

City of
SACRAMENTO
Office of the City Attorney



ANNUAL REPORT

FISCAL YEAR 13-14

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FROM THE CITY ATTORNEY

I am pleased to present our Fiscal Year 13-14 Annual Report. The report provides an overview of our strategies and breadth of services in meeting the legal needs of our client, the City of Sacramento. This year we are pleased to support our City's economic recovery by focusing our office resources on meeting the evolving legal service needs of a newly invigorated community. These needs include reinvesting in a stronger code enforcement effort to assist neighborhoods facing health and safety challenges, advising and defending the City's economic development growth with projects like the Entertainment and Sports Center (ESC) and the Railyards, and providing support for an increasingly complex litigation caseload.

We have also connected with our statewide and national resources to network, share resources, serve on committees, and make presentations on best legal approaches to address cutting-edge municipal law issues. We are excited about the new challenges and remain confident in our ability to serve our City at this critical time.

Assistant City Attorneys:

Sandra Talbott
Matthew Ruyak

Supervising Attorneys:

Jerry Hicks
Gustavo Martinez
Brett Witter

**Law Office
Administrator:**
Angela Kolak

**Special Assistant to City
Attorney:**
Kathy Montgomery



Attorneys:

Audreyell Anderson	Gary Lindsey
Michael Benner	Beau Parkhurst
Kourtney Burdick	Sheryl Patterson
Sheri Chapman	Joe Robinson
Joseph Cerullo	Kathleen Rogan
Sari Myers Dierking	Michael Sparks
Michael Fry	Chance Trimm
Paul Gale	Michael Voss
Jeffrey Heeren	Lan Wang
Steven Itagaki	David Womack

Paralegals:

Cindy Head
Norma Florendo
Lynette Fuson

Investigator:
David Dunlevy

Supervising Legal Secretaries:

Jamie Gifford and Phyllis Zakrajsek

Support Staff:

Jenny Manzer Beck	Paula Lockard
Tammara Cheung	Cleo Morris
Colleen Clay	Desiree Stockton
Erica Dillard	

OFFICE OVERVIEW

CORE PRINCIPLES:

- ◇ Commitment to public service
- ◇ Zealous client representation
- ◇ Timely, responsive counsel
- ◇ Solutions through collaboration
- ◇ Professionalism with integrity

The City Attorney's Clients and Roles:

The office serves two distinct roles—City legal counsel and City Code prosecutor. Both State law and the City Charter specify the City Attorney's role and clients. The City Attorney's principle role is to serve as "legal counsel," providing advice and legal representation to the Mayor and City Council, City Manager and individual departments. The office also prosecutes violations of the City Code. (Sacramento City Code section 15.04.080.)

Enhancing Client Services:

The office has continued to build excellent client relationships. Individual advisory attorneys are assigned to a specific department or division, assuring our clients that the attorneys representing them are extremely knowledgeable about their operations and the specialized areas of law applicable to them.

Assignments/Cases

This chart represents all new assignments and cases that our office has handled throughout the fiscal year; by client. The attorneys who work with these clients are very knowledgeable of the departments' operations and the governing law. Fiscal year 2013-2014 had a 3.33% increase in new assignments providing 264 new cases. The types of matters have become significantly more complex with high exposure civil rights, environmental and wrongful death lawsuits.

New Assignments/Cases by Clients

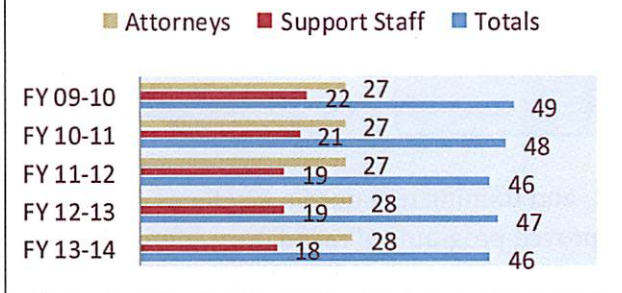
City Departments	FY 11-12	FY 12-13	FY 13-14
City Attorney	24	16	38
City Auditor	30	42	33
City Clerk	136	143	197
City Manager	105	97	99
City Treasurer	85	117	157
Community Development	757	644	499
Conv., Culture & Leisure	184	223	274
Economic Development	128	181	247
Finance	251	268	363
Fire	191	182	134
General Services	680	687	724
Human Resources	347	298	360
Information Technology	77	104	152
Library Authority	316	332	408
Mayor and Council	75	65	74
Outside Agency Referral	115	235	96
Parks and Recreation	313	320	472
Police	1883	2018	1762
Public Works	969	988	938
Utilities	815	881	1104
Boards & Commissions, Other Agencies	62	75	49
TOTALS	7543	7916	8180

BUDGET

EFFICIENCY

Year End Savings	
YEAR	TOTAL
FY 09-10	\$554,400
FY 10-11	\$534,082
FY 11-12	\$452,279
FY 12-13	\$643,008
FY 13-14	\$262,827

City Attorney FTEs



Sources: The City Attorney’s 2013-2014 operating budget was \$6,548,144, from the following sources: general fund, 60%; interdepartmental funds, 36%; non-general fund sources, 3%; revenue, 1%.

