

City Attorney



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Office Description

The Office of the City Attorney is among the region's largest law firms and handles a diverse caseload. The Office of the City Attorney advises the Mayor, City Council, and all City departments and prosecutes or defends lawsuits or cases to which the City may be a party. The City Attorney's Office also prosecutes persons charged with violations of State and local laws occurring within the City's jurisdiction for misdemeanor offenses.

City Attorney Jan Goldsmith, an attorney since 1976, specializes in business litigation. He was appointed San Diego Superior Court Judge in 1998 and retired in December 2008 to assume the office of San Diego City Attorney. Mr. Goldsmith spent his first six years on the bench handling criminal and civil trials. During his final years as a superior court judge, he was assigned to an independent civil calendar.

Assistant City Attorney Paul Cooper has been promoted to the position of Executive Assistant City Attorney. Mr. Cooper began his career in the City Attorney's Office in 1993 as a prosecutor in the Criminal Division. In 1996, he was asked to head the Office's nationally recognized Domestic Violence and Child Abuse Unit. In 1997, he transferred to the Office's Civil Division and became supervisor of the unit that advises the San Diego Police Department. In 2003, Mr. Cooper became the Special Advisor and Assistant to former Police Chief William Lansdowne. He returned to the City Attorney's Office in 2012 and worked as a Deputy City Attorney in the Public Safety and Employment Unit.

The San Diego City Attorney's Office is divided into four divisions: Civil Advisory, Civil Litigation, Criminal, and Community Justice. These divisions are subdivided into units and sections, which allow the attorneys to specialize in areas of practice:

- **Civil Advisory Division:** The Civil Advisory Division advises the City and each of its departments, including the City Council and Mayor. The Civil Advisory Division is divided into six sections: Economic Development, Government Affairs & Finance, Public Works, Public Services, Public Safety & Employment Services, and Real Property & Land Use. This division is under the direction of Assistant City Attorney Mary Nuesca who has over 26 years of experience. She has served as a criminal prosecutor, appellate lawyer, and legal advisor to the San Diego Police Department. Ms. Nuesca has worked on a variety of special projects in the Civil Advisory Division.

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- **Civil Litigation Division:** The Civil Litigation Division prosecutes or defends civil lawsuits to which the City is a party. The Civil Litigation Division is divided into five units: Civil Prosecution, Workers' Compensation, Land Use Litigation, General Litigation, and Special Litigation. Assistant City Attorney Dan Bamberg heads this division. Assistant City Attorney Don Worley is in charge of civil litigation special projects. Mr. Bamberg and Mr. Worley have over 80 years combined experience. In private practice, Mr. Bamberg prosecuted plaintiffs' civil actions at trial and on appeal, while Mr. Worley specialized in land use, real estate, and business litigation.
- **Criminal Division:** The Criminal Division prosecutes criminal misdemeanors and infractions committed within the City's jurisdiction. The Criminal Division is divided into five units: Case Issuance, General Trial, Appellate, Neighborhood Prosecution, and Domestic Violence. This division is under the direction of Assistant City Attorney Marlea Dell'Anno. Ms. Dell'Anno has more than 18 years of experience in criminal prosecution and leadership roles.
- **Community Justice Division:** The Community Justice Division prosecutes cases that the community has identified as important to quality of life. Prosecutors work with the community, police, and other law enforcement agencies to establish and maintain security, ensure fair business dealing, and promote justice. The Community Justice Division is divided into two units: Code Enforcement and Consumer & Environmental Protection. This division is also under the direction of Assistant City Attorney Marlea Dell'Anno.

The Office of the City Attorney is built upon the senior partner, junior partner, and associate model used in private law firms. The division leaders, along with City Attorney Jan Goldsmith, have more than 175 years of combined experience.

The Office's mission is:

Integrity matters! We can best help our city by maintaining our integrity and providing timely, accurate, and high quality legal representation to the City of San Diego. We will be firm, independent, and professional, stopping illegalities while suggesting solutions. We will never forget that we are accountable to the people of San Diego and that we represent the City of San Diego.

Goals and Objectives

To be more responsive to the changing criminal justice system and to best serve the citizens of San Diego, the Criminal Division of the Office of the City Attorney seeks to more widely implement community prosecution principles across broader categories of criminal activity through the expansion of "community courts" as post-filing, post-plea, pre-sentencing models for misdemeanors to include community work service as restorative justice on a much larger scale.

