

**Office of the  
City Attorney**  
Richard Doyle, City Attorney

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**T***he Office of the City Attorney is committed to providing excellent legal services, consistent with the highest professional and ethical standards, with the goal of protecting and advancing the City's interests in serving the people of San José*

*City Service Area*

**Strategic Support**

*Core Services*

**Legal Services**

Advocate, defend, and prosecute on behalf of the City's interests. Provide oral and written advice on legal issues and prepare documents to implement official City actions.

**Strategic Support:** Provides administrative oversight for the department, including executive management, financial management, and human resources.

# Office of the City Attorney

## Service Delivery Framework

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PROGRAM	DESCRIPTION
<b><i>Legal Services Core Service</i></b>	
<b>Legal Representation</b>	Provides legal representation to advocate, defend, and prosecute matters on behalf of the City and the Successor Agency to the Redevelopment Agency. This involves a variety of activities including defense of lawsuits; general liability claims management; prosecution of municipal code violations; workers' compensation investigations and litigation; seeking injunctions for general nuisance, gang and drug abatements; alternative dispute resolution and contract dispute assistance; and initiation of litigation which can result in significant revenue collections.
<b>Legal Transactions</b>	Provides oral and written legal counsel and advice to the Mayor, City Council, Council Appointees, City departments, City boards, commissions and committees, and to the Successor Agency to the Redevelopment Agency, and is responsible for review and preparation of ordinances, resolutions, contracts, permits and other legal documents to implement official City and Agency actions.
<b><i>Strategic Support Core Service</i></b>	
<b>City Attorney Management and Administration</b>	Provides administrative oversight for the department, including executive management, financial management, and human resources.

# Office of the City Attorney

## Department Budget Summary

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### Expected 2019-2020 Service Delivery

- The City Attorney's Office will continue to provide legal representation and advice, while facing the challenge of meeting legal services demand that is largely driven by outside factors. Transactional legal assignments are generated by City Council direction and department requests that are often driven by technology innovations, economic conditions and state and federal mandates. Litigation matters often originate from claims and lawsuits against the City; consequently, workloads and liability exposure are largely out of the Office's control. In addition, the Office prosecutes criminal cases and files a variety of affirmative lawsuits. The Office will continue to provide in-house legal services while managing unpredictable fluctuations in demand for these services.
- Transactional legal services will continue to be delivered by the Office with priority given to matters that will provide the greatest benefit to the City or have the potential for increasing revenue. Lower priority assignments will be performed as time and staffing allows.
- Increased legal services will be required to assist on: 1) advice to the Planning Division, Office of Economic Development, and other departments supporting development; (2) Housing-related ordinances and issues, including Housing transactions, and Council initiatives on homelessness, rent control and mobile homes; 3) real estate-related projects, including the negotiations with Google and Parkside Hall for the Museum Place project; 4) advising staff related to the feasibility of forming a Community Facilities District to finance the acquisition of the Tech Expansion Space in connection with the Museum Place Project; 5) capital construction projects and issues relating to the Regional Wastewater Facility; and 6) innovation efforts to improve City technology.
- Litigation defense services will continue to take priority over proactive suits by the City. The net loss of litigation attorney positions has, at times, affected the Office's ability to adequately staff lawsuits and other litigation matters.
- Because of potential legal conflicts of interest, outside legal counsel will continue to be retained to represent the City's interests in pension-related litigation matters. When pension-related lawsuits are resolved, it is anticipated that use of outside legal counsel will decline.
- Significant legal staff and resources are dedicated to collecting, reviewing, and responding to time-consuming and time-sensitive Public Records Act (PRA) requests, litigation records, and discovery.

### 2019-2020 Key Budget Actions

- Adds 1.0 Legal Services Manager position to provide assistance in managing and supervising the day-to-day operations of the City Attorney's Office.
- As directed in the Mayor's March Budget Message for Fiscal Year 2019-2020, adds 1.0 Deputy City Attorney through June 30, 2020 to provide legal support for the purpose of proactive legal enforcement of blighted and nuisance properties. Funding is also set aside in an earmarked reserve to continue this program in 2020-2021.
- Adds 1.0 Senior Deputy City Attorney through June 30, 2020 to support the Affordable Housing Program in the Low and Moderate Income Housing Asset Fund.
- Continues 1.0 Legal Analyst II through June 30, 2020 to support Worker's Compensation Litigation matters.
- Continues 1.0 Legal Analyst II and 1.0 Senior Deputy City Attorney through June 30, 2020 to provide legal support to the Water Pollution Control and the Sanitary Sewer System Capital Improvement Programs.

