



# Budget Engagement Commission

*City of Arts & Innovation*

---

**TO: HONORABLE COMMISSIONERS** **DATE: NOVEMBER 29, 2018**

**FROM: CITY ATTORNEY'S OFFICE** **WARD: ALL**

**SUBJECT: RECEIVE AN UPDATE FROM THE CITY ATTORNEY'S OFFICE ON THE FISCAL YEAR 2017/2018 ACHIEVEMENTS OF THE PUBLIC SAFETY DIVISION, WHICH INCLUDES A NEIGHBORHOOD LIVABILITY PROGRAM ATTORNEY POSITION FUNDED BY MEASURE Z; AND PROVIDE INPUT ON THE CREATION OF AN ADDITIONAL FULL TIME DEPUTY CITY ATTORNEY I POSITION AND FUNDING OPTIONS.**

**ISSUE:**

Receive an update from the City Attorney's Office on the Fiscal Year 2017/18 achievements of the Public Safety Division, which includes a Neighborhood Livability Program attorney position funded by Measure Z; and provide input on the creation of an additional full time Deputy City Attorney I position and funding options.

**RECOMMENDATIONS:**

That the Budget Engagement Commission:

1. Receive an update on the Fiscal Year 2017/2018 Achievements of the Public Safety Division of the City Attorney's Office, which includes a Neighborhood Livability Program attorney position funded by Measure Z; and
2. Provide input and feedback on creation of a new Deputy City Attorney I position and various funding options for the position.

**BACKGROUND:**

**Division Responsibilities**

In 2017, the City Attorney's Office established the Public Safety Division. This Division – in partnership with Police, Fire, Code Enforcement and the community - works to combat actions that impact the quality of life in Riverside's neighborhoods. It is staffed with 4 attorneys; one position is funded by Measure Z to specifically focus on community livability concerns. This Division pursues effective solutions to community problems to achieve legal compliance, enhance public health and safety, rehabilitate properties, and improve the quality of life in our communities. This includes the following:

- Civil litigation, writ proceedings, criminal prosecutions and appeals;
- Marijuana dispensary enforcement;
- Nuisance abatement actions;
- Receiverships, rehabilitation agreements, and inspection warrants; and
- Drafting quality of life ordinances.

In the past fiscal year, the Division received 344 neighborhood problems to address; 72% of the assignments have been deemed fully solved and closed out by the close of the fiscal year. Additionally, attorneys in this Division attended 50 community meetings in the past fiscal year.

Attorneys in this Division also defend the RPD and individual RPD Officers in civil lawsuits alleging civil rights violations. Moreover, police litigation attorneys are responsible for all pretrial phases of litigation including regular interaction with our City's police officers. These cases are time-intensive; in one case alone, attorneys covered 39 depositions; in another, attorneys covered 25 depositions.

This Division also provides assistance, advice, and training to RPD and RFD on police and fire operations, constitutional law, criminal law and procedure, and civil liability. An attorney remains on-call at all times (including nights and weekends) to offer advice and respond to major critical incidents.

### Problem Nuisances

Riverside takes pride in its neighborhoods. The Public Safety Division's approach to achieving compliance with community livability standards can be described by the 3 C's: comprehensive, creative, and compassionate.

In the past fiscal year, the Public Safety Division shut down 12 marijuana dispensaries; 8 substandard properties through court-ordered receiverships or alternative means; 2 unpermitted nightclubs; and 7 illicit massage parlors.

### Ward Action Team Initiatives

The Public Safety Division plays an active role in attending community meetings and staffing the Ward Action Teams. The following are examples of some matters in which the Division actively participated in achieving a successful outcome:

#### WARD 1 - Drug House in the Grand Neighborhood

The Division filed a court action against a homeowner with numerous code violations and police calls for noise, litter, and drug activity. This forced a change in ownership, and the house was refurbished.

#### WARD 2 - Sober Living Home near UCR

A sober living provider in a quiet, residential neighborhood contracted with Probation to house convicted felons who were reportedly committing new crimes. After meeting with a deputy city attorney, the property owner decided to evict the sober living provider, and the home was returned to a traditional residential use

#### WARD 3 - Fence Installation at Lucky Greek

Persons experiencing homelessness congregated at the Lucky Greek restaurant, crossing the railroad tracks to the Ralphs shopping center. One person was hit by a train. A deputy city attorney

met with the Lucky Greek owner several times and persuaded him to grant the City an easement on his property for the installation and maintenance of a fence to prevent passage.

