

City of
SACRAMENTO

Office of the City Attorney

Annual Report

Fiscal Year

2017-2018



Legislation Highlights

Many of the City Council's goals and policies are implemented by the enactment of new resolutions and ordinances or the amendment of existing resolutions and ordinances. The City Council adopted 36 ordinances during FY 2017-2018, One ordinance was reviewed during FY 2016-2017 while 35 were reviewed during FY 2017-2018. Our Draft Ordinance Review Committee (DORC) held 56 meetings to review various legislative proposals. The Advisory Section, Human Resources and Special Projects Section, and Public Safety Section assisted City staff in drafting legislation and, where needed, in working through the entire process of developing effective legislation and working with stakeholders and other interested parties. Below are the issues addressed by ordinances enacted during this past fiscal year.

Highlighted ordinances have completed the DORC process but were not adopted by City Council before the end of FY 2017-2018. The ordinances marked with asterisks were reviewed in FY 2016-2017 and again in FY 2017-2018.

Alhambra Special Planning District
Amendment to Contract between City & PERS
Storefront Cannabis Dispensaries, Delivery-Only Cannabis Dispensaries, Cannabis Distribution and Volatile Solvents
Bicycle Share
Bingo
Cannabis Butane Sales and Possession
Cannabis Cleanup
Cannabis Cultivation Penalties
Cannabis Cultivation, Nonvolatile Manufacturing, Distribution & Testing
Cannabis Dispensaries - Business Regulation
Cannabis Dispensaries Zoning
Cannabis Production and Findings for Undue Concentration
Cannabis Manufacturing - Ethanol
Cannabis Distribution
Title 17 Cleanup Relating to Planning and Development
Cardrooms
Central City Impact Fee
Expanding Boundaries of the Winn Park Historic District
Central City Specific Plan
Charter Amendments
Arrest and Citation Authority
City Manager Authority

Countywide Transportation Mitigation Fee
Del Paso Blvd/Arden Way Special Planning District
Income or Expenditures Less than \$100,000 Including Purchase of Artwork and Arts Program
Health and Safety Ordinances
Food Vending Vehicles
Inoperable Vehicles**
Mills Act**
Outdoor Water Conservation
Prohibit Cannabis on Del Paso Blvd
Residential Cannabis Cultivation
Sacramento Active Transportation Commission
Sacramento Tourism Infrastructure District No. 2018-04
Short Term Rentals
Signage in the Central Business District
Sponsorships Sign on Bike Share Racks & Charging Stations
Tobacco Retailers
Capitol View Special Planning District
Unauthorized Collection and Hauling and Segregation of Yard Waste
Vacant buildings
Central City Special Planning District
Zone A99 floodplain management regulations

Office Overview

ADMINISTRATION

The administration and general support functions of the office are performed under the direction of the City Attorney. The structure of the Administration Team is City Attorney Susana Alcala Wood; Assistant City Attorneys Sandra G. Talbott and Matthew D. Ruyak; Supervising Deputy City Attorneys Gustavo L. Martinez, Brett M. Witter, and Jerry Hicks; Law Office Administrator Angela Kolak; and Special Assistant to the City Attorney Kathy Montgomery.

The Administration Team strives to maintain a work environment that inspires excellence and creativity while rewarding productivity. We promote career enhancement with ongoing training and staff development. The office provides staff the opportunity to obtain needed credits for Mandatory Continuing Legal Education (MCLE), as well as other professional-association seminars.

The Administration Team develops and implements office policies and procedures; monitors overall office performance; prepares and administers the office budget; handles all personnel hiring and other personnel matters; assembles and analyzes office productivity data, including, production of an annual report; and engages in long-range planning. We prioritize the establishment and maintenance of relationships and trust with our valuable City departments and officers.

BUDGET

Operating Budget for FY 2017-2018: \$8,634,486

Mid-Year Amendment: \$8,642,798

Sources:

General Fund: \$5,754,390
Interdepartmental Funds: \$2,660,004
Non-General Fund: \$220,091
Revenue: \$52,000

Expenses: The City Attorney's operating budget was augmented by \$8,312 at mid-year to cover one-time and ongoing labor, service and supplies costs a two-year limited term paralegal to address the growing demands from Public Records Act requests. Most of the additional position costs were absorbed by the department.

Savings: Year-end savings of \$357,361 was recognized. This was attributed to operational savings and temporary position vacancies (\$271,751), and excess revenue over the budgeted amount (\$85,610) all of which returned to the general fund at the close of FY 2017-2018.