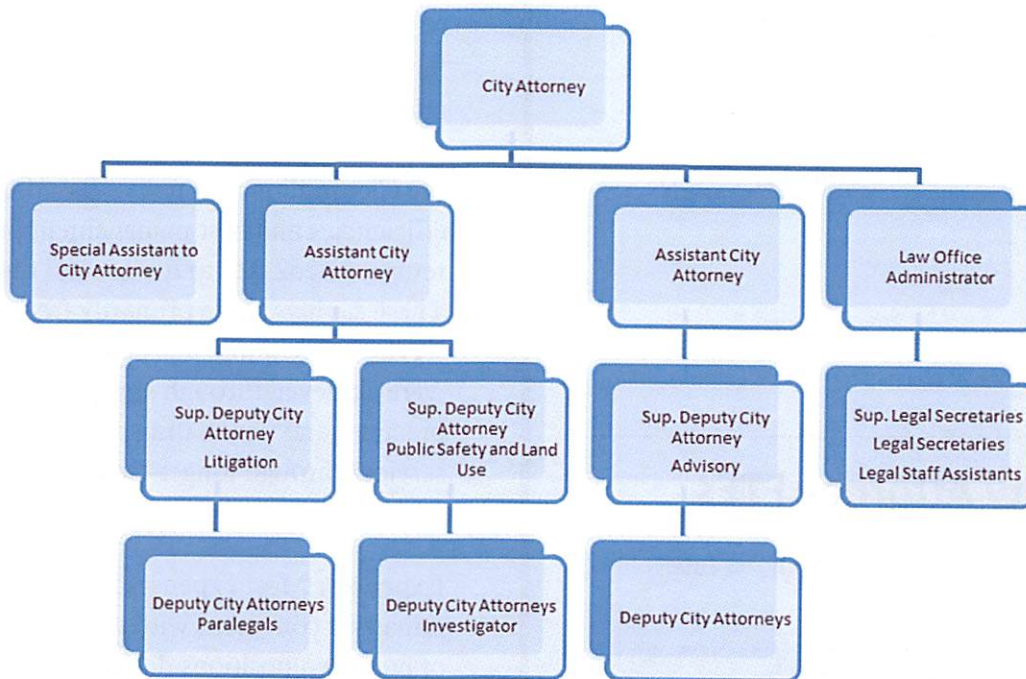
Savings: The City Attorney’s Office provides a cost-effective means of handling the City’s litigation needs, with 91% of cases handled in-house, saving the City millions annually. Based upon office efficiencies and best management practices, we returned \$262,827 to the general fund at year-end. These savings came primarily from employee services (one unfilled position). Additional savings were achieved through aggressive management practices and negotiating reduced prices for ongoing services through longer-term contracts.

Expenses: Most expenses in fiscal year 2013-2014 remained consistent with the prior year. The number of budgeted positions decreased by one full-time employees (FTE) to 46 employees; the FTE was converted to a pool of funds which, combined with a reduction of the expense budget in service and supplies, was used to give merit-based increases to a majority of the staff at the beginning of the fiscal year.

ADMINISTRATION

IMPLEMENT

The Administration Team—the City Attorney, James C. Sanchez, Assistant City Attorneys Sandra G. Talbott and Matthew D. Ruyak; Supervising Deputy City Attorneys Gustavo L. Martinez, Brett M. Witter and Jerry Hicks; Office Administrator Angela Kolak; and Special Assistant to the City Attorney Kathy Montgomery—provided the organizational, managerial, and leadership skills necessary to ensure that the City receives excellent, cost-effective legal services. A chart reflecting the current organization of the office is shown below.



In fiscal year 2013-2014, staff development, career enhancement, and training remained a key focus of the Administration Team. The office provided monthly state bar approved programs of mandatory continuing legal education (MCLE), and the office attorneys attended off-site professional training, while the legal professional staff attended off-site professional associated seminars through legal association organizations. In addition, a number of the attorneys presented at seminars and served on statewide committees.

The Administration Team develops and implements office policies and procedures; monitors overall office performance; prepares and administers the office budget; handles all hiring and other personnel matters; assembles and analyzes office productivity data, including production of the annual report; and engages in long-range planning. The administration function of the office is performed under the direction of the City Attorney.

While the demand for legal services remains high, the resources to provide those services are always limited. Good organization, efficient office management, personnel development, and strong leadership are essential to bridge the gap between demand for and provision of excellent legal services in a cost-effective manner.

