



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Members of the City Council

**FROM:** Mayor Nick Tell  
Mayor Pro Tem Jim Aldinger

**DATE:** July 17, 2007

**SUBJECT:** Consideration of Compensation Adjustment For City Attorney

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### RECOMMENDATION:

It is recommended that the City Attorney's Employment Agreement be amended to provide a compensation adjustment, effective January 1, 2007.

### FISCAL IMPLICATION:

Funds are available for the recommended adjustments within the adopted budget.

### DISCUSSION:

In 2006 the City Attorney budget increased only 7.4 % over the previous year. There were only 9 active litigation cases (including a validation action filed by the City) remaining at the end of 2006. The City Attorney's office continued to handle almost half of the City's total litigation caseload in-house at considerable savings to the City. Out of a total of 15 cases active during the calendar year 7 (46.7%) were handled in-house and 8 (53.3%) by outside counsel. All cases other than tort, personnel or Federal civil rights cases were handled in-house. The City had no civil trials in 2006.

There were no judgments against the City and the total amount spent on liability settlements was substantially reduced as shown in the table below:

### LITIGATION SETTLEMENTS

Calendar Year	No. of Cases Settled	Total Settlement Dollars	Average per Case
2000	3	\$173,500	\$57,833
2001	1	\$ 45,000	\$45,000
2002	3	\$127,824	\$42,600
2003	3	\$ 97,500	\$32,500
2004	4	\$223,500	\$55,875
2005	4	\$53,750	\$13,438
2006	2	\$18,000	\$9,000

In the prosecution component of the City Attorney's office 108 misdemeanor complaints were filed in 2006 resulting in 106 guilty pleas for a conviction rate of 98%. There were no misdemeanor trials in 2006. The City Attorney's office also provided support to the Police Department in contested traffic cases.

**CONCLUSION (Optional):**

Based on this performance, this Committee recommends a one-time payment of additional compensation of \$10,000 and a salary adjustment of 6 ½ % from \$180,000 to \$191,700. This increase in salary will result in the City Attorney earning in 2007 slightly below the market average for salaries paid to city attorneys in comparable cities.