ADVISORY

The Advisory Section provides legal advice and support to the City Council, all City departments, and staff. The advisory attorneys provide full support for City operations including:

- Drafting and reviewing ordinances and resolutions
- Preparation and reviewing of contractual documents
- Researching federal, state, and local law
- Provide advice at meetings of the Council and City Boards and Commissions
- Debt Financing, Collections, and Campaign Finance



Summary FY 2017-2018

Total Matters/Assignments for Advisory Section: 6100

Advice: 2271	Cannabis: 145	Contracts approved: 2372
Ordinances adopted: 28 Ordinances Reviewed: 38	Public Records Act: 272	Staff Report Approved: 969

Notable Achievements

Mangan Gun Range Contamination – In April of 2016, the Sacramento County Environmental Agency issued the City a Corrective Action Order to clean up the lead contamination caused by the operation of the James Mangan Park Rifle and Pistol Range (Range). This indoor gun range was built in 1960 and closed in 2014. High levels of lead dust were found around the Range building due to runoff from the lead dust on the roof. Due to concerns that the wind could have disbursed lead dust into the adjacent residential neighborhood, the City conducted extensive soil testing of 29 properties. Eleven of the homes had high levels of lead in the soil. However, testing in an adjacent comparison neighborhood also found high levels of lead in the soil. The County agreed with the City's findings that the source of the lead in this older neighborhood was not caused by the Range operations, sparing the City from significant costs to remediate the soil in the yards of these homes.

California Waterfix – Water Right Petition. Our office coordinated with staff, outside counsel, the Water Forum, and other regional water purveyors to file a protest to the joint petition filed by the California Department of Water Resources and the U.S. Bureau of Reclamation to add three new points of diversion or rediversion of water to specified water right permits for the State Water Project and the Central Valley Project associated with the California WaterFix Project. The American River region was one of the few protesting parties to provide a substantive solution for addressing its concerns: the Modified Flow Management Standard for the American River. The City and other American River water agencies that participate in the Water Forum presented information regarding potential environmental effects of Waterfix on the American River in March 2018.

Bankruptcy of City Tenant: The City's tenant for the Joe's Crab Shack restaurant in Old Sacramento filed for Chapter 11 bankruptcy in June 2017 in Texas bankruptcy court. An annual payment in the amount of approximately \$150,000 based on a percentage of the tenant's gross receipts became due shortly after the bankruptcy filing. Though unversed in Bankruptcy Law, our office filed a motion with the Texas bankruptcy court seeking payment by the debtors, and drafted demand letters to the debtors and the entity purchasing the debtors' assets in the bankruptcy proceeding. Both the debtors and the purchaser initially disclaimed all responsibility for the requested payment, but our office ultimately obtained \$75,000 in payment from the purchaser after extensive settlement negotiations.

Department of Utilities (DOU) Public Project Bid Protests: Due in part to economic conditions for contractors, DOU was faced with three simultaneous bid protests for public projects awards in the winter of 2017-2018. Our office worked with staff to respond to the protests. One protest went to hearing (resolved in favor of the City), while two of the protests were withdrawn after the City provided its response to the protests.

Notable Achievements

Granite Regional Park Land Swap: The City and Regional Park General (RPG) have a long-standing partnership since 1994 whereby the City would convey 63 acres of land that had been mined for sand and gravel to RPG for development of an office complex in exchange for RPG's development of park improvements. Granite Regional Park includes three grass soccer fields and one all-weather soccer field and hosts soccer tournaments throughout the year. Last year, the City and RPG each traded 12 acres of land at no cost to allow for development of a new state office building and the addition of two grass soccer fields to the regional park.

Automated Bids Contract & Digital Signature Project (ABCDs): The ABCDs team has been working to update the majority of the City's contract and procurement templates, and to develop clear queries in the ABCDs system so that project managers include all the correct provisions in their contract and procurement documents. Implementation of the ABCDs system is scheduled for Fall 2018.

Completion of Water Transfer: Our office worked with Department of Utilities staff to sell City water to agricultural interests. The City entered into an agreement with Sacramento Suburban Water District in June 2018 to obtain groundwater that would free up available surface water supplies for the sale. Approvals from the State Water Resources Control Board, Department of Water Resources, and the Bureau of Reclamation were required to finalize the transfer, which will generate several hundred thousand dollars for the City.

731 K Street: Escrow recently closed to sell a three story vacant office building for redevelopment as the new home office of Cambria Solutions, a fast growing high tech company. The property was previously owned by the Sacramento Redevelopment Agency, which was dissolved in 2012 by state legislation. The City, acting as the successor agency, sold the property for \$1.7 million and received about \$500,000 of the proceeds for City's the Innovation and Growth Fund. The buyer is expected to invest over \$5 million in improvements to the building.

Citywide Community Workforce and Training Agreement (CWTA): The office worked with the City Manager's office to develop a CWTA and ordinance. The CWTA will encourage contractors to hire local residents who are economically disadvantaged, veterans, women, former offenders, foster youth, or homeless individuals to work on large public works projects.

Notable Achievements

Convention Center Complex: Our office is working with the City Manager's Office and the Department of Economic Development on the project to renovate the Convention Center Complex, comprised of the Convention Center, the Memorial Auditorium, and the Community Theater. This is a massive multi-year project that requires coordination of semi-concurrent remodeling of three of the City's most important public venues.

Accelerated Water Meter Program (AWMP) Alternative Procurement Process: Our office worked with the Department of Utilities' engineers, construction staff, and engineer consultants to develop an efficient procurement and contracting process to ensure that the AWMP can be completed by December 31, 2020. The AWMP project requires installation of approximately 40,000 water meters and installation of approximately 80 miles of water main, at a total cost of approximately \$230 million.