#### WARD 4 – March JPA Truck Traffic

Due to construction traffic going in and out of the March Joint Powers Authority development disturbing residents along Barton Road, the Division worked with the director of the March JPA and reached an agreement where construction traffic was re-routed to use General Archie Old Road instead of Barton Road.

#### WARD 5 - Dog Hoarding in Ramona

Residents of a home routinely had dozens of dogs at their house, irritating neighbors with noise and noxious smells. The Division obtained an injunction forbidding them from having more than 4 dogs. The Division presented the case to the county-wide team meeting of social workers in April and provided a follow-up in June. The Division persuaded the County to re-open their Adult Protective Services case due to renewed dog hoarding in violation of the injunction.

#### WARD 6 - Abandoned House in La Sierra

An abandoned home had overgrown vegetation, a dangerous leaning tree, and transient break-ins. Since the property owner had passed away, the Division tracked down the next of kin, obtained copies of the trust, and explained receivership principles. The beneficiaries agreed not to oppose a receivership. The court ordered the appointment of a receiver. The house is now being renovated.

#### WARD 7 - Juvenile Group Home Issues in La Sierra Hills

Neighbors voiced concerns about quality of life issues associated with juveniles residing at a state-licensed group home. The Division met with affected neighbors and the director of the group home. The Division then delivered letters from complaining neighbors to the state licensing authority (DSS). DSS inspected the facility, cited for violations, and directed changes to be made. Neighbors were shown how to access the DSS website so they could view the complaints and findings of the investigations at the group home. Improved communication with all parties now allows problems to be remedied quicker and more efficiently.

### Litigation

The Division takes great pride in defending lawsuits filed against the City and individual RPD officers alleging civil rights violations. In addition, the attorneys are consulted and trained on the state of the law to reduce the risk of litigation, while ensuring that the men and women of the RPD are well-equipped to protect themselves and the City's neighborhoods.

In 2015, the City of Riverside spent \$796,931 in outside counsel for matters involving lawsuits in federal and state court alleging civil rights violations. By contrast, from April 1, 2017 to March 2018, the City spent only \$130,517 in outside counsel for these types of lawsuits. By handling matters in-house, the Division saved the City \$666,414 this year in outside counsel costs from just 2 years ago. Importantly, no new cases of this Division were sent to outside counsel in the past two fiscal years. These costs are tracked internally by the City Attorney's Office and cannot be verified with the Finance Department's accounting software.

### Revenue Recovery

The law affords the City the right to recover its enforcement costs and attorney's fees resulting from certain enforcement actions. During the last fiscal year, the Division collected \$479,158.92

from actions involving rehabilitation agreements, receiverships, and marijuana dispensary enforcement. Collection of these revenues supports the related programs of the departments in which they originate, including Code Enforcement and Public Safety. The portion representing attorney fee recovery (\$145,860) enhances General Fund miscellaneous revenues and provides financial support for basic city services such as the police and fire departments, parks and recreation, and general government operations. These costs are tracked internally by the City Attorney's Office and cannot be verified with the Finance Department's accounting software.

Advisory Work

The Public Safety Division provides comprehensive legal advice and training to the Riverside Police Department on policies, procedures, and risk management issues. Attorneys in this section also deliver around the clock "real time" advice to police personnel. In the past fiscal year, all four attorneys in the City Attorney's Office participated in trainings of police supervisors and field training officers. The Division also provides principal advisory services to the Fire Department on issues relating to fire services operations, the Fire Prevention Bureau, the Urban Areas Security Initiative (UASI) Program, the Urban Search & Rescue program, and the Office of Emergency Management.

**DISCUSSION:**

In order to forward the mission of addressing community livability matters in the City, the City Council voted 7-0 on October 9, 2018 to hire an additional Deputy City Attorney to better manage key livability problems and address workload issues. It is anticipated that this new position will be required to comprehensively and efficiently perform all of the responsible activities involved in solving neighborhood problems, improving public safety, and enhancing the quality of life in Riverside's neighborhoods and business parks. The position will transcend a traditional role and forge partnerships with law enforcement, the community, and various public and private agencies to act as problem solvers. The focus will be on utilizing traditional and non-traditional initiatives and legal solutions to work within a community to prevent nuisance activity and crime.

