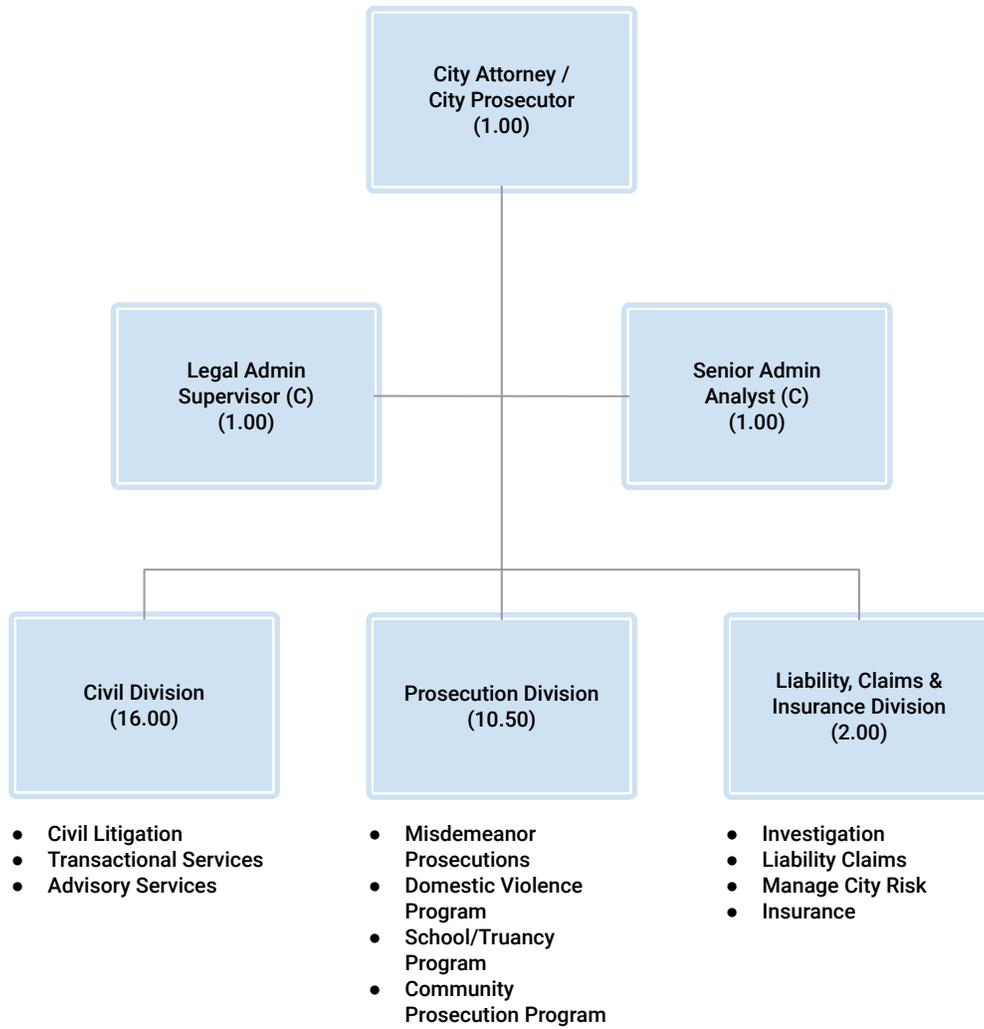


CITY ATTORNEY/CITY PROSECUTOR





## 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, 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, work with the Pasadena Unified School District to address truancy concerns and student attendance. 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 on important legal issues and recent developments in the law;
- Annually reviews more than 5,000 referred crime reports involving misdemeanor arrests or citations;
- Files approximately 93 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 negotiate settle or reject 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 23 other law enforcement agencies, along with other City departments, to build a safer city by filing criminal complaints, representing the People in misdemeanor cases in the Superior Courts, abating substandard housing, addressing problem properties and locations throughout the City, enforcing City codes and ordinances, 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 in state and federal courts. The Department works with, and trains, staff in the Police, 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 and locations by working with other City staff in identifying and abating these problems and keeping local neighborhoods vibrant and safe. Prosecutors conduct numerous meetings with community leaders and groups, along with City officials and staff, to implement initiatives designed to safeguard the community. 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 ordinances, proposals, contracts, and planning documents related to projects and activities that enhance the quality of life and local economy.