Water Quality Source Protection: Our office advised engineers and consultants assigned to the Department of Utilities, the Lower American River and Sacramento River Source Water Protection Program (SRSWPP) regarding a proposed Basin Plan Amendment to the Sacramento River generated by the CV-Salts Salt and Nitrate Management Plan (SNMP). The SRSWPP comments and analysis persuaded the Central Valley Regional Water Quality Control Board to amend proposed language that threatened the water quality of the Sacramento and lower American Rivers.

Bike Share: Our office worked with Department of Public Works staff to develop an ordinance and permit applications for bicycle-share businesses. This includes the JUMP bike-share system that has stations at City Hall. The ordinance regulates the bike share programs to balance the benefits of bike sharing with concerns over misuse of the public right-of-way.

Streetcar Project: Our office has worked to put together the financing and operational agreements for the streetcar to operate between Sacramento and West Sacramento. In addition, the office has worked on relocation agreements with various utility companies to relocate facilities for the streetcar.

American Bar Association Treatise: Jerry Hicks and Joe Cerullo co-authored a chapter on the government speech doctrine for the American Bar Association's new treatise titled *Local Government, Land Use, and the First Amendment: Protecting Free Speech and Expression*.

HUMAN RESOURCES AND SPECIAL PROJECTS

The Human Resources and Special Projects Section provides advisory and litigation support to the varied divisions in the City's Human Resources Department, including the Office of Civil Rights, Benefits, Labor Relations, Workers' Compensation, and Risk Management. Advice on compliance with the plethora of human resources laws, such as the FLSA, FMLA, ADA, FEHA, Title VII, and CFRA are typical, as well as litigation support where plaintiffs have asserted violations of these enactments and administrative litigation support for disciplinary and other labor matters. In addition, section attorneys provide advisory assistance on various land use issues to the Community Development Department and other departments. The section also handles, or oversees outside counsel defending, writs challenging City land use decisions, including CEQA challenges.

Summary FY 2017-2018

Total Matters/Assignments Opened: 1138

Litigation:

Grievance: 7	Discipline: 5	Class/Comp: 1	Employment (EEO): 7
Torts/Appeal/Lien: 2	Unfair Labor Practice: 2	Writs: 2	

Advisory:

Advice: 610	Contracts: 153	PRA: 47	Cannabis: 7
Ordinances Adopted: 6 Ordinances Meeting: 11	Staff Reports: 265	Threatened Litigation: 2	Subpoenas: 17



Notable Achievements

Strawberry Field: Our office provided legal analysis to the City Council and City staff concerning the City's options when a third party requested the City Council to vacate a public easement. This concerned a property owner that recorded a final map but failed to have a public easement that impacted several of the lots created by the final map removed through the subdivision map process. Several years later, the property owner, through the process authorized by the California Streets and Highways Code, requested that the City Council vacate the public easement. Our office conducted a detailed analysis of the factual circumstances and legal requirements concerning the request and ultimately the City Council determined not to vacate the public easement.

Removal and Disposal of Gates Formerly Used for Sidewalk Cafés: The Sacramento City Code provides a process to issue permits to encroach in the public right-of-way for purposes of establishing a sidewalk café. Often this involves placing gates in the public right-of-way. Subsequent to a business closing, the gates are left in the public right-of-way. Our office provided City staff with the legal requirements to revoke encroachment permits and to subsequently remove and dispose of gates located in the public right-of-way.

Pool Regulations: Our office provided legal advice to City staff concerning swimming pool regulations and potential changes to the Sacramento City Code concerning swimming pools. Public swimming pools and private swimming pools are regulated differently. Public swimming pools and private swimming pools are regulated by the state through the California Health and Safety Code and the California Building Standards Code and by the City through the Sacramento City Code. Our office provided legal advice concerning the interrelationship between the various state and City regulations, how they apply differently to public pools and private pools, and the ability of the City to regulate pools.

EEO Retaliation (*Mason v. City, Elsie Fong, Mike Malone*): Through an investigation it was discovered that the Plaintiff alleging sexual harassment and retaliation had felony conviction for bank fraud and conspiracy to possess and issue counterfeit securities in addition to three misdemeanor convictions for battery, food stamp fraud, and forging a DMV registration. Plaintiff failed to disclose any of these convictions on their employment applications with the City. Plaintiff demanded \$400,000. Plaintiff's claims for lost earnings were barred by doctrines of after-acquired evidence and unclean hands. At mediation the case settled for \$27,500.

Homeless Housing: Our office advised staff and the City Council on City-operated homeless shelters and temporary residential shelters.



Notable Achievements

EEO Claim (*Mays v. City of Sacramento*): Our office obtained summary adjudication on claims of racial harassment, racial discrimination, retaliation, associational discrimination, and defamation. After Plaintiff's petition for writ relief was denied, Plaintiff dismissed the single remaining cause of action.

EEO Claim (*Brownlee v. City of Sacramento, Harriman, Skinner, and Hernandez*): Our office won summary adjudication on causes of action for racial harassment, racial discrimination, and retaliation. Plaintiff demanded over \$500,000 plus attorney fees but after the summary adjudication motion, the case was settled for \$50,000.

Cal OSHA Citation The City received a Cal OSHA citation against Animal Care for a vicious dog attack on an employee. Our office obtained a dismissal of the citation for failure to file within the statutory period.