ADVISORY

SUPPORT

The Advisory Section provides legal advice and support to the City Council, Charter Offices, and City departments in their day-to-day operations and in implementing City policies and projects. Advisory attorneys touch virtually all aspects of City business and operations in performing a broad spectrum of legal services, including legal research; ordinance drafting; contract negotiation, drafting and review; legal advice; and representation at meetings of the City Council and City boards and commissions. Advisory attorneys possess a significant amount of both generalized legal knowledge (e.g., torts, contracts, constitutional law, real property) and specialized knowledge of areas of municipal law (e.g., public contract and construction, land use, water law, environmental law, zoning and planning, elections, redistricting, bonds, taxes and assessments) in order to provide appropriate legal advice to their respective clients and support special projects.

New Advisory Assignments			
	FY 11-12	FY 12-13	FY 13-14
*General Advisory Assignments	2617	2911	2888**
Staff Report Review/Approval	853	768	808
Contract Review/Approval	1547	1563	1907
Ordinances	22	21	20
Public Records Act	215	167	169
Subpoenas	23	24	10
TOTALS	6733***	5454	5802

*Contains all other assignments not individually listed below.

** Note that the ESC Project, which demanded approximately two FTE, is only one assignment, but has numerous land use, finance and litigation assignments.

***Police assignments, including subpoenas, were reassigned to another Office Section during FY 11-12.

The above table reflects the various assignments and tasks performed by Advisory Section attorneys. The time spent on any one assignment or task varies based on the complexity or size of the project, collateral issues, or other factors. Special projects such as ESC, demanded significant Advisory Section resources. The section successfully met the unique legal service demands.

LITIGATION

ADVOCACY/DEFENSE

In fiscal year 2013-2014, the City Attorney's Office continued its commitment to maintaining a strong Litigation Section capable of practicing in all areas of the law with sustained success. That commitment has ensured that Litigation Section attorneys have the resources and education necessary to engage in aggressive litigation strategies. Equally important has been an ongoing commitment to ensuring client satisfaction and confidence in the litigation process through thorough preparation and open lines of communication. This commitment to a strong and efficient in-house litigation section creates a dramatic savings (\$125/hour) to the City over the use of outside counsel, while also ensuring excellent results and client satisfaction. The average annual cost savings realized by utilizing an in-house litigation team is estimated at between \$1,500,000 and \$1,800,000.

Despite an increasing workload, the Litigation Section has maintained its focus on client satisfaction and confidence. Those goals are achieved by ensuring that the attorneys handling litigated matters are adequately prepared and that each client is aware of the status of their cases. Consistent status updates and regular meetings allow our clients to remain confident that their matters are being handled professionally and aggressively, and provide opportunities for the client to provide necessary feedback. Effective communication and a commitment to achieving our client's goals remains a critical element in the performance goals of the Litigation Section.

As in any year, the primary goal of the Litigation Section is to achieve success in its cases. While payouts in litigated cases were higher than typical this year, almost \$2,000,000 of the total payouts was paid in one case in which liability against the City was clearly adverse. For the remaining 56 cases resolved in this fiscal year, the payouts were more consistent with historic results. We find that thorough analysis and aggressive litigation

strategies consistently result in most lawsuits being resolved without the payment of City funds, and this year was no exception. During fiscal year 2013-2014, the section resolved 65% of damage lawsuits without the payment of money.

New Litigation Matters			
	FY 11-12	FY 12-13	FY 13-14
Advice - Litigation	N/A	28	8
Bankruptcy	1	0	0
Civil Rights	23	21	17
Contract	3	1	6
Employment	1	4	15
Human Resources/Labor	32	8	15
Litigation Review	20	12	9
PRA - Litigation	N/A	3	1
Property	6	1	3
Subpoena	2	3	9
Subrogation - Collection	15	6	4
Tax	0	0	0
TRO/Injunction	4	4	1
Tort/Appeal	45	29	30
Writ	7	8	8
TOTALS	159	128	126

City Payouts on All Litigated Risk Cases		
Year	Cases Closed	Payouts
FY 09-10	54	\$1,346,438
FY 10-11	42	\$1,864,069
FY 11-12	59	\$3,184,220*
FY 12-13	56	\$1,363,666**
FY 13-14	57	\$4,379,843

**The table does not include the full payout for an adverse verdict in FY 11-12. In that case, the amount paid exceeded the City's self-insured retention of \$2,000,000. The above table only includes the \$2,000,000 that the City was required to pay to the plaintiff. **Average of less than \$25,000 per case closed.*

PUBLIC SAFETY AND LAND USE

SERVICE

The Public Safety and Land Use (PSLU) Section provides legal advice to the following departments: Community Development and Police. The section also partners with the code enforcement division and crime suppression units on enforcement matters which includes social and physical nuisance abatement; addressing public safety and security threats; and prosecuting City code violations through administrative, civil, and criminal proceedings.

With the land use practice, the PSLU has provided comprehensive legal services to the Community Development Department as well as enforcement and transactional services to the Police Department. This has allowed PSLU to provide legal services to two of the largest departments in the City as shown in the chart on the following page.

We note that the economic recovery has allowed more development activity and land use legal challenges. CEQA litigation has become a major service demand for the section.

