

CITY ATTORNEY/CITY PROSECUTOR



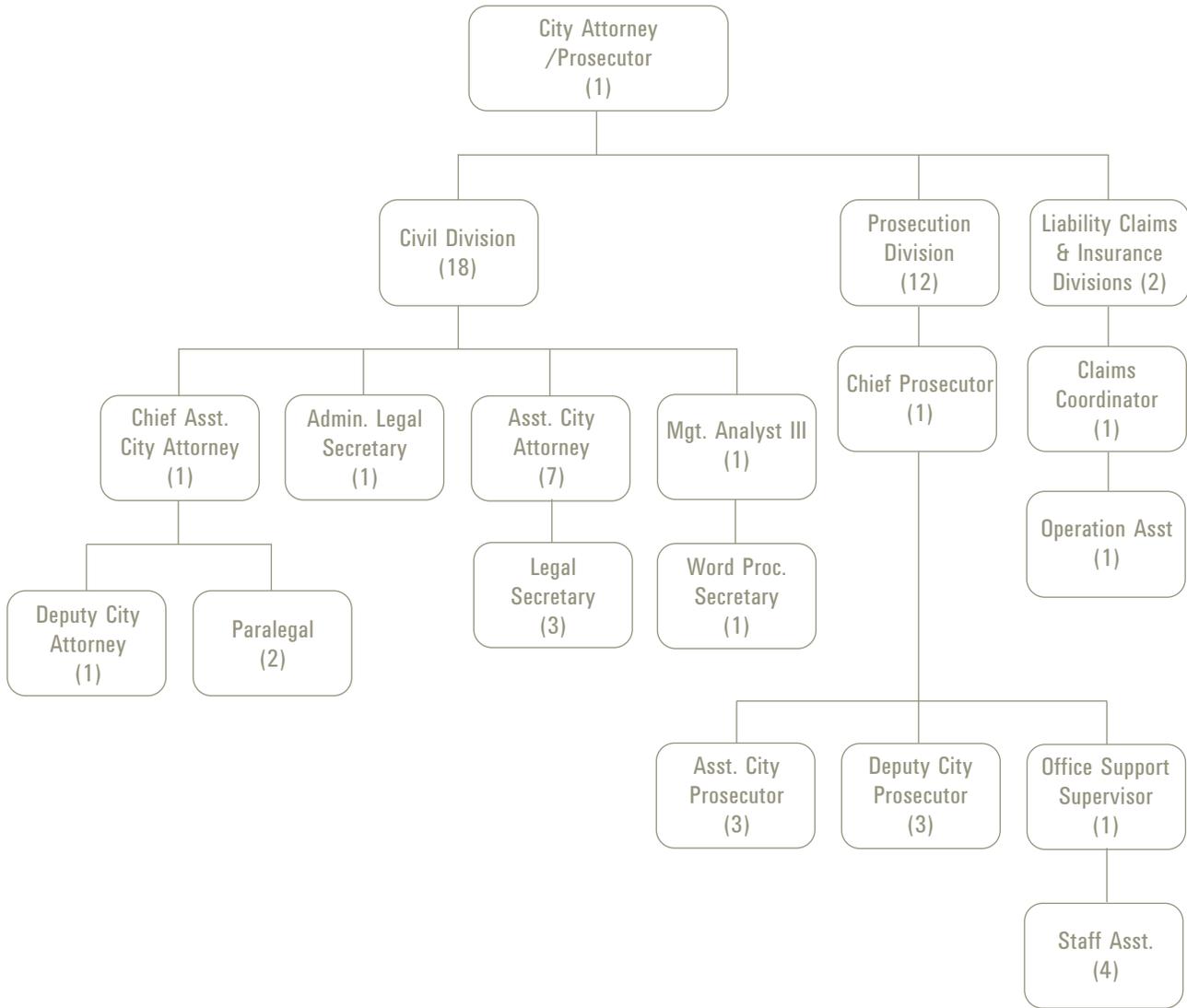
CITY OF
PASADENA

Macy's Courtyard

ADOPTED OPERATING BUDGET FISCAL YEAR 2011



CITY OF PASADENA
CITY ATTORNEY/CITY PROSECUTOR



PASADENA

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CITY ATTORNEY/CITY PROSECUTOR

