

MEMORANDUM
Office of the City Attorney



Date: May 29, 2015
To: City Attorney Subcommittee;
Mayor Esteves and Members of the City Council
From: Michael Ogaz, City Attorney *M.O.*
Subject: City Attorney's Office 2015-2016 Budget

At the City Council meeting on May 19, 2015, there were questions raised about the proposed hiring of a Deputy City Attorney and the increased City Attorney's Office budget over time from Fiscal Year 2000-2001 to Fiscal Year 2015-2016. The purpose of this memorandum is to provide additional information and clarification to the City Attorney Subcommittee and City Council on the City Attorney's Office budget.

The City Attorney's Office expenditure in Fiscal Year 2000-2001 was \$675,154 for part-time outside legal services. The City Attorney's Office budget for Fiscal Year 2015-2016 is \$1,019,040 for full-time, in-house legal services. Councilmember Giordano raised concerns about the increased budget over the fifteen (15) year period.

First, according to the United States Department of Labor, Bureau of Labor Statistics, the total annual inflation for the Bay Area from 2000 to 2015 is **41.5%**. The City Attorney's Office budget has increased during the same time period, along with all City departments, consistent with annual inflation increases in the Bay Area. Attachment A to this memorandum is a copy of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for San Francisco-Oakland-San Jose.

Second, according to the United States Census Bureau, the population of the City of Milpitas in 2000 was 62,846 and is now approximately 70,817. The City has grown significantly during the past fifteen (15) years with more demands on City resources and services (including legal services for resolutions, ordinances, contracts, dispute resolution, attendance and advice to various boards and commissions, and litigation, among others).

Third, in briefly reviewing other City department budgets from Fiscal Year 2000-2001 to Fiscal Year 2015-2016, their budgets have also similarly increased over the same time period.

Departments	Fiscal Year 2000-2001	Fiscal Year 2015-2016
Finance	\$2,362,499	\$3,564,287
Building	\$2,257,362	\$3,548,011
Planning	\$1,913,943	\$3,391,879
City Manager	\$517,542	\$1,268,324

Fourth, other similar sized cities in Santa Clara County, such as Mountain View and Palo Alto, have City Attorney's Office budgets of \$1,662,001 (FY 14-15) and \$2,450,229 respectively. The City of Mountain View has a population of approximately 77,846, with a City Attorney's Office budget of \$1,662,001 and eight (8) full-time employees including four (4) attorneys. The City of Palo Alto has a population of approximately 66,642, with a City Attorney's Office budget of \$2,450,229 and twelve (12) full-time positions, including eight (8) attorneys. In contrast, Milpitas has a population of approximately 70,817 with a budget of \$1,019,040 and three (3) positions, including only two (2) attorneys. Attachment B is a copy of a review of comparable cities.

Fifth, the City Attorney's Office has saved the City of Milpitas a significant amount of money by initiating programs that recruit and utilize the talents of volunteer attorneys, law students and paralegal student interns. The Office has had numerous volunteer attorneys and law student interns since 2009. Similarly, paralegal student interns have volunteered since early 2011. Attorneys and law student interns have volunteered over 5,000 hours to the City since 2009, and paralegal and student interns have volunteered over 1700 hours since 2011. Recruiting and engaging these volunteers has saved the City as much as \$200,000. Attachment C is a copy of the volunteer hours.

Lastly, the numbers do not truly reflect the value that the City Attorney's Office adds to the City of Milpitas. Having a well-funded City Attorney's Office with full-time employees, similar to Mountain View and Palo Alto, is in the best of interest of this growing community. We are here on a full-time basis to protect the City's interest by attending meetings, promptly answering legal questions, reviewing and drafting ordinances, resolutions, and contracts and, more importantly, to be fully accessible to the public and City staff. We are a part of the City team to keep the City moving in a positive direction. Unlike private law firms, our Office is not concerned about billable hours, but rather how much time is needed to do the job right because our attorneys do not work or get paid by the hour.