Justice for Neighbors (JFN): Following the approval of Measure U and the Council's direction to restore and protect essential public safety services, PSLU worked to reinvigorate JFN. In late 2013, we commenced an aggressive effort to add new cases to the JFN log and increase our resolution rate. Our efforts included meeting and training patrol officers in districts to educate them on JFN resources and preparing cases from the given district. We also attended community meetings as JFN team members to learn about resident nuisance complaints and explore efforts to jointly resolve them.

With Council's budget approval of two new positions dedicated to the JFN committee – police sergeant and code enforcement officer – we expect JFN to add new cases and increase the resolution rate. During the next fiscal year the newly constituted and bolstered JFN team will meet with Councilmembers to identify their most serious security threats and work with their staff and neighborhood community associations to address those threats.

Rancho Cordova Project: In an effort to promote regional public safety and after consulting with the City's enforcement departments (Police and Code Enforcement) we determined that we could add a small number of criminal cases from the City of Rancho Cordova to our criminal caseload without additional cost or jeopardizing our existing delivery of legal services to the City. Accordingly, we commenced a pilot project to criminally prosecute up to 65 misdemeanor cases coming from the Rancho Cordova Police Department. These cases are primarily quality of life crimes such as aggressive panhandling, drinking in public, and unlawful marijuana cultivation.

We agreed to prosecute these cases in the same manner as Sacramento cases and appear in the same courthouses to efficiently handle cases arising out of both jurisdictions. The contract provides for a monthly payment to cover all of our office's expenses and staff costs. Provisions contained in the contract allow us to evaluate the pilot project and if unforeseeable events dramatically increase our workload we can quickly cancel the contract and focus on the City of Sacramento's legal service needs.

PUBLIC SAFETY AND LAND USE

Drug Evictions In 2010, the state legislature created a pilot project where a small number of jurisdictions, including Sacramento, were authorized to file unlawful detainer (eviction) actions against tenants engaged in drug-related crimes on rental premises. Since 2010, and in partnership with the Police Department, PSLU has successfully prosecuted nearly 100 eviction actions that resulted in the removal of violent drug dealers and users from City neighborhoods.

Unfortunately, on January 1, 2014, the pilot project legislation expired and PSLU lost the authority to file drug-related eviction actions. In light of the overwhelming success of the program the Police Department requested re-authorization of the pilot program.

Assembly Member Roger Dickinson agreed to author Assembly Bill 2485 to re-authorize the program for the City of Sacramento. The bill has been approved by the both the Assembly and Senate Judiciary Committees and is expected to be signed by the governor. If the bill becomes law we expect to again commence drug and gun evictions in the next fiscal year.

<u>New PSLU Assignments/Matters</u>			
	FY 11-12	FY 12-13	FY 13-14
Administrative Assignments	1	0	69
Administrative Appeals	13	10	9
Advice	559	389	521
*Contracts	N/A	120	18
***Criminal	1089	1374	902
Defacement of Vehicle Identification	3	0	1
Drug Evictions	18	37	9
Gun Evictions	9	15	2
Ordinances	6	8	9
Physical Nuisance Abatement	3	27	96
Pitchess Motions	35	40	35
Public Records Act Requests	89	78	198
Social Nuisance (Litigation)	11	15	25
**Staff Reports	N/A	N/A	112
Subpoenas	252	200	227
Warrants	4	4	8
Weapons Cases	15	17	17
TOTALS	2107	2334	2258

*Contracts were reassigned to PSLU during FY 12-13.

** Staff Reports were commingled and counted as part of the Advisory Section numbers in prior reporting periods.

***In FY 13-14 there was a 38% decrease in misdemeanor referrals from SPD compared to the prior reporting period.

New PSLU Assignments/Matters by Departments for FY 13-14

15.99% - Community Development
70.50% - Police
13.51% - All Other Departments

The table above illustrates the various types of assignments and tasks which the PSLU attorneys handle. They are responsible for providing legal advice and enforcement support to City staff and civilly and criminally prosecuting violators of the Sacramento City Code.

