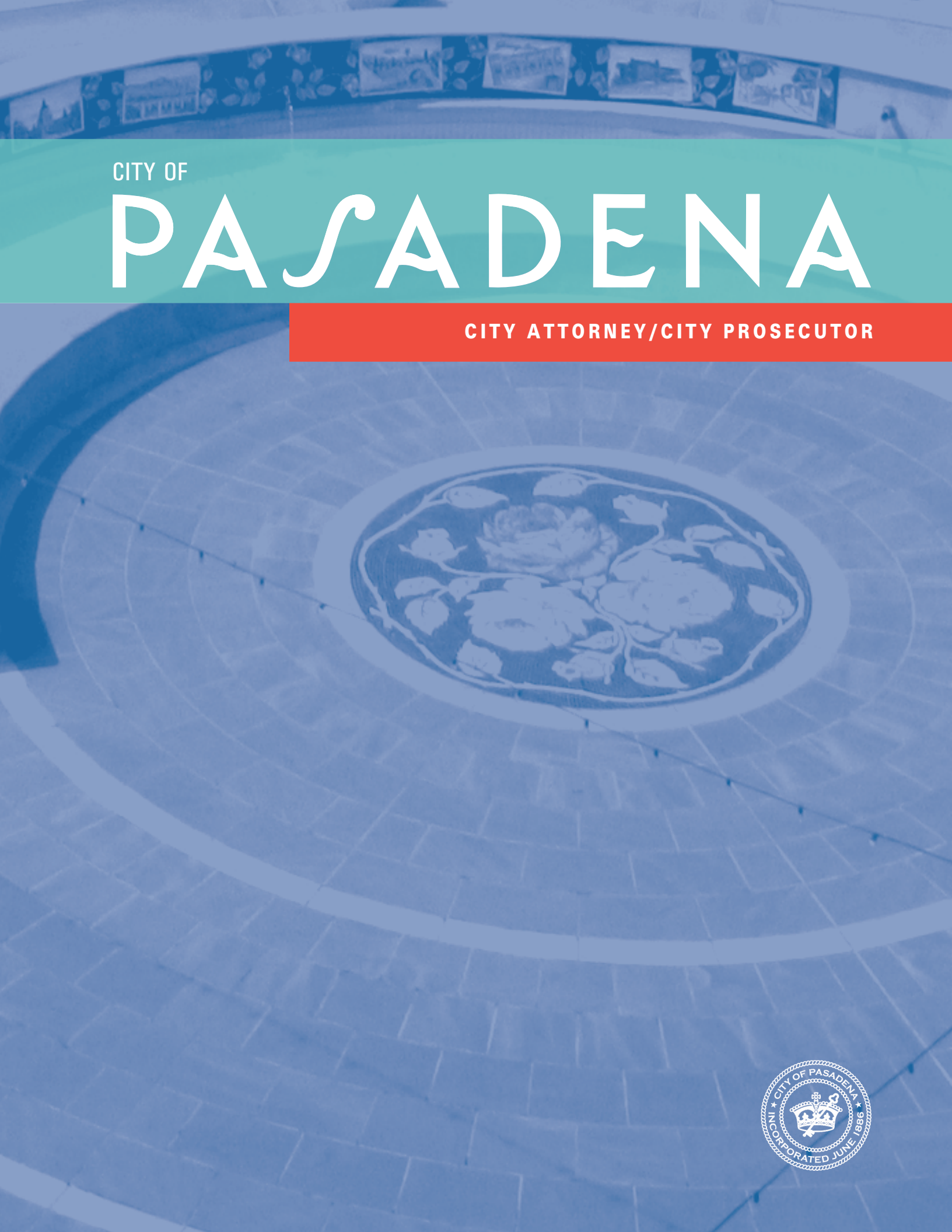
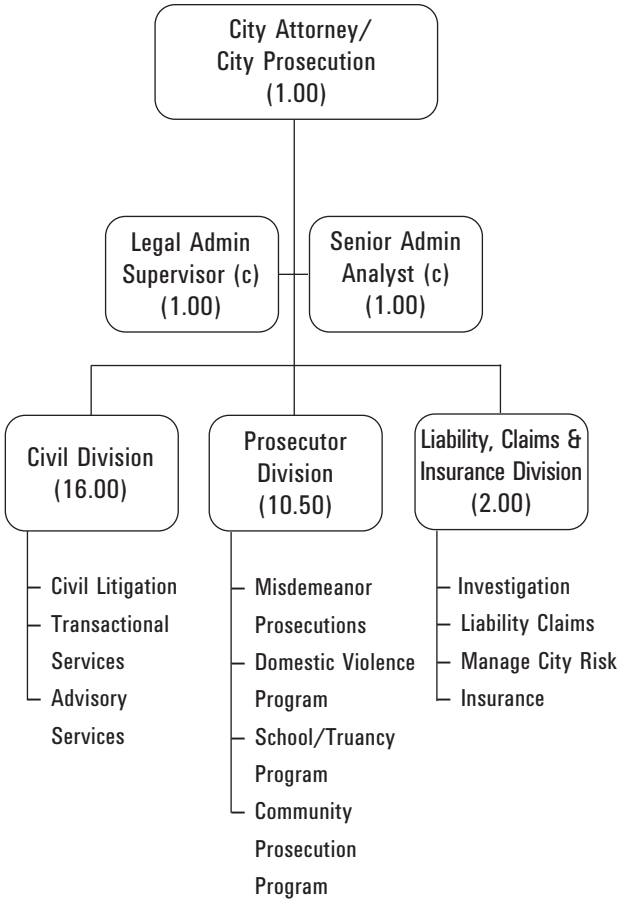


