

# Office of the City Attorney

Nora Frimann, City Attorney

## MISSION

*The Office of the City Attorney is committed to providing excellent legal services and advice, consistent with the highest professional and ethical standards, with the goal of protecting and advancing the City's interests in serving the people of San José*

## CITY SERVICE AREA

*Strategic Support*

## CORE SERVICES

---

### LEGAL SERVICES

---

Advocate, defend, and prosecute on behalf of the City's interests. Provide oral and written advice on legal issues and prepare documents to implement official City actions.

---

**Strategic Support:** Administrative Support and Emergency Response and Recovery.

---

# Office of the City Attorney

## Service Delivery Framework

PROGRAM	DESCRIPTION
<b><i>Legal Services Core Service</i></b>	
<b>Legal Representation</b>	Provides legal representation to advocate, defend, and prosecute matters on behalf of the City and the Successor Agency to the Redevelopment Agency. This involves a variety of activities, including defense of lawsuits; general liability claims management; prosecution of municipal code violations; workers' compensation investigations and litigation; seeking injunctions for general nuisance, gang, and drug abatements; alternative dispute resolution and contract dispute assistance; and initiation of litigation which can result in significant revenue collections.
<b>Legal Transactions</b>	Provides oral and written legal counsel and advice to the Mayor, City Council, Council Appointees, City departments, City boards, commissions, and committees, and to the Successor Agency to the Redevelopment Agency, and is responsible for review and preparation of ordinances, resolutions, contracts, permits, and other legal documents to implement official City and Agency actions.
<b><i>Strategic Support Core Service</i></b>	
<b>City Attorney Management and Administration</b>	Provides administrative oversight for the department, including executive management, financial management, and human resources.
<b>City Attorney Emergency Response and Recovery</b>	Provides for the coordination and delivery of emergency services and recovery activities.

# Office of the City Attorney

## Department Budget Summary

### Expected 2025-2026 Service Delivery

- The City Attorney's Office (CAO) will continue to provide legal representation and advice while facing the challenge of meeting legal services demands largely driven by outside factors.
- Transactional legal assignments are generated by City Council direction and department requests that are often driven by technology innovations, economic conditions, and state and federal mandates. Transactional legal services will continue to be delivered by the Office with priority given to matters that reflect Council priorities and will provide the greatest benefit to the City or have the potential for increasing revenue. Lower-priority assignments will be performed as time and staffing allow.
- Litigation matters often originate from claims and lawsuits against the City; consequently, workloads and liability exposure are largely out of the CAO's control. In addition, the Office prosecutes criminal cases and files Gun Violence Restraining Orders and various affirmative lawsuits. The Office will continue to provide in-house legal services while managing unpredictable fluctuations in demand for these services. The Office anticipates litigation challenging the withholding of federal funds and other issues stemming from federal policy changes.
- Council priorities: The Office will continue to support the work undertaken by various departments related to issues involving the unhoused population, encampments, large vehicle and overnight parking prohibitions and interim housing.
- Airport, Clean Energy, Sanitary Sewer and Storm, Solid Waste enterprise programs: advise on new programs; power procurement and regulatory compliance; advise on public-private financing, biosolids facility; ongoing monitoring of new state regulatory requirements relating to sanitary sewer and storm programs.
- Economic Development: Negotiations of Sharks and SAP Center agreements; Microsoft development agreement; negotiations of Team San Jose agreement; advise on revenue opportunities at San Jose events; advise on unpermitted vendors at cultural facility events.
- Housing: advise on implementing over 100 policies and strategies in Housing Element; continue legal guidance on approximately 30 Builder's Remedy applications and work with Housing and Community Development (HCD) on pro-housing designation.
- Tax Revenue: monitor and advocate on ongoing tax disputes, negotiate banking services agreements, advise on tax audits including, Transient Occupancy Tax (TOT), utility user, telecommunication, and Real Property Transfer.
- Transportation: update micro-mobility device regulatory scheme.
- Building: advise on soft story seismic retrofit ordinance.
- Advise on Development Fee Framework and Council Policy to align City fees.
- Labor Enforcement: advise on implementation of private responsible construction program, and potential regulation involving fast food workers.