### Maintain Fiscal Responsibility and Stability

The Department works to ensure high quality legal representation for all City officers, departments and agencies through in-house lawyers and/or outside law firms, manage legal expenses, and remain within budget. The Department has saved the City substantial sums by providing legal advice that has language in contracts that protects the City and by avoiding large adverse judgments in litigation. Benefits of a strong in-house legal department include (1) a budget savings over the cost of paying more for outside counsel; (2) regular contact and familiarity with City staff means matters are handled more efficiently and through a collaborative working relationship between staff and attorneys.

**FISCAL YEAR 2020 ACCOMPLISHMENTS****Civil Division accomplishments include the following for FY 2020:**

In the Civil Division, over 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. Of note, Civil Division lawyers successfully obtained a court order striking a proposed ballot measure that would have legalized illegally operating cannabis businesses, and provided legal advice through the City Council's approval of several cannabis conditional use permits. Civil Division lawyers also drafted a series of emergency declarations and other transactional documents to allow the City to timely respond to the COVID-19 pandemic and protect health, safety, and welfare. The Department has provided citywide training and worked with individual departments on legal issues including labor and personnel matters, ethics and conflicts, including citywide AB 1234 Ethics Training, contracts, open meeting laws, land use and environmental laws, public contracting laws, constitutional issues, and more.

**Prosecution Division accomplishments include the following for FY 2020:**

- Reviewed almost 5,100 matters for filing consideration, ultimately prosecuting approximately 96 percent of those matters in Superior Court;
- Addressed more than 90 nuisance properties within the City;
- Attended more than 50 meetings regarding nuisance properties, public safety and community quality of life issues;
- Experienced an increase in Proposition 47 cases being handled by the Prosecution Division;
- Participated in Pasadena Unified School District student attendance review board hearings;
- Continued aggressive prosecution of Domestic Violence and Elder Abuse cases and continued to address concerns of victims of these crimes by providing hotline information and developing brochures that contain critical resources and tips;
- Continued to conduct elder abuse and fraud workshops for senior citizens jointly with other City departments;
- Continued the coordination and handling of Mental Health Court misdemeanor cases in the Los Angeles Metropolitan Courthouse for cases originating in Pasadena;
- Saw a continued expansion of cases in the Mental Health Court in the Hollywood Courthouse for cases originating in Pasadena and oversaw the move of the Mental Health Court to the Hollywood Courthouse from the Los Angeles Metropolitan Courthouse;
- The PACE Program collected more than \$70,000 in outstanding fines and fees for violations of various City and State Codes;
- Started the City's Homeless Committee with the Police Department and other City departments and outside agencies to coordinate and implement the City's response to the homeless crisis;
- Continued the Marijuana Suppression Detail and closed 26 illegally operating dispensaries and filed 26 criminal cases against 89 individuals. This effort seized more than 600 pounds of marijuana, approximately \$70,000 in

cash and collected nearly \$75,000 in fines and fees for the City;

- Oversaw the expansion of the CRASH Program to address wider City concerns than just substandard housing and added a quick reaction component to the Program to address concerns that need immediate attention; and
- Helped to coordinate the City's response to the COVID-19 crisis by addressing concerns and coordinating action related to among other areas, the operation of essential businesses, the closure of non-essential businesses, and the oversight of Skilled Nursing Facilities and Assisted Living Facilities as well as helping to coordinate the continued operation of Courthouses within Los Angeles County.

