



# City Council Memorandum

## *City of Arts & Innovation*

**TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 9, 2019**  
**FROM: CITY ATTORNEY AND FINANCE DEPARTMENT WARDS: ALL**  
**SUBJECT: FUNDING RECOMMENDATION FOR AN ADDITIONAL FULL-TIME DEPUTY CITY ATTORNEY I FOR NEIGHBORHOOD LIVABILITY PROGRAM IN THE INITIAL ANNUAL SALARY AND BENEFIT COST OF \$135,000**

## **ISSUE:**

Approve the use of available funding within the City Attorney's General Fund operating budget to fund an additional full-time Deputy City Attorney I position previously approved for creation by the City Council for the Public Safety Division/Neighborhood Livability Program in the initial annual salary and benefit cost of \$135,000.

## **RECOMMENDATION:**

That the City Council approve the use of available funding within the City Attorney's General Fund operating budget to fund an additional full-time Deputy City Attorney I position previously approved for creation by the City Council for the Public Safety Division/Neighborhood Livability Program in the initial annual salary and benefit cost of \$135,000.

## BUDGET ENGAGEMENT COMMISSION RECOMMENDATION

On November 29, 2018, the Budget Engagement Commission (BEC) voted unanimously, with 12 members present, to recommend that Measure Z funds not be used to fund a proposed additional Deputy City Attorney position. The Commission did not vote to recommend another funding option. (Attachment 1)

## **BACKGROUND:**

On October 9, 2018, the City Attorney's Office presented a Neighborhood Livability Program update to the City Council, and recommended adding an additional Deputy City Attorney position to the Public Safety Division to further the success of the program. The City Council unanimously voted 7-0 to add the Deputy City Attorney position, and directed the City Attorney to return to the City Council with a supplemental appropriation to fund the position.

On November 29, 2018, the BEC received an update on the Neighborhood Livability Program,

including the use of Measure Z funds (Spending Item # 31 – Ward Action Team, City Attorney’s Office). The Finance Department presented three options to fund the new Deputy City Attorney position. The BEC discussed the options presented and voted to recommend not using Measure Z funds to fund the position. The BEC did not recommend another funding mechanism.

On January 15, 2019, the City Attorney’s Office and Finance Department returned to Council with a report on funding options for the Deputy City Attorney position, and a request for a supplemental appropriation corresponding to Council’s desired funding option. The City Council discussed the various funding options and voted to continue the matter for no more than three months until a Measure Z Reserve Policy is adopted. On April 2, 2019, City Council is expected to make a decision regarding the Measure Z Reserve Policy to designate a \$5 million contingency reserve in Measure Z Spending Plan to buffer against potential revenue and cost fluctuations.

## **DISCUSSION:**

In partnership with the community, the Riverside Police Department (RPD), Riverside Fire Department (RFD), and Code Enforcement, the Public Safety Division of the City Attorney’s Office supports the mission of the City’s public safety department partners and works to combat issues that impact the quality of life in Riverside’s neighborhoods. This includes the City Attorney’s Neighborhood Livability Program, which 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.

Additionally, Public Safety Division attorneys defend the City and RPD Officers in civil lawsuits alleging civil rights violations. This Division also provides assistance, advice, and training to RPD and RFD on constitutional law, criminal law and procedure, and civil liability. An attorney remains on-call at all times to offer legal advice and respond to major critical incidents.

The efforts of the Public Safety Division have resulted in savings in outside counsel costs, recovery of revenue owed to City Departments, and reimbursement of attorney’s fees and costs in nuisance abatement litigation. The financial impact of these items were incorporated into the adopted FY 2018-20 Two-Year Budget: the adopted budget includes General Fund revenue generated from litigation, and reduced appropriations for outside attorney costs in the General Fund and General Liability Self-Insurance Fund.

Since FY 2016/17, the City Attorney’s annual budget has included an appropriation for the Neighborhood/Community Livability Program which is intended to advance livability initiatives. The appropriation was initially established at \$500,000 for FYs 2016/17 and 2017/18; however, with savings of more than \$300,000 each year, the appropriation was reduced to less than \$250,000 in FYs 2018/19 and 2019/20. The City Attorney’s Office has determined that the annual budget for this program is sufficient to fund the new Deputy City Attorney position: anticipated FY 2018/19 savings are \$220,000, and the FY 2019/20 adopted budget includes a \$220,000 appropriation. The City Attorney’s Office recommends using \$135,000 of the FY 2019/20 appropriation to fund the new position. The future annual budget for the Neighborhood Livability Program is expected to be maintained at its current funding level to address Council priorities related to livability issues, and will be sufficient to fund future position costs, including any increases in salary or benefits.

The Chief Financial Officer concurs with this recommendation.

**FISCAL IMPACT:**

There is no fiscal impact associated with the recommended action. Sufficient funding is available in the Community Livability Advocacy Program (Account 1305000-450248) and will present no fiscal impact to the General Fund or Measure Z in the FY 2018-2020 Two-Year Budget Cycle.

Annual budgets for future years for the Neighborhood Livability Program is expected to continue to have sufficient funding to address Council priorities related to livability issues and to fund future position costs, including any increases in salary or benefits. While it is estimated that the cost for this position is approximately \$135,000 annually, it is likely that the City Attorney will not be able to fill this position during fiscal 2018-19. As such, no costs are anticipated to be incurred this fiscal year. Given the fiscal challenges faced by the City it is also anticipated that any growth in annual salaries and wages will be minimal or tied to minor cost of living increases.

Prepared by: Neil Okazaki, Assistant City Attorney  
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Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved as to form: Gary G. Geuss, City Attorney

Attachment: BEC Meeting Minutes