DEPARTMENT SUMMARY
CITY ATTORNEY/CITY PROSECUTOR

Mission Statement

The mission of the City Attorney/City Prosecutor's Department is to represent the City of Pasadena with the utmost professionalism and to provide the highest quality legal services. The Department works to arrive at creative solutions, which effectively address issues affecting residents and businesses in the City and assure that the public interest is well served in the areas of civil representation and criminal prosecution.

Program Description

Provide legal support to the City Council, City departments, operating companies, commissions and advisory bodies. Represent and advise the City, its officers and employees in all civil matters. Prosecute misdemeanor offenses and infractions that arise out of violation of State or City laws. Coordinate with City departments, other governmental agencies and community organizations on programs and activities that inform the public, enhance crime prevention and neighborhood improvement. Manage the City's risks with respect to liability and insurance to assure appropriate risk management techniques and adequate insurance coverage.

Departmental Relationship to City Council Goals

See description in Division discussion.

Major Accomplishments

The City's lawyers successfully handled large caseloads in both civil and criminal courts. Worked effectively with and advised other City departments, handled a wide range of complex business and transactional matters, and have extensive citywide training in law related matters. Lawyers worked cooperatively with other City staff and outside agencies, such as the County probate office, to completely abate a public health situation at a residence where debris had accumulated and a deceased body had begun to decompose, avoiding a serious public health problem. Prosecutors also worked with other agencies to close and secure vacant properties that had become nests of narcotic and gang activity or inviting places for unauthorized encampments. In criminal matters prosecutors also responded to the inadequacy of jail space by creatively imposing rehabilitative programs or community service for non-violent criminals. The department has handled a very heavy and challenging workload, which has increased for in-house lawyers. Among the many cases managed this year, the City Attorney's Office was successful in collecting more than \$215,000 in one case. Further, in some cases which each had more than a \$1 million reserve, we prevailed in getting the cases dismissed, resulting in savings both in potential liability and litigation costs. The Department reduced outside lawyer support, resulting in an increased workload for in-house lawyers. The City's liabilities claims were well managed, remaining within the reserved amounts. Training and follow-up has reduced the City's exposure to liability in various areas reserved amounts and steps taken to reduce City liability in various areas.

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Summary of Appropriations and Revenues	FY 2008 Actual	FY 2009 Actual	FY 2010 Adopted	FY 2010 Revised	FY 2011 Adopted
FTEs	35,000	35,000	33,000	33,000	32,000
Appropriations	6,544,117	6,891,390	6,566,280	6,566,281	6,423,372
Sources By Fund:					
General Fund	5,954,101	6,283,033	5,949,071	5,944,108	5,502,948
PCOC Fund	0	0	0	0	6,357
Light and Power Fund	97,756	103,187	105,235	105,235	336,919
Services to PCDC	150,408	155,673	161,900	161,900	158,787
Water Fund	52,643	54,486	56,666	56,667	120,148
Services to RBOC	60,729	62,845	65,359	65,359	65,384
Liability Insurance	227,830	232,166	228,049	233,012	233,189
Total Sources	6,544,117	6,891,390	6,566,280	6,566,281	6,423,372

Performance Measures	FY 2009 Actual	FY 2010 Target	FY 2010 Mid-Year	FY 2011 Target
CIVIL DIVISION				
Council Goal: Maintain fiscal responsibility and stability.				
Objective A. Ensure high quality legal representation and work to limit City liability				
1. Meet or exceed all statutory and other legal deadlines	100%	100%	100%	100%
2. Respond within the agreed upon time to requests from City Council, departments, boards and commissions	99%	100%	100%	100%
3. Provide training or educational sessions to City officials, etc. six times per year	24	6	100%	100%
4. Provide in-house training seminars for the City's lawyers six times per year	3	6	100%	100%