In conclusion, the addition of the Deputy City Attorney position will enhance the department's ability to achieve its goal of increasing efficiency and providing better service to the community. The City Attorney's Office, like all other City departments, is extremely cognizant of its budget and has done all it can to best protect the City's interest in the most cost-effective manner.

ATTACHMENT A

U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS

Western Information Office, 90 7th St., Suite 14-100, San Francisco, CA 94103
 Information Staff (415) 625-2270 / Fax (415) 625-2351

SAN FRANCISCO-OAKLAND-SAN JOSE

Consumer Price Index, All Items, 1982-84=100 for All Urban Consumers (CPI-U)

YEAR	SEMIANNUAL												ANNUAL AVERAGE		
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC		1ST HALF	2ND HALF
1996	152.9	153.2	152.9	153.9	156.1	155.2	155.9	155.6	156.3	156.9	156.9	156.0	153.9	156.3	155.1
1997	157.0	157.9	159.2	159.6	159.8	160.0	160.6	161.2	161.6	162.5	162.6	162.6	158.9	161.9	160.4
1998		163.2		164.6		165.5		166.6		167.2		167.4	164.2	166.9	165.5
1999		169.4		172.2		171.8		173.5		175.2		174.5	170.8	174.2	172.5
2000		176.5		178.7		179.1		181.7		183.4		184.1	177.7	182.6	180.2
2001		187.9		189.1		190.9		191.0		191.7		190.6	188.7	191.1	189.9
2002		191.3		193.0		193.2		193.5		194.3		193.2	192.3	193.7	193.0
2003		197.7		197.3		196.3		196.3		196.3		195.3	196.8	196.1	196.4
2004		198.1		198.3		199.0		198.7		200.3		199.5	198.2	199.5	198.8
2005		201.2		202.5		201.2		203.0		205.9		203.4	201.5	203.9	202.7
2006		207.1		208.9		209.1		210.7		211.0		210.4	207.9	210.6	209.2
2007		213.7		215.8		216.1		216.2		217.9		218.5	214.7	217.4	216.0
2008		219.612		222.074		225.181		225.411		225.824		218.528	221.730	223.804	222.767
2009		222.166		223.854		225.692		225.801		226.051		224.239	223.305	225.484	224.395
2010		226.145		227.697		228.110		227.954		228.107		227.658	226.994	227.944	227.469
2011		229.981		234.121		233.646		234.608		235.331		234.327	232.082	234.698	233.390
2012		236.880		238.985		239.806		241.170		242.834		239.533	238.099	241.201	239.650
2013		242.677		244.675		245.935		246.072		246.617		245.711	243.894	246.152	245.023
2014		248.615		251.495		253.317		253.354		254.503		252.273	250.507	253.463	251.985
2015		254.910		257.622											

Table of over-the-year percent increases. An entry for Feb. 2006 indicates the percentage increase from Feb. 2005 to Feb. 2006.

1997	2.7	3.1	4.1	3.7	3.0	3.1	3.0	3.6	3.4	3.6	4.2	4.2	3.2	3.6	3.4
1998		3.4		3.1		3.4		3.3		2.9	3.0	3.0	3.3	3.1	3.2
1999		3.8		4.6		3.8		4.1		4.8	4.2	4.2	4.0	4.4	4.2
2000		4.2		3.8		4.2		4.7		4.7	5.5	5.5	4.0	4.8	4.5
2001		6.5		5.8		6.6		5.1		4.5	3.5	3.5	6.2	4.7	5.4
2002		1.8		2.1		1.2		1.3		1.4	1.4	1.4	1.9	1.4	1.6
2003		3.3		2.2		1.6		1.4		1.0	1.1	1.1	2.3	1.2	1.8
2004		0.2		0.5		1.4		1.2		2.0	2.2	2.2	0.7	1.7	1.2
2005		1.6		2.1		1.1		2.2		2.8	2.0	2.0	1.7	2.2	2.0
2006		2.9		3.2		3.9		3.8		2.5	3.4	3.4	3.2	3.3	3.2
2007		3.2		3.3		3.4		2.6		3.3	3.8	3.8	3.3	3.2	3.3
2008		2.8		2.9		4.2		4.2		3.6	0.0	0.0	3.3	3.0	3.1
2009		1.2		0.8		0.2		0.2		0.1	2.6	2.6	0.7	0.8	0.7
2010		1.8		1.7		1.1		1.0		0.9	1.5	1.5	1.7	1.1	1.4
2011		1.7		2.8		2.4		2.9		3.2	2.9	2.9	2.2	3.0	2.6
2012		3.0		2.1		2.6		2.8		3.2	2.2	2.2	2.6	2.8	2.7
2013		2.4		2.4		2.6		2.0		1.6	2.6	2.6	2.4	2.1	2.2
2014		2.4		2.8		3.0		3.0		3.2	2.6	2.6	2.4	2.1	2.2
2015		2.5		2.4							2.7	2.7	2.7	3.0	2.8

