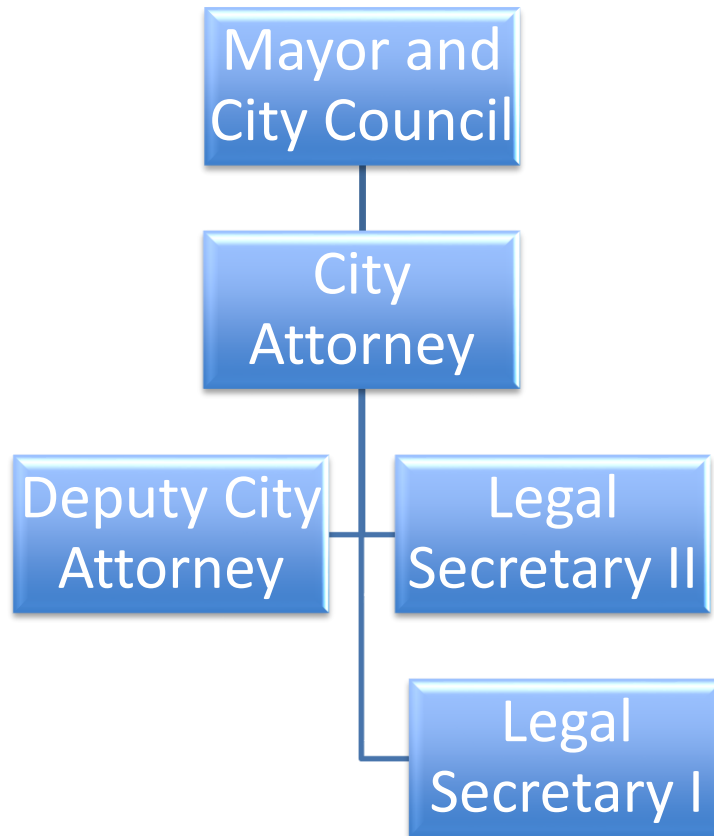


# CITY ATTORNEY IN FERNLEY



- APPOINTED
- STRONG MAYOR HYBRID – 6 BOSSES, ONE DAY-TO-DAY
- APPOINTED OR TERMINATED BY MAJORITY VOTE SUBJECT TO VETO
- LEGAL ADVISOR FOR ALL THREE BRANCHES!





# The Job of the Civil City Attorney:

- Give advice on what the law requires
- To advise the client on the legal risks associated with a decision
- To determine the client's desired result and help them plot a legal course of action to accomplish that goal





# THE CIVIL SIDE



# Avoiding Lawsuits, Open Meeting Law, and Ethics Complaints



- One lawsuit that is now likely resolved
- Zero lawsuits hit our insurance
- Zero OML violations
- Zero Ethics violations



# Risk Management

## AVOIDING LITIGATION

The role of the City Attorney is also a preventative one. How to guide the client through possible disputes to avoid costly litigation.



COSTS OF LITIGATION

(According to our insurance statistics):

- 2001 to 2010:
  - \$610,287
    - (\$67,777 year)
    - With flood is \$1,105,070.48
- 2010 to 2020
  - \$166,000
    - (\$16,000 per year)





# AGENDAS & STAFF REPORTS

Agenda Reports – send for review by email into a cloud system.



# Land Use



- Development Team
- Water Rights Issues
- Planning, Engineering, Public works, Building
- Coordination of Issues that Arise with Legal



# Planning and Development

- Development Code Issues
- Water Rights Transfers
- HOA CC&Rs
- Development Agreements
- Legal Disputes
- Risk Management
- Agenda Reports
- Conditions of Approval
- Planning Commission Review and Advice
- BIC



# Contracts

1. Review Contracts for Professionals such as Engineers
2. Review All Construction Contracts
3. Review all Contracts for General Services
4. Develop Standard Contracts to Avoid Litigation



# Advising the Client on HR Issues



# Daily Grind



- Emails:

Sent 32,034 emails last year) = 615 sent a week

Received 55,000 emails  
= received 211 a day



# Two Departments Within One

- In Larger Jurisdictions, Civil and Criminal are different departments, here they are one:



Civil



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Criminal





## Civil :

- Agenda Reports
- Land Use & Development
- Employment Law, HR
- Contracts
- General Legal Advice
- OML, Ethics, Etc.
- Risk Management

## Criminal :

- As of July 2014, all misdemeanors that occur within the City limits





# The Criminal World



# Types of Criminal Cases

- Prosecute misdemeanors that happen within the City Limits
- DUIs
- Misdemeanor Theft \$650 and below
- Battery
- \*\*\* Accidents
- Traffic Violations
- 700 cases a year on average





# Statistics:

- The Supreme Court recommends not more than (150 felonies) or 400 misdemeanor cases for a full-time attorney
- 600 plus cases opened. Looking at probably 700 this year.
- Which means per Supreme Court Standards, we should have two full time attorneys doing nothing but criminal



# The Staff



# Mitzi Fransen

- Criminal Legal Secretary
- She is a paralegal
- She runs the criminal side
- She opens, manages, and preps over 700 criminal files a year for court and trial
- Started at the City in 2016



# Karen Vasquez

- Legal Secretary (PT)
- She is a paralegal
- She runs our Victim Program as the Victim Coordinator
- She also preps files the attorney files for City Council and does the civil filing
- Started for the City in 2019





# Brent Kolvet

- Deputy City Attorney
- Handles both Civil and Criminal
- Now taking over all criminal
- Started at the City in 2015



# QUESTIONS?