2035 General Plan: In 2015, Citizens for Positive Growth and Preservation filed a lawsuit alleging the City's 2035 General Plan was adopted in violation of Planning Laws and CEQA. Our office argued the case in court and the court denied the challenge in full. The 2035 General Plan is the foundation for all development in the City and the court's decision to uphold the 2035 General Plan eliminates uncertainty about the City's development goals and policies.

Raley's: Our office assisted in resolving a dispute between a developer and a neighborhood association over certain elements of the construction of the new Raley's store on Freeport Boulevard.

Central City Specific Plan: Our office provided legal assistance for the adoption of the Central City Specific Plan, including the Environmental Impact Report.

McKinley Village: The City prevailed at the trial court on this CEQA action. Petitioners filed an appeal and the matter was sent back from the court of appeal, with directions to the City to take any action necessary to bring portions of the EIR into CEQA compliance. The City updated the EIR and notified the court it had complied with the court's writ. The trial court concluded the City had accomplished what the court had directed.

Planning and Zoning Legislation Clean-up: Our office prepared an ordinance to amend various sections of Title 17 of the Sacramento City Code to streamline certain aspects of the development process, correct inconsistencies, and clarify zoning requirements.

LITIGATION

Litigation Section attorneys represent the City, City Council, and staff in litigation, including civil rights, personal and property damage cases, construction defect, eminent domain, and breach of contract.

Summary FY 2017-2018

◆ Total Cases Opened: 65

Bankruptcy:	1	Cannabis:	3	Civil Rights:	7
Contract:	6	Property:	1	Subrogation-Collection:	4
Tort/Appeal:	36	Writs:	7		

◆ Total Advisory Assignments: 114

Advice:	99	Litigation Review:	14	Public Record Act:	1
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◆ 10 cases resolved via dispositive motion or defense verdict

◆ Total Payouts: \$22,852,500*

◆ Resolved 62% of lawsuits without the payment of money

*The total payout reflects an unusually high amount for a fiscal year. Approximately \$20,000,000 of the payout was as a result of three large cases including a \$15,000,000 resolution for the death of a child at Camp Sacramento.

Notable Achievements

Injunction: Allen, Matthew Raymond, et al. v. City of Sacramento, et al.: Plaintiffs filed a complaint with the Sacramento County Superior Court in 2010 alleging their individual constitutional rights were violated by SPD personnel who arrested and cited Plaintiffs for illegally camping on a vacant lot in 2009 in violation of the City's camping ordinance. Plaintiffs also asserted in their complaint the City's camping ordinance was facially unconstitutional. Our office filed a motion requesting that the Sacramento County Court dismiss all of Plaintiffs' claims asserted against the City in their complaint. This motion was granted. Plaintiffs appealed the court's grant of the City's motion to the Third District Court of Appeal. In 2015, the Third District Court of Appeal issued a published decision affirming the court's grant of the City's motion to dismiss all claims in the complaint with the exception of a single cause of action for as-applied equal protection violation asserted on behalf of plaintiffs and homeless individuals in the City. The as-applied equal protection violation claim was remanded by the Third District Court of Appeal for further proceedings to the Sacramento County Superior Court. Following a two-week jury trial in the Sacramento County Superior Court, the jury rendered a verdict in favor of the City on Plaintiffs' as-applied equal protection claim and the Court entered judgment in favor of the City.

Tort: Victor Hakopian v. City of Sacramento: Plaintiff, who has been legally blind since birth, tripped on the pedestrian island, dropped his white cane, and when he reached down to retrieve it he cut his face on a sign embedded in the median. Plaintiff sued the City for dangerous condition of public property and sought damages in the amount of \$150,000. While Plaintiff's accident was unfortunate, the subject pedestrian island was not/is not a dangerous condition of public property. The week before the Mandatory Settlement Conference, Plaintiff agreed to dismiss the case against the City in exchange for a waiver of fees and costs.

Civil Rights: O'Neal, Sean v. City of Sacramento, et al.: Plaintiff filed suit alleging a variety of civil rights violations following an arrest for possession of over three pounds of cannabis. His criminal charges were dropped when the court inexplicably found that the officer did not have probable cause to make the stop and arrest. Plaintiff spent over a year in custody before the charges were dropped. The jury in a civil trial ruled unanimously that the City and the officer who made the arrest were not liable civilly for an unlawful search or malicious prosecution.

Tort: Elena Torres and Le Nguyen v. City of Sacramento and Jerry Way (the former Director of Public Works): Plaintiffs claim physical injuries as a result of a palm tree limb, and associated debris, falling on them as they were walking down the sidewalk on the east side of 10th Street near its intersection with L Street. Our office filed a Motion for Summary Judgment and, prior to the hearing on the motion, Plaintiffs dismissed their case.

Civil Rights: Kuwese Walker v. City of Sacramento et al.: Plaintiff alleged civil rights violations and police misconduct during his arrest on December 10, 2013 for domestic violence charges alleging the officers performed an improper search and used excessive force. Our office filed a Motion for Summary Judgment in the Eastern District Court and prevailed as to all civil rights and police misconduct charges.