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Performance Measures	FY 2009 Actual	FY 2010 Target	FY 2010 Mid-Year	FY 2011 Target
PROSECUTOR DIVISION				
Council Goal: Ensure Public Safety				
Objective A. Improve street safety by providing quick case resolution to motorist cited for invalid licenses				
1. Percentage of Unlicensed Driving cases resolved at first meeting	*	80	NA	NA
2. Percentage of convictions for Unlicensed Driving	*	85	NA	NA
Note: *This is a new measure for FY2011				
Objective B. Improve neighborhood safety by promptly assessing nuisance				
1. Number of matters referred to CRASH team per quarter	*	**	NA	NA
2. Percentage of referred matters inspected within 30 days	*	90	NA	NA
3. Number of matters resolved within the quarter	*	**	NA	NA
Note: *This is a new measure for FY2011 **Although we can't anticipate the number of CRASH referrals for the quarter there were 20 referrals in calendar year 2009.				

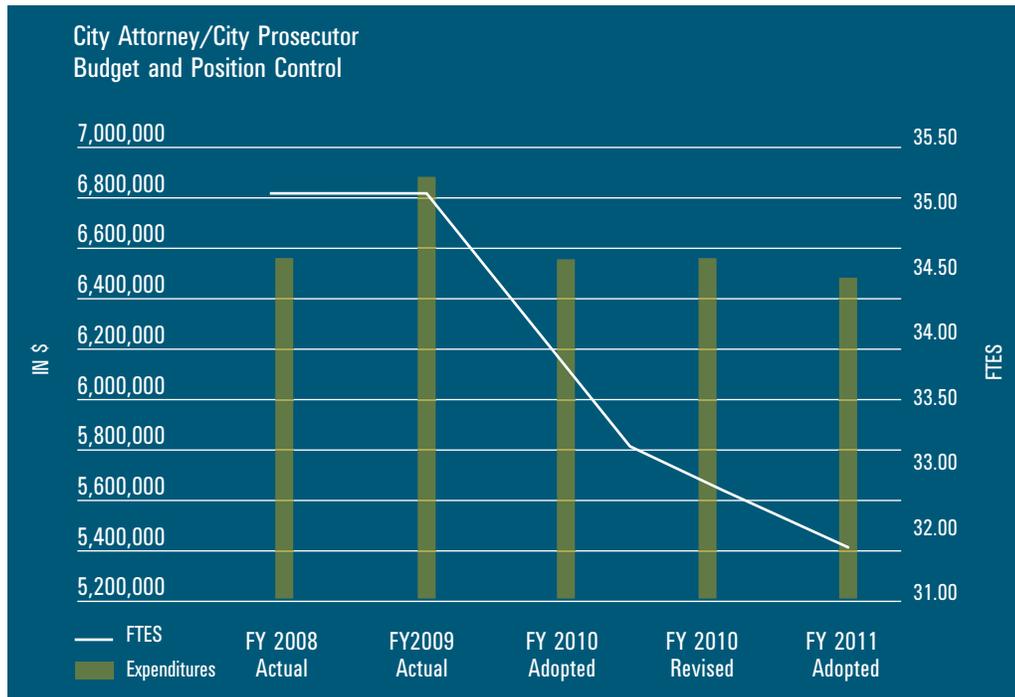
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Changes From Prior Year

- **Cost Changes:** The net decrease of \$108,144 is the result of proposed departmental cost controls offset by the removal of the vacancy savings included in the fiscal year 2010 budget.
- **FTE Changes:** The Department eliminated one FTE, Legal Secretary

Future Outlook

The Department will be very aggressive in providing appropriate representation, both civilly and criminally, to achieve desired results in the best interests of City departments, residents and businesses.



