

CAO in Crisis Response Mode 2020

COVID 19 RESPONSE

Like all City Departments, The City Attorney's Office had to unexpectedly shift all operations in early March of 2020 to adjust to the crisis created by COVID 19. However, because the Office engages with and supports every aspect of city operations, including the Council, Charter Offices, all Departments and staff, including OES staff, it quickly became apparent that we needed to make some fundamental organization shifts to be able so as to keep pace with daily developments and needs of the City operations, rapidly provide regulatory updates by the County, State and Federal agencies, drafting and transactional work, and advising and counseling on new processes and procedures needed for rapidly changing city operations.

Accordingly, we realigned staff into "practice groups" as part of the CAO Covid 19 Org chart, which is set forth below. The practice groups were assigned subject matter that aligned with the City needs as they were deployed by the Council and City Management in response to the crisis. We also forecasted areas we expect would be requiring additional legal assistance, and assigned resources so as to ensure the most rapid response possible. In this fashion, we kept our commitment to stay lock-step with all the legal needs of the City so it continue to move at the rapid pace this crisis demanded. We did all of this with existing staff, who retained all of their usual workloads in addition to the crisis work assigned to them. This "overlay" structure has served the city very well, and was monumental in being able to assist the City with establishing the programmatic structures for qualifying and distributing the CRF funds, and for preparation and execution of hundreds of transactional documents, in a significantly short period of time. Eviction Moratoriums, Emergency Orders, interpretation of regulatory orders to determine what business could operate, employee protections – are all some of the work taken on by the CAO. This Crisis practice group organization overlay remain in place to date.

SOCIAL UNREST RESPONSE

In the midst of the Covid crisis, beginning in late May the City was the site of a number of civil demonstrations that lasted throughout the summer. For the CAO's part, it required us to help the Council navigate emergency council meetings, issuances of emergency orders and implementation of a curfew. Throughout, we advised the City Manager's Office, the Police Department and OES. Through our prosecutorial function, we dealt head on with addressing curfew violations and other city code violations related to the protests. We regularly consulted with our counterparts throughout the nation for best practices, especially other Capital cities that were facing the same types of civil unrest related activities, so that we could continually adjust our legal advice as needed to meet the Council and City management needs.

For Departments- Attorneys will retain all of their department assignments, so please continue working with them as usual.

Our Administration Team

OVERVIEW

The administration and general support functions of the office are performed under the direction of the City Attorney. 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, Jerry Hicks, and Steve Itagaki; Law Office Administrator Angela Kolak; and Special Assistant to the City Attorney Jenny Manzer Beck.

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 and individual 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 and succession planning. Together the team prioritize the establishment and maintenance of relationships and trust with the City Council and their staff, public commissions and valued City departments, officers and city staff.



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 22 ordinances during 2020.

The General Counsel & Advisory Section, Strategic Projects & Research Section, Community Advocacy & Public Safety Section, and the Litigation & Human Resources 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. Our Draft Ordinance Review Committee (DORC) held 77 meetings to review 47 various legislative proposals during Calendar Year 2020. Below are the issues addressed by ordinances enacted during 2020.

2019 Cal. Fire Code - 2020 Local Amendments		Prohibition of Industrial Hemp
Accessory Dwelling Units		Purchase of Duty Weapons
Agreements for Digital Billboards		Reducing Utility Penalties
Cannabis Storefront Dispensaries		Rent Cap Adjustment
Central City Special Planning District		Hotel Worker Protection
Commercial Solid Waste Management		Southeast Industrial Area Dispensaries
Conversion of Multi-Unit Housing to Hotel		Powers And Duties Of The Director And Assistant Director And Coordinator Of Emergency Services
Critical Infrastructure Ordinance		Storefront Cannabis Dispensaries
Entitlement Moratorium		Suspending Mandatory Requirements of Boards, Commissions and Committees and Council Rules Related to Boards, Commissions and Committees
Fee Deferral Program		Telecommunication Facilities
Folsom Blvd. SPDs		Temporary Homeless Shelters
Hemp Moratorium		Temporary suspension of planning agency functions of the Planning and Design Commission
Leaf Blowers		Tobacco Retail Licensing Program