Notable Achievements

Tort: *Nicholas Jackson v. City of Sacramento and Securitas Services*: Plaintiff claimed he was physically assaulted by an unidentified third party in or around the City-owned Capitol Parking Garage located at 10th and L Streets sustaining an orbital socket fracture. Plaintiff alleges that the parking lot security fell below the standard of care which proximately caused the assault and Plaintiff's resulting injuries. At all relevant times, the City was in contract with Securitas Security Services. Our office filed a Motion for Summary Judgment and prevailed, which resulted in the court dismissing the complaint in its entirety.

Tort: *Sean and Ericka Derfield v. Sacramento Regional Transit, et al.*: Plaintiff's truck was struck by an RT train at the intersection of 7th and J Streets. Plaintiffs alleged a dangerous condition of public property and loss of consortium. During discovery our office learned that Plaintiff ran the red light and was likely on a cell phone immediately before impact. While other Defendants contributed funds towards a global settlement, our office was able to negotiate a dismissal of Plaintiffs' case against the City in exchange for a waiver of fees and costs.

Tort: *Leslie Pelling v. Amtrak, et al.*: Plaintiff fell down the stairs at the Sacramento Amtrak station and broke her ankle. Plaintiff claimed the staircase was a dangerous condition of public property. Furthermore, once injured, Plaintiff was required to use crutches and claimed the broken ankle entitled Plaintiff to the protections of the ADA. Plaintiff sued the City and Amtrak for ADA and Unruh Civil Rights Act violations. Amtrak settled with Plaintiff. It was the City's position from the outset that Plaintiff's injury did not rise to the level of a "disability" deserving of protection under the ADA. Our office threatened to file a Motion for Summary Judgment and, ultimately, Plaintiff agreed to dismiss the case against the City for a waiver of fees and costs.

Civil Rights: *McGee v. City*: Plaintiff alleged racial discrimination by the City and several SPD officers. Our office filed a motion on behalf of the City and the individual SPD officers to dismiss Plaintiff's complaint because all the claims against the City and the individual SPD officers were groundless. This motion was granted by the court and the City and all individual SPD officers were dismissed as Defendants.

Tort: *Joseph Williams v. City of Sacramento* : Plaintiff was riding his bicycle through Hampton Park when the bicycle pedal got caught and stuck on a bollard holder causing Plaintiff to fall off the bicycle and injure the right kidney, right knee, right hip, right shoulder and right elbow. Our office filed a Motion for Summary Judgment based upon trail immunity and, prior to the hearing on the motion, Plaintiff dismissed the case.

Civil Rights: *Terrence Wilburn v. Garren Bratcher, et al.*: Plaintiff alleged deprivation of civil rights, false imprisonment and arrest, assault and battery, and intentional infliction of emotional distress against SPD officers and the City following his arrest for failing to register as a sex offender in violation of Penal Code section 290. The case was venued in Eastern District Court and we filed multiple motions to dismiss which eventually lead to a dismissal with prejudice. Plaintiff appealed the ruling to the 9th Circuit Court of Appeal. We successfully convinced the 9th Circuit that the appeal was frivolous and court dismissed.

Notable Achievements for Client

Eminent Domain: Our office filed eminent domain actions on behalf of the City in order to acquire necessary property interests to complete the Ramona Avenue Extension and the Rio Linda Bridge Extension Projects. Both projects could not have gone forward without the City acquiring these owners' property interests. Our office negotiated with the property owners and ultimately reached an agreement for the City to acquire the necessary property interests to commence the projects.

Writ: *Claire White v. Sacramento Police Department*: Plaintiff filed a Writ of Mandate claiming SPD breached its ministerial duty when it allegedly failed to provide Plaintiff with a copy of the June 9, 2014, arrest report pursuant to the Public Records Act (PRA), and also claimed the SPD failed to assist her in making a more focused request to obtain the report as required by the PRA. After briefing and oral argument, the court denied the Writ and SPD prevailed.

Civil Rights: *Raymond Douglas v. Sacramento*: Plaintiff alleged SPD conspired to stalk Plaintiff and disseminate information about Plaintiff which caused him to be defamed. Plaintiff filed suit in state court against the City and the Sacramento Public Library alleging conspiracy, stalking, false imprisonment and human trafficking. The City filed a demurrer to Plaintiff's complaint which the court granted with leave to amend. Plaintiff failed to amend his complaint and the City successfully moved to dismiss with prejudice.

PUBLIC SAFETY

This section provides advisory and enforcement services to the Sacramento Police Department (SPD) and the Code Enforcement and Dangerous Housing Section of the Community Development Department. The section partners with these enforcement departments to prosecute and abate physical and social nuisances. The section also includes a separate Criminal Prosecution Unit that prosecutes all criminal violations of the City Code.

The mission statement of the section is to fight the most corrosive social and criminal nuisances that degrade the quality of life in the City's neighborhoods. Operating under the "broken windows" theory, the section's aim is to identify, prioritize, and address these criminal problems before they grow into more serious offenses that can lead to urban decay in our communities. The section understands that the ability to respond to neighborhood complaints and address criminal problems proactively is critical to improving the quality of life in our City neighborhoods.