Through the Neighborhood Prosecution Unit, the expanded community courts will give offenders an opportunity to both pay back the community through valuable work projects and return to the community as law-abiding citizens by earning a dismissal of their charges. Such community courts remove some of the work from the court system and lead to additional community service by offenders, which improves neighborhoods at no expense to taxpayers. Additionally, the Office will expand programs that are alternatives to placing people in jail for low-level offenses. In categories of criminal behavior prosecuted in significant numbers, such as domestic violence, sex crimes, driving under the influence (DUI), drug crimes, and crimes committed by the homeless population, there must be a renewed focus on prevention programs that seek to reduce recidivism and prevent future criminal behavior.

The Community Justice Division will continue to aggressively prosecute a variety of code enforcement and public nuisance cases through its Code Enforcement Unit (CEU). Prosecutors in this unit work with community members, police officers, and code inspectors to proactively preserve and enhance the quality of life in San Diego's

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communities. Violations addressed by CEU include unpermitted uses and zoning violations, illegal grading and construction, fire and safety violations, destruction of environmental and historical resources, substandard housing, and numerous code violations. In addition, CEU regularly files civil and criminal actions to address public nuisance activity at properties with ongoing crime activity, such as drug activity, alcohol use, prostitution, graffiti, and transients. The goal of CEU's prosecutorial efforts is to achieve a comprehensive, long-term solution to problem properties attracting nuisance activity and jeopardizing the safety of neighborhoods. CEU is a member of the City's Drug Abatement Response Team devoted to abating narcotic trafficking and use at commercial and residential properties.

One of the goals of the Consumer & Environmental Protection Unit (CEPU) of the Community Justice Division is to reduce the incidence of fraud by educating the public to recognize fraud and protect consumers before they become victims. To meet this goal, CEPU will provide outreach and information through various sources, including media outlets, social media, monthly newsletters, and presentations at consumer events.

Attorneys from the Case Issuing Unit will work with the Office's partner law enforcement agencies to facilitate open communication, free flow of necessary information, and an ongoing dialogue regarding prosecution of misdemeanor cases. The chief and senior deputies will continue to frequently attend law enforcement meetings in an effort to answer questions and maintain consistency throughout the law enforcement community.

The Civil Litigation Division will provide specialized knowledge and skills to represent the City pursuant to Charter Section 40. These specialized skills are important to the City as most cases have enormous economic implications, which require attorneys capable of navigating the complex and unique issues these cases raise. Without that knowledge, the City could be liable for significant damages and attorneys' fee claims.

The goal of the Workers' Compensation Unit is to ensure that every City employee that is injured on the job receives all legally entitled benefits, while preventing fraudulent claims and abuses. Accomplishing these seemingly conflicting objectives requires a strong emphasis on personal integrity and professional independence.

The Civil Advisory Division will provide advice and legal support in a timely and effective manner with the Mayor, City Council, and City departments to ensure that Council has the information it needs to make well informed decisions and that City contracts conform to Charter and Municipal Code requirements. This division will continue to prepare and process all ordinances, resolutions, and contracts and work closely with the City regarding the City's disclosure obligations with respect to State and federal securities laws. Attorneys in this unit will produce legal opinions and memoranda of law on a wide variety of issues as requested by the Mayor, City Council, or City departments.

Service Efforts and Accomplishments

The Police Legal Advisors in the Public Safety Unit reviewed numerous contracts, memoranda of understanding, and memoranda of agreement, including those involving uniforms, cameras, fuel for helicopters, background checks, treadmills, money for DNA testing, TASERs, Assembly Bill (AB) 109 Prison Realignment, Children's Pool cameras, the Detox Center, San Diego Unified Port District Police/Fire Services, the Navy Region Southwest Specialized Police Response, the Veterans Affairs Hospital, Surf Camp, San Diego Association of Governments/Automated Regional Justice Information System (SANDAG/ARJIS), and Internet Crimes Against Children, as well as reviewing numerous grants.

The Employment Services Section provided legal support to the City's labor negotiation team, which worked to negotiate the pension reform measures set forth in Proposition B, a citizen initiative that amended the City Charter. The Unit did the legal work related to approval of 5-year agreements between the City and each of its recognized employee organizations, which limited employees' pensionable compensation.