Legislation Highlights

Mandatory Masks in Public		West Broadway Specific Plan
Massage Therapy		Worker Protection, Health, And Safety
Moratorium on Evictions Due to COVID-19		Youth Enrichment Fund
Planning And Development		Youth Seats on City Commissions

Office Overview

Budget

Operating Budget for FY 2019-2020: \$ 9,694,923

Sources:

General Fund: \$ 7,151,151

Interdepartmental Funds: \$ 2,323,681

Non-General Fund: \$ 220,091

Revenue: \$ 103,023

In addition to the revenue figure above, the City Attorney collected a total of \$673,833 under Council Resolution # 2009-164 (Justice for Neighbors Operating Project). Those funds are set aside to provide resources to the City to combat quality-of life-issues under the Social Nuisance Code.

Special Budget Items: Four positions were requested and added during the mid-year budget process, their costs were fully offset by funding from the Cannabis Program, bringing the CAO FTE total to 58.00.

Through our JFN—illegal grow house enforcement, successful civil prosecutions efforts let to violators settling their cases by agreeing to pay fines in the amount of _____, _____ of which was actually received by the City during 2020.

Community Advocacy & Public Safety Division ("CAPS")

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

The mission of the division is to fight corrosive social and criminal nuisances that degrade the quality of life in the City. Operating under the "broken windows" theory, the division's aim is to identify, prioritize, and address criminal problems before they grow into serious offenses that can lead to urban decay. The division understands that the ability to respond to neighborhood complaints and address criminal problems proactively is critical to improving quality of life in our 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. The JFN team files lawsuits seeking aggressive and specifically-tailored injunctive relief, including stay-away orders, closure of properties, hiring of security guards, installation of video camera systems, and other improvements to 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 offenses committed by their tenants, and civil remedies against owners who fail to evict these tenants. The office also files eviction actions when owners refuse or are too fearful to evict for related crimes.

Summary Calendar Year 2020

Total Matters/Assignments:

Matters: 23 Code Assignments: 391	Matters: 75	Contracts approved: 116
Criminal Matters: 410	Public Records Act: 134	

Notable Achievements

Evergreen Shopping Center, Mack Road: Beginning in 2014, the property generated more than 2,250 calls for police service, a disproportionately high number when compared to similar complexes in the area. The calls involved narcotics, gang activity, homicides, and robberies. After repeated attempts to work with the owners proved unsuccessful, the Justice for Neighbors team filed a social abatement lawsuit against the owner. The court issued an injunction against the owners forcing them to implement business strategies and improvements to prohibit drug and gang activity on the property.

After the City experienced a significant increase in hazardous vehicle sideshows, we collaborated with the Superior Court and District Attorney's Office to establish an entirely novel process to seize vehicles involved in sideshows. The new procedure has been used by SPD to remove from City streets vehicles involved in dangerous and reckless sideshows.

ACAPS assisted the Department of Utilities and other City Departments with temporary relocation of persons experiencing homelessness to address public safety hazards consistent with CDC guidelines and the County Health Order.

The division continued to close illegal residential grow houses and collect a substantial amount of administrative and civil penalties. In a landmark event we settled a litigated cannabis case for \$1 million dollars-the largest administrative penalty in the history of the office. Since the inception of the program to eradicate illegal grow houses, the division's attorneys have collected over \$11 million in illegal-grow-house penalties through effective civil litigation and administrative penalty prosecutions. In partnership with SPD, we have managed to reduce the City's illegal grow houses by 80%.

The division drafted the following three noteworthy ordinances that had an impact on public health and safety: Hotel Worker Protection, Leaf Blowers, and amendments to the Tobacco Retailers ordinance.

From collected nuisance abatement penalties, the Justice for Neighbors program contributed \$160,000 to the Family Meals initiative. This meals initiative was established in response to the COVID-19 pandemic to provide nutritious senior meals and provisions to 10 underserved SHRA complexes in the City. The project not only took care of our most vulnerable population in a time of crisis, it also utilized a supply and production chain that employed local independent restaurants and farmers to provide these meals.

General Counsel & Advisory Division (“G-CAD”)

The General Counsel and 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 review of contractual documents
- Researching federal, state, and local law
- Provide advice at meetings of the Council and City boards and commissions

Summary Calendar Year 2020

Total Matters/Assignments:

Matters: 74	Assignments: 14	Contracts Approved: 1979
Assignments: 677		
Staff Reports Approved:	Public Records Act:: 85	

Notable Achievements

Drafted an ordinance establishing a process for the city to review and authorize, through an administrative permit, small temporary residential shelters and encampments, including safe parking lots, during a shelter crisis declared by the city council. This ordinance makes it easier for private parties to establish homeless shelters while also ensuring basic health and safety standards are met for the protection of residents.

