

CITY ATTORNEY PROPOSAL

May 20, 2019 City Council Meeting Agenda:

Administrative Item #38

CITY ATTORNEY PROPOSAL

3-Part Proposal:

1. “Succession Planning” – Approve creation of another Chief Assistant City Attorney Position, promote Senior Trial Counsel.
2. Approve the Proposed Amendment to the Salary of Chief Assistant City Attorney Position.
3. Approve the Proposed Amendment to the Salary of the City Attorney.

RECAP – NEW APPROACH/PHILOSOPHY

- *Since elected to Office in 2014, Office of the City Attorney has undergone dramatic and substantial change.*
- *Ushered in a **private sector approach** to our work and legal representation, to operations within the department, and overall effectiveness.*
- *Placed new emphasis on high quality Attorney Work Product, hard work, and great results, e.g., “if we cannot frame it, put it on a wall and be proud of it, it does not leave the office.”*
- *Placed new emphasis on taking cases to trial, not settling.*
- *Placed new emphasis with doing much more, with far less.*
- *The Office is now very organized, processes are streamlined, productivity is way up, and morale is much higher – and the results prove it!*

RECAP – REORGANIZATION TO DATE

In 2014, the City Attorney's Office

- Had 14 full-time, part-time staff members
- Had no Prosecutor, Office did not prosecute crimes
- Outsourced much of its civil defense legal work to outside firms

Since 2014, Significant Changes to the Organization/Office

- Cut/Down to 11 full-time staff members, which includes adding Prosecutor
- Did not Refill Positions that were not absolutely necessary (-4, +1, total)
- Promoted one Legal Assistant to Senior Legal Assistant
- Upgraded one Senior Deputy to Senior Trial Counsel (new) Classification
- Added an entirely new Community Prosecutor Program
- Office now handling nearly-all civil defense legal work in-house

RECAP – INCREASED PRODUCTIVITY

- **High Quality Work Product** – “if we cannot frame it, put it on a wall and be proud of it, it does not leave the office.”
- **Efficiency, Reduced Delivery Times** – the time to conduct legal research and produce legal opinions/reviews now at an average of 2.5 weeks, down from 3 months turnaround back in 2014.
- **Longer Hours** – Higher level attorneys now work an average of 50-60 hrs/wk, not including substantially more hours for trials.
- **More Productive Weeks** – Ended furlough Fridays, now work 5 days/wk every week; No more automatic “overtime.”

RECAP – INCREASED EFFECTIVENESS

- Added Community Prosecutor Program – 2017, added in-house Prosecutor to file criminal cases from arrests by our HBPD. Prosecutor handling over 300 cases at a time, obtaining great results and addressing the crimes that impact quality of life to our businesses and residents.
 - ***This month, won the **ACCOC Golden Hub Award for Innovation**.
- Upgraded a Senior Deputy to Senior Trial Counsel – 2017, to meet the increasing demands for high level trial skill/experience in handling high profile complex cases, such as multiple \$20MM police shooting cases, complex contract disputes, personal injury cases, etc. Hired Brian Williams.
- Added Robust Externship Program – Each Summer, Fall, and Spring Term, our office has 3-4 law school interns – developed great relationships with UCI Law School, Chapman Law School, UCLA Law School, and Pepperdine Law School.

RECAP – INCREASED EFFECTIVENESS

- **Case Load Results** – Since 2014, closed out cases at a faster pace, i.e., over past 4 years, closed 88 active and high profile lawsuits with plaintiffs' demands totaling millions of dollars.
- **Substantial Progress** – in shutting down illegal businesses
- **Lawsuit Results** – have won many difficult and high profile cases including those protecting the rights of our City Council to exercise local control over the community and make decisions for the City with regard to Municipal Affairs, e.g., Defending the City's:
 1. Charter/Constitutional authority over our Police Department,
 2. Charter/Constitutional authority to plan/zone,
 3. Charter/Constitutional authority to hold at-large elections, etc.

Office is currently better than any private sector law firm of the same size

SENIOR TRIAL COUNSEL

The Upgraded Senior Trial Counsel Position – Added Brian Williams...