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DIVISION SUMMARY
CITY ATTORNEY – CIVIL DIVISION

Mission Statement

To provide the City, including the City Council and City departments, with excellent legal representation in all transactional and civil litigation, and other proceedings in a cost-effective manner. The Division strives to arrive at creative solutions to appropriately address issues affecting residents and businesses in the City.

Program Description

The Civil Division provides legal support to the City Council, to all City departments, to Operating companies, commissions and boards. The Civil Division prepares all legal documents, contracts, opinions, ordinances, resolutions; conducts legal research and represents the City in court in civil litigation matters.

Departmental Relationship to City Council Goals

• **Maintain Fiscal Responsibility and Stability**

The City Attorney’s Office provides necessary legal advice to assist departments, proactively, in achieving goals established by the City Council. This involves helping ensure compliance with applicable laws and policies, as well as risk assessment for the department in choosing the course of action. Absent the need for a recognized area of legal specialization, this function is generally handled by staff members of the City Attorney’s Office to reduce the cost impact. With respect to litigation, staff members of the City Attorney’s Office handle matters from claims through appeals, except where there is a compelling reason for outside counsel to handle a matter, such as extraordinary staffing needs or a specialized litigation subject matter.

Major Accomplishments

The Civil Division of the City Attorney’s Office provided the legal framework and ongoing advice related to procurements and

transactional matters, including among others, contracts for major events at the Rose Bowl, resulting in the Rose Bowl receiving all of the money for which it bargained without dispute or litigation. Instances such as this, when coupled with effective management by City staff, have resulted in limited to no litigation arising from the City of Pasadena’s general business and contract matters. The City Attorney’s Office has maintained control of outside legal expenditures handling and managing an average of approximately 100 pending lawsuits at any time, by using outside legal counsel more efficiently. The Department has been very successful with in-house lawyers representing the City in a large number of lawsuits. Cases have been dismissed by the court at the summary judgment stage when, in some instances, the damages sought exceeded \$750,000. Further, the City prevailed in a high profile wrongful death case and in unrelated wrongful termination case, each of which could have had more than \$1 million in damages if the City had been found liable. The number of Public Records Act requests processed by the Department has increased dramatically over prior years. The Department provided extensive training to City staff and City boards and commissions to assist in reducing City liability in a number of areas, especially related to police, public works, public property, laws related to the conduct of public hearings, and planning and development, among others. The Department has been very involved in major land use projects, such as the Annandale Canyon acquisition, major environmental impact reports and leases of real property. Critical code enforcement actions were initiated to address problems properties with serious “pack rat” conditions. Major ordinances were drafted by the Department such as the special events ordinance which provides additional tools for law enforcement to enhance security. The Office has been very involved in major land use projects and critical code enforcement actions, and has drafted major ordinances adopted by the City Council. The Office continued to advise other City agencies, such as the Rose Bowl Operating Company and the Pasadena Center Operating Company, on major issues affecting those entities.

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Summary of Appropriations and Revenues	FY 2008 Actual	FY 2009 Actual	FY 2010 Adopted	FY 2010 Revised	FY 2011 Adopted
FTEs	19.0	19.0	19.0	19.0	19.0
Appropriations	4,381,724	4,666,647	4,420,469	4,420,469	4,443,849
Sources By Fund:					
General Fund	3,786,999	4,290,456	4,031,309	4,031,309	3,756,254
PCOC Fund	0	0	0	0	6,357
Light and Power Fund	97,756	103,187	105,235	105,235	336,919
Services to PCDC	150,408	155,673	161,900	161,900	158,787
Water Fund	52,643	54,486	56,666	56,666	120,148
Services to RBOC	60,729	62,845	65,359	65,359	65,384
Total Sources	4,381,724	4,666,647	4,420,469	4,420,469	4,443,84

Changes From Prior Year

- **Cost Changes:** The net increase of \$23,380 is attributed to a decrease of \$80,580 in meeting the cost reduction target offset by an increase in personnel cost that is the result of the removal of the vacancy savings included in the fiscal year 2010 budget.
- **FTE Changes:** There are no FTE changes for this fiscal year.