Through the **Justice for Neighbors (JFN)** program our office has coordinated with the City's enforcement departments, including the Fire and Community Development Departments to target abandoned structures, nuisance properties and blight plaguing neighborhoods throughout the City. The JFN team files lawsuits seeking aggressive and specifically-tailored injunctive relief against property owners and gang members, including stay-away orders, closure of properties, hiring of security guards, installation of video camera systems and other remedial improvements to the properties.

For tenant housing our office works with property owners and SPD to expedite the eviction of tenants who engage in narcotics or gun related crimes. Our office reviews arrest reports submitted by SPD notifying landlords of pertinent offenses committed by their tenants, and civil remedies against owners who fail to evict these tenants. The office also files eviction actions where owners refuse, or are too fearful, to evict for specified related crimes.

Summary FY 2017-2018

Total Public Safety Matters/Assignments: 2931

Non-Cannabis

Administrative Appeal: 19	Advice: 78	Amicus Brief: 2	Bankruptcy: 1	Code Assignments: 671
Contracts: 130	Criminal Misdemeanors / infractions: 842	Drug & Gun Eviction: 16	Ordinance adopted: 4 Ordinance Meeting: 7	Physical Nuisance: 15
Pitchess Motions: 28	PRA's: 715	Receivership: 9	Social Nuisance: 15	Staff Reports: 127
Subpoenas: 33	Temporary Restraining : 1	Inspection Warrants: 3	Weapons: 32	Writ (litigation): 8

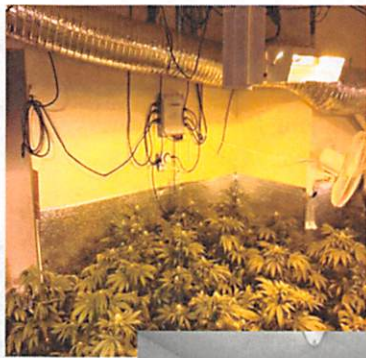
Cannabis

Administrative Appeal: 108	Advice: 8	Physical Nuisance: 1	PRA's: 13
Receivership: 1	Social Nuisance: 7	Inspection Warrants: 45	

Notable Achievements

2611 Dorine Way (District 3): A Permanent Injunction was obtained against this longstanding nuisance property that was being operated as an automotive junkyard. The injunction prohibits the use of the residence as an automotive storage and salvage yard and there is a suspended penalty of \$102,500 should the property owner violate the terms of the injunction.

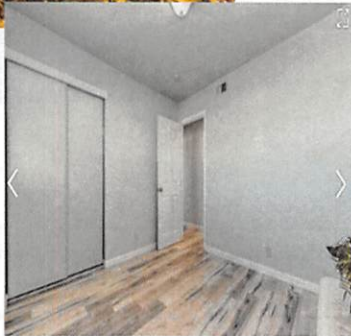
1724 Neihart Ave, 7700 Mary Lou Way, 7547 Twilight Drive (District 8): Each of these three single-family residences were engaged in unlawful cultivation of cannabis (“illegal grow house”) and were subject to numerous enforcement actions and arrests by SPD. After a JFN drug nuisance lawsuit was filed the owners agreed to rehabilitate each of the three properties and list each for sale. The owners also paid \$25,000 in penalties to the City.



Before



Before



After



After

Public Records Act (PRA) (City-wide): In addition to nuisance abatement, criminal prosecution, and providing advice to the Community Development Department (CDD) and the SPD, the section handled over 600 PRA's requests in FY 2017-2018. As the section responsible for all SPD and CDD Code and Housing PRA requests, it is anticipated that this number will continue to increase every year.

Notable Achievements

Cannabis Enforcement (Citywide): In this reporting period the City issued 187 cannabis administrative penalties, totaling \$41,275,500. From that number, the section has or is currently defending a total of 125 penalties which have been appealed, totaling \$32,394,500.

The section successfully eliminated an unlicensed cannabis event in midtown Sacramento when it filed a lawsuit against a club that was organizing unlawful cannabis events. The event drew hundreds of participants to a residential neighborhood causing traffic and parking chaos. The organizers claimed that cannabis was not being sold at the event and participants were attending a private party. The court rejected the claims and issued a City-wide injunction against the club and its members effectively prohibiting cannabis events at the property and preventing the organizers from opening a similar club in other parts of the City.

As a result of the section's aggressive enforcement efforts it has been informally recognized by the State of California, Department of Consumer Affairs the statewide agency tasked with cannabis enforcement) as the leading City Attorney's Office on cannabis enforcement statewide. Because of this expertise the section conducts multiple trainings, presentations, and aids other local governments with their cannabis enforcement challenges.

Vacant Lot Enforcement (District 2): A vacant lot in the 2500 block of Rio Linda Boulevard was constantly being occupied by transients, who left piles of trash, junk, and debris. After the JFN team filed a nuisance abatement lawsuit the property owner signed a stipulated judgment, which mandated that he maintain a contract with a maintenance company to keep the property clean. The property owner also agreed to further fines if the property was found out of compliance.



Notable Achievements

Receivership (District 8): A home in the 7700 block of Detroit Boulevard had become a haven for transient activity with extensive damage in the interior. SPD had been called to deal with the residence on multiple occasions and the City boarded the house up on numerous occasions. With multiple calls to Housing and Dangerous Buildings as well as SPD, this property was ripe for JFN intervention. The property owner was deceased, and the only known potential heirs did nothing to alleviate the problem.