### 2025-2026 Key Budget Actions

- Adds 1.0 Deputy City Attorney II position, through June 30, 2026, to provide capacity for enforcement of Municipal Code violations as directed in the Mayor's March Budget Message for Fiscal Year 2025-2026, as approved by City Council.
- Continues and makes permanent 1.0 Legal Analyst position to continue the support of Gun Violence Restraining Orders cases.
- Eliminates 1.0 vacant Senior Deputy City Attorney position assigned to the Legal Transaction division.

### Operating Funds Managed

N/A

# Office of the City Attorney

## Department Budget Summary

	2023-2024 Actuals ***	2024-2025 Adopted ****	2025-2026 Forecast	2025-2026 Proposed
<b>Dollars by Core Service</b>				
Legal Services	23,813,967	24,289,972	24,758,688	24,721,941
Strategic Support - City Council Appointees	1,780,657	2,049,310	2,028,135	2,028,135
Strategic Support - Other - Council Appointees	5,904,415	20,925,263	7,071,575	7,071,575
<b>Total</b>	<b>\$31,499,039</b>	<b>\$47,264,545</b>	<b>\$33,858,398</b>	<b>\$33,821,651</b>
<b>Dollars by Category</b>				
<i>Personal Services and Non-Personal/Equipment</i>				
Salaries/Benefits	22,647,616	24,568,212	25,038,647	25,001,900
Overtime	5,496	0	0	0
<b>Subtotal Personal Services</b>	<b>\$22,653,112</b>	<b>\$24,568,212</b>	<b>\$25,038,647</b>	<b>\$25,001,900</b>
Non-Personal/Equipment	2,490,107	1,744,809	1,730,509	1,730,509
<b>Total Personal Services &amp; Non-Personal/Equipment</b>	<b>\$25,143,219</b>	<b>\$26,313,021</b>	<b>\$26,769,156</b>	<b>\$26,732,409</b>
<i>Other Costs *</i>				
City-Wide Expenses	6,010,743	19,759,000	6,000,000	6,000,000
Housing Loans and Grants	0	0	0	0
Other	117,617	26,261	17,667	17,667
Other - Capital	0	0	0	0
Overhead Costs	227,460	1,166,263	1,071,575	1,071,575
<b>Total Other Costs</b>	<b>\$6,355,820</b>	<b>\$20,951,524</b>	<b>\$7,089,242</b>	<b>\$7,089,242</b>
<b>Total</b>	<b>\$31,499,039</b>	<b>\$47,264,545</b>	<b>\$33,858,398</b>	<b>\$33,821,651</b>

\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document.

\*\* The position counts displayed in the 2023-2024 Actuals column reflect those included in the 2023-2024 Adopted Budget.

\*\*\* 2023-2024 Actuals may not subtotal due to rounding.

\*\*\*\* The amounts in the 2024-2025 Adopted Budget column may vary from the published Adopted Budget due to the realignment of Other Costs (primarily City-Wide Expenses and General Fund Capital) between Departments.