Future Outlook

The City Attorney’s Office – Civil Division will continue to provide the City of Pasadena with excellent legal representation in the most cost effective manner. To the extent resources allow, lawyers will continue to provide training to those within the City to inform them of applicable laws and, to encourage compliance with those laws. It is anticipated that the number and value of lawsuits will increase and, although more cases will be handled by in-house lawyers, it is anticipated that outside legal expenditures will rise. However, outside legal expenditures and services will continue to be closely monitored and evaluated in an effort to control costs and ensure continued provision of the highest quality legal services. The organizational structure of the office will be analyzed and modified as appropriate to ensure maximum effectiveness in operations. The City Attorney’s Office will enhance involvement in community activities.

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DIVISION SUMMARY

CITY ATTORNEY - PROSECUTION DIVISION

Mission Statement

The office of the City Prosecutor strives to do justice, protect the citizenry, promote defendant accountability, ensure proper restitution for injury to victims and ethically and zealously represent the interest of the People of the State of California and the City of Pasadena.

Program Description

The office enforces statutory and ordinance proscriptions within its jurisdiction. Referrals for criminal prosecution come from thirteen agencies including the Pasadena Police, Code Enforcement and the California Highway Patrol. The Community Prosecution program addresses problem properties within the City and seeks abatement of substandard conditions and public nuisance activity. The Truancy program works with the Pasadena Unified School District and local school administrators to reduce the occurrences of tardiness and absences in our public schools.

Departmental Relationship to City Council Goals:

• Ensure Public Safety

The City Prosecutor and staff work diligently to efficiently prosecute matters for the Superior Court. In the calendar year 2009 staff received and reviewed 6,360 matters referred from thirteen agencies including the Pasadena Police, Code Enforcement and the California Highway Patrol. Eighty-Five percent of matters were filed and more than two-thirds of the matters ended in conviction or completion of a rehabilitation program.

• Support and Promote Quality of Life and Local Economy

The C.R.A.S.H (City Resources Against Substandard Housing) team received thirty-nine new referrals on properties throughout the City. Seventy percent were abated with seven of those remaining on a "watch" list. The team is making progress toward abatement on the twelve remaining properties.

Major Accomplishments

- Four convictions for vehicular manslaughter; two after hard-fought jury trials.
- A total of \$34,391 in restitution paid by defendants to their victims with more ordered and payable.
- A total of 404 students attending truancy information meetings and 53 students presented to the Student Attendance Review Board for chronic truancy during the 2008-2009 school year and first half this current school year.
- Complete renovation of a long-term nuisance property in the San Rafael hills. This absentee-owned dilapidated home with extensive roof and structural damage was an eyesore and haven for squatters who removed fixtures and created a hazardous water leak. With persistence from the C.R.A.S.H. team the home has been reconstructed into a tudor-style executive property, professionally managed and soon to be leased; a new manor in a grateful neighborhood.
- Conducted meetings with parents, students and administrators in PUSD schools and participated in Student Attendance Review Board (SARB) meetings to enhance student attendance and abate truancy.

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Summary of Appropriations and Revenues	FY 2008 Actual	FY 2009 Actual	FY 2010 Adopted	FY 2010 Revised	FY 2011 Adopted
FTEs	14.000	14.000	12.000	12.000	12.000
Appropriations	1,937,811	1,955,660	1,917,763	1,917,763	1,859,442
Source					
General Fund	1,934,688	1,991,655	1,907,240	1,915,763	1,857,442
Charges for Services	3,123	4,005	10,523	2,000	2,000
Total	1,937,811	1,995,660	1,917,763	1,917,763	1,859,442

Changes From Prior Year

- Cost Changes: The decrease in personnel from the fiscal year 2010 revised budget of \$58,321 is based on actual salaries offset by the removal of the vacancy savings.
- FTE Changes: There are no FTE changes for this fiscal year.