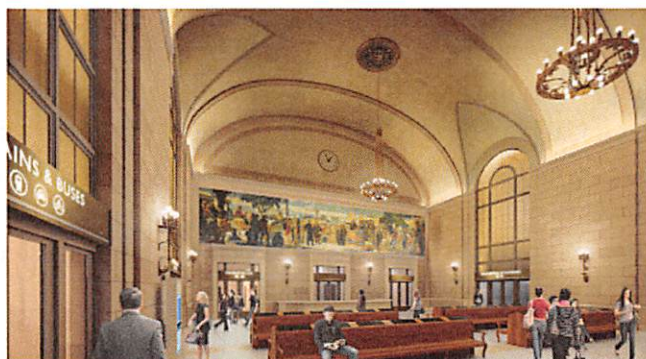
NOTABLE ACHIEVEMENTS FOR CLIENTS

I. ECONOMIC DEVELOPMENT/JOB CREATION

These projects are job and housing generators for Sacramento

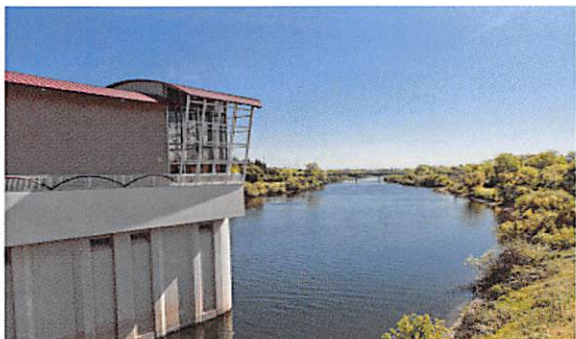


Entertainment and Sports Center: In March 2013, the City Council approved a non-binding term sheet with the new owners of the Sacramento Kings. This year our office continued to provide extensive advisory, counseling, and negotiating services to the City Manager's Office, the City Clerk's Office, and the Office of the Mayor and Council for the development of a downtown Entertainment and Sports Center to realize this historical and exciting vision. In addition, our office helped the City surmount numerous obstacles, from title issues associated with the downtown plaza to parking services issues associated with the construction of a new arena, to litigation issues associated with a ballot measure challenging the City's ability to help fund the arena project, to issues associated with CEQA. In the end, these efforts have helped lead to the City Council's approval of the definitive agreements for the arena project on May 20, 2014.



Train Depot: Our office assisted the Department of Public Works with a design-assist construction agreement to renovate the City's historic train depot—the seventh busiest rail station in the nation. The station's architectural features have earned it a spot on the National Register of Historic Places, the California Register of Historical Resources, and the Sacramento Register of Historic and Cultural Resources. The \$30-million renovation will reconfigure the space to improve passenger flow and space; install modern buildings systems for heating, plumbing, cooling, electrical, lighting, and communications; and repair and restore the building's historic architectural features. All work will be performed in accordance with the United States Secretary of Interior's Standards for Rehabilitation, in keeping with the station's historic character. Despite the complexity of the undertaking, the station will remain open and fully operational throughout the renovation.

Redevelopment Dissolution: Our office worked with Economic Development staff to preserve the agreement for the redevelopment of the 700 block of K Street, which had been planned for many years. Due to delays and uncertainty caused by the State's dissolution of redevelopment agencies, the developer needed and was entitled to a time extension. The State refused to accept such an amendment and declared that the agreement had expired, notwithstanding that fact that the developer had incurred \$1.5 million in predevelopment expenses in reliance on the terms of the agency agreement. We sued the state and they agreed to settle after reviewing the merits of our case through the briefing we coordinated with outside counsel. The project can now proceed to be implemented to transform a blighted section of K Street which will complement the improvements to the adjoining Downtown Plaza.



2014 Drought Response: Much of California, including the Sacramento region, is experiencing unprecedented drought conditions that have jeopardized water supplies used to meet the needs of residents, businesses, and the environment. Our office provided legal support and assistance with a wide variety of critical drought response actions, including securing our regional water rights, the preparation of water shortage contingency planning resolutions for adoption by the City Council, development of emergency water supply agreements

with neighboring water purveyors, legal advice and assistance with implementation and enforcement of the City's enhanced outdoor water use regulations, preparation and filing of diversion curtailment forms with the State Water Resources Control Board, assistance with various emergency procurement actions to mitigate potential water shortage impacts, and participation in weekly meetings of the City's emergency drought response team. Our office will continue to provide legal support for the City's ongoing drought response efforts.

Joint Agency Agreement: After a five year effort to negotiate a compromise in addressing new development impacts to the State's freeway system, the cities of Sacramento, West Sacramento and Elk Grove have joined with CalTrans and SACOG to develop a voluntary mitigation fee program for the I-5 corridor. This program is a fee which will be used to address CEQA mitigation for projects located between downtown Sacramento and the City of Elk Grove. Projects exempt from CEQA will not be subject to the voluntary traffic impact fee. This model is intended to be replicated for other congested freeway segments within the Sacramento region.

Mello-Roos District: The developer of Curtis Park Village is preparing for financing and construction of its project. As part of the process, the developer requested that the City form its first bonded Mello-Roos district since the recession hit in 2007. Our office worked with the City Treasurer's Office, the Finance Department, and outside consultants to successfully form the district.

Energy Efficiency: The office assisted the Department of General Services with contracts to identify, assess, and construct, where feasible, energy efficiency improvements at up to 62 city buildings and 13 city pools. These improvements will reduce the city's energy costs and improve its carbon footprint.