Prepared and reviewed documents to facilitate a water transfer between the City and its regional partners and several State water contractors. These include agreements between the sellers and the buyers, agreements with the State of California, petitions to the State Water Resources Control Board, California Environmental Quality Act (CEQA) compliance, and monitoring plans and agreements for the distribution of third-party administrative costs. The water transfer resulted in approximately \$2.1 million in revenue for the City.

Advised Department of Utilities staff on successful renewal for the City's National Pollutant Discharge Elimination System permit for its combined sewer system. Worked with staff to negotiate appropriate conditions for the renewed permit and respond to opponents' comment at the Central Valley Regional Water Quality Control Board.

Prepare documents for the Department of Utilities to grant credits against development impact fees for significant utility infrastructure work occurring at 65th Street and within the Greenbriar Project.

Drafted revisions to the City Code to provide City Council discretion to waive late fees during a City declared emergency to allow Council to grant financial relief to utilities customers during the COVID-19 pandemic.

Worked with City staff in creating requests for proposals, guidelines, and agreements in order to distribute almost \$20 million dollars in federal CARES Act funds to businesses, individuals, and non-profit organizations in the arts, creative economy, and tourism industry that were impacted by the COVID-19 health crisis. The City entered into hundreds of agreements with local non-profit organizations, businesses, and artists to provide financial support through CARES Act funds as well as providing funds to dozens of organizations for program-based projects to assist the local creative economy that had been adversely impacted by the economic hardships brought about by the COVID-19 pandemic.

Drafted an ordinance that created a new commercial compliance division with the Recycling and Solid Waste Division (RSW) of Public Works as it will assume responsibility for oversight, regulation, and enforcement of commercial solid waste collections services within the City on July 1, 2021. RSW also required legal advice on a number of additional topics related to this transition. This is a significant change and undertaking by the City. For the past thirty years, commercial solid waste collections services have been overseen by the Sacramento Regional Solid Waste Authority (SWA), which is a joint powers authority between the City and Sacramento County. The County elected to withdraw from the JPA leaving the City responsible for creating a new compliance division that will take over management and oversight of commercial solid waste collections within the City.

Notable Achievements, (Cont.)

Continued to work with city staff on drafting and revising ordinances concerning new building electrification and modifications to requirements for electric vehicles. The work entails reviewing various provisions of the California State Building Standards Code and the rules that provide for local modifications to state requirements. The work also includes reviewing the various means that other local jurisdictions have utilized concerning local modifications

Continued assisting Public Works staff with requirements related to the California Subdivision Map Act, including map requirements, right-of-way vacation requirements, and temporary street and alley closures.

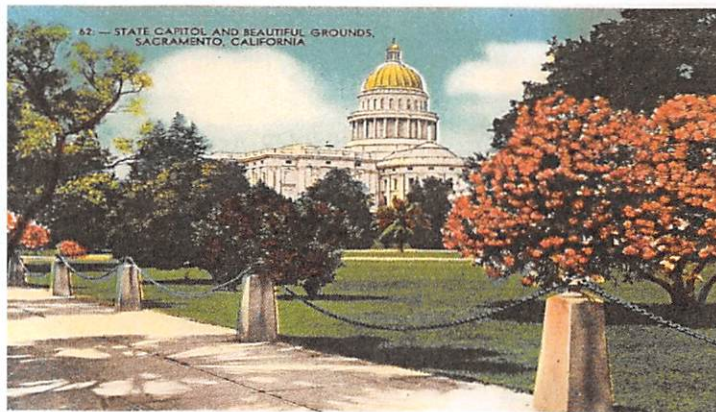
CARES Act: Our CARES Act team evaluated hundreds of community proposed projects and internal City expenditures for CARES Act eligibility and provided guidance to help staff spend \$89.6 million dollars, consistent with the priorities established by the Council and CARES Act expenditure guidelines. Our team created a CARES Act Grants Management program, multiple checklists, CARES Act -compliant grant agreement templates, grant solicitation documents, purchasing contract templates, and requests for proposals, We reviewed and approved more than 1500 CARES Act related agreements.

