

Meeting Date: 7/22/2014

Report Type: Consent

Report ID: 2014-00534

Title: City Attorney Authority for Amicus Curiae Participation or Assistance and Pending Anticipated Litigation

Location: Citywide

Recommendation: Pass a Resolution authorizing the City Attorney 1) to provide amicus curiae assistance upon request for routine matters after consultation with the City Manager without City Council approval; and 2) undertake specified actions and enter into specified agreements without seeking City Council approval.

Contact: Jerry Hicks, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

Presenter: None

Department: City Attorney

Division:

Dept ID:

Attachments:

1-Description/Analysis

2-Resolution

City Attorney Review

Approved as to Form

Gerald Hicks

7/14/2014 3:34:59 PM

Approvals/Acknowledgements

Department Director or Designee: Sandra Talbott - 7/2/2014 5:09:41 PM

Description/Analysis

Issue Detail: The City Attorney receives requests from time to time to provide amicus curiae participation or support from the League of California Cities, the International Municipal Lawyer's Association, individual cities and other public entities. In addition, it is often necessary and expedient for the City Attorney to have authority to undertake certain actions and enter into certain agreements without seeking City council approval. The subject resolution provides authority for the City Attorney, after consultation with the City Manager, to provide amicus curiae support or participation on routine matters and to undertake certain actions without seeking approval of the City Council.

Policy Considerations: The subject resolution provides authority for the City Attorney, after consultation with the City Manager, to provide amicus curiae support or participation on routine matters and to undertake certain actions without seeking approval of the City Council.

Economic Impacts: Not applicable.

Environmental Considerations: The requested action does not constitute a project under CEQA and is therefore exempt from review.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: The recommended resolution allows the City Attorney to take action on requests for amicus curiae participation and assistance on routine matters and to undertake certain actions without seeking Council approval, allowing the City Attorney to act expeditiously.

Financial Considerations: The requested action will have no financial impact.

Local Business Enterprise (LBE): Not applicable.

RESOLUTION NO.

Adopted by the Sacramento City Council

[DATE]

AUTHORIZING THE CITY ATTORNEY TO TAKE SPECIFIC ACTIONS RELATED TO LITIGATION AND REQUESTS FOR AMICUS CURIAE PARTICIPATION OR ASSISTANCE

BACKGROUND

A. In the course of discharging the duties set forth in City Charter section 72, the City Attorney receives requests for amicus curiae participation or assistance from the League of California Cities, the International Municipal Lawyer's Association, individual cities, and other public entities.

B. With respect to those matters that are routine in nature and advance the city's interest, it is expedient to authorize the City Attorney, in consultation with the City Manager, to provide amicus curiae participation or assistance.

C. Resolution 91-962 previously authorized City Attorney amicus curiae participation or assistance by the City.

D. In the course of discharging the duties set forth in City Charter section 72, it is necessary and expedient for the City Attorney to have the authority to undertake certain actions and enter into certain agreements without seeking City Council approval.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Resolution 91-962 is rescinded.

Section 2. Amicus Curiae Participation or Assistance:

a. The City Attorney, after consultation with the City Manager, is authorized to determine whether or not the subject matter of requests for amicus curiae participation or assistance involve issues that are routine in nature and advance the city's interest, or present sensitive issues of policy.

b. When the City Attorney, after consultation with the City Manager, determines that the subject matter of a request for amicus curiae participation or

assistance involves routine issues that advance the city's interest, the City Attorney is authorized to provide such amicus curiae participation or assistance as he or she deems appropriate.

c. When the City Attorney, in consultation with the City Manager, determines that the subject matter of a request for amicus curiae participation or assistance involves one or more sensitive issues of policy, and that it is appropriate to recommend that the City of Sacramento provide amicus curiae participation or assistance, the request shall be brought to the City Council for decision.

Section 3. Other Actions Relating to Litigation:

When the City Attorney deems it appropriate, he or she may:

a. Initiate litigation when the subject matter of the litigation involves routine issues that advance the city's interest.

b. Initiate litigation to collect debts or obligations paid by the City that are the responsibility of third parties (e.g., subrogation or indemnity.)

c. Enter into agreements to toll any applicable statute of limitations with respect to litigation brought by or against the City;

d. Enter into joint defense, joint privilege, or common interest agreements in order to share privileged information, strategies, or efforts without waiving the attorney-client and attorney work product privileges.