# Office of the City Attorney

## Department Budget Summary

	2023-2024 Actuals ***	2024-2025 Adopted ****	2025-2026 Forecast	2025-2026 Proposed
<b>Dollars by Fund</b>				
General Fund (001)	25,306,946	38,790,941	25,942,038	25,905,291
Airport Maintenance And Operation Fund (523)	705,414	833,515	869,997	869,997
Building Development Fee Program Fund (237)	0	85,317	0	0
Citywide Planning Fee Program Fund (239)	0	0	91,690	91,690
Community Development Block Grant Fund (441)	45,043	38,825	41,542	41,542
Home Investment Partnership Program Trust Fund (445)	2,155	0	0	0
Housing Trust Fund (440)	69,453	58,011	48,842	48,842
Integrated Waste Management Fund (423)	206,909	233,742	245,122	245,122
Low And Moderate Income Housing Asset Fund (346)	1,122,253	1,790,107	1,688,275	1,688,275
Multi-Source Housing Fund (448)	131,168	125,097	89,033	89,033
Planning Development Fee Program Fund (238)	524,150	447,804	472,752	472,752
Real Property Transfer Tax Fund (404)	0	550,179	584,341	584,341
Rental Stabilization Program Fee Fund (450)	284,576	550,467	311,287	311,287
San José Clean Energy Operating Fund (501)	809,187	1,234,338	1,293,134	1,293,134
San José-Santa Clara Treatment Plant Operating Fund (513)	224,824	294,600	299,366	299,366
Sewer Service And Use Charge Fund (541)	932,406	1,295,171	934,178	934,178
Storm Sewer Operating Fund (446)	165,668	180,123	187,863	187,863
Water Utility Fund (515)	137,200	187,039	186,845	186,845
Workforce Development Fund (290)	109,603	135,659	140,536	140,536
Capital Funds	722,084	433,610	431,557	431,557
<b>Total</b>	<b>\$31,499,039</b>	<b>\$47,264,545</b>	<b>\$33,858,398</b>	<b>\$33,821,651</b>
<b>Positions by Core Service **</b>				
Legal Services	80.70	80.80	79.80	80.80
Strategic Support - City Council Appointees	7.80	7.70	7.70	7.70
<b>Total</b>	<b>88.50</b>	<b>88.50</b>	<b>87.50</b>	<b>88.50</b>

\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document.

\*\* The position counts displayed in the 2023-2024 Actuals column reflect those included in the 2023-2024 Adopted Budget.

\*\*\* 2023-2024 Actuals may not subtotal due to rounding.

\*\*\*\* The amounts in the 2024-2025 Adopted Budget column may vary from the published Adopted Budget due to the realignment of Other Costs (primarily City-Wide Expenses and General Fund Capital) between Departments.

# Office of the City Attorney

## Department Budget Summary

	2023-2024	2024-2025	2025-2026	2025-2026	2025-2026
	Actuals **	Adopted	Forecast	Proposed	Proposed Positions
<b>Dollars by Program*</b>					
<b>Legal Services</b>					
Legal Representation	11,476,370	11,650,493	11,628,595	12,037,620	38.99
Legal Transactions	12,337,597	12,639,479	13,130,093	12,684,321	41.81
<b>Sub-Total</b>	<b>23,813,967</b>	<b>24,289,972</b>	<b>24,758,688</b>	<b>24,721,941</b>	<b>80.80</b>
<b>Strategic Support - City Council Appointees</b>					
City Attorney Management and Administration	1,780,657	2,049,310	2,028,135	2,028,135	7.70
<b>Sub-Total</b>	<b>1,780,657</b>	<b>2,049,310</b>	<b>2,028,135</b>	<b>2,028,135</b>	<b>7.70</b>
<b>Strategic Support - Other - Council Appointees</b>					
City Attorney Other Departmental - City-Wide	5,648,712	19,759,000	6,000,000	6,000,000	0.00
City Attorney Other Operational - Administration	97,801	0	0	0	0.00
City Attorney Overhead	157,902	1,166,263	1,071,575	1,071,575	0.00
<b>Sub-Total</b>	<b>5,904,415</b>	<b>20,925,263</b>	<b>7,071,575</b>	<b>7,071,575</b>	<b>0.00</b>
<b>Total</b>	<b>\$31,499,039</b>	<b>\$47,264,545</b>	<b>\$33,858,398</b>	<b>\$33,821,651</b>	<b>88.50</b>

\* Fund Balance, Transfers, and Reserves for funds that may be managed by this department have been excluded from this display. This information can be found in Source and Use of Funds Statements elsewhere in this document.

\*\* 2023-2024 Actuals may not subtotal due to rounding.