Shared-Rideables: Our office worked with transportation planning staff and the Sacramento Area Council of Governments to ensure that the regional bikeshare program transitioned smoothly from Uber to the new operator, Lime, including the development of an MDS data-sharing policy and administrative policy revisions.

Advised staff on numerous construction projects including: the Convention Center Complex; Fire Station 14; the Natomas Community Center; and the Aquatic Center.

Advised staff in negotiations over use of airspace under W/X freeway with Caltrans and US Government.

Advised staff in preparation of West Broadway Specific Plan .



Litigation & Human Resources Division

The Litigation/Human Resources Division provides both litigation and advisory support. Division attorneys represent the City, City Council, and staff in all manner of litigated matters, including, civil rights, personal injury and property damage cases, construction defect, eminent domain, and breach of contract. Litigation attorneys work in both the administrative and civil arenas, providing litigation services in arbitration and administrative proceedings, and in both state and federal courts. Division attorneys also provide advisory support to the various divisions in the City's Human Resources Department, including the Office of Civil Rights, Benefits, Class and Compensation, Labor Relations, Safety, Workers' Compensation, and Risk Management.

Summary Calendar Year 2020

Total Litigation and HR Cases Opened: 155

Labor/HR: 14	Cannabis: 17	Civil Rights: 16
Subpoena: 19	Subrogation-Collection: 5	Tort/Appeal: 29
Writs: 12	Advice/Potential Threatened: 17	PRA: 37
Contract: 25	Staff Reports: 31	

Total Litigation Assignments:

Total HR Assignments:

Advice: 51

Advice: 248

Notable Achievements

Case No. 1 (Tokat) – Plaintiff sued the City for property damage after the sewer system in her apartment complex backed up, causing thousands of dollars in damage. Division attorneys investigated the flooding and worked with the Department of Utilities to prove that the cause of the flooding was in the property owner's line, and the City was dismissed without the payment of any money.

Case No. 2 (Brewer) – In response to a Code Enforcement action, a property owner sued the City on several theories. The City's demurrer to the cross-complaint was sustained on several causes of action, drastically limiting the scope of the case moving forward.

Case No. 3 (Del Rio Trail) – In March, 2019, the City Council approved the Del Rio Trail project, a recreational trail extending 4.8 miles south of Sutterville Road. As the trail runs along an historic rail line, opponents of the project took the position that the Environmental Impact Report also approved by the Council failed to adequately consider the impacts to historic resources. Division attorneys were able to successfully defend that challenge at the trial court level, and no appeal was filed.

Case No. 4 (Lea) – Plaintiff in this action alleges that an assault she suffered while visiting Sacramento was the result of the City's failure to protect citizens and visitors. The City and several elected officials and City staff were named as defendants. Division attorneys filed a demurrer to the complaint, which was sustained without leave to amend, and judgment was entered in the City's favor.

Case No. 5 (Stevenson) – Petitioners in the case had brought a writ seeking records pursuant to the California Public Records Act. The writ was partially successful for the petitioners in that the trial court entered an injunction preventing the city from deleting certain documents, but the trial court ordered petitioners to obtain a bond during the pendency of the injunction to cover the potential cost to the City. Petitioners appealed the bond requirement as against public policy. Division attorneys defended the case on the appellate level and obtained a novel decision confirming a public entity's right to the bond requirement.

Case No. 6 (SHU) - Petitioners sought to terminate the City's enforcement of its ordinances preventing camping at City Hall during business hours, and to prevent any removal of the homeless from any campground during the pandemic. Division attorneys successfully defended the ordinances preventing camping at City Hall, and the court allowed for the displacement of campers when there are adverse impacts to critical infrastructure or imminent safety hazards.

Case No. 7 (Day) - A pro per plaintiff filed a complaint asserting claims of age and race discrimination against the City and the County of Sacramento. Division attorneys successfully convinced the plaintiff that her only claims, if any, were against the County, and she agreed to dismiss the City from the case entirely before filing an answer to the complaint.

Case No. 8 (Selck) - Plaintiff filed a complaint alleging civil rights violations including excessive force and the seizure of property without due process, as well as other allegations of misconduct by the police department. Division attorneys successfully filed a motion to dismiss, avoiding the need for further investigation and discovery.