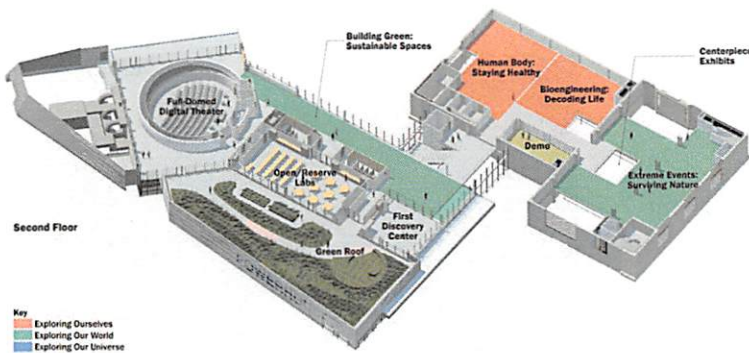
II. CULTURAL ENHANCEMENT

Fremont School for Adults: Our office assisted the Department of Convention, Culture, and Leisure with a lease and sublease of the former Fremont School for Adults, which is owned by the Sacramento City Unified School District. The plan is to renovate this site to house the Studios for the Performing Arts—a facility that will bring together various arts organizations, including the Sacramento Ballet, under one roof to share studio, rehearsal, performing, office, and classroom space. Bringing these groups together will facilitate communication and cooperation between them, thereby encouraging the development of innovative ideas for advancing the arts and arts education in the City.



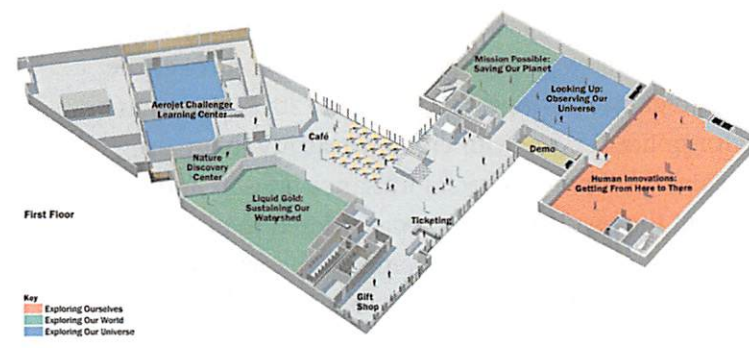
Powerhouse Science Center – Property Acquisition and Funding Agreement:

The City leased its historic PG&E Power Station B building and surrounding property at 400 Jibboom Street to the Powerhouse Science Center, which will develop the property as a science and space center. An obstacle to developing the project was a small vacant parcel owned by PG&E that was landlocked within the City’s property. The office assisted the Economic Development Department in successfully negotiating the terms of the transactional documents for the City to acquire the property from PG&E (transfer of title is subject to further environmental review). Our office also drafted a funding agreement that allows the City to provide up to \$7,000,000 to the Powerhouse Science Center over the next 20 years for the development of the project.



Second Floor

Key
■ Exploring Ourselves
■ Exploring Our World
■ Exploring Our Universe



First Floor

Key
■ Exploring Ourselves
■ Exploring Our World
■ Exploring Our Universe



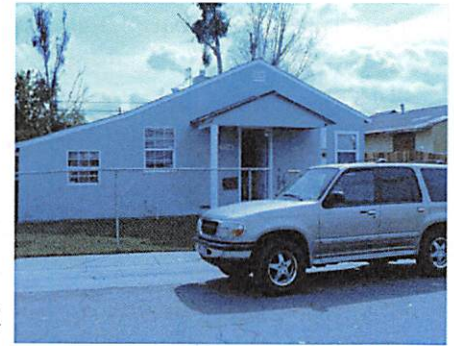
III. CODE ENFORCEMENT/QUALITY OF LIFE

Before



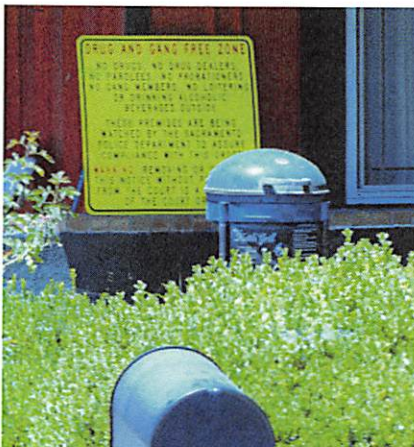
3708 18th Avenue (District 5): This case involved an owner occupied single family residence with a detached garage. Since May 2012, there had been 40 calls for police service and six arrests involving possession and/or sales of methamphetamine. The property was also a source of gang activity and related gang violence including brandishing and discharge of

firearms, a drive by shooting where up to 12 rounds were fired at the home, vehicle theft, and use as a gang safe house where parolees and probationers congregated. The property owner admitted the social nuisances. Following a social nuisance lawsuit and preliminary injunction the property owner agreed to sell the property. It was sold to a developer who restored the property and returned it to productive housing stock.



After

7210 25th Avenue (District 6): The property owner died without a will or testament. The property was ignored and transients began living in and near the property creating waste and disposing trash and debris throughout the interior of the home. The City opened probate and facilitated the sale of the property to a developer who restored the property and returned it to productive housing stock.