# Office of the City Attorney

## Budget Reconciliation

### Personal Services and Non-Personal/Equipment

(2024-2025 Adopted to 2025-2026 Proposed)

	Positions	All Funds (\$)	General Fund (\$)
<b>Prior Year Budget (2024-2025):</b>	<b>88.50</b>	<b>26,313,021</b>	<b>19,031,941</b>
<b>Base Adjustments</b>			
<b>One-Time Prior Year Expenditures Deleted</b>			
• Gun Violence Restraining Order Staffing (1.0 Legal Analyst)	(1.00)	(193,278)	(193,278)
<b>One-time Prior Year Expenditures Subtotal:</b>	<b>(1.00)</b>	<b>(193,278)</b>	<b>(193,278)</b>
<b>Technical Adjustments to Costs of Ongoing Activities</b>			
• Salary/benefit changes		628,708	511,389
• Contract Services: Court Services		8,000	8,000
• Software/Information Services: Redaction Software		5,000	5,000
• Software Information/Services: Data Storage Service (Modus)		4,500	4,500
• Software Information/Services: Case Management Application (ProLaw)		1,700	1,700
• Software Information/Services: Bar Education (OnLaw Pro Unlimited)		1,500	1,500
• Fund Shift: General Legal Support		5	571,286
<b>Technical Adjustments Subtotal:</b>	<b>0.00</b>	<b>649,413</b>	<b>1,103,375</b>
<b>2025-2026 Forecast Base Budget:</b>	<b>87.50</b>	<b>26,769,156</b>	<b>19,942,038</b>
<b>Budget Proposals Recommended</b>			
1. Legal Representation Staffing	1.00	240,923	240,923
2. Gun Violence Restraining Order Staffing	1.00	168,102	168,102
3. Legal Transaction Staffing	(1.00)	(445,772)	(445,772)
<b>Total Budget Proposals Recommended</b>	<b>1.00</b>	<b>(36,747)</b>	<b>(36,747)</b>
<b>2025-2026 Proposed Budget Total</b>	<b>88.50</b>	<b>26,732,409</b>	<b>19,905,291</b>

# Office of the City Attorney

## Budget Changes by Department

### Personal Services and Non-Personal/Equipment

2025-2026 Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
1. Legal Representation Staffing	1.00	240,923	240,923

**Strategic Support – Council Appointees CSA**  
**Legal Services Core Service**  
*Legal Representation Program*

This action adds 1.0 Deputy City Attorney II position, through June 30, 2026, to provide capacity for the enforcement of Municipal Code violations as directed in City Council's approval of the Mayor's March Budget Message for Fiscal Year 2025-2026. With the implementation of the Responsibility to Shelter Policy and other actions to deter blight, illegal dumping, and unfair business practices, additional staff capacity is necessary within the Office of the City Attorney to prosecute these violations. This position may also allow for a higher level collection of fines from negligent property owners, and will be re-evaluated for extension as part of a future budget cycle. (Ongoing costs: \$0)

2. Gun Violence Restraining Order Staffing	1.00	168,102	168,102
--------------------------------------------	------	---------	---------

**Strategic Support – Council Appointees CSA**  
**Legal Services Core Service**  
*Legal Representation Program*

This action continues and makes permanent 1.0 Legal Analyst position to continue supporting Gun Violence Restraining Orders (GVRO) cases. The San José Police Department (SJPD) remains at the forefront of GVRO utilization in Santa Clara County. The Office of the City Attorney has experienced a steady increase in caseload, processing 116 cases in 2023, 141 cases in 2024, and projecting approximately 150 cases for 2025. Each case requires an average of 23 hours of legal analyst time, encompassing tasks such as form completion, review of current and past SJPD reports, criminal history analysis, case exhibit presentation, settlement coordination, and ongoing case tracking. Given the current caseload and anticipated increase in volume, a permanent dedicated analyst is essential to effectively manage the time-sensitive nature of these cases. (Ongoing costs: \$169,494)

# Office of the City Attorney

---

## Budget Changes by Department





### Personal Services and Non-Personal/Equipment

<b>2025-2026 Proposed Budget Changes</b>	<b>Positions</b>	<b>All Funds (\$)</b>	<b>General Fund (\$)</b>
<b>3. Legal Transaction Staffing</b>	<b>(1.00)</b>	<b>(445,772)</b>	<b>(445,772)</b>
<i>Strategic Support – Council Appointees CSA</i>			
<i>Legal Services Core Service</i>			
<i>Legal Transactions Program</i>			
<p>This action eliminates 1.0 vacant Senior Deputy City Attorney position. The legal transaction attorneys play a crucial role in providing legal counsel and preparing documents to implement City Council directives. This action will result in diminished service levels caused by limited resources available merged with growing and increasingly complex workloads. (Ongoing savings: \$458,485)</p>			
<b>2025-2026 Proposed Budget Changes Total</b>	<b>1.00</b>	<b>(36,747)</b>	<b>(36,747)</b>