Future Outlook

Fiscal Year 2011 will bring new challenges as the Los Angeles County Superior Court addresses its budgetary condition and as the expected early release of prisoners will undoubtedly place more demands on public safety and prosecution of misdemeanants. We anticipate that the software implemented by the Police Department will go live and link neatly with information on the Prosecutor's system. The Safe Neighborhoods Pasadena Program will continue to work with city staff and agencies to bring substandard properties up to code and decrease nuisance activity throughout the city.

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DIVISION SUMMARY

LIABILITY CLAIMS AND INSURANCE

Mission Statement

To manage liability claims for damages filed against the City, manage the City’s insurance portfolio and to advise on the management and limitation or risks.

Program Description

This program is responsible for: 1) identification and measurement of risks of accidental loss, and, 2) recommendation of appropriate Risk Management Techniques to mitigate, avoid, transfer or accept risk of damage caused by accidents.

This Division coordinates the transfer of risk to others by:

- 1) the purchase of property insurance on corporate assets,
- 2) purchase of policies of insurance for specific, separately funded enterprise liabilities, 3) purchase of crime insurance, and 4) coordinating risk management/insurance requirements for persons dealing with the City, such as vendors, permittees, licensees, and contractors. This Division coordinates risk retention by administering the City's self-insured liability claims program, including pre-litigation claims processing.

Major Accomplishments

The Liability Claims and Insurance Division processes an average of 266 claims per year (based on last 5 year average) and makes about 10 small claims court appearances per year.

On a weekly basis, an average of 75 to 100 documents are processed per week related to City insurance requirements (permits, purchase orders or contracts). The Division continued to maintain a database of claims settlements, expense payments, and outstanding reserves on claims by third parties against the City, the investigation of claims and incidents in the pre-litigation stage. Crucial assistance was provided to the City Attorney in preparation of the City's defense on litigated cases. Marketing of the City's insurance programs through municipal purchasing groups was effectively handled to obtain premium savings.

The Division coordinated liability investigation and evaluation with City Departments and successfully represented the City in small claim actions successfully represented the City in small claim actions.

Summary of Appropriations and Revenues	FY 2008 Actual	FY 2009 Actual	FY 2010 Adopted	FY 2010 Revised	FY 2011 Adopted
FTEs	2.00	2.00	2.00	2.00	2.00
Appropriations	227,830	232,166	233,012	233,012	233,189
General Liability Payments (Memo)*	0	0	3,000,000	3,000,000	3,000,000
Sources by Fund					
General Liability Fund	227,830	232,166	233,012	233,012	233,189
General Liability (Memo)*	0	0	3,000,000	3,000,000	3,000,000
Total Sources	227,830	232,166	233,012	233,012	233,189

* For information only, the amount is not included in the total.

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Changes From Prior Year

- Cost Changes: The personnel category reflects the removal of the vacancy savings.
- FTE Changes: There are no FTE changes this fiscal year.

Future Outlook

The insurance market conditions are currently unpredictable. Although stable for most insurance premium rates, the market is changing to a “harder” market with limited capacity and higher premiums. The City obtained liability insurance for \$20 million, in excess of a \$5 million self insurance retention on an occurrence basis, effective October 29, 2008, through an insurance marketing group that appears to be stable for the coming year. Property insurance, including Boiler and Machinery insurance, is purchased through an insurance marketing group. These renewal premiums may remain stable or drop if the group stays with the current

insurer, but premiums will increase and capacity will decrease if the group seeks a different market. The City has added significant property values to its property insurance schedule with the completion of the new Exhibition Hall at the Convention Center and an increase in appraised value of the Public Health buildings and Del Mar Parking Structure; as such premiums will increase based upon increased property value. The division will continue to assist in the enforcement of insurance requirements to transfer or avoid risk. The division will continue to process liability claims, keep data on claims and payments, and share data with departments to identify trends that may help reduce accidents. Claims will continue to be paid when liability for claimed damages is clearly adverse, and claims will continue to be resisted where liability for claimed damages does not clearly exist.