- Past experience includes representing the OCSD, over 20 jury trials, held in high esteem by attorney peers and by State and Federal judges.
- Increasingly Prominent Role in our Office.
- Managing 2-3 other Associate Litigators, and oversees Prosecutor.
- Taking complex and high profile cases to trial, State and Federal.
- Approximately 3-5 lengthy trials each year.
- Routinely working 60+ hours each week, at least 90 hours each week when preparing for, and trying, cases. This includes late nights and weekends.
- Has not had any pay increase since hire in February 2017 (\$14,400/month); no bonuses; no overtime pay.

PART 1 OF PROPOSAL

To promote the Senior Trial Counsel to
classification of Chief Assistant City Attorney

ORG CHART & RECLASSIFICATION

Currently



Proposed Amendment



PART 2 OF PROPOSAL

**To Amend the Salary/Compensation of the
Chief Assistant City Attorney Position**

PROPOSED SALARY & COMPARISON CHIEF ASSISTANT CITY ATTORNEY

Proposed New Salary: *range \$12,938.02 to \$16,026.40/month*

Rank	Chief Assistant City Attorney	Monthly Base Salary Maximum
1	City of Palo Alto (11)(68k)	\$21,132.80
2	City of Glendale (11)(200k)	\$19,151.83
3	City of Oakland (27)(425k)	\$18,723.00
4	City of Pasadena (138k)	\$18,128.97
5	City of Burbank (24)(104k)	\$17,920.59
6	City of Anaheim (26)(350k)	\$17,721.00
7	City of Riverside (325k)	\$16,589.00
8	City of Santa Rosa (15)(175k)	\$16,251.17
9	City of San Bernardino (15)(216k)	\$16,112.00
10	City of Santa Ana (14)(330k)	\$16,091.00
	<i>City of Huntington Bch NEW</i>	<i>\$16,026.40 (\$771.33 increase)</i>
11	City of Huntington Bch (11)(200k)	\$15,255.07

Comparison: Study Conducted by COHB Human Resources



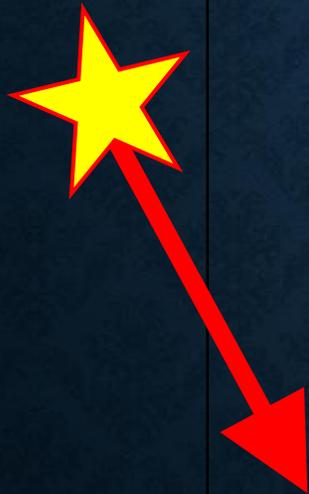
PART 3 OF PROPOSAL

To Amend the Salary/Compensation
of the City Attorney

PROPOSED SALARY & COMPARISON CITY ATTORNEY

Proposed New: *\$117.63/hour or \$244,671.00/annum*

Rank	City Attorney	Annual Salary
1	City of Santa Monica (25)(92k)	\$317,808
2	City of Anaheim (26)(350k)	\$271,675
3	City of Redondo Beach (11)(68k)	\$270,180
4	City of Santa Ana (14)(330k)	\$270,000
5	City of Long Beach (28)(470k)	\$268,194
6	City of Glendale (11)(200k)	\$245,312
7	City of Newport Beach (5)(86k)	\$245,500
	<i>City of Huntington Bch NEW</i>	<i>\$244,671</i>
8	City of Huntington Bch (11)(200k)	\$219,825



When elected in 2014, I was asked to recommend a salary to propose to the City Council for approval at the December 2014 Council Meeting. Because I was newly elected, I requested that my salary be set to an amount less than the (\$227,386) salary of my predecessor.

BUDGET IMPACT OF PROPOSALS

Worked with the City Manager's Office and the Finance Department. After Budget Analysis by Finance Department, determined that there is no budget impact to the City Attorney's Office budget with aforementioned proposals – 2019/20 Budget, including 1% reduction

Expenditure Object Account	FY 2019/20 Proposed
City Attorney	
PERSONNEL SERVICES	
Salaries, Permanent	1,531,136
Salaries, Temporary	
Salaries, Overtime	
Leave Pay Outs	
Benefits	901,356
PERSONNEL SERVICES	2,432,492
OPERATING EXPENSES	
Equipment and Supplies	24,000
Repairs and Maintenance	
Conferences and Training	2,500
Professional Services	117,865
Other Contract Services	22,452
Rental Expense	
Expense Allowances	18,000
Other Expenses	
OPERATING EXPENSES	184,817
EXPENDITURES	
Total	2,617,309

2019/20 Budget down from last year at \$2,625,866



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Proposals do not increase the bottom line of the City Attorney Office Budget.

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QUESTIONS