**Liability, Claims and Insurance Division accomplishments include the following for FY 2020:**

- Received 213 new pre-litigation claims;
- Investigated, resolved and closed 240 pre-litigation claims, including new claims and claims pending from prior years;
- Coordinated with the City's insurance broker to provide an Insurance 101 training citywide;
- Exercised appraisal services, available to City through its insurance broker, on select City properties for adequate insurance coverage;
- Released a Request for Proposals and awarded a Council-approved multi-year contract with Alliant Insurance Services, Inc. for insurance broker and risk consulting services;
- Worked with Alliant on assessing the City's current insurance program, identifying areas where it might be best to explore other options;
- Worked with Department of Information Technology on releasing an interdepartmental Request for Proposals for a Risk Management Information System;
- Coordinated with various City departments and the City's insurance brokers to gather data, compile information, and procure over 13 lines of insurance coverage for the next fiscal year;
- Revised City's insurance requirements from vendors to require broader coverage, additional lines of insurance, and higher limits, as appropriate, which will ensure better protection of the City in the event of a claim/litigation;
- Tendered claims to City contractors, vendors, and their insurance providers for defense and indemnification, when appropriate;
- Procured separate insurance policies, when necessary, providing more protection for the City for programs/events/properties that posed increased exposure and higher risks;
- During calendar year 2019, the following were received for insurance review/approval:
  - 1,067 requisitions
  - 209 City contracts
  - 609 Public Works permits
  - 439 film permits
- Conducted numerous additional insurance reviews for contracts and special events.

## FISCAL YEAR 2021 ADOPTED BUDGET

The FY 2021 Adopted Budget of \$9,327,000 is a decrease of \$1,136,000 from the FY 2020 Revised Budget. This is due to a one-time addition of \$1,900,000 in FY 2020 for Outside Legal Services. For FY 2021 the Department requested an additional \$500,000 for Outside Legal Services.

### Personnel

A total of 31.50 FTEs are included in the FY 2021 Adopted Budget, an additional 1.50 positions are grant-funded, 1.0 is an Agency Temporary personnel and .50 a contracted investigator. In addition to the FTEs, each summer, the Department hosts approximately two to three law student summer interns. The interns are not paid but provide relevant assistance and gain a wealth of experience 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.

### 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 in view of litigation trends, and we will continue to handle as many matters in-house as possible. Given the City of Pasadena’s size, complexity, and evolving legal needs, as well as the State’s continued efforts to erode traditional areas of local control, even with a full complement of in-house staff, outside legal expenses will need to be monitored closely to ensure they are within budget, with adjustment to the budget, if needed. Additionally, the impacts of the COVID-19 pandemic on civil litigation are not yet fully known, so it is unclear how recent developments such as restrictions on jury trials and court hearings, as well as court encouragement of remote depositions, will inform the cost of litigation.

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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 Division again anticipates an increase in criminal filings for this fiscal year. The Division has experienced recent increases to courtroom assignments, staffing between six and seven courtrooms, along with the Mental Health Court in Hollywood and, periodically, courts in Alhambra, Burbank and Glendale. The Division will also continue its expansion into the prosecution of truancy cases and the handling of even greater numbers of Mental Health Court cases. This will significantly increase the caseload numbers for the Division. These increases, along with continued impacts of Proposition 47 and other state initiatives, will hamper the ability to handle these increased responsibilities with existing staffing levels.

Community Prosecution will continue to work collaboratively to abate nuisances and prosecute code violations associated with the City's most difficult problem properties. Community Prosecution efforts will seek creative solutions for the benefit of the community. If the anticipated increase in caseloads occurs, it would require an increase in staffing to handle the volume increase, if the Division continues all of its outreach and other community efforts. In addition, the State's realignment of state prisoners continues to cause a reduction in the amount of jail cells available for misdemeanor offenders, while the referrals for the filing of crimes against persons and other serious misdemeanors will continue to increase.

The Los Angeles County Superior Court is in the process of implementing a new case management system, Tyler/Odyssey, for criminal cases during FY 2021. The Prosecution Division anticipates the need to upgrade the current case management system, JustWare, to allow for the system to be compatible with the court's new system and to be able to engage in the e-filing of cases. The Division will work closely with the Department of Information Technology in the coordination and upgrading of the system.