CITY OF

PASADENA

CITY ATTORNEY/CITY PROSECUTOR

CITY OF PASADENA
CITY ATTORNEY/CITY PROSECUTION



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, businesses and visitors 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. In accordance with the Charter, prosecute misdemeanor offenses and infractions that arise from violations of State or City laws. Train law enforcement and City departments on recent changes in the law and the preparation of matters for prosecution. Abate substandard living conditions and significant code violations within the City and work with neighborhood stakeholders to reduce the potential for nuisance activity in all areas of the City. Recommend risk management techniques to mitigate, avoid, transfer or accept risk of property damage and/or bodily injury. Process liability claims and administer the City's pre-litigation claims program. Review and purchase insurance for the City and review insurance provided by City vendors to ensure adequate protection for the City.

The Department performs the following services:

- Advises the City Council, City Manager, City departments, advisory bodies, and operating companies on all legal matters;
- Prepares ordinances, resolutions and legal documents;
- Negotiates and drafts contracts;
- Handles civil litigation in which the City is involved, at both trial and appellate levels of state and federal courts;
- Monitors transactional, advisory, and litigation matters handled by outside lawyers;
- Provides training to staff, City employees, elected and appointed officials and operating companies;
- Annually reviews approximately 5,000 referred crime reports involving misdemeanor arrests or citations;
- Files approximately 90.0 percent of crime report reviews and handles these cases from arraignment through pretrial hearings, trials, and appeals to affect the best result for the City and to promote justice in each case;
- Trains Pasadena Police Department officers and other City departments by providing important legal updates and by training on best practices in report writing, testifying in criminal courts, and investigating criminal matters;
- Member of the City's interdepartmental team to combat significant code violations and nuisance activity within the City;
- Participates in efforts to reduce truancy in the Pasadena public schools ;
- Handles liability claims from intake through resolution by investigating allegations and either negotiating settlement or rejecting claim;
- Works with City departments to mitigate risk and potential liability;
- Monitors claim trends to identify where the highest potential for liability exists and determines how best to avoid or transfer the risk;
- Reviews current insurance in relation to potential risks to determine and recommend adequacy of insurance coverage and limits;
- Works with insurance brokers to renew and purchase insurance providing adequate means to transfer risk;
- Reviews indemnity and insurance language within contracts and agreements to ensure proper protection for the City; and
- Reviews and approves insurance submitted by vendors, permittees, licensees, and contractors.

DEPARTMENTAL RELATIONSHIP TO CITY COUNCIL GOALS

Ensure Public Safety

The Prosecution Division works with the Pasadena Police Department and 19 other law enforcement agencies to build a safer City by filing criminal complaints, representing the People at misdemeanor hearings in the Superior Courts, advocating for victims and vigorously prosecuting all matters from first appearance through trial and appeal where applicable. Civil Division lawyers work with the Police Department by providing legal advice, training, negotiating and drafting agreements with local law enforcement agencies for sharing of resources, and defending police officers in civil rights litigation brought to state and federal courts. The Department works with, and trains, staff in the Fire, Public Works, and other City departments to encourage public safety (including safe streets and sidewalks).

