

# CHAPTER 3 – CITY ATTORNEY

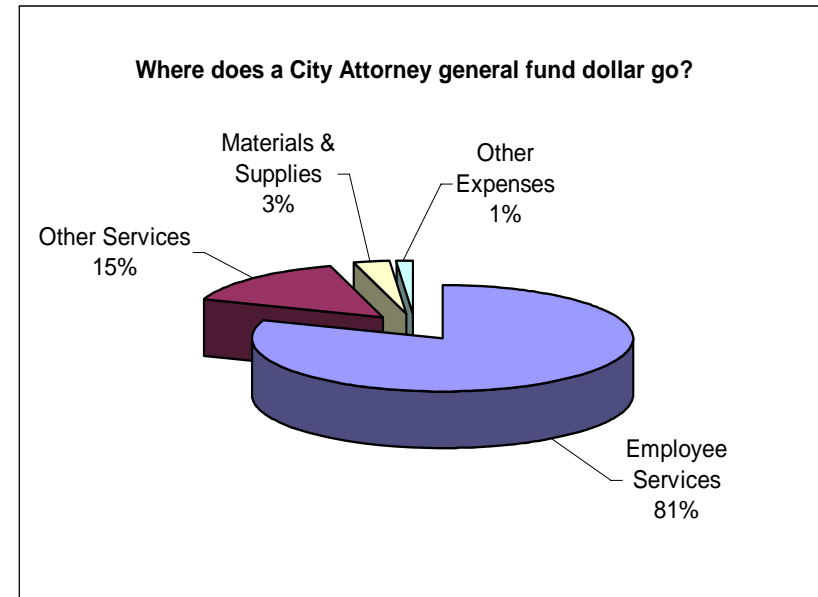
The mission of the City Attorney is to serve as the legal advisor to the City of Stockton. They are counselors in the fullest sense, providing service that is intelligent, trustworthy, and dedicated to public service. They commit themselves to professionalism and to understand and further the needs and goals of the City Council, City agencies, and departments. They adhere to the highest standards of ethics and confidentiality.

The City Attorney's Office:

- Provides legal advice to City Councilmembers, officials, boards, commissions, and City departments regarding legal and regulatory matters of concern to the City and its operations;
- Works with other City departments and divisions on legal matters to defend the City from legal action(s) brought against it, initiates lawsuits, code enforcement compliance, collections of monies owed to the City, and eminent domain proceedings;
- Drafts and reviews ordinances, resolutions, contracts, bonds, deeds, and other legal documents as requested by the City Council or other officials;
- Administers self-insurance tort liability program, including claims investigation and resolution;
- Prosecutes violations of the Stockton Municipal Code; and
- Responds to critical incidents and handles all claims submitted to the City under the Government Tort Claims Act.

The City Attorney's Office is funded through the General Fund. As with most General Fund departments, a portion of personnel costs are allocated to other funds through the budget process. As a result, budget and actual expenditures reported by departments represent the unallocated operating cost per department. The City's financial system is not set up to easily determine total operating costs by department.

The chart to the right depicts how the remaining unallocated funds were spent for FY 2007. City Attorney expenditures allocated to other departments are included in the respective departments.



Source: FY 2007 expenditure data

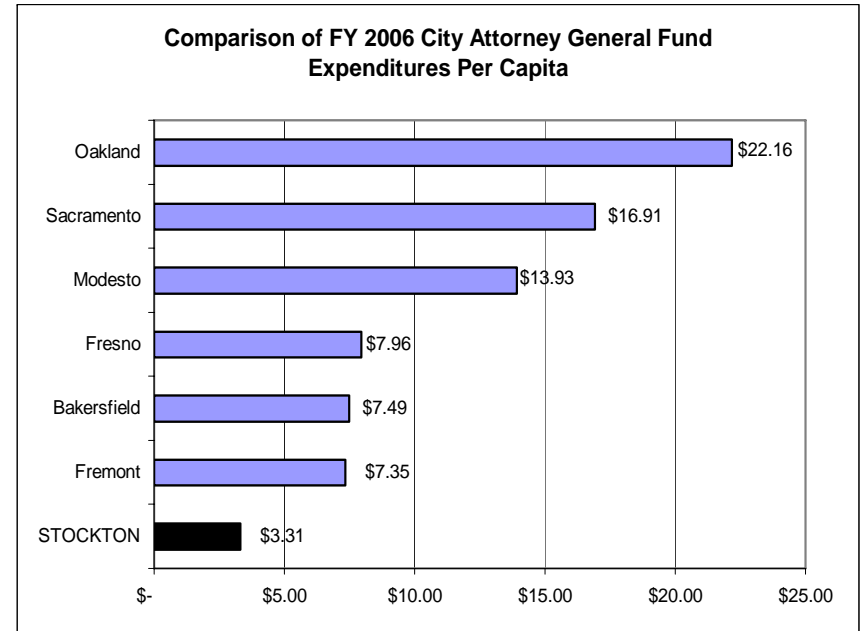
## SPENDING AND STAFFING

Compared to five years ago, the City Attorney’s overall General Fund operating expenditures decreased five percent \$1,010,349, while employee services increased 47 percent to \$814,099 in FY 2007. The increase in other services expenditures for FY 2003 and 2004 were a result of the Stockton Events Center and Municipal Utilities Department privatization projects.