Case No. 9 (Bolanos) - Petitioner filed a writ both appealing administrative penalties issued as a result of city code violations on his property and challenging the constitutionality of the city code section upon which those penalties were based. Division attorneys successfully defended both the penalty and the constitutionality of the city code.

Case No. 11 (Trumball Ins.) – Plaintiff was an insurance company seeking to recover benefits paid to their insured as a result of an auto accident with a City employee. Division attorneys obtained a dismissal of the case at the

Notable Achievements, (Cont.)

Case No. 10 (Cannabis Enforcement) - The City Attorney's Office has worked diligently to develop a litigation program supporting the work of the Police Department and Code Enforcement in shuttering illegal cannabis cultivation sites. Division attorneys have successfully defended at the Superior Court level the administrative penalties obtained by CAPs Division attorneys at the administrative level. Since mid-2018, 68 Writs have been filed as a result of decisions upholding these cannabis administrative penalties, and 21 are active. Settlements and judgments in this litigation program have resulted in millions of dollars in penalties.

Case No. 11 (Trumbull Ins.) – Plaintiff was an insurance company seeking to recover benefits paid to their insured as a result of an auto accident with a City employee. Division attorneys obtained a dismissal of the case at the demurrer stage premised upon the relevant statute of limitations.

Strategic Projects & Research Division (SPR)

The Strategic Projects and Research Division provides legal advice on projects initiated by the City Council or that require multi-departmental coordination. SPR attorneys also provide legal advice to the City Council, charter offices, and city departments .

Summary Calendar Year 2020

Total Assignments: 1488

Advice: 625	Cannabis: 25	Contracts Approved: 690
Staff Reports Approved: 146		

Total Matters: 106

Advice: 32	Cannabis: 9	PRA: 65
Ordinances Reviewed: 2		

Notable Achievements

COVID-19 Local Emergency Response – Provided legal advice and prepared documentation in the City's response to the COVID-19 pandemic, including the City Council's declaration of local emergency, the issuance of emergency orders, the lodging of first responders at a local hotel, the resumption of child care services, the establishment of the Cal Expo isolation shelter, and the development of the Sacramento COVID-19 Homelessness Response Plan.

COVID-19 Economic Recovery Programs – Provided legal advice and prepared documentation for programs to help the city recover from the economic effects of the COVID-19 pandemic, including the Small Business Emergency Loan Program, the Small Business Recovery Loan Program, the Workforce Development Program, and the Farm-to-Fork Al Fresco Program.

Meadowview Navigation Center – Provided legal advice and drafted documents in support of the construction, funding, and operation of the City's women's navigation center for single women who are experiencing homelessness.

Emergency Bridge Housing at Grove – Provided legal advice and drafted documents in support of cabin-based sheltering for transitional age youth who are experiencing homelessness on the Grove Avenue grounds of St. Paul Church of God in Christ.

Storefront Cannabis Dispensary Permit Process – Created the city's first RFQ process for 10 new storefront cannabis dispensary permits for Cannabis Opportunity Reinvestment and Equity (CORE) program participants.

Inspector General – Provided legal advice on the creation of an Inspector General position within the Office of Public Safety Accountability to increase transparency and accountability in officer-involved shootings and other use-of-force incidents.

65 East Student Housing – Drafted a complex reimbursement and credit agreement for impact fees and sewer fees to initiate the development of the transit-oriented housing project on 65th Street near Sacramento State University.

Township 9 – Facilitated the sale of the Township 9 property in the River District to a development team that obtained Opportunity Zone tax credits to build 2,300 housing units.

Refinancing of City's Outstanding Bonds – Assisted the City Treasurer's Office in refinancing the City's outstanding bonds by issuing new bonds at lower interest rates, including the Water Revenue Bonds (\$188,390,000), the McKinley Village Community Facilities District Special Tax Bonds (\$8,540,000), and the Wastewater Revenue Bonds (\$27,970,000).

Office Programs

Christmas Gift for Community: In December of 2020 our office did things a little differently due to the pandemic. Rather than purchase gifts directly for a family, an all-staff collection resulted in us donating almost \$1000 in Amazon gift cards to the Move On Sacramento Organization for them to chose a family to benefit.



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.



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