



RESOLUTION NO. 2012-237

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, **AMENDING** THE COUNCIL
MANAGEMENT AND TRANSPARENCY POLICY FOR THE
CITY ATTORNEY'S OFFICE

WHEREAS, the Fresno City Attorney's Office is charged by Charter §§ 800 and 803 to provide legal services to the City of Fresno; and,

WHEREAS, it is incumbent upon the City Council to oversee the City Attorney, who is appointed by and serves at the pleasure of the Council, and his/her management of the City Attorney's Office affairs and duties; and

WHEREAS, inherent in Council's administrative authority is the responsibility to evaluate the quality of the services provided by the City Attorney's Office and the costs associated with such services; and,

WHEREAS, Council adopted Resolution No. 2011-115, which established the Council Management and Transparency Policy for the City Attorney's Office on June 9, 2011; and,

WHEREAS, historical implementation of the Council Management and Transparency Policy ("Policy") for the City Attorney's Office, in conjunction with the cessation of the billing practices of the City Attorney's Office as a General Fund Department, require changes in reporting wherein portions of the Policy should be amended to address only those matters that expose the City to high risks, and require investment of substantial time and resources, thereby permitting Council to properly oversee legal matters of significance; and,

WHEREAS, privileged and confidential information may be omitted as necessary from



the public report as determined by the City Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that the Council Management and Transparency Policy will be amended and restated as follows:

1. The City Attorney will provide a written report to Council on a quarterly basis that includes those legal matters that are reasonably estimated to require more than 100 hours of attorney time; the quarterly report shall list first those matters deemed by the City Attorney to be "high value" or "high exposure" in terms of potential monetary risk, exposure to an award of attorney's fees and costs, and/or are high profile, or involve significant political/policy considerations;

2. In all litigated matters a written budget shall be provided to and maintained by the City Attorney's Office; the City Attorney will provide a written quarterly report to Council on all legal matters that are reasonably estimated to exceed a budgeted sum of \$150,000 for the City's attorney's fees and costs; the City Attorney shall report to Council when any matter is anticipated to exceed \$500,000 in attorney's fees and costs;

3. The City Attorney is charged with the retention of contract counsel, as necessary to represent the City's interest, and will not retain contract counsel whose fees exceed \$400 per hour, unless the contract counsel has specialized skills justifying a higher amount; in such a case, the City Attorney shall report the retention of attorneys at the higher hourly rate to Council;

4. The City Attorney's Office will be required to produce the following to Council, which shall be amended to conform to this resolution:

1. An Annual City Attorney's Office Report.
2. A Quarterly Service and Litigation Log.



3. Adhere to the Work Management Policy.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 20th day of December, 2012.

AYES : Borgeas, Brand, Westerlund, Quintero, Xiong
NOES : None
ABSENT : Baines, Olivier
ABSTAIN : None

Mayor Approval: December 21, 2012
Mayor Approval/No Return: N/A, 2012
Mayor Veto: N/A, 2012
Council Override Vote: N/A, 2012

YVONNE SPENCE, CMC
City Clerk

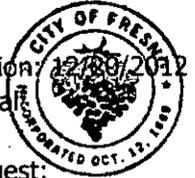
BY: [Signature] Deputy
[Seal]

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: [Signature]
Francine M. Kanne, Interim City Attorney

DTS/FMK:pm,tlp,pm [60199pm/reso] 12-19-12

December 21, 2012



RECEIVED

Council Adoption
Mayor Approval
Mayor Veto:
Override Request:

2012 DEC 21 PM 4:46
CITY CLERK, FRESNO CA

TO: MAYOR ASHLEY SWEARENGIN
FROM: STACEY WOO
Deputy City Clerk
FOR: YVONNE SPENCE, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/20/12, Council adopted the attached Resolution No. 2012-237 entitled **Amending the Council Management and Transparency Policy for the City Attorney's Office**. Item No. 3A, by the following vote:

Ayes : Borgeas, Brand, Westerlund, Quintero, Xiong
Noes : None
Absent : Baines, Olivier
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 31, 2012. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 12/21/12

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :