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**OFFICE OF THE  
CITY ATTORNEY**

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBEY, JR.  
ASSISTANT CITY ATTORNEY

SR. DEPUTY CITY ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
GARLAND E. BURRELL, JR.

**CITY OF SACRAMENTO  
CALIFORNIA**

June 14, 1990

921 TENTH STREET  
SUITE 700  
SACRAMENTO, CA  
95814-2717

916-449-5540

DEPUTY CITY ATTORNEYS:  
LAWRENCE M. LUNARDINI  
DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
RICHARD E. ARCHIBALD  
TIMOTHY N. WASHBURN  
SABRINA M. THOMPSON  
JOSEPH MGINERNEY

Budget and Finance Committee  
Sacramento, California

**SUBJECT: Reports Back - City Attorney's Office  
1990-91 Proposed Budget**

Dear Committee Members:

At the Budget and Finance Committee meeting on May 15, 1990, the City Attorney's Office was asked to report on the following matters:

1. A report showing the minority and women employment in the office.
2. A report showing the amount of time the attorneys spend on various activities in the office.
3. A report indicating the proposed work assignments for the additional attorneys requested in our budget.
4. A report on the status of the code enforcement and drug house abatement cases in the office.
5. A report on outside legal costs.

**Report on Minority and Women Employment**

Attachment No. 1 shows the number of minority and women employed in the City Attorney's Office. 29.4% of the people employed in the office are minorities. 58% of the personnel in the office are women. Women attorneys number 31% of the attorneys in the office. Minority attorneys number 7.6%. The number of minority attorneys was 15.3% until May 19, 1990.

**Budget and Finance Committee**

June 14, 1990

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**Report on Attorneys' Time Allocation and Activities**

Attachment No. 2 shows the City Attorney's Office 1989 allocation of time by percentage. The greatest amount of time was spent on Planning matters which constituted about 15% of the total attorneys' time in the office. Next came the Police Department with approximately 13%, followed by Water and Sewer Division matters which included flooding items at nearly 8% and Risk Management and insurance programs (liability cases) at 7.7%. In addition, page A-19 in the Proposed Budget shows the litigation and non-litigation activities in the office.

**Planned Assignments for New Attorneys Requested by Office**

Attachment No. 3 includes information which was submitted with our budget request for the 1990-91 fiscal year. It indicates that one new Deputy City Attorney would work in the Police Department and code enforcement area. Another attorney would work on drug house abatement cases and in the environmental law area. The third attorney (already authorized) would handle eminent domain, Planning Department and General Service Department assignments. Coincidentally, the areas in which additional legal service is needed are also areas of high City Council priority.

There is an additional need for legal assistance as a result of the new office organization, whereby the Assistant City Attorney and Senior Deputy City Attorneys are spending much more time in supervision of the other Deputy City Attorneys. In order to be able to properly supervise, the Assistant and Senior Deputies need to delegate some of the work which they were handling prior to their supervisory responsibilities.

**Status of Code Enforcement and Drug House Abatement Cases**

Code Enforcement. At the present time, we have eighty-five code enforcement cases in the office. Approximately thirty of those cases can be closed after some additional investigation by the nuisance services division. Of the remaining fifty-five cases, approximately thirty to thirty-five require major work. Almost all of these remaining cases are under the Accelerated Civil Trial Program (ACT). This means that they must be brought to trial within thirteen months after filing. Neighborhood Services indicates that we will receive 12 to 15 cases a month from that division in the future. Actual lawsuits will be filed on approximately 6 or 7 cases a month. Almost all of the cases pending are zoning violation cases. Because of the recent Connors decision, inspection warrants will be required in many more instances than in the past. This will take additional time. Tamara Milligan-Harmon, the attorney handling this area, estimates that a full-time attorney is required to handle code enforcement matters.

In addition to code enforcement, we have housing cases pending which take a great deal of time. For example, the Shasta Argus Hotel case is set for trial on August 2, 1990, and the trial is scheduled to last until August 31, 1990. We have a number of other similar housing cases. Ms. Harmon thinks that a full-time attorney is necessary for the housing and toxic cases. However, our office is asking only for a half-time attorney for the housing, toxic and code enforcement areas.

Drug House Abatement. Presently, there are three cases pending relating to drug house abatement. One of these cases involves Georgian's which is scheduled for trial on July 24, 1990. This one case, because of all of the various aspects, including revocation of cardroom licenses, etc., has occupied an attorney nearly full-time in the past 2 1/2 months.

Outside Legal Costs

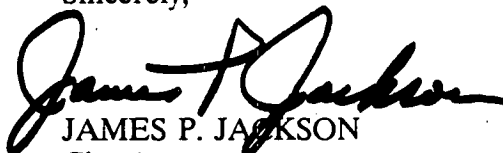
Outside legal costs include all of the workers' compensation defense costs and most of the costs incurred for personal injury and tort liability cases. In addition, outside legal costs are incurred in special situations where special counsel is retained to assist on an item which either requires technical expertise or where our office does not have sufficient time to handle the case because of the heavy workload.

For workers' compensation cases, the average defense cost in the last five years is \$306,000 per year. The defense costs for fiscal year 1988-89 were \$360,000. They appear to be running approximately the same for fiscal year 1989-90.

Personal injury and tort liability case costs for calendar year 1988 were \$468,000. The cost for calendar year 1989 were \$540,000. During that time period, the City had some big cases which were resolved.

In addition, during the current fiscal year, the City spent approximately \$30,600 for defense in the litigation which challenged the City's utility user's tax on cable television. The City has won that litigation thus far, but it is presently on appeal.

Sincerely,

  
JAMES P. JACKSON  
City Attorney

JPJ/mr  
Attachments

APPROVED:

*FOR*   
JACK CRIS  
Deputy City Manager

ATTACHMENT #1

**MINORITY AND WOMEN EMPLOYMENT IN  
CITY ATTORNEY'S OFFICE  
June 13, 1990**

	TOTAL	MINORITY	WOMEN
City Attorney	1	0	0
Assistant City Attorney	1	0	0
Sr. Deputy City Attorney	2	1	0
Deputy City Attorney IV	5	0	3
Deputy City Attorney III	1	0	0
Deputy City Attorney II	2	0	1
Deputy City Attorney I	1	0	0
Legal Secretary	5.8	3	5.8
Legal Assistant	1	1	1
Typist Clerk	2	2	2
Graduate Legal Assistant	1	0	1
Law Clerk *	1	0	0
	<hr/>	<hr/>	<hr/>
TOTAL NUMBERS	23.8	7	13.8
Office Minority and Women Percentages		29.4%	58%
Women Attorney Percentage		31%	
Minority Attorney Percentage		7.6%	

\* Does not include summer law clerks

ATTACHMENT NO. 2

CITY ATTORNEY  
1989 ALLOCATION OF TIME  
BY PERCENTAGE

JPJ THK SLJ WPC GEB LML DBB RFA TMH REA TNW ST KM TOT  
(= 13)

	JPJ	THK	SLJ	WPC	GEB	LML	DBB	RFA	TMH	REA	TNW	ST	KM	TOT
MAYOR/COUNCIL	12	4	1		.5		5			15				2.88%
CITY MANAGER	9	5	2		1.5		5					1		1.81%
CITY CLERK	4	1		5				3		5		1		1.46%
CITY TREASURER	3			5								3	1	.92%
DATA PROCESSING										1				.08%
PERSONNEL														
ADMINISTRATION				2.5										.19%
EMP. SERV. (INS., RET.)	1			5				13		3		5		2.08%
MANAGEMENT SERVICES				2.5										.19%
WORKERS' COMPENSATION	2			2.5				28						2.5%
FINANCE - Administration	2	5					1							.62%
ACCOUNTING (NOT A/P)														
ACCOUNTING - ACCT PAY.														
REVENUE (Inc. SB-90 Reimb)		1		10			4	1				10		2%
RISK MGMT AND INS. PRO.	7		30		11		3	44		5				7.69%
GENERAL SERVICES - Admin.	2			1			3					13		1.46%
SUPP. SERV. (PUR, CS)				1										.08%
FACILITY MAINTENANCE				1										.08%
FLEET MAINTENANCE				1										.08%
ELECTIONS				1						15				1.23%
POLICE	5		45		33		3	11		10	5		55	12.85%
FIRE/HAZ. Waste-Toxics							6		10					1.23%
EMPLOYEE RELATIONS	1			30									10	3.15%
WEED ABATEMENT														
PUBLIC WORKS			2		13	10						9		2.62%
ANIMAL CONTROL							5.5					1		.05%