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The Real Property & Land Use Section advised staff on numerous topics of public interest, including the Children's Pool, Medical Marijuana, Bicycle Master Plan Update, Balboa Park Centennial Celebration, San Diego River Park Master Plan, Living Lab/Ocean Discovery Project, and the Master Stormwater System Maintenance Program.

The Economic Development Section drafted, reviewed, and approved agreements to facilitate execution of the City's Economic Development and Tourism Support Program, which promotes the City as a visitor destination and advances the City's economy by increasing tourism and attracting industry. Through this program, a total of \$540,000 was made available to fifteen small businesses for Fiscal Year 2013, and \$570,000 was made available to 18 small businesses for Fiscal Year 2014.

The Public Services Section assisted in the successful negotiation of a settlement of claims for underpaid refuse collection franchise fees, AB 939 fees, and associated penalties. The City realized more than \$2.0 million in revenue as a result.

The Government Affairs & Finance Section provided legal support to the City's Library Department before and after the opening of the new Central Library for necessary contracts related to printers and copiers, Internet access, parking, security, mental health services, grant agreements, the revision of policies and fees for special event space at the new Central Library, and other operational issues.

The City issued approximately \$50.0 million in new money and refunding bonds for capital improvements. For the first time since 1979, the City did not issue a City Tax and Revenue Anticipation Note. This was accomplished due to the City's improving reserve position and new legal research by the Public Finance Section that indicated that cash flow borrowing was unnecessary. The City also refunded approximately \$15.8 million in special tax bonds on behalf of Community Facilities District No. 3 (Liberty Station) and approximately \$3.8 million in assessment bonds on behalf of Assessment District No. 4096 (Piper Ranch).

The Consumer & Environmental Protection Unit (CEPU) joined prosecutors in *People v. Best Buy Stores, LP.*, a civil case against an electronics retailer for charging consumers more at the time of checkout than the currently advertised lowest price and false advertising. The company paid \$875,370 in costs and penalties and is required for five years to give consumers \$3 off the lowest price of an item when they are overcharged.

CEPU also prosecuted a case in *People v. Stelios Proios*. A Riverside County farmer was selling produce at local certified farmers' markets that was not of his own production. The farmer told undercover agricultural inspectors that his produce was pesticide-free; however, lab tests revealed that the broccoli and Brussels sprouts had been treated with undisclosed pesticides and a fungicide. The defendant has been banned from selling produce in farmers' markets in San Diego County and has been placed on three years of probation.

Senior Deputy City Attorney Han Hershman was awarded the Mothers Against Drunk Driving (MADD) Outstanding Prosecutor of the Year Award in 2013. Deputy City Attorney Eric Pooch received the award in 2014. The awards were given for their commitment to public safety and justice for DUI victims and diligent efforts in reviewing DUI cases, assisting DUI victims with case information, and carefully identifying which cases may qualify for felony review.

The Criminal General Trial Unit conducted research regarding the effectiveness of Ignition Interlock Devices (IIDs) in reducing recidivism and the cost of installing the devices in San Diego. As a result of this research, the Trial Unit, at the direction of City Attorney Jan Goldsmith, implemented a policy of requiring IIDs for all DUI defendants with high blood alcohol concentrations or other aggravating circumstances. Due to this new sentencing request, 156 DUI defendants were ordered to install IIDs compared with just 58 the previous year. This deterrent is expected to further reduce incidents of this preventable crime.

The Neighborhood Prosecution Unit (NPU) partnered with various agencies through Homeless Court and Stand Down to clear warrants and efficiently process cases for homeless individuals with low-level misdemeanor and infraction offenses. Homeless Court is held monthly at two local homeless shelters. Stand Down is held annually in July for homeless veterans. NPU addressed 602 defendants with a total of 1,420 City Attorney cases.

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The Domestic Violence & Sex Crimes Unit issued 1,035 cases from the 2,700 cases submitted to the Office for review. In addition to filing new cases, the Office redirected 289 cases to parole, probation, or the District Attorney's Office. Approximately 948 cases reached dispositions this year, with an average disposition period of 29 days. The overall conviction rate was 93.9 percent. A critical component of the work of the Criminal General Trial Unit involves seeking restitution for victims of crime. The Office's attorneys and staff continue their pursuit to 'make victims of crime whole' through reimbursement by restitution orders. The General Trial Unit deputies were able to successfully advocate for court orders in the amount of \$522,515 on behalf of crime victims.