After notice was given to the potential heirs, the JFN team sought a receivership from Sacramento Superior Court. A petition was filed, a receiver was appointed, the property was completely rehabilitated, and a sale of the property is pending.



Police Advisory (City-wide): In FY 2017-2018, our office assisted SPD in their mission. Working closely with the Sacramento Superior Court, the section helped streamline the process for obtaining search warrants for illegal cannabis grows, facilitated the transition to e-citations, and created an alternative sentencing program with the City's Comprehensive Alcohol Treatment Center, which allows defendants currently experiencing homelessness to take part in a temporary housing program in lieu of jail time. In addition, our office has been a fixture at SPD's 2018 Continuing Professional Training Program, giving a weekly presentation on what our office does and about the JFN Program. Finally, our office advised SPD on a number of crucial contracts and agreements, including those involving procurement, grant funding, public outreach and citywide security, as well as on a wide range of topics, from general orders to training bulletins, to strategic operations and planning, to municipal ordinances and even international law.

Nightclub (District 4): For months, a downtown Sacramento nightclub generated an excessive number of calls for police service, culminating in a shooting incident in which a patron and security guard were injured. The JFN team collaborated with the California Department of Alcoholic Beverage Control (ABC) to end nuisance activity generated by the nightclub. Our office prepared a civil complaint naming both the nightclub and property owner as Defendants. Facing enforcement action from both the City and ABC, the nightclub voluntarily relinquished both its City entertainment permit and its ABC license five days after the shooting incident.

Notable Achievements

3715 Innovator Drive, 56 Lacam Circle, 2625 Lock Avenue/7048 27th Street and 2236 Kenworthy Way (Districts 1, 5, 6, and 8): Each of these single-family residences were engaged in unlawful cultivation of cannabis and were subject to numerous enforcement actions by SPD but the absentee owners routinely ignored SPD's warnings, arrests, and administrative penalties. After JFN intervention, a lawsuit was filed against the owner and the owners agreed Permanent Injunction against each of the properties. The agreement requires the properties to have posted signage stating that the properties are enjoined per court order. The property owners also had to pay \$100,000 in penalties to the City.

Tobacco Shop (District 1): During an underage sales sting operation, a North Natomas tobacco shop sold tobacco to a person under 21 years of age. As a result, the City issued a 30-day tobacco retailer license suspension, which the licensee administratively appealed. Our office defended the license suspension, which the hearing examiner upheld. During the period of suspension, the licensee repeatedly violated the hearing examiner's order by displaying and retailing in tobacco. Consequently, the City issued a tobacco retailer license revocation, which the licensee again administratively appealed. Our office defended the license revocation, which the hearing examiner upheld. A family member of the former licensee purportedly purchased the business and applied for a new tobacco retailer license. After the City denied the purported buyer's application for a tobacco retailer license, the purported buyer administratively appealed. Our office defended the application denial, which the hearing examiner upheld.

Office Programs

Law Clerks: Our law clerk program continues to thrive, thanks to all of the attorneys who are willing to work with and provide guidance to the students. The majority of the applicants are students from local law schools, University of the Pacific and UC Davis, but we have also had applicants from Berkeley, Pepperdine, University of Virginia, and William and Mary. Our 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 four sections within the office. The law clerks also accompany attorneys to meetings, arbitrations, mediations, depositions, hearings, and trials, all of which help them utilize their newly acquired skills in a professional setting. The office currently has three former law clerks working as attorneys.

Christmas gift for community: This year our office chose to donate to the Children's Receiving Home of Sacramento for our holiday donations. The Children's Receiving Home of Sacramento was very pleased with our donations and it was an honor giving back to the community in need.

Law Day: Our office hosted its ninth annual Law Day event. In keeping with the American Bar Association theme, "Separation of Power – Framework for Freedom," the program featured a panel style discussion of the separation of powers doctrine from the perspective of the three branches of the United States government: executive, judicial, and legislative. Speaking from the perspective of each of these branches, respectively, were Sacramento Mayor Darrell Steinberg, Judge David DeAlba of the Sacramento Superior Court, and former California Assembly Majority Leader, Alberto Torrico. Moderating the event was Constitutional Law Professor Leslie Jacobs, University of the Pacific, McGeorge School of Law. Attendees were engaged with firsthand and illustrative discussions from each of the panelists' perspectives from public service. The event, which was open to the public as well as City staff and offered MCLE credit for legal professionals.