### Operating Funds Managed

N/A

**City Attorney's Office**  
**Department Budget Summary**

	<b>2017-2018 Actuals ***</b>	<b>2018-2019 Adopted</b>	<b>2019-2020 Forecast</b>	<b>2019-2020 Adopted</b>
<b>Dollars by Core Service</b>				
Legal Services	17,297,458	17,904,547	19,106,838	21,110,493
Strategic Support - City Council Appointees	1,644,045	1,537,832	1,495,157	1,495,157
Strategic Support - Other - Council Appointees	17,360,620	5,679,676	6,675,011	11,174,594
<b>Total</b>	<b>\$36,302,123</b>	<b>\$25,122,055</b>	<b>\$27,277,006</b>	<b>\$33,780,244</b>
<b>Dollars by Category</b>				
<i>Personal Services and Non-Personal/Equipment</i>				
Salaries/Benefits	16,925,771	18,406,637	19,064,092	20,357,747
Overtime	38,504	0	0	0
<b>Subtotal Personal Services</b>	<b>\$16,964,275</b>	<b>\$18,406,637</b>	<b>\$19,064,092</b>	<b>\$20,357,747</b>
Non-Personal/Equipment	1,732,474	1,035,742	1,537,903	2,247,903
<b>Total Personal Services &amp; Non-Personal/Equipment</b>	<b>\$18,696,749</b>	<b>\$19,442,379</b>	<b>\$20,601,995</b>	<b>\$22,605,650</b>
<i>Other Costs*</i>				
City-Wide Expenses	17,551,269	5,000,000	6,000,000	10,287,474
Overhead Costs	54,105	679,676	675,011	887,120
<b>Total Other Costs</b>	<b>\$17,605,374</b>	<b>\$5,679,676</b>	<b>\$6,675,011</b>	<b>\$11,174,594</b>
<b>Total</b>	<b>\$36,302,123</b>	<b>\$25,122,055</b>	<b>\$27,277,006</b>	<b>\$33,780,244</b>

\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document. The amounts in the 2018-2019 Adopted Budget column may vary from the published Adopted Budget due to the realignment of Other Costs (primarily City-Wide Expenses and General Fund Capital) between Departments.

\*\* The positions displayed in the 2017-2018 Actuals column reflect those included in the 2017-2018 Adopted Budget.

\*\*\* 2017-2018 Actuals may not subtotal due to rounding.

**City Attorney's Office**  
**Department Budget Summary**

	<b>2017-2018 Actuals*</b>	<b>2018-2019 Adopted</b>	<b>2019-2020 Forecast</b>	<b>2019-2020 Adopted</b>
<b>Dollars by Fund</b>				
General Fund (001)	33,108,823	20,511,555	22,618,269	27,204,237
Airport Maintenance And Operation Fund (523)	834,317	822,569	834,640	834,640
Community Development Block Grant Fund (441)	20,597	19,926	20,746	20,746
Home Investment Partnership Program Trust Fund (445)	1,827	98,649	81,260	81,260
Housing Trust Fund (440)	3,018	46,533	39,369	39,369
Rental Stabilization Program Fee Fund (450)	0	0	0	576,565
Integrated Waste Management Fund (423)	55,052	64,821	73,641	73,641
Low And Moderate Income Housing Asset Fund (346)	715,019	824,783	797,055	1,159,983
Multi-Source Housing Fund (448)	150,701	749,388	741,270	164,705
San José Clean Energy Operating Fund (501)	95,203	372,374	592,777	1,092,777
San José-Santa Clara Treatment Plant Operating Fund (513)	108,617	180,378	168,845	193,109
Sewer Service And Use Charge Fund (541)	535,610	706,028	698,358	1,530,924
Water Utility Fund (515)	438,225	123,265	119,088	152,827
Workforce Development Fund (290)	144,932	193,681	227,753	227,753
Capital Funds	90,182	408,105	263,935	427,708
<b>Total</b>	<b>\$36,302,123</b>	<b>\$25,122,055</b>	<b>\$27,277,006</b>	<b>\$33,780,244</b>
<b>Positions by Core Service</b>				
Legal Services	71.40	76.90	73.90	79.90
Strategic Support - City Council Appointees	7.10	7.10	7.10	7.10
<b>Total</b>	<b>78.50</b>	<b>84.00</b>	<b>81.00</b>	<b>87.00</b>

\* Some data for the 2016-2017 Actual column are not available. With the change to a program-based budgeting model in 2017-2018, historical budget data by the new programs and core services is not available for prior periods.

\*\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document.