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Department Summary

	FY2013 Actual	FY2014 Budget	FY2015 Adopted	FY2014–2015 Change
FTE Positions (Budgeted)	345.99	345.86	347.85	1.99
Personnel Expenditures	\$ 39,846,370	\$ 42,469,694	\$ 42,700,900	\$ 231,206
Non-Personnel Expenditures	3,283,764	3,219,749	3,201,155	(18,594)
Total Department Expenditures	\$ 43,130,134	\$ 45,689,443	\$ 45,902,055	\$ 212,612
Total Department Revenue	\$ 3,357,674	\$ 5,581,169	\$ 3,256,169	\$ (2,325,000)

General Fund

Department Expenditures

	FY2013 Actual	FY2014 Budget	FY2015 Adopted	FY2014–2015 Change
Administration	\$ 5,239,594	\$ 5,477,664	\$ 5,376,278	\$ (101,386)
Civil Advisory	11,592,532	12,480,369	12,414,077	(66,292)
Civil Litigation	10,602,109	10,757,713	11,520,897	763,184
Community Justice	4,125,235	4,670,392	3,834,622	(835,770)
Criminal Litigation	11,570,664	12,303,305	12,756,181	452,876
Total	\$ 43,130,134	\$ 45,689,443	\$ 45,902,055	\$ 212,612

Department Personnel

	FY2013 Budget	FY2014 Budget	FY2015 Adopted	FY2014–2015 Change
Administration	28.00	27.36	26.00	(1.36)
Civil Advisory	74.19	75.18	78.53	3.35
Civil Litigation	80.14	82.00	81.00	(1.00)
Community Justice	39.02	39.95	35.86	(4.09)
Criminal Litigation	124.64	121.37	126.46	5.09
Total	345.99	345.86	347.85	1.99

Significant Budget Adjustments

	FTE	Expenditures	Revenue
Personnel Expenditures Adjustment Adjustment to personnel expenditures to set the Office of the City Attorney's Fiscal Year 2015 Adopted Budget at the approved level.	0.00	\$ 508,228	\$ -
Non-Standard Hour Personnel Funding Adjustment to expenditures according to a zero-based annual review of non-standard hour personnel funding requirements.	1.99	181,041	\$ -
Non-Discretionary Adjustment Adjustment to expenditure allocations that are determined outside of the department's direct control. These allocations are generally based on prior year expenditure trends and examples of these include utilities, insurance, and rent.	0.00	24,241	-
Equipment/Support for Information Technology Adjustment to expenditure allocations according to a zero-based annual review of information technology funding requirements and priority analyses.	0.00	(42,835)	-

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Significant Budget Adjustments (Cont'd)

	FTE	Expenditures	Revenue
Salary and Benefit Adjustments	0.00	(458,063)	-
Adjustments to reflect the annualization of the Fiscal Year 2014 negotiated salary compensation schedule, changes to savings resulting from positions to be vacant for any period of the fiscal year, retirement contributions, retiree health contributions, and labor negotiation adjustments.			
One-Time Reductions and Annualizations	0.00	-	(925,000)
Adjustment to reflect the removal of one-time revenues and expenditures, and the annualization of revenues and expenditures, implemented in Fiscal Year 2014.			
Revised Revenue	0.00	-	(1,400,000)
Adjustment to reflect Fiscal Year 2015 revenue projections.			
Total	1.99	\$ 212,612	\$ (2,325,000)

Expenditures by Category

	FY2013 Actual	FY2014 Budget	FY2015 Adopted	FY2014-2015 Change
PERSONNEL				
Personnel Cost	\$ 24,384,230	\$ 24,719,948	\$ 25,738,836	\$ 1,018,888
Fringe Benefits	15,462,140	17,749,746	16,962,064	(787,682)
PERSONNEL SUBTOTAL	39,846,370	42,469,694	42,700,900	231,206
NON-PERSONNEL				
Supplies	\$ 276,456	\$ 293,156	\$ 306,316	\$ 13,160
Contracts	551,393	673,395	677,952	4,557
Information Technology	1,578,522	1,397,031	1,354,196	(42,835)
Energy and Utilities	33,411	70,774	37,965	(32,809)
Other	64,436	64,424	84,424	20,000
Transfers Out	779,545	720,969	740,302	19,333
NON-PERSONNEL SUBTOTAL	3,283,764	3,219,749	3,201,155	(18,594)
Total	\$ 43,130,134	\$ 45,689,443	\$ 45,902,055	\$ 212,612