Also on October 9, 2018, the City Council requested fiscal analysis for three funding options to financially support this new position:

- Option 1: General Fund
- Option 2: Measure Z Fund
- Option 3: Offset costs of the position with revenue recovery and expenditure savings cited earlier in this report.

**FISCAL IMPACT:**

The Deputy City Attorney I position is anticipated to be hired in March 2019. Personnel costs are ongoing; therefore, escalating operating costs and long-term financial impacts must be considered. The projected fully-burdened cost of a Deputy City Attorney 1 position for five fiscal years is identified below:

<b>Fiscal Year</b>	<b>Projected Cost</b>
2018/19	\$33,807
2019/20	\$135,412
2020/21	\$145,314

2021/22	\$156,570
2022/23	\$166,661

**Option 1: General Fund**

The FY 2018-2020 General Fund Two-Year Budget is balanced, with a projected \$1.2 million operating surplus in FY 2018/19 used to offset a projected \$1.2 million operating shortfall in FY 2019/20. Included in the adopted Biennial Budget is an annual projection of \$200,000 miscellaneous revenue generated by the City Attorney's Office, including attorney fee recovery. Significant operating shortfalls in the General Fund are projected beginning in fiscal year 2020/21. The addition of the new position in the General Fund will increase the projected shortfalls, unless funding for certain programs are redirected to pay for the new position. Alternatively, an additional appropriation from General Fund reserves could be recommended to fund the new position, subject to City Council approval.

**Option 2: Revenue Recovery/Operational Savings**

Attorney fee recovery currently enhances miscellaneous revenues in the General Fund and is not directed to a specific program. The FY 2018-2020 Two-Year Budget and the General Fund 2018-2023 Five-Year Financial Plan include an annual projection of \$200,000 miscellaneous revenue generated by the City Attorney's Office, including attorney fee recovery. The FY 2018-2020 Two-Year General Fund Budget is currently balanced with the inclusion of the revenue generated from the recovery of attorney costs. These funds are already allocated to General Fund operating costs and are unavailable to fund the new Deputy City Attorney I position. The chart below provides a historical budget to actual for the City Attorney's Office.

Fiscal Year	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Budget	4,026,513	4,290,391	4,606,894	4,772,023	5,753,658
Actual	3,916,217	3,829,379	3,810,034	3,683,329	4,785,758
Under/(Over) Budget	110,296	461,012	796,860	1,088,694	967,900

Based on historical trends, the City Attorney's Office annual operating budget could absorb the first year cost of hiring an additional attorney. However, a personnel budget adjustment may be necessary in the following years of budget adoption. Please keep in mind that if the Department does not recover revenues or realize operational savings, the General Fund will experience issues as described in Option 1.

**Option 3: Measure Z Fund**

The Five-Year Spending Plan (2018-2023) for Measure Z projects annual operating surpluses with the exception of 2019/20. An operating shortfall in 2019/20 is expected to occur due to the issuance of debt to fund capital projects.

In FY 2018/19, Measure Z funds fifty-eight (58) City positions. Within the City Attorney's Office, a Deputy City Attorney II and a Legal Secretary are currently funded under the "Ward Action Team" spending item. The Measure Z Five-Year Spending Plan will add twenty-seven (27) Police sworn positions and three (3) Fire positions through FY 2021/22. The total cost of incumbent positions is projected to increase approximately 5% annually; this increase exceeds the projected annual revenue increase generated by Measure Z sales tax. For example, in FY 2022/23, Measure Z

funded positions are expected to increase \$775,000 over the prior year while revenues are expected to increase by \$583,000 for the same period. Available funding for other spending priorities will decrease in response to the increase in ongoing personnel costs.

Utilizing Measure Z Funds to pay for the position will contribute to the challenges described above. Please keep in mind that Measure Z Funds depend heavily on economic performance. In the event revenues received do not sufficiently cover Measure Z spending, the General Fund will fund the shortfall. However, the General Fund is projected to be in a deficit as described in Option 1.

Prepared by:	Gary G. Geuss, City Attorney
Approved as to availability of funds:	Edward Enriquez, Interim Chief Financial Officer/City Treasurer
Approved by:	Lea Deesing, Assistant City Manager

Attachments:

1. Presentation – Public Safety Division Achievements
2. Presentation – Financial Impact