---




# Office of the City Attorney

## Performance Summary

Four Key Budget Performance Measure Measurement Areas			
			
<b>Access and Quality</b> - How well does a service enable participation, visitation, and usage? How well does the service lead to its intended outcome, condition, state of compliance, or opportunity pathway?	<b>Customer Satisfaction</b> - How well does a service meet customer needs? How well does a service resolve a customer's problem? How well does a service deliver its intended experience for a customer?	<b>Reliability and Responsiveness</b> - How well does a service meet response time targets? How well does a service deliver resolution? How well does a service meet its efficiency goals?	<b>Cost Effectiveness</b> - How well does a service resource deliver its intended outcome? How well does a service resource deliver its intended output?

### Legal Services

#### Performance Measures

	2023-2024 Actual	2024-2025 Target	2024-2025 Estimated	2025-2026 Target
 <b>PM 1</b> % of time final case results are within staff analyses and/or recommendations	91%	90%	N/A <sup>1</sup>	90%
 <b>PM 2</b> Cost of representation and advice and documentation compared to law offices of similar size, practice, and expertise, including other governmental law offices: - City Attorney's Office average hourly rate - Outside Legal Counsel average hourly rate	\$153	\$165	\$170	\$180
 <b>PM 3</b> % of survey respondents rating legal services satisfactory or better based on quality, cycle time, and professionalism	88%	90%	N/A <sup>1</sup>	90%

<sup>1</sup> The survey is conducted biennially and will not be conducted in 2024-2025.

# Office of the City Attorney

## Performance Summary

### Legal Services

#### *Activity and Workload Highlights*

		2023-2024 Actual	2024-2025 Forecast	2024-2025 Estimated	2025-2026 Forecast
	# of claims and lawsuits filed:				
<i>AWH 1</i>	- Claims filed against the City	546	564	562	554
	- Lawsuits filed against the City	126	131	144	135
	- Lawsuits and administrative actions filed or initiated by the City	349	620	312	331
	# of Council/Board/Manager memoranda:				
<i>AWH 2</i>	- Prepared	1,064	1,606	1,659	1,362
	- Reviewed	697	574	903	800
	# of documents reviewed by type:				
<i>AWH 3</i>	- Resolutions	372	433	422	397
	- Ordinances	168	138	164	166
	- Agreements	2,213	2,130	2,290	2,252

### Data Sources: Legal Services

Number	Data Source
<i>PM 1</i>	Office of the City Attorney 2024 Performance Survey
<i>PM 2</i>	Salfringe and report compiled by Legal Analysts
<i>PM 3</i>	Office of the City Attorney 2024 Performance Survey
<i>AWH 1</i>	ProLaw report
<i>AWH 2</i>	ProLaw report
<i>AWH 3</i>	ProLaw report

## Office of the City Attorney

### Department Position Detail

Position	2024-2025 Adopted	2025-2026 Proposed	Change
Assistant City Attorney	2.00	2.00	-
Associate Deputy City Attorney	3.00	3.00	-
Chief Deputy City Attorney	4.00	4.00	-
City Attorney	1.00	1.00	-
Deputy City Attorney I/II/III/IV	12.00	13.00	1.00
Executive Assistant	1.00	1.00	-
Legal Administrative Assistant	9.50	9.50	-
Legal Analyst I/II/III	16.00	16.00	-
Legal Services Administrator	1.00	1.00	-
Legal Services Manager	1.00	1.00	-
Network Engineer	1.00	1.00	-
Office Specialist I/II	2.00	2.00	-
Senior Deputy City Attorney I/II/III/IV	31.00	30.00	(1.00)
Senior Legal Analyst	3.00	3.00	-
Senior Supervisor, Administration	1.00	1.00	-
<b>Total Positions</b>	<b>88.50</b>	<b>88.50</b>	<b>0.00</b>