Revenues by Category

	FY2013 Actual	FY2014 Budget	FY2015 Adopted	FY2014-2015 Change
Charges for Services	\$ 2,697,668	\$ 3,563,292	\$ 2,418,292	\$ (1,145,000)
Fines Forfeitures and Penalties	327,434	1,650,000	250,000	(1,400,000)
Licenses and Permits	3,544	3,500	3,500	-
Other Revenue	13,432	-	-	-
Rev from Other Agencies	315,596	364,377	584,377	220,000
Total	\$ 3,357,674	\$ 5,581,169	\$ 3,256,169	\$ (2,325,000)

Personnel Expenditures

Job Number	Job Title / Wages	FY2013 Budget	FY2014 Budget	FY2015 Adopted	Salary Range	Total
FTE, Salaries, and Wages						
20000011	Account Clerk	1.00	1.00	1.00	\$31,491 - \$37,918	\$ 36,067
20000012	Administrative Aide 1	2.00	2.00	2.00	36,962 - 44,533	88,446
20001076	Assistant City Attorney	6.00	6.00	6.00	73,008 - 291,595	991,812

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Personnel Expenditures (Cont'd)

Job Number	Job Title / Wages	FY2013 Budget	FY2014 Budget	FY2015 Adopted	Salary Range	Total
21000179	Assistant Dispute Resolution Officer	0.00	1.00	1.00	44,470 - 54,059	54,059
20000049	Assistant Management Analyst	1.00	0.00	0.00	44,470 - 54,059	-
20000119	Associate Management Analyst	2.00	2.00	2.00	54,059 - 65,333	119,392
20000171	Auto Messenger 1	2.00	2.00	2.00	26,208 - 31,491	59,116
20001070	City Attorney	1.00	1.00	1.00	193,648 - 193,648	193,648
20000610	City Attorney Investigator	21.00	21.00	21.00	58,219 - 70,429	1,405,234
90000610	City Attorney Investigator - Hourly	0.46	0.40	1.35	58,219 - 70,429	78,596
20000539	Clerical Assistant 2	23.00	23.00	22.00	29,931 - 36,067	662,512
90000539	Clerical Assistant 2 - Hourly	0.19	0.00	0.00	29,931 - 36,067	-
20001159	Confidential Secretary to the City Attorney	1.00	1.00	1.00	16,827 - 105,518	86,129
20000351	Court Support Clerk 1	19.00	19.00	20.00	31,491 - 37,918	740,627
90000351	Court Support Clerk 1 - Hourly	0.20	0.00	0.00	31,491 - 37,918	-
20000353	Court Support Clerk 2	13.00	13.00	14.00	32,968 - 39,811	555,364
90000353	Court Support Clerk 2 - Hourly	0.00	0.10	0.10	32,968 - 39,811	3,297
20001117	Deputy City Attorney	136.75	135.75	136.75	17,805 - 204,214	14,116,637
90001117	Deputy City Attorney - Hourly	0.72	0.80	1.84	17,805 - 204,214	204,258
20001258	Deputy City Attorney - Unrepresented	5.00	6.00	5.00	17,805 - 204,214	526,797
20001168	Deputy Director	1.00	1.00	1.00	46,966 - 172,744	121,322
20000392	Dispute Resolution Officer	1.00	1.00	1.00	54,059 - 65,333	65,333
20000290	Information Systems Analyst 2	1.00	1.00	1.00	54,059 - 65,333	65,333
20000293	Information Systems Analyst 3	1.00	1.00	1.00	59,363 - 71,760	71,760
20000377	Information Systems Technician	2.00	2.00	2.00	42,578 - 51,334	97,968
90001128	Legal Intern - Hourly	1.00	1.00	1.00	39,000 - 47,424	39,000
20000587	Legal Secretary 2	35.25	35.25	35.25	43,555 - 52,666	1,692,579
90000587	Legal Secretary 2 - Hourly	0.00	0.10	0.10	43,555 - 52,666	4,356
20000911	Librarian 3	1.00	1.00	1.00	55,266 - 67,101	66,094
20000614	Paralegal	20.00	20.00	20.00	52,374 - 63,190	1,218,771
20000680	Payroll Specialist 2	2.00	2.00	2.00	34,611 - 41,787	80,118
20001141	Principal Assistant to the City Attorney	1.00	1.00	1.00	26,395 - 160,430	82,135
20000747	Principal City Attorney Investigator	1.00	1.00	1.00	70,221 - 85,051	85,051
20000741	Principal Clerk	1.00	1.00	1.00	43,555 - 52,666	52,225
20000380	Principal Legal Secretary	1.00	1.00	1.00	50,398 - 60,736	60,736
20000063	Principal Paralegal	1.00	1.00	1.00	63,586 - 76,502	76,502
20001222	Program Manager	2.00	2.00	2.00	46,966 - 172,744	149,253
20000783	Public Information Clerk	1.00	1.00	1.00	31,491 - 37,918	31,491
20000935	Senior City Attorney Investigator	1.00	1.00	1.00	63,794 - 77,314	77,314
20000933	Senior City Attorney Investigator	5.00	5.00	5.00	63,794 - 77,314	295,736
90000933	Senior City Attorney Investigator - Hourly	0.14	0.10	0.10	63,794 - 77,314	6,379

