



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 9, 2018
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: NEIGHBORHOOD LIVABILITY PROGRAM UPDATE, CREATION OF AN
ADDITIONAL FULL TIME DEPUTY CITY ATTORNEY POSITION AND
EXPANSION OF OFFICE SPACE

ISSUE: CREATION OF AN ADDITIONAL FULL TIME DEPUTY CITY ATTORNEY I OR II
POSITION FOR THE PUBLIC SAFETY DIVISION AND EXPANSION OF THE CITY
ATTORNEY'S OFFICE TO THE ADJACENT SUITE NO. 225 IN THE MISSION
SQUARE BUILDING LOCATED AT 3750 UNIVERSITY AVENUE.

RECOMMENDATIONS:

That the City Council:

1. Authorize the creation and hiring of an additional full time position for a Deputy City Attorney I or II for the Public Safety Division.
2. Consider whether to expand the City Attorney's Office to the adjacent suite in the Mission Square Building.

BACKGROUND:

Introduction

In 2017, the City Attorney's Office established the Public Safety Division. The Public Safety Division of the City Attorney's Office – in partnership with Police, Fire, Code Enforcement and the community - works to combat actions that impact the quality of life in Riverside's neighborhoods. 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 tackle. 72% of the assignments have been deemed fully solved and closed out by the close of the fiscal year.

Division attorneys 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. In addition to trying cases, 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 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

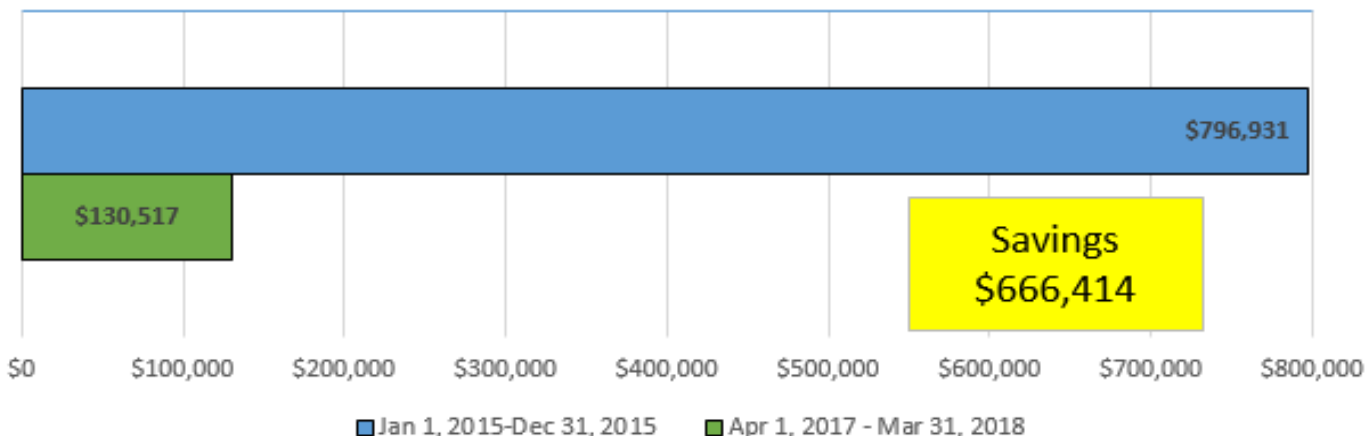
Neighbors voiced concerns about quality of life issues associated with juveniles residing at a state-licensed group home. The Division met with affected neighbors and the director of the group home. The Division then delivered letters from complaining neighbors to the state licensing authority (DSS). 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, our attorneys are consulted and train 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.

By handling matters in-house, the Division saved the City \$666,414 this year in outside counsel costs from just 2 years ago. No new cases of this Division were sent to outside counsel in the past two fiscal years.

OUTSIDE COUNSEL EXPENDITURES



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.** The money is transferred to the City’s general fund to provide financial support for basic city services such as the police and fire departments, parks and recreation, and general government operations.

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, it is recommended that an additional Deputy City Attorney position be created to better manage key liability 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.

In projecting the needs and space of the City Attorney’s Office over the next five years, there is a potential for the need to expand office space. This expansion would serve to accommodate not only the Public Safety Division but also the reassigned claims and worker’s compensation to the City Attorney’s Office. Currently, the adjacent suite in the Mission Square building is vacant and has been vacant for the last three years. It is approximately 2,534 square feet. The intent is to

move the Public Safety Division to that space. The connection with that suite to the existing City Attorney suites would be accomplished using the tenant improvement allowance currently sitting in escrow from purchase of Mission Square. That tenant allowance has been allocated to the second floor and will return to the seller as of March 2019 if not used.

FISCAL IMPACT:

The cost of a fully burdened Deputy City Attorney II position is approximately \$175,000. It is proposed that since this position would be for a Community Livability Attorney, the salary and benefits we anticipate would be paid with Measure Z funds. As for the additional space, the rent will be charged to the City Attorney's Office as of December 1, 2018 is \$2.46/square foot. With the addition of 2,534 square feet, the additional cost from the General Fund for the space would be \$74,803.68 annually with a three percent annual increase. However, we will come back to City Council for a supplemental appropriation for the requested funding.

Prepared and

Approved as to form by: Gary G. Geuss, City Attorney