Support and Promote the Quality of Life and the Local Economy

The Community Prosecution Unit addresses significant nuisance and substandard properties by working with other City staff in identifying and abating these problems and keeping local neighborhoods vibrant and safe. Civil Division lawyers support code enforcement efforts to reduce blight through civil actions and by providing advice to City departments and advisory bodies. Lawyers prepare, review and give advice regarding documents such as proposals, contracts and planning documents related to projects that enhance the local economy.

Maintain Fiscal Responsibility and Stability

The Department works to ensure high quality legal representation for all City officers, departments and agencies, manage law firms and legal expenses, and remain within budget. Benefits of a strong in-house legal department include (1) a budget savings over the cost of paying outside counsel; (2) regular contact and familiarity with City staff means matters are handled more efficiently and through a comfortable working relationship between staff and attorneys.

FISCAL YEAR 2017 ACCOMPLISHMENTS

The Civil Division of the Department accomplished the following during Fiscal Year 2017:

In the Civil Division, approximately 100 lawsuits were handled at any given time by the City's lawyers, and the vast majority of the cases were handled in-house. The Division has had major successes, obtaining dismissals and favorable results in the trial and appellate courts, saving the City substantial sums. Additionally, the Civil Division successfully handled small claims cases filed against the City. Civil Division staff has also worked effectively with City departments, boards, commissions and operating companies, handling a wide range of complex business and transactional matters, providing advice on a daily basis to minimize the City's exposure to civil liability. The Department has provided City-wide training and worked with individual departments on legal issues including, labor and personnel matters, ethics and conflicts, contracts, open meeting laws, land use and environmental laws, minimum wage laws, constitutional issues, and more.

The Prosecution Division of the Department accomplished the following during Fiscal Year 2017:

- Reviewed approximately 5,000 matters for filing consideration, ultimately prosecuting approximately 90.0 percent in Superior Court;
- Addressed more than 40 nuisance properties within the City;
- Attended more than 30 meetings regarding nuisance property issues and community quality of life issues;
- Continued to receive Proposition 47 cases for handling by the Prosecution Division;
- Participated in Pasadena Unified School District student attendance review board hearings;
- Designed and distributed the Pasadena Domestic Violence Resource Guide, which contains domestic violence hotline information and other critical resources and tips; and
- Continued to conduct elder abuse and fraud workshops for senior citizens jointly with other City departments.

The Liability, Claims and Insurance Division of the Department accomplished the following during Fiscal Year 2017:

- Received 218 new pre-litigation claims;
- Investigated, resolved and closed 352 pre-litigation claims, including new claims and claims pending from prior years;
- Increased City's Excess General Liability insurance to $25,000,000;
- Revised City's insurance requirements from vendors to require higher rating of insurer's financial stability and increased insurance amounts as appropriate, which will ensure better protection of THE City in the event of a claim/litigation;
- Successfully recovered monies spent for repairs done to City property due to damages caused by the actions of third parties while working in cooperation with various City Departments;
- Purchased separate insurance policies, providing more protection for the City for programs/events/camps sponsored by the Human Services & Recreation and Library Departments.

FISCAL YEAR 2018 ADOPTED BUDGET

The FY 2018 Adopted Budget of $7,245,172 is an increase of $108,484 or 1.5 percent from the FY 2017 Revised Budget.

Personnel

A total of 31.50 FTEs are included in the FY 2018 Adopted Budget. One Assistant City Prosecutor position (1.00 FTE) from the Prosecutor Division was eliminated for FY 2018. In addition to the FTEs, each summer, the Department hosts approximately three law student summer interns. The interns are not paid but gain a wealth of experience and provide relevant assistance as they work on issues in both the Civil and Prosecution Divisions, conducting legal research and drafting memoranda, motions, and briefs, and they attend various meetings, hearings, and trials.

YEAR-OVER-YEAR BUDGET CHANGES

Depending on the types and numbers of lawsuits filed, more work will be done by in-house lawyers, to the extent staffing allows. The Department will continue to reduce the purchasing of supplies and reference materials where feasible.

FUTURE OUTLOOK

Civil cases will continue to be handled in a cost effective manner although continued budget-related changes to the Los Angeles Superior Court have increased the cost of litigation, such as the "master calendar" system where all personal injury cases have been assigned to a courtroom in Downtown Los Angeles. This has caused an increase in travel time for attorneys and witnesses (many of them City staff) for matters that arose in Pasadena. It is likely that the number and value of lawsuits will increase, and we will continue to handle as many matters in-house as possible. Additionally, the Civil Division will continue to focus on transactional and business matters in order to effectively serve as in-house counsel to the City and its operating companies in conducting the complex business of government in a proactive, transparent and responsible fashion. As resources allow, training will continue to be provided City-wide to continue to limit liability and to protect the public interest.