Authorized staffing has been stable at 18 full time staff positions over the past five years. In FY 2007, the City Attorney was authorized 18 full time staffing positions; however, at the end of the fiscal year, actual full time staffing was at 16 positions.

Per capita comparisons between cities can be difficult as cities vary in population, number of departments, and offer a different mix of services than Stockton.

On a per capita basis, Stockton’s City Attorney General Fund expenditures were \$3.49 per resident for FY 2007, which decreased 14 percent compared to expenditures five years ago. As shown to the right, Stockton’s FY 2006 City Attorney per capita expenditures was substantially less than the cities listed. Per capita comparisons were based solely on cities expenditures and population. We made no attempt to examine the types of services performed or cost allocation methods used by the respective cities’ attorney departments.



Source: FY 2006 Cities’ Comprehensive Annual Financial Reports and Annual Budgets<sup>1</sup>

	Operating Expenditures					Per Capita	Staffing <sup>2</sup>
	Employee Services	Other Services	Materials & Supplies	Other Expenses	TOTAL		Authorized full time staffing
FY 2003	\$555,337	\$442,601	\$56,651	\$10,768	\$1,065,357	\$4.08	18
FY 2004	\$530,948	\$399,629	\$58,314	\$7,268	\$996,159	\$3.70	18
FY 2005	\$597,032	\$161,202	\$33,020	\$10,049	\$801,303	\$2.87	18
FY 2006	\$722,854	\$154,547	\$57,030	\$11,467	\$945,898	\$3.31	18
FY 2007	\$814,099	\$150,584	\$31,114	\$14,552	\$1,010,349	\$3.49	18
Change over last 5 years	47%	-66%	-45%	35%	-5%	-14%	0%

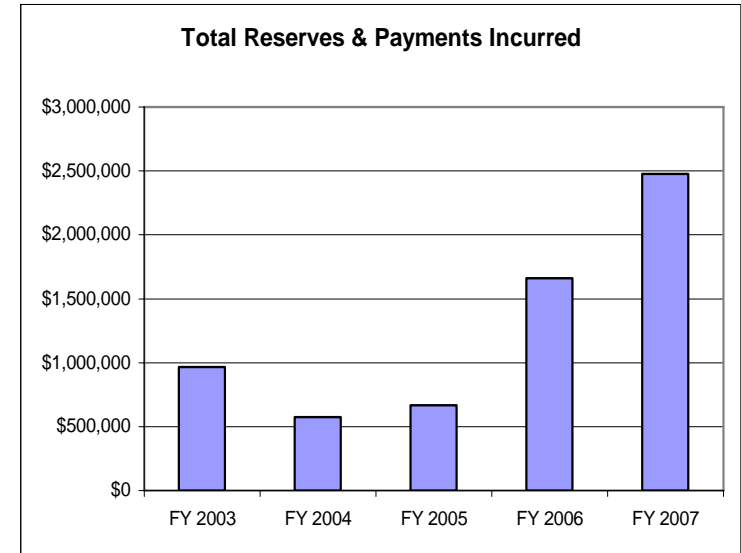
<sup>1</sup> Department expenditures were obtained from cities’ Comprehensive Annual Financial Reports. Where data was unavailable, expenditures were obtained from department’s annual budgets

<sup>2</sup> Authorized full time staffing is based on approved annual fiscal year budgets..

## PERFORMANCE MEASURES

Over the past five years:

- The number of tort claims filed and new litigation has decreased.
- Total incurred costs have increased dramatically.
- Total cost of outside counsel has decreased 13 percent compared to five years ago. Outside counsel must be retained in complex matters involving highly specialized expertise and in the event of a conflict of interest.



Source: City Attorney's Office

	Number of tort claims filed	Number of tort claims closed	Number of tort claims pending	Number of new litigation	Total Reserves <sup>1</sup>	Total Payments <sup>2</sup>	Total Incurred <sup>3</sup>	Average cost of closed claim <sup>4</sup>	Total outside counsel costs <sup>5</sup>
FY 2003	329	329	0	40	\$0	\$966,637	\$966,637	\$2,938	\$4,579,892
FY 2004	270	269	1	32	\$2,773	\$571,229	\$574,002	\$2,124	\$5,213,671
FY 2005	277	276	1	31	\$8,809	\$658,659	\$667,468	\$2,386	\$5,485,061
FY 2006	244	243	1	35	\$1,610	\$1,658,743	\$1,660,353	\$6,826	\$4,077,776
FY 2007	307	303	4	37	\$48,971	\$2,430,690	\$2,479,661	\$8,022	\$3,963,428
Change over last 5 years <sup>6</sup>	-7%	-8%	300%	-8%	1666%	151%	157%	173%	-13%

<sup>1</sup> Total reserves represent the dollar amount set aside when a claim is filed against the City.  
<sup>2</sup> Total payments represent actual dollar amounts paid out on claims.  
<sup>3</sup> Total incurred is the sum of total reserves and total payments.  
<sup>4</sup> Average cost of closed claim equals total payments divided by number of tort claims closed.  
<sup>5</sup> Total outside counsel costs are allocated to other departments.  
<sup>6</sup> Where five years of data was not available, the change was based on the first available data.

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