**City Attorney's Office**  
**Department Budget Summary**

	2017-2018 Actuals	2018-2019 Adopted	2019-2020 Forecast	2019-2020 Adopted	2019-2020 Adopted Positions
<b>Dollars by Program**</b>					
<b>Legal Services</b>					
Legal Representation	8,411,955	7,999,808	9,168,128	9,874,547	38.59
Legal Transactions	8,885,503	9,904,739	9,938,710	11,235,946	41.31
<b>Sub-Total</b>	<b>17,297,458</b>	<b>17,904,547</b>	<b>19,106,838</b>	<b>21,110,493</b>	<b>79.90</b>
<b>Strategic Support - City Council Appointees</b>					
City Attorney Management and Administration	1,644,045	1,537,832	1,495,157	1,495,157	7.10
<b>Sub-Total</b>	<b>1,644,045</b>	<b>1,537,832</b>	<b>1,495,157</b>	<b>1,495,157</b>	<b>7.10</b>
<b>Strategic Support - Other - Council Appointees</b>					
City Attorney Other Departmental - City-Wide	17,346,372	5,000,000	6,000,000	10,287,474	0.00
City Attorney Other Operational - Administration	14,248	0	0	0	0.00
City Attorney Overhead	0	679,676	675,011	887,120	0.00
<b>Sub-Total</b>	<b>17,360,620</b>	<b>5,679,676</b>	<b>6,675,011</b>	<b>11,174,594</b>	<b>0.00</b>
<b>Total</b>	<b>\$36,302,123</b>	<b>\$25,122,055</b>	<b>\$27,277,006</b>	<b>\$33,780,244</b>	<b>87.00</b>

\* Data for the 2016-2017 Actual column are not available. With the change to a program-based budgeting model in 2017-2018, historical budget data by the new programs and core services is not available for prior periods.

\*\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document.

# Office of the City Attorney

## Budget Reconciliation

### Personal Services and Non-Personal/Equipment (2018-2019 Adopted to 2019-2020 Adopted)

	Positions	All Funds (\$)	General Fund (\$)
<b>Prior Year Budget (2018-2019):</b>	<b>84.00</b>	<b>19,442,379</b>	<b>15,511,555</b>
<b>Base Adjustments</b>			
<b>One-Time Prior Year Expenditures Deleted</b>			
• Rebudget: Electronic Information Document Review and Production Software		(35,000)	(35,000)
• Environmental Services and Public Works Capital Projects Legal Staffing (1.0 Legal Analyst and 1.0 Senior Deputy City Attorney)	(2.00)	(288,685)	(155,344)
• Workers' Compensation Legal Analyst Staffing (1.0 Legal Analyst)	(1.00)	(101,265)	(101,265)
• Legal Staffing for Planning, Environmental Services and Other Transactional Assignments	0.00	(82,000)	(60,680)
<b>One-time Prior Year Expenditures Subtotal:</b>	<b>(3.00)</b>	<b>(506,950)</b>	<b>(352,289)</b>
<b>Technical Adjustments to Costs of Ongoing Activities</b>			
• Salary/benefit changes		1,129,405	820,982
• Litigation Consultants and Experts		500,000	500,000
• Logikcull Software Annual Support		35,000	35,000
• Adobe Software Licensing		9,000	9,000
• Municipal Water System Litigation Staffing	0.00	0	100,860
• Print Management		(6,839)	(6,839)
<b>Technical Adjustments Subtotal:</b>	<b>0.00</b>	<b>1,666,566</b>	<b>1,459,003</b>
<b>2019-2020 Forecast Base Budget:</b>	<b>81.00</b>	<b>20,601,995</b>	<b>16,618,269</b>
<b>Budget Proposals Approved</b>			
1. Environmental Services Department Legal Support	2.00	573,870	115,531
2. San José Clean Energy Legal Support		500,000	0
3. Affordable Housing Legal Support	1.00	298,381	0
4. Proactive Legal Enforcement of Blighted and Nuisance Properties	1.00	220,238	220,238
5. Legal Services Manager	1.00	178,338	178,338
6. Workers' Compensation Litigation Support Staffing	1.00	142,828	142,828
7. Legal Services Temporary Staffing	0.00	90,000	66,600
8. City Attorney's Office Staffing Realignment	0.00	0	(425,041)
<b>Total Budget Proposals Approved</b>	<b>6.00</b>	<b>2,003,655</b>	<b>298,494</b>
<b>2019-2020 Adopted Budget Total</b>	<b>87.00</b>	<b>22,605,650</b>	<b>16,916,763</b>

