

Office of the
City Attorney
Richard Doyle, City Attorney

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The Office of the City Attorney is committed to providing excellent legal services, consistent with the highest professional and ethical standards, to the City, with the goal of protecting and advancing its interests in serving the people of San José

City Service Area

Strategic Support

Core Services

Legal Representation

Advocate, defend, and prosecute on behalf of the City's interests




Legal Transactions

Provide oral and written advice on legal issues and prepare documents to implement official City actions

Strategic Support: Office Management and Analysis, Fiscal Control/Budget Preparation, Personnel Administration/Human Resources, Computer Network Management, Facility Management, Records and File Maintenance, Law Library Maintenance, and Contract Administration

Office of the City Attorney

Service Delivery Framework

Core Service		Key Operational Services
<p>Legal Representation: <i>Advocate, defend, and prosecute on behalf of the City's interests</i></p>		<ul style="list-style-type: none"> • Provide Legal Representation for the City, including its Officials and Employees • Prosecute Criminal Proceedings involving Violations of the San José Municipal Code • Pursue Litigation to Abate Nuisances and eliminate Unfair Business Practices to ensure Public Health and Safety • Provide Legal Representation before State, Federal, and Appellate Courts, and various Agencies and Boards • Provide Pre-Litigation Advice and Counsel to avoid Litigation and to protect the City's Interests should Litigation occur • Retain, coordinate, and supervise outside Legal Counsel
<p>Legal Transactions: <i>Provide oral and written advice on legal issues and prepare documents to implement official City actions</i></p>		<ul style="list-style-type: none"> • Preparation of Ordinances, Resolutions, Permits, Contracts, and other Legal Documents • Provision of oral and written legal Counsel and Advice • Performance of Legal Research
<p>Strategic Support: <i>Office Management and Analysis, Fiscal Control/ Budget Preparation, Personnel Administration/ Human Resources, Computer Network Management, Facility Management, Records and File Maintenance, Law Library Maintenance, and Contract Administration</i></p>		<ul style="list-style-type: none"> • Office Management and Analysis • Fiscal Control/Budget Preparation • Personnel Administration/ Human Resources • Records and File Maintenance • Information Systems Management • Facility Management • Law Library Maintenance • Contract Administration • City Council Agenda Documentation Coordination

Office of the City Attorney

Department Budget Summary

Expected 2014-2015 Service Delivery

- The City Attorney's Office will continue to comply with legal requirements while facing the challenge of meeting legal services demand that is largely driven by outside factors. As litigation matters principally originate from claims and lawsuits filed by plaintiffs, and transactional legal assignments are generated by City Council direction and department requests, the Office must comply with legal requirements while managing unpredictable fluctuations in demand.
- Transactional legal services will continue to be delivered by the Office but will be triaged with priority given to matters that present the greatest risk of loss to the City or have the potential for increasing revenue. Low priority assignments will be performed as time allows.
- Litigation services will be provided as broadly and efficiently as possible given the current staffing level. The net loss of litigation attorney positions, as well as experienced litigators, over the past few years has resulted in decreased service levels and a greater reliance on outside counsel.
- Legal services are required and will be provided to wind down the business affairs of the former Redevelopment Agency through its Successor Agency and Oversight Board, including the disposition of assets and enforceable obligations.
- Due to the increased volume of employment and labor related matters and conflicts of interest, outside legal counsel will continue to be utilized to handle some of these matters.
- Significant legal resources are dedicated to collecting, reviewing, and responding to time-sensitive Public Records Act requests, which continue to increase in numbers and complexity.

2014-2015 Budget Actions

- Continues funding for 1.0 Senior Deputy City Attorney and 1.0 Legal Analyst II through June 30, 2019 to provide legal support for the Water Pollution Control and Sanitary Sewer Capital Improvement Programs.
- Reallocates funding from non-personal/equipment to add a permanent part-time Messenger Clerk to file and serve critical court documents for the Workers' Compensation Unit.