19 Beecham Court (District 3): This case involves a single-family residence where the property owner allowed a street gang to take control of the property and engage in gang activities. Since August 2012, there have been over 40 calls for police service with eight arrests involving drug possession and/or sales. Following a social nuisance lawsuit and preliminary injunction, the property owner was ordered to prohibit gang members, probationers, and parolees from being on the property and stop all illegal drug activity. The calls for police service have declined to zero and the property is currently being offered for sale.



6033 M Street (District 3): The City sued the owner for maintaining a dilapidated building. While the lawsuit was pending the owner died. The City filed a petition to open probate and a personal representative of the estate was



appointed by the court. The home was sold to a third party, repaired, and returned to productive housing stock.

5218 Martin Luther King Jr. Blvd (District 5): The owner of this 15 unit apartment complex completely ignored her obligations to maintain the property. Because of hazardous code violations, the City declared the building dangerous and ordered the occupants to move out. Soon after the property was vacated it became a magnet for scavenging and transients. The building caught fire at least three times requiring emergency responses by the Sacramento Fire Department.

Following a physical and social nuisance lawsuit the court ordered the property owner to demolish the property at an estimated cost of \$90,000.00 and pay the city penalties and costs in the amount of \$29,993.00. The demolition provided immediate relief to the children at the adjoining elementary school. It also stopped the waste of valuable City resources responding to fires, code enforcement nuisances, and criminal activity on the property.

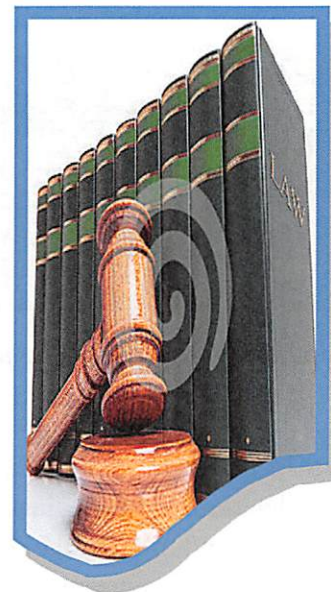


IV. UPDATING THE CITY LAWS AND POLICY

Taxicab Ordinance: Our office assisted staff and City Council in the May 2014 adoption of major amendments to the City's taxicab regulations. The amendments were the culmination of the work done during a taxicab vehicle permit moratorium that lasted almost three years. The resulting ordinance addressed the problem of an overabundance of taxicabs in the City by placing a cap on the number of vehicle permits that can be issued. The ordinance also included several public safety regulations that prohibit queuing, require taxicab driver training, and impose a dress code for taxicab drivers and age limits for taxicab vehicles.

Library Supplemental Parcel Tax: The Sacramento Public Library has endured a growing structural deficit in recent years. The office advised the Finance Department and City Manager's office on the structure of a library parcel tax to address the library's deficit. At the request of the City Council, our office simultaneously drafted three ordinances reflecting options for a library parcel tax. The City Council ultimately adopted an option for a supplemental parcel tax to eliminate the deficit and the tax was approved by the voters on June 3, 2014.

Collection: Due to a software error, the City made significant overpayments of collected dues to the City's business improvement areas. Our office assisted the Finance Department by expeditiously negotiating and drafting a settlement agreement to recoup several hundred thousand dollars from the software consultant. The City recovered funds from the consultant within three months of discovering the error.



V. LITIGATION

Dangerous condition: A construction company performing work on a building on S Street in midtown Sacramento turned on an uncapped water line, flooding an adjacent building, and causing extensive damage. The contractor sued the City on a cross-complaint arguing that the City did not adequately mark a valve on the water line, which resulted in their mishandling the valve. The contractor dismissed the case on the eve of trial.

Civil Rights: The plaintiff sued the City for negligence, false arrest, and violations of his Fourth Amendment rights, arising from an incident in which Sacramento police officers detained the plaintiff using a canine officer. The plaintiff suffered bite wounds to his right lower leg. The plaintiff was on probation at the time of the incident and was cited for resisting arrest. Our office won a motion for summary judgment and the case was dismissed.

Excessive Force/Unlawful Arrest Case: The plaintiff sued two Sacramento police officers and the City of Sacramento for negligence and battery arising out of an incident in which the plaintiff was stopped for riding his bike against traffic on a City sidewalk. The plaintiff claimed that the officers injured his knee and damaged his bike. This case was dismissed by the plaintiff on the eve of trial.

Civil Rights: The plaintiff sued the City and two police officers for excessive force and related State law claims. The City was dismissed from the case after our successful motion for summary adjudication, which eliminated the plaintiff's claim that the City's canine, taser, and use of force polices were unconstitutional. After a seven day jury trial on the remaining issues, the jury returned a defense verdict in favor of both police officers.

Wrongful Death: The plaintiff filed an action alleging that a Sacramento police officer was negligently operating his vehicle when he struck and killed the plaintiff's son. Investigation into the accident established that the decedent had been standing in the middle of the Capital City Freeway for unknown reasons, and so the accident was not the fault of the officer. After investigation and some discovery, the plaintiff agreed to dismiss the lawsuit.



