEIR update, Housing Element, EIRs.
- Election, campaign, ethics, conflicts issues.
- Personnel issues and disciplines – Civil Service Board appeals.

CONTRACT COUNSEL COSTS

		Rates and Costs	
FY 2011	\$3,638,409		
FY 2012	\$3,902,466		
FY 2013	\$3,655,753		<u>1,600 Hrs.</u>
FY 2014	\$3,785,556	\$225	\$360,000
FY 2015	\$2,310,633	\$250	\$400,000
FY 2016	\$3,709,586	\$275	\$440,000
FY 2017	\$3,506,698	\$300	\$480,000
FY 2018	\$3,656,467	\$385	\$616,000
FY 2019	\$2,187,552		

The savings reflects increased expertise in the office, sending fewer matters out, and carefully monitoring and controlling outside counsel work and rates.

City Attorney's Office

Changes to FY 2020 from FY 2019 Amended Budget As Proposed in Mayor's Budget

Direct

Permanent Salaries: \$227,000*
Permanent Fringe: \$9,900*
Employee Leave Payoff Non Term: (\$2,800)
Permanent Fringe H&W: \$13,000*
Permanent Fringe Life & Dis: \$1,700*
Permanent Fringe Pension: \$41,200*
Leave Payoff at Term: \$8,900
Misc Expenditures: \$22,900
Subscriptions and Publications: (\$4,000)

*"Step increases, reclassifications, and contractual obligations..."

Net Total: \$317,800

Pass Through

Gen Svc Pens Oblg Bond Dbt Ser: \$1,000
Worker's Comp: \$3,200
Facility Repair: (\$10,000)
Info Systems Service: \$42,700
Info Systems Equipment: (\$6,600)
Charges for Msngr/Mail/Copier Serv: \$9,200 [new]
Telephone: \$600
Facilities Management: \$8,200
Non-Rec Special Project: (\$3,000)
Rent: (\$600)
Peoplesoft Replacement: \$400
Network Replacement: \$37,600
Security Assessment: \$44,600

Net Total: \$136,300

City Attorney's Office
Options for FY 2020 CAO Budget
CAO Requests for Mayor's Proposed Budget (None Included)

- 1. Fund 4 law clerks for \$75,000**
- 2. Fund and authorize Transaction Attorney - \$115,000* [withdraw]**
- 3. Continue Temp Admin Clerk (reception) - \$34,000***
- 4. Fund and authorize 2 additional legal investigators - \$85,000* ea.**
- 5. Fund and authorize additional paralegal for PRAs - \$81,700***
- 6. Fund training and CLE - \$42,000**
- 7. Fund increased office supplies - \$5,000**
- 8. Fund publications and subscriptions - \$10,000 [budget reduced \$4,000]**
- 9. Fund new computers - \$15,000**

***Total first year cost: salary, benefits, training, equipment, etc.**

City Attorney's Office

Options for FY 2020 CAO Budget

Additional Options

- A. Remove contingency for \$50,000 for budget analyst (no cost)
Simplify, and original purpose of contingency, budget uncertainty, is less of an issue; Council may desire services year round.
- B. PRA Personnel – Add two paralegals \$81,700* ea.
Substantial impacts responding to PRAs, especially PD.
- C. Fund Liquor Inspections: Investigator/Expenses
Start up expenses: Investigator (6 months): \$45,000; Vehicle \$30,000 (dedicated to CAO); Computer/Software: \$2,000; Supplies: \$20,000 – Total First Year: \$97,000; inspection and fine revenue to be returned to CAO.
- D. Fund Code Enforcement Resources: Investigators/Expenses
If Council desires additional assistance from legal investigators, law clerks, and/or lawyers, could add positions to expand availability.
- E. Increase Contract Counsel Line Item from \$175,000 to \$200,000
To account for investigators and special services that cannot be performed by CAO.
- F. Hiring/Retention/Promotion: \$100,000
Additional funds for Unit 2 employees to recognize performance, expertise, and retention, so we can continue to keep work in house and keep outside counsel costs down.
- G. Transfer All or Some of Code Enforcement Functions to City Attorney (no net cost)
Per policy discussions, code enforcement function could be transferred – up to approximately 80 employees and \$10,430,000, plus revenue and resources.

*Total first year cost: salary, benefits, training, equipment, etc.