ATTACHMENT B

City Attorney Office

REVIEW OF COMPARABLE CITIES

<u>City</u>	<u>Population</u>	<u>Positions</u>	<u>Budget</u>
MOUNTAIN VIEW	77,846	8 (4 attys)	\$1,662,001 (FY15)
PALO ALTO	66,642	12 (8 attys)	\$2,450,229 (FY16)
MILPITAS	69,783	3 (2 attys)	\$1,019,040 (FY16)

ATTACHMENT C

LEGAL INTERN VOLUNTEER HOURS

YEAR	NAME	TYPE	HOURS
2009-2010	Asa Pittman	Law Student/Volunteer Attorney	592
2011	Micah Miller	Law Student	270
2012	Nasir Mohammed	Volunteer Attorney	516
2013	Josephine Park	Volunteer Attorney	24
	Kelli Pon	Volunteer Attorney	700
	Adam Brutocao	Law Student	70
	Eugenia Buzogly	Law Student	30
2014	Claire Lai	Volunteer Attorney	1084
	Amandeep Chatha	Volunteer Attorney	27
	Brice Hamack	Volunteer Attorney	6.5
	Coleman Peng	Volunteer Attorney	32
	Phong Banh	Volunteer Attorney	339
	Joni Puzon	Law Student	378
	Sanna Asabi	Law Student	205
	Chris Bianchi	Law Student	176
	Analiese Danner	Law Student	91.5
Kevin Armanio	Law Student	279.5	
2015	Claire Lai	Volunteer Attorney	500
	Chris Bianchi	Law Student	149
TOTAL VOLUNTEER ATTORNEY HOURS:			3320.5
If hired at City's current lowest rate for Deputy City Attorney of \$49.29/hr:			\$163,534.62*
TOTAL LAW STUDENT HOURS:			2149
If hired at City's current highest rate for paid student interns of \$17.68/hr:			\$37,994.32*

YEAR	NAME	TYPE	HOURS
2011	Delrae Johnson	Paralegal Student	110
	John Chow	University Student	110
	Linda Santellano	Paralegal Student	220
2012	Jenny Lee	Paralegal Student	110
	Lan Sheng	Paralegal Student	110
	Mayra Perez	Paralegal Student	110
2013	Felianne Mendoza	Paralegal Student	220
	Eugenia Yee	University Student	200
	Adi Raikadroka	Paralegal Student	110
2014	Jessica Pulido	Paralegal Student	110
	Kasie Harmon	Paralegal Student	110
	Royall Walters	Paralegal Student	110
2015	Royall Walters	Paralegal Student	32
	Joan McFarland	Paralegal Student	110
TOTAL HOURS:			1772
If hired at City's current lowest rate for paid student interns of \$9.18/hour:			\$16,266.96*
If hired at City's current lowest rate for Office Assistant I: \$21.85/hour:			\$38,718.20*

*These figures do not include other personnel related costs, such as PERS, health insurance, workers compensation insurance, etc.