Operating Funds Managed

N/A

Office of the City Attorney

Department Budget Summary

	2012-2013 Actual 1	2013-2014 Adopted 2	2014-2015 Forecast 3	2014-2015 Proposed 4	% Change (2 to 4)
Dollars by Core Service					
Legal Representation	\$ 6,082,579	\$ 6,332,209	\$ 6,717,420	\$ 6,717,420	6.1%
Legal Transactions	6,451,071	7,406,038	6,477,024	6,850,026	(7.5%)
Strategic Support	1,183,208	1,205,922	1,195,541	1,195,541	(0.9%)
Total	\$ 13,716,858	\$ 14,944,169	\$ 14,389,985	\$ 14,762,987	(1.2%)
Dollars by Category					
Personal Services					
Salaries/Benefits	\$ 12,993,914	\$ 13,959,489	\$ 13,706,305	\$ 14,098,606	1.0%
Overtime	8,118	0	0	0	N/A
Subtotal	\$ 13,002,032	\$ 13,959,489	\$ 13,706,305	\$ 14,098,606	1.0%
Non-Personal/Equipment					
	714,826	984,680	683,680	\$ 664,381	(32.5%)
Total	\$ 13,716,858	\$ 14,944,169	\$ 14,389,985	\$ 14,762,987	(1.2%)
Dollars by Fund					
General Fund	\$ 11,152,273	\$ 12,375,897	\$ 12,158,682	\$ 12,158,682	(1.8%)
Airport Maint & Oper	585,372	609,293	582,190	582,190	(4.4%)
Comm Dev Block Grant	4,433	45,892	48,054	48,054	4.7%
Home Invest Partnership	2,915	51,795	54,282	54,282	4.8%
Housing Trust Fund	1,170	27,376	28,836	28,836	5.3%
Integrated Waste Mgmt	40,508	40,978	44,284	44,284	8.1%
Low/Mod Income Hsg Asset*	758,425	573,402	599,389	599,389	4.5%
Multi-Source Housing	0	107,477	113,617	113,617	5.7%
Sewer Svc & Use Charge	484,308	426,615	455,218	455,218	6.7%
SJ/SC Treatment Plant Oper	143,838	96,164	123,097	123,097	28.0%
Workforce Investment Act	175,151	203,196	182,336	182,336	(10.3%)
Capital Funds	368,465	386,084	0	373,002	(3.4%)
Total	\$ 13,716,858	\$ 14,944,169	\$ 14,389,985	\$ 14,762,987	(1.2%)
Authorized Positions by Core Service					
Legal Representation	31.40	30.50	33.80	34.30	12.5%
Legal Transactions	33.60	34.40	29.35	31.35	(8.9%)
Strategic Support	7.00	7.10	6.85	6.85	(3.5%)
Total	72.00	72.00	70.00	72.50	0.7%

* This fund was previously named Affordable Housing Investment Fund.

Office of the City Attorney

Budget Reconciliation

(2013-2014 Adopted to 2014-2015 Proposed)

	Positions	All Funds (\$)	General Fund (\$)
Prior Year Budget (2013-2014):	72.00	14,944,169	12,375,897
Base Adjustments			
One-Time Prior Year Expenditures Deleted			
• Environmental Services and Public Works Capital Projects (1.0 Senior Deputy City Attorney, 1.0 Legal Analyst II)	(2.00)	(386,084)	0
• Rebudget: Outside Counsel and Litigation Training		(400,000)	(400,000)
One-time Prior Year Expenditures Subtotal:	(2.00)	(786,084)	(400,000)
Technical Adjustments to Costs of Ongoing Activities			
• Salary/benefit changes and the following position reallocations: - 2.0 Senior Deputy City Attorney I/II/III/IV to 2.0 Deputy City Attorney I/II/III/IV		231,900	182,785
Technical Adjustments Subtotal:	0.00	231,900	182,785
2014-2015 Forecast Base Budget:	70.00	14,389,985	12,158,682
Budget Proposals Recommended			
1. Environmental Services and Public Works Capital Projects Legal Staffing	2.00	373,002	0
2. Litigation Support Staffing	0.50	0	0
Total Budget Proposals Recommended	2.50	373,002	0
2014-2015 Proposed Budget Total	72.50	14,762,987	12,158,682

Office of the City Attorney

Budget Changes By Department





Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
1. Environmental Services and Public Works Capital Projects Legal Staffing Strategic Support CSA <i>Legal Transactions</i> This action continues funding for two positions (1.0 Senior Deputy City Attorney and 1.0 Legal Analyst II) to provide legal support to the Water Pollution Control and the Sanitary Sewer Capital Improvement Programs through June 30, 2019. Staff assigned to these capital projects will focus on consultant and contractor procurement. These positions will continue to be jointly funded, 80% from the San José-Santa Clara Treatment Plant Capital Fund and 20% from the Sewer Service and Use Charge Capital Improvement Fund. (Ongoing costs: \$374,113)	2.00	373,002	0
Performance Results: Cost This action allows for the continuation of legal support for the capital projects in a cost-effective manner.			
2. Litigation Support Staffing Strategic Support CSA <i>Legal Representation</i> This action reallocates non-personal/equipment funding to fund 0.5 Messenger Clerk PT position to serve and file critical court documents for Workers' Compensation matters. For several years, the Office of the City Attorney has been using contractual services staffing to provide messenger clerk services for the Workers' Compensation Unit. A Messenger Clerk PT position can provide the same quality service, but in a more flexible, cost-effective manner. (Ongoing costs: \$0)	0.50	0	0
Performance Results: Cost, Quality This action will provide flexible, cost-effective messenger service for the Workers' Compensation Unit.			
2014-2015 Proposed Budget Changes Total	2.50	373,002	0