The Prosecution Division will continue to aggressively address criminal violations which occur in the City, offer training to local law enforcement and work closely with local and state agencies. The Community Prosecutor will continue to work collaboratively to abate nuisances and prosecute code violations associated with the City's most difficult problem properties. It is expected that, where appropriate, the Community Prosecutor will continue to address challenging and complex problems that require prosecutors to seek creative solutions for the benefit of the community.

The passage of Proposition 47 and other State initiatives will continue to cause a workload increase as the Division will be charged with reviewing, filing, and prosecuting additional crimes enumerated in the law which were formerly felonies. In addition, the State's realignment of state prisoners will continue to cause a

reduction in the amount of jail cells available for misdemeanants, while the referrals for crimes against persons and other serious misdemeanors continue to be referred for filing.

The Liability, Claims and Insurance Division will continue to review and enforce insurance requirements, refine processes and procedures City-wide, and resolve pre-litigation liability claims. Data on claims and payments will be tracked and shared with other City departments in order to identify trends with an eye toward reducing risk. The Liability, Claims and Insurance Division will continue to work with our insurance brokers to provide appropriate coverage to the City through master umbrella and excess policies, above the self-insured retention, as well as special event policies. To this end, we have obtained an analysis from an independent insurance consultant, which will be used to evaluate the City-wide insurance program during the upcoming renewal.

SUMMARY OF APPROPRIATIONS BY EXPENSE CATEGORY

(In Thousands)

Expenditure Category	FY 2016 Actuals	FY 2017 Adopted	FY 2017 Revised	FY 2018 Adopted
Personnel	$4,638	$5,248	$5,248	$5,349
Services & Supplies	1,774	1,370	1,370	1,389
Internal Service Charges	514	519	519	507
Operating Transfers Out	62	0	0	0
City Attorney Total	**$6,988**	**$7,137**	**$7,137**	**$7,245**

SUMMARY OF APPROPRIATIONS BY DIVISION

(In Thousands)

Division	FY 2016 Actuals	FY 2017 Adopted	FY 2017 Revised	FY 2018 Adopted
City Attorney-Administration	$3,684	$3,996	$3,996	$4,079
City Prosecutor	1,722	1,957	1,957	1,973
Liability & Claims	306	434	434	443
Outside Legal Services	1,276	750	750	750
City Attorney Total	**$6,988**	**$7,137**	**$7,137**	**$7,245**

SUMMARY OF APPROPRIATIONS BY FUND

(In Thousands)

Fund	FY 2016 Actuals	FY 2017 Adopted	FY 2017 Revised	FY 2018 Adopted
101 - General Fund	$6,682	$6,703	$6,703	$6,802
507 - General Liability Fund	306	434	434	443
City Attorney Total	**$6,988**	**$7,137**	**$7,137**	**$7,245**

SUMMARY OF FTEs BY DIVISION

Division	FY 2016 Actuals	FY 2017 Adopted	FY 2017 Revised	FY 2018 Adopted
City Attorney-Administration	18.00	19.00	19.00	19.00
City Prosecutor	11.50	11.50	11.50	10.50
Liability & Claims	2.00	2.00	2.00	2.00
City Attorney Total	**31.50**	**32.50**	**32.50**	**31.50**

PERFORMANCE MEASURES

		FY 2016 Actual	FY 2017 Target	FY 2017 Mid-Yr Actual	FY 2018 Target
Council Goal:	**To Ensure Public Safety.**				
Objective:	To enhance public safety by assuring a strong overall conviction rate on filed cases.				
	1 Percentage of Convictions on all Filed Cases, Conviction Rate	90%	88%	89%	88%
Objective:	To improve personal safety of families and individuals by prosecuting crimes of Domestic Violence (DV) and Domestic Violence-Related Offenses				
	1 Percentage of Convictions on Filed DV Cases	88%	80%	88%	80%
Objective:	To improve traffic safety in the community by prosecution of Driving Under the Influence cases (DUI).				
	1 Percentage of Convictions on Filed DUI Cases	93%	90%	93%	90%