The Prosecution Division will continue to expand its rehabilitative efforts as a component of the measures utilized to address on-going criminal activity, in light of jail shortages and the needs of the community. The Division has expanded its outreach efforts to various sectors of our community to enlist their aid in providing treatment options for misdemeanor offenders. Prosecutors will also work with law enforcement, code enforcement and other agencies in addressing the issue of illegal marijuana dispensaries in Pasadena. The Division is also continuing its leadership role in the Pasadena Administrative Citation Enforcement (PACE) Program in a collaborative effort with nine other departments and agencies to address code violations and to secure prompt payment of appropriate fines by offenders. The Division will also keep as its top priority its primary mission to ensure the safety and welfare of the people of this City.

The Liability, Claims and Insurance Division (LCID) will continue to review and enforce insurance requirements, refine processes and procedures citywide, and resolve pre-litigation liability claims. LCID currently uses the software PeopleSoft to track and manage liability claims. However, the software needs to be decommissioned. With assistance from the Department of Information Technology, other options for a new claims management software were researched and explored in an effort to make the transition. A Request for Proposals was released in February 2020 and is still active. Once a new system is selected, procured, and implemented, claims and payments can be adjusted and tracked more efficiently. More robust and comprehensive data will be readily available so information can be shared as appropriate, trends can be identified, and risk can be managed more effectively. Staff also prepared and released a Request for Proposals for insurance broker and risk consulting services during this fiscal year. This ensured the City carried out its due diligence of seeking and engaging with the best fit to meet its evolving needs. Alliant Insurance Services, Inc. was selected and the multi-year contract was approved by City Council in early 2020.

## SUMMARY TABLES

## SUMMARY OF APPROPRIATIONS BY EXPENSE CATEGORY

Expenditure Category	FY 2019	FY 2020	FY 2020	(In Thousands) FY 2021
	Actuals	Adopted	Revised	Adopted
Personnel	\$5,449	\$5,824	\$5,824	\$6,035
Services & Supplies	2,691	2,151	4,114	2,675
Internal Service Charges	541	587	612	617
<b>City Attorney Total</b>	<b>\$8,681</b>	<b>\$8,563</b>	<b>\$10,551</b>	<b>\$9,327</b>

## SUMMARY OF APPROPRIATIONS BY DIVISION

Division	FY 2019	FY 2020	FY 2020	(In Thousands) FY 2021
	Actuals	Adopted	Revised	Adopted
City Attorney-Administration	\$4,020	\$4,470	\$4,495	\$4,595
City Prosecutor	2,090	2,111	2,199	2,234
Liability & Claims	368	482	482	498
Outside Legal Services	2,203	1,500	3,375	2,000
<b>City Attorney Total</b>	<b>\$8,681</b>	<b>\$8,563</b>	<b>\$10,551</b>	<b>\$9,327</b>

## SUMMARY OF APPROPRIATIONS BY FUND

Fund	FY 2019	FY 2020	FY 2020	(In Thousands) FY 2021
	Actuals	Adopted	Revised	Adopted
101 - General Fund	\$8,313	\$8,081	\$10,069	\$8,829
507 - General Liability Fund	368	482	482	498
<b>City Attorney Total</b>	<b>\$8,681</b>	<b>\$8,563</b>	<b>\$10,551</b>	<b>\$9,327</b>

## SUMMARY OF FTEs BY DIVISION

Division	FY 2019	FY 2020	FY 2020	FY 2021
	Adopted	Adopted	Revised	Adopted
City Attorney Administration	19.00	19.00	19.00	19.00
City Prosecutor	10.50	12.00	12.00	10.50
Liability & Claims	2.00	2.00	2.00	2.00
<b>City Attorney Total</b>	<b>31.50</b>	<b>33.00</b>	<b>33.00</b>	<b>31.50</b>

