City Attorney
(11 FTEs)

City Council

City Attorney
(1 FTE)

Senior Executive Assistant
(1 FTE)

Senior Assistant City Attorneys
(7 FTEs)

Paralegal
(1 FTE)

Secretary
(1 FTE)
CITY ATTORNEY

Mission:
The mission of the City Attorney’s Office is to support the various initiatives, projects, goals and objectives of the City Council and Administration through the delivery of superior quality legal advice and counsel in a timely and efficient manner.

DEPARTMENT DESCRIPTION

City Attorney’s Office $1,531,469
11 FTEs

The City Attorney’s Office provides legal advice and representation to City Council, the City administration, and City boards and commissions for the wide variety and considerable volume of projects and activities undertaken by the City. Services include advice and consultation to Council, the City Manager’s Office, and all departments; attendance and assistance at Council meetings and in select meetings of the City’s boards and commissions; drafting and review of contracts; drafting and review of ordinances; assistance in preparation of bid documents and RFPs; negotiation, issue identification, and complex document drafting for major economic development projects; drafting deeds, easements, and contracts for sale or purchase of property; drafting interlocal agreements; legal analysis of new City programs or policies; and drafting a variety of documents related to affordable housing.

The office also assists staff in finalizing cases to be handled by the District Attorney’s Office in Community Life Court for City Code violations; works with outside counsel in collection of assessments; evaluates damage claims in conjunction with the City Manager, Risk Manager, and City insurance carriers; assists staff in formulating and enforcing civil remedies for violations of the City Code; and negotiates on behalf of the City in potential and actual claims involving contract disputes, development regulations, utility services, personnel and discrimination issues, and land acquisition. Litigation typically handled by the office includes planning and zoning actions, challenges to the legality of City programs, property condemnations, and personnel, tort, and contract cases. On limited occasions, particularly complex or extended litigation that is beyond the office’s limited support services is contracted out. The office coordinates the retention of outside counsel for these cases, as well as for bond financings, some affordable housing and real estate matters.

RESOURCE ALLOCATION

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<th>Adopted FY 2010-11</th>
<th>Estimated FY 2010-11</th>
<th>Adopted FY 2011-12</th>
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BUDGET ISSUES FOR FY 2011-12

- The office continues to handle a substantially increased workload resulting from: the City's growth, the large number of capital projects funded through the 2005 and 2007 bond referenda, the highly visible and legally unique and complex lacrosse lawsuits, the substantial need for contracts and enforcement assistance in the City's Stormwater Program, questions generated by the Unified Development Ordinance (UDO), progressively tighter state environmental requirements, and continuing need for unique and complex public-private contracts for economic development projects and utility construction.

COMPLETED INITIATIVES FOR FY 2010-11

- Performed legal work on a variety of complex projects, including drafting of agreements for the Durham Convention Center, DATA/TTA management contract, Lyon Park Community Life Center, continuing DATA site environmental issues, Greenfire Downtown Development initiatives including the conversion of the Hill Building to the Sparq Hotel, and continuing Woolworth/Parrish Street project issues.
- Provided legal work and engaged counsel to defend the three lacrosse lawsuits, in which the City and 15 City employees were named as defendants. This initially involved doing legal research on the claims, investigating and selecting appropriate private law firms for defense of the case, coordinating with the City's insurance provider, and negotiating engagement terms and contracts with the five firms selected. The office continues to provide case coordination among private counsel, research into select areas of law, investigation of particular factual issues, assistance in public relations, oversight of billings, and management of the relationship between the City and the insurance carrier. This consumes, at a minimum, 1/3 of one attorney's time, and is expected to continue to consume that amount of time, at least through the coming year.
- Provided legal support for the City's affordable housing projects, which average between 10 and 20 per year, and assistance in difficult issues involving the Rolling Hills project.
- Drafted sensitive ordinances and resolutions including a City travel restriction to the State of Arizona, Acknowledgement of acceptance of the Matricula Consular identification card on a limited basis and for limited purposes by the Durham Police Department, major changes to development plan requirements, water restrictions for building and development, and various housing code ordinance revisions.
- Continue to review and assist in City stormwater comments on Jordan Lake rules, and submitted independent legal objections to proposed rules.
- Revised the City Council Ethics Policy.
- Provided review and assistance in evaluating between 70 and 100 claims of various types against the City.
- Negotiated large claims requiring extensive investigation in employment matters and utility/land development issues.
- Served as counsel or co-counsel in over 30 filed legal actions or administrative proceedings, including tort/negligence claims, personnel issues, and regulatory matters, successfully obtaining dismissals in a number of cases.
- Reviewed contracts for numerous capital projects funded from the $130,000,000 in bonds approved in 2005, 2007 and 2009, plus 2/3 bonds, COPs, and water and sewer revenue bonds anticipated to be authorized in 2011 or 2012.
- Contractual support for the downtown solid waste initiative.
- Real estate issues related to the construction of Durham Public School's Middle School B.
- Legal support leading to the razing of the deteriorating Boone Court apartment complex.
- Legal support for the Council's 2011 legislative agenda.

DEPARTMENT INITIATIVES FOR FY 2011-12

Many of the initiatives for the upcoming fiscal year are continuing projects from FY 2010-11.

These include legal work relating to:
- Coordination of lacrosse legal defense and related insurance issues.
- Greenfire Downtown Development incentives.
- Heritage Square and Golden Belt development incentives.
- 2011 and 2012 legislative programs.
- Durham Performing Arts Center naming agreements.
- Bond work and retention of bond counsel for 2/3 bonds, COPs, and Water/Sewer Revenue bonds anticipated to be issued in FY 2012.
- Rolling Hills redevelopment project.
- Durham Athletic Park Development/Museum project.
- Ongoing UDO revisions.
- Response to issuance of Jordan Lake Rules and the implementation of the Falls Lake rules.
- Ongoing issues related to the Durham Convention Center.
- Redistricting of City ward boundaries as a result of the 2010 census results.
- Long term lease and management agreement for the North Parking Deck.
- Legal support for the management of street issues related to failing and struggling neighborhood developments.
- Stormwater ordinance revisions.
- Prior initiatives relating to Community Life Court and assessment collections.