Office of the City Attorney

**Budget Changes By Office**

**Personal Services and Non-Personal/Equipment**

2019-2020 Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
<p><b>1. Environmental Services Department Legal Support</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Transactions Program</i>  <i>Legal Representation Program</i></p> <p>This action continues 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, 2020. Staff assigned to these capital projects will focus on consultant and contractor procurement. In addition to supporting these Capital Improvement Programs, 0.5 of a Senior Deputy City Attorney position will be assigned to the General Fund to support encroachment permits, street and easement vacations, creation of special assessment districts, mapping, and other public and private development issues. These positions will continue to be jointly funded: 35% from the Water Utility Fund, 30% from the San José-Santa Clara Treatment Plant Capital Fund, 25% from the General Fund, and 10% from the Sanitary Sewer System Capital Improvement Fund. In addition, this action provides one-time non-personal/equipment funding of \$200,000, funded by the Sewer Service and Use Charge Fund, for specialized outside counsel, technical experts, and other consultant and expert witness services to provide legal support to the Environmental Services Department for a tributary matter. (Ongoing costs: \$0)</p>	2.00	573,870	115,531
<p><b>2. San José Clean Energy Legal Support</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Transactions Program</i></p> <p>As described in Manager’s Budget Addendum #36 and included in the Mayor’s June Budget message for Fiscal Year 2019-2020 as approved by the City Council, this action adds one-time non-personal/equipment funding of \$500,000 from the San José Clean Energy Fund for outside legal counsel in support of Clean Energy initiatives. The Clean Energy Program was fully rolled out in February 2019 and has generated a number of legal support needs including: consultation for purchase of large quantities of energy; increased procurement activities; complexity of new contracts; regulatory compliance support; and regulatory proceeding work. (Ongoing costs: \$0)</p>		500,000	0
<p><b>3. Affordable Housing Legal Support</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Transactions Program</i></p> <p>This action adds 1.0 Senior Deputy City Attorney position, limit-dated through June 30,2020, to provide transactional legal services to support the Affordable Housing Program in the Low and Moderate Income Housing Asset Fund. This funding will increase the City Attorney's Office capacity to provide legal support to the projects associated with the Notice of Funding Availability (NOFA) process to award \$100 million for affordable housing developments. This funding will also support other Affordable Housing Project professional legal services for matters of considerable complexity as necessary, including 12 outstanding Affordable Housing projects that will begin in the near future. The City Attorney's Office is unable to absorb this additional workload with current staff. It is estimated that the legal work associated with these projects will warrant a dedicated full-time attorney. (Ongoing costs: \$0)</p>	1.00	298,381	0



# Office of the City Attorney

## Budget Changes By Office

### Personal Services and Non-Personal/Equipment

2019-2020 Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
<p><b>4. Proactive Legal Enforcement of Blighted and Nuisance Properties</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Representation Program</i></p> <p>As directed in the Mayor's March Budget Message for Fiscal Year 2019-2020, as approved by the City Council, this action provides funding for 1.0 Deputy City Attorney IV through June 30, 2020 and, in a separate action, reserves funding for Fiscal Year 2020-2021 to provide legal support for the purpose of proactive legal enforcement of blighted and nuisance properties. Funding will enable the City Attorney to hire a dedicated Deputy City Attorney for the purpose of litigating these matters for two years, and any fee recoveries, settlements, or money judgments will be allocated to continue this position. One-time non-personal/equipment funding of \$10,000 is also provided for associated supplies and materials costs. (Ongoing costs: \$0)</p>	1.00	220,238	220,238
<p><b>5. Legal Services Manager</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Representation Program</i></p> <p>This action adds 1.0 Legal Services Manager position to provide assistance in managing and supervising the day-to-day operations of the City Attorney's Office, including assistance with personnel and budget issues, as well as oversight of information technology issues, and ensuring timely and accurate processing of Public Records Act requests. This position will assist with the increasing workload as a majority of the Office's administrative and support management positions now have litigation or transactional workloads in addition to their management duties. During recent fiscal years, a part-time temporary position has provided services relating to transition of management duties, and special office management projects. (Ongoing costs: \$178,338)</p>	1.00	178,338	178,338
<p><b>6. Workers' Compensation Litigation Support Staffing</b></p> <p><i>Strategic Support CSA</i>  <i>Legal Services Core Service</i>  <i>Legal Representation Program</i>  <i>Legal Transactions Program</i></p> <p>This action continues 1.0 Legal Analyst II position, through June 30, 2020, to continue legal support to the Workers' Compensation Program. This position supports comprehensive case review and legal research, including the extensive review of medical records, developing case evidence, drafting legal correspondence, and monitoring case activity. This action allows greater efficiencies in the City Attorney's Office, as increased legal analyst support provides the Workers' Compensation team critical resources for case management. (Ongoing costs: \$0)</p>	1.00	142,828	142,828