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JPJ THK SLJ WPC GEB LML DBB RFA TMH REA TNW ST KM TOT

ENGIN. AND TRANS.	2	2	20	20			2				25	14		6.54%
PARKING	2					10						1		1%
STREET MAINTENANCE				2.5								3		.42%
WASTE REMOVAL	2			10						7		20		3%
WATER AND SEWER DIV.	18					80				3		1		7.85%
LIBRARY	1						1							.15%
COMMUNITY CENTER	5	.5			40		8						35	6.81%
PARKS and Comm. Serv.-Admin.	2	2					21					1		2%
RECREATION							4							.31%
BOAT HARBOR							1							.08%
CAMP SACRAMENTO														
PARKS							4					1		.38%
TREE SERVICES							3					1		.31%
GOLF	1						3							.31%
ZOO							1							.08%
CROCKER ART MUSEUM							1					1		.15%
PLANNING AND DEVEL.														
INSPECTIONS					1		5							.46%
CODE ENFORCEMENT							5		20					1.92%
PLANNING	2								70					5.54%
	14	79.5									36	47	15	14.73%
METROPOLITAN ARTS							3							.23%
MUSEUM AND HISTORY							2							.15%
MT. VALLEY LIBRARY							.5							.04%
CAPITAL AREA DEV. AUTH.														
HOUSING AND REDEV. Agency	3											1		.31%
COMMUNITY CENTER AUTH.														
PARKING AUTHORITY														
WATER DISTRICT														
SACTO AREA FLOOD CTRL											20			1.54%

## BUDGET FORM 10:

**Title: Justification for Additional Attorneys**

The City Attorney's Office has a need for additional attorneys because of the dramatically increasing workload in the areas of code enforcement, police services, drug house abatement, environmental law, eminent domain acquisitions and civil rights cases. Our current inventory shows that our office is handling 300 active cases and an additional 150 major projects.

1. In the Neighborhood Services (Code Enforcement) area, there are currently 13 Neighborhood Services officers. The division is also requesting an additional six officers. Even if these officers are not approved, we need additional help, because the attorney handling this work also handles toxics and underground storage tanks, housing and dangerous buildings, hazardous materials and wastes, illegal drug laboratories and recovery of funds for dumps and spills. The attorney is presently handling 80 cases in these fields. The housing and dangerous building cases have become very labor intensive, because the Council policy is to retain the housing rather than demolishing it. Thus, actions need to be filed to obtain funds for repairs to the property, moving costs to the tenants, securement costs and placing the property in receiverships. This involves major litigation against landlords who do not maintain their property properly.

The Police Department consists of 940 personnel, and we have at present only 1.5 FTE attorneys working on the Police Department assignment. Senior Deputy City Attorney Samuel Jackson needs another attorney on a half-time basis to assist with the growing Police Department work. Our Graduate Legal Assistant, who is currently assisting Mr. Jackson with the Police Department work, will be leaving in September to have a baby. We would hope that the new attorney would be present by that time to commence work and provide both the Police Department and Neighborhood Services Division with assistance. For this position, we are asking for a Deputy City Attorney I at the A Step.

2. The City is pioneering in the area of drug house abatement, and one of the senior attorneys in our office is handling major litigation to abate these activities. It is very time-consuming for each case, and there are a substantial number of buildings to be abated. There is considerable Council interest in this program.

The City also needs additional assistance in the environmental law area. While we have increased our legal review on environmental matters considerably during the past year, additional legal review is necessary to make sure there is adequate compliance with the California Environmental Quality Act. At present, the City has about 30 EIRs in process, and some of them are of a very major nature. These include the Waste Removal Division's direct haul EIR, the Centrage - Richards Boulevard EIR, the water plant expansion, the North Natomas drainage EIR, the landfill closure EIR, the "R" Street Corridor EIR and the Alhambra Corridor EIR. We believe there is a very important need for legal review and assistance which we cannot provide adequately at the present time with the current

staff. For the work to be done in the drug house abatement and the environmental law area, we need a Deputy City Attorney III at the A Step.

Also, the Planning Department and General Services Department need additional legal service. The City is also expanding rapidly, and this results in a great increase in the legal work. The Council is very active in exploring new ways of dealing with problems, and this requires examination of legal issues connected therewith. Instead of playing catch-up in the legal area, as we have in the past, we need to take a giant step forward to address all relevant legal issues in a much more timely manner and, thereby, avoid and solve legal problems for the City.