Forthcoming in FY 2018-2019

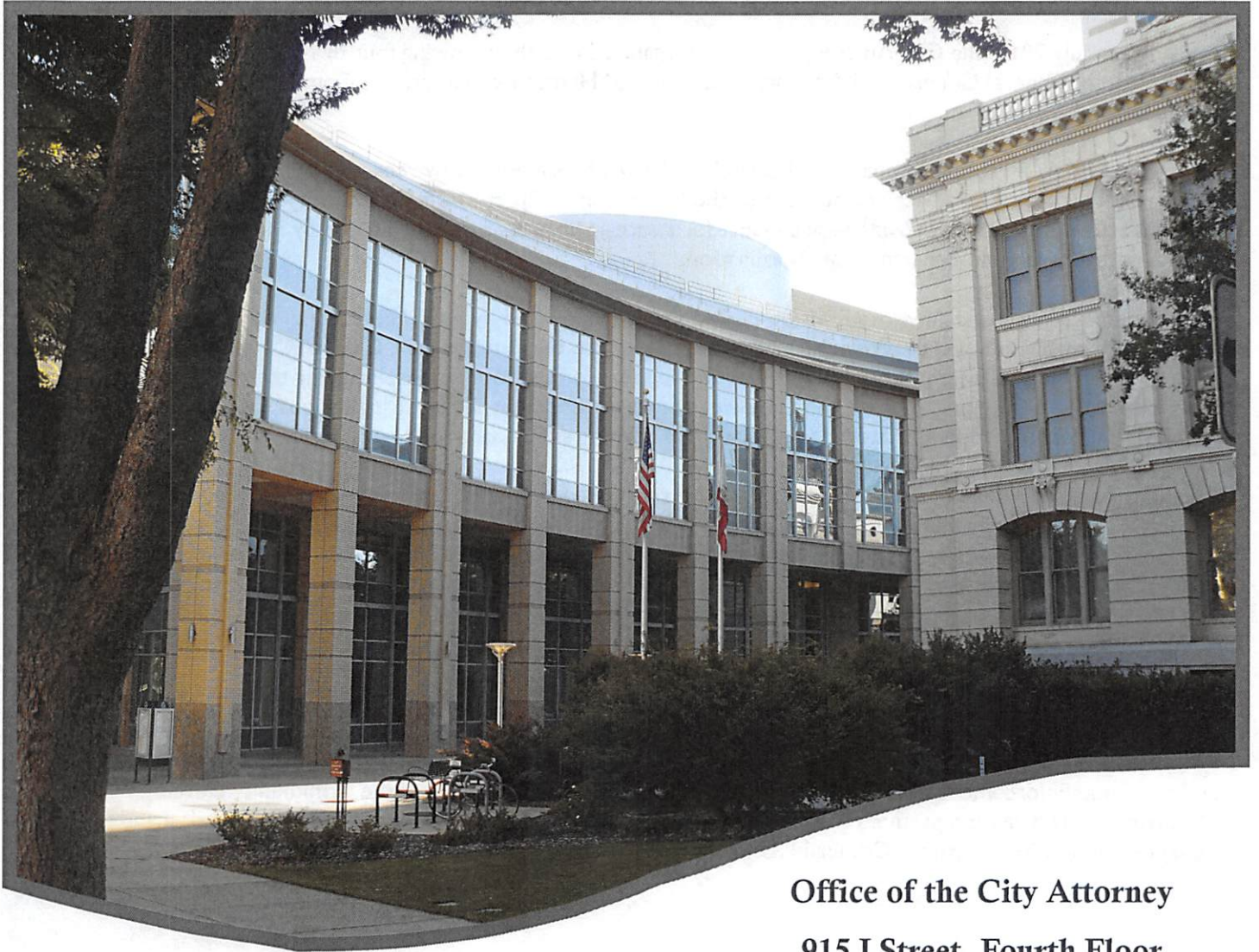
Beginning in July 2018, the City Attorney's Office reorganized into the following four divisions: Strategic Projects and Research; General Counsel and Advisory; Litigation and Human Resources; and Community Advocacy and Public Safety.

Our new division, Strategic Projects and Research (SPR) will be supervised by recently promoted Steve Itagaki. This division will provide legal advice and support to the City Council, Charter Offices, and City Departments. SPR Division attorneys will also provide legal support for strategic projects that are initiated by members of the City Council or require multi-departmental coordination.

The General Counsel and Advisory Division (GCA) will be supervised by Jerry Hicks, Supervisor Deputy City Attorney. This division will provide legal advice and support to the City Council, Charter Offices, and City departments. GCA Division attorneys provide legal support for City operations, including the drafting ordinances and resolutions; negotiating, drafting and reviewing contracts; drafting and reviewing various City documents and memoranda; research federal, state, and local law; and advising staff, boards and commissions.

The Litigation and Human Resources Division will be supervised by Brett M. Witter, Supervisor Deputy City Attorney. This division will be responsible for handling all civil litigation for the City and its employees, as well as all Human Resources related administrative litigation matters. Attorneys in this division handle lawsuits where the City or staff is the plaintiff or defendant, in matters that encompass the entire spectrum of municipal law. In addition, attorneys in this division provide significant advisory support to the various divisions in the City's Human Resources Department, including Risk Management, Workers' Compensation, Labor Relations, Administration, Leaves, and Safety.

The Community Advocacy and Public Safety will be supervised by Gustavo L. Martinez, Supervisor Deputy City Attorney. This division provides advisory and enforcement services to the Sacramento Police Department (SPD) and the Code Enforcement and Dangerous Housing Section and Animal Care of the Community Development Department. The division partners with the enforcement departments to prosecute and abate physical and social nuisances along with a separate Criminal Prosecution Unit that prosecutes all criminal violations of the City Code.



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