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Personnel Expenditures (Cont'd)

Job Number	Job Title / Wages	FY2013 Budget	FY2014 Budget	FY2015 Adopted	Salary Range	Total
20000927	Senior Clerk/Typist	8.00	8.00	8.00	36,067 - 43,514	341,147
20001144	Senior Legal Intern	1.00	1.00	1.00	47,466 - 57,658	57,658
20000843	Senior Legal Secretary	6.00	6.00	6.00	48,006 - 57,845	345,045
20000015	Senior Management Analyst	1.00	1.00	1.00	59,363 - 71,760	71,760
20000845	Senior Paralegal	5.00	5.00	5.00	57,658 - 69,410	206,099
90001146	Student Intern - Hourly	0.28	0.36	0.36	18,616 - 22,318	6,702
20000970	Supervising Management Analyst	1.00	1.00	1.00	66,768 - 80,891	80,891
20001057	Victim Services Coordinator	4.00	4.00	4.00	36,962 - 44,533	177,464
20000756	Word Processing Operator	5.00	5.00	4.00	31,491 - 37,918	37,918
	Bilingual - Regular					24,752
	Master Library Degree					3,355
	Overtime Budgeted					10,512
	Termination Pay Annual Leave					14,086
FTE, Salaries, and Wages Subtotal		345.99	345.86	347.85		\$ 25,738,836
		FY2013 Actual	FY2014 Budget	FY2015 Adopted		FY2014-2015 Change
Fringe Benefits						
	Employee Offset Savings	\$ 420,534	\$ 581,617	\$ 425,106		\$ (156,511)
	Flexible Benefits	2,144,056	2,355,230	2,636,881		281,651
	Long-Term Disability	142,481	135,379	88,341		(47,038)
	Medicare	345,151	354,980	363,323		8,343
	Other Post-Employment Benefits	2,117,457	2,033,004	1,994,198		(38,806)
	Retiree Medical Trust	8,410	7,943	10,945		3,002
	Retirement 401 Plan	30,419	32,478	31,387		(1,091)
	Retirement ADC	8,255,025	10,006,583	9,347,260		(659,323)
	Retirement DROP	49,346	45,700	55,764		10,064
	Retirement Offset Contribution	23,784	-	-		-
	Risk Management Administration	339,664	308,487	311,328		2,841
	Supplemental Pension Savings Plan	1,105,800	1,194,629	1,350,340		155,711
	Unemployment Insurance	72,583	71,856	50,602		(21,254)
	Workers' Compensation	407,429	621,860	296,589		(325,271)
Fringe Benefits Subtotal		\$ 15,462,140	\$ 17,749,746	\$ 16,962,064		\$ (787,682)
Total Personnel Expenditures						\$ 42,700,900