Office of the City Attorney

**Budget Changes By Office**  
**Personal Services and Non-Personal/Equipment**










2019-2020 Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
<b>7. Legal Services Temporary Staffing</b>  <i>Strategic Support CSA</i> <i>Legal Services Core Service</i> <i>Legal Transactions Program</i>  This action continues one-time funding of \$90,000 for temporary part-time attorney services, partially funded by the San José-Santa Clara Treatment Plant Capital Fund, the San José-Santa Clara Treatment Plant Operating Fund, and the General Fund to provide training and other transactional legal services related to Planning, Regional Wastewater Facility (RWF), and Municipal Water programs, as well as to provide assistance for general legal assignments. Services include revisions to the City's Sign Code and Zoning Code and various other provisions in the Municipal Code. This staffing assistance will also provide legal services related to regulatory issues involving the Plant's National Pollution Discharge Elimination System permit, and the management of the RWF lands. (Ongoing costs: \$0)	0.00	90,000	66,600
<b>8. City Attorney's Office Staffing Realignments</b>  <i>Strategic Support CSA</i> <i>Legal Services Core Service</i> <i>Legal Representation Program</i> <i>Legal Transactions Program</i>  This action shifts funding on a one-time basis for a total of 2.0 FTEs (0.5 Chief Deputy Attorney, 0.5 Senior Deputy Attorney, 0.5 Legal Admin Assistant, and 0.5 Legal Analyst) in the City Attorney's Office from the General Fund to the Sewer Service and Use Charge Fund. This funding will provide for staff work in the City Attorney's Office that will provide legal support and services required for litigation regarding a tributary matter. In addition, this action reallocates City Attorney staff (2.0 Deputy City Attorney and 1.0 Legal Analyst) supporting the Rent Stabilization Program from the Multi-Source Housing Fund to the Rent Stabilization Program Fund established as part of this 2019-2020 Adopted Operating Budget. (Ongoing costs: \$0)	0.00	0	(425,041)
<b>2019-2020 Adopted Budget Changes Total</b>	6.00	2,003,655	298,494

# Office of the City Attorney

## Performance Summary

### Legal Services

#### Performance Measures

	2017-2018 Actual	2018-2019 Target	2018-2019 Estimated	2019-2020 Target
 % of time final case results are within staff analyses and/or recommendations	75%	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	\$139	\$145	\$144	\$145
- Outside Legal Counsel average hourly rate	\$350	\$362	\$355	\$360
 % of time client is timely informed of significant developments in a case	83%	80%	83%	80%
 % of survey respondents rating legal services satisfactory or better based on quality, cycle time, and professionalism	90%	90%	90%	90%
 % of time final documents accurately reflect the approval of City action	96%	100%	96%	100%
 % of time that advice identifies and analyzes legal issues and risks	97%	85%	97%	85%
 % of time that advice provides alternatives where appropriate	80%	70%	80%	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	\$139	\$145	\$144	\$145
- Outside Legal Counsel average hourly rate	\$350	\$362	\$355	\$360
 % of time client receives advice/document within mutually accepted time frames	93%	85%	93%	85%

# Office of the City Attorney

## Performance Summary

### Legal Services

#### Activity and Workload Highlights

	2017-2018 Actual	2018-2019 Forecast	2018-2019 Estimated	2019-2020 Forecast
# of claims filed against the City	775	725	1,100	725
# of lawsuits filed against the City	164	215	150	175
# of lawsuits and administrative actions filed or initiated by the City	161	200	100	150
# of Council/Board/Manager memoranda:				
- Prepared	998	1,200	1,200	1,200
- Reviewed	867	800	800	800
# of formal Opinions issued	3	8	5	5
# of Resolutions	526	442	450	450
# of Ordinances	225	180	200	180
# of Agreements	2,206	2,236	2,200	2,200

# Office of the City Attorney

## Departmental Position Detail

Position	2018-2019 Adopted	2019-2020 Adopted	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	9.00	10.00	1.00
Executive Assistant	1.00	1.00	-
Legal Administrative Assistant	10.50	10.50	-
Legal Analyst II	16.00	16.00	-
Legal Services Administrator	1.00	1.00	-
Legal Services Manager	0.00	1.00	1.00
Messenger Clerk PT	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	29.00	30.00	1.00
Senior Legal Analyst	3.00	3.00	-
<b>Total Positions</b>	<b>84.00</b>	<b>87.00</b>	<b>3.00</b>

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