Office of the City Attorney

Performance Summary

Legal Representation

Performance Measures

	2012-2013 Actual	2013-2014 Target	2013-2014 Estimated	2014-2015 Target
 % of time final case results are within staff analyses and/or recommendations	90%	90%	90%	90%
 Cost of representation compared to law offices of similar size, practice, and expertise, including other governmental law offices				
- City Attorney's Office average hourly rate	\$134	\$134	\$135	\$135
- Outside Legal Counsel average hourly rate	\$480	\$490	\$480	\$480
 % of time client is timely informed of significant developments in a case	70%	80%	80%	80%
 % of survey respondents rating this core service satisfactory or better based on quality, cycle time, and professionalism	85%	90%	92%	90%

Changes to Performance Measures from 2013-2014 Adopted Budget: No

Activity and Workload Highlights

	2012-2013 Actual	2013-2014 Forecast	2013-2014 Estimated	2014-2015 Forecast
# of claims filed against the City	603	700	590	600
# of lawsuits filed against the City	215	260	200	210
# of lawsuits and administrative actions filed or initiated by the City	225	290	190	210







Changes to Activity & Workload Highlights from 2013-2014 Adopted Budget: No

Office of the City Attorney

Performance Summary

Legal Transactions

Performance Measures

	2012-2013 Actual	2013-2014 Target	2013-2014 Estimated	2014-2015 Target
 % of time final documents accurately reflect the approval of City action	94%	100%	93%	100%
 % of time that advice identifies and analyzes legal issues and risks	82%	85%	90%	85%
 % of time that advice provides alternatives where appropriate	68%	70%	83%	70%
 Cost of advice and documentation compared to law offices of similar size, practice, and expertise including other governmental offices				
- City Attorney's Office average hourly rate	\$134	\$134	\$135	\$135
- Outside Legal Counsel average hourly rate	\$480	\$490	\$480	\$480
 % of time client receives advice/document within mutually accepted time frames	80%	85%	96%	85%
 % of survey respondents rating this core service satisfactory or better based on quality, cycle time, and professionalism	92%	90%	93%	90%

Changes to Performance Measures from 2013-2014 Adopted Budget: No

Activity and Workload Highlights

	2012-2013 Actual	2013-2014 Forecast	2013-2014 Estimated	2014-2015 Forecast
# of Council/Board/Manager memoranda:				
- Prepared	1,017	1,370	1,240	1,130
- Reviewed	662	610	440	550
# of formal Opinions issued	8	18	10	10
# of Resolutions	371	360	340	360
# of Ordinances	185	190	190	190
# of Agreements	2,399	2,340	2,020	2,210

Changes to Activity & Workload Highlights from 2013-2014 Adopted Budget: No

Office of the City Attorney

Departmental Position Detail

Position	2013-2014 Adopted	2014-2015 Proposed	Change
Accounting Technician	1.00	1.00	-
Assistant City Attorney	2.00	2.00	-
Associate Deputy City Attorney	1.00	1.00	-
Chief Deputy City Attorney	4.00	4.00	-
City Attorney	1.00	1.00	-
Deputy City Attorney I/II/III/IV	7.00	9.00	2.00
Executive Assistant	1.00	1.00	-
Legal Administrative Assistant	9.00	9.00	-
Legal Analyst II	12.00	12.00	-
Legal Services Administrator	1.00	1.00	-
Messenger Clerk PT	0.00	0.50	0.50
Network Engineer	1.00	1.00	-
Office Specialist II	2.00	2.00	-
Police Officer	1.00	1.00	-
Police Sergeant	1.00	1.00	-
Senior Deputy City Attorney I/II/III/IV	25.00	23.00	(2.00)
Senior Legal Analyst	3.00	3.00	-
Total Positions	72.00	72.50	0.50

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