Auto v. Pedestrian: The minor plaintiff was struck by a vehicle while riding a bicycle in front of the California Middle School. The plaintiff sustained a number of serious injuries including a crushed skull and brain injury. The plaintiff sued various defendants including the vehicle operator and the City. Against the City, plaintiff alleged the accident location was a dangerous condition of public property. All defendants except the City settled with the plaintiff. After our office filed a motion for summary judgment the plaintiff agreed to dismiss the action.

Dangerous Condition / Auto v. Pedestrian: The minor plaintiff was struck by a vehicle and injured on the street in front of the Jefferson Elementary School. A claim was asserted against driver of vehicle and the City. Against the City, the plaintiff alleged the accident location was dangerous condition of public property. The plaintiff settled with driver for the driver's insurance policy limits. Shortly before trial, the City served a motion to dismiss the plaintiff's claim that was granted by the court.

Petition for Writ of Mandate: The petitioner brought this Public Records Act writ to obtain records documenting biological samples taken from him upon his arrest and the results of DNA testing performed on those samples. Our office argued the records were exempt from disclosure because they related to a criminal investigation. The court agreed and denied the writ in its entirety. Judgment was entered in favor of the City.

Dangerous Condition / Trip and Fall: The plaintiff sued the City for a dangerous condition of public property, arising out of the plaintiff's trip and fall on the sidewalk at 1018 J Street. Our office filed a demurrer and a cross-complaint against the property owner of 1018 J Street. Before the hearing on the demurrer, the property owner's attorney and the plaintiff's attorney agreed to dismiss the City from the case and proceed only against the property owner. The case against the City was dismissed with prejudice.

Employment (EEO): The plaintiff, appearing pro se, sued Mayor Johnson for defamation, harassment, assault, battery, and other claims, demanding \$35 million in damages. The demurrer and motion to strike we filed were granted without leave to amend. The court agreed with our argument that the plaintiff failed to state any viable cause of action against the Mayor, and equally that no amendment could fix the defects in her complaint. The case was dismissed with prejudice and judgment was entered in favor of Mayor Johnson.

FORTHCOMING CHALLENGES

Internal Office

- Refining the office structure and resources to address evolving and more complex projects. Potential creation of special projects unit.
- Addressing the loss of seasoned attorneys to other public sector firms. We will propose some equity adjustments in order to maintain a strong and experienced legal service team.
- Continuing to use technology to provide the highest level of litigation support.
- Increasingly complex litigation caseload.

External

- Continuing ESC litigation, ongoing construction, and Sleep Train Arena reuse issues.
- Increasing number of development projects and corresponding CEQA litigation.
- Railyard developments.
- Natural resource issues
 - Ensuring the City's water supply
 - Resolution of Natomas flood-related moratorium.

OFFICE PROGRAMS

Law Clerks: The office's law clerk program has continued to grow. We have hosted approximately 45 students since 2007. Students have applied from the University of the Pacific, McGeorge School of Law; the University of California at Davis; University of California at Berkeley; Pepperdine; and the University of Virginia. The office hosts students year round, part-time during the school semesters and full time during the summer. The law clerks are not paid but receive a wealth of experience as they work on issues from all three of the office's sections, involving research, writing memoranda, motions, and briefs. They also accompany attorneys to meetings, ordinance-review sessions, arbitrations, mediations, depositions, hearings, and trials, all of which help them integrate what they learn in school to a real work setting.



City Attorney's Law Day Event on May 1, 2014: "American Democracy and the Rule of Law: Why Every Vote Matters": The City Attorney's fifth annual event boasted a standing-room only crowd in the new Council Chambers. Attendees, primarily students and parents from three local middle schools, heard informative presentations on the topic of voting rights, the voting process, and voter suppression. Keynote Speaker Windie Scott, of the Wiley Manuel Bar

Association, talked about voter suppression based on race, and infused her presentation with riveting stories and personal experiences from her early years in the South. Lola Acosta, past president of the Sacramento County League of Women Voters, spoke about the fight for women's voting rights in California. City Clerk, Shirley Concolino, informed the young crowd about the voting process and gave valuable insight on the importance of individual voting for the future voters in attendance. Proving they were good listeners, the students engaged the speakers in a lively Q&A session afterward. The Sacramento Library and Center for Sacramento History provided informative literature and displays to round out the event.

Summer at City Hall: For the fourth year, the office has mentored high-school students as summer interns through the Summer at City Hall Program. This year we hosted three high school students. In order to help them learn skills needed to work in an office environment, the students were given tasks such as answering the phones, dealing with the public, greeting customers, verifying the office furniture inventory list, and updating the law library's publications.

Adopt-a-Family: This year, we supported Next Move (formerly Sacramento Area Emergency Housing Center) Adopt-a-Family Program. The mission of Next Move has been to provide assistance to homeless families with children and individuals as they move toward self-reliance. Our office staff reached out and gave back to the community this year by adopting two families through the program, fulfilling their holiday wishes with gifts and monetary contributions.





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