

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2010-24**

3 **INTRODUCED BY:**

4
5 Councilor Bushee

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10 **A RESOLUTION**

11 **DIRECTING THE CITY ATTORNEY TO REPORT TO THE GOVERNING BODY**
12 **REGARDING THE REPRESENTATION OF THE CITY OF SANTA FE IN LITIGATION**
13 **AND NON-LITIGATION MATTERS.**

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15 **WHEREAS**, it is important for the City Attorney to maintain a modernized, up-to-date
16 case management system that accurately tracks litigation involving the City; and

17 **WHEREAS**, it is important that the Governing Body be aware of all litigation against the
18 city or initiated by the city and that the City Attorney appropriately apprise the Governing Body
19 of such information; and

20 **WHEREAS**, by being aware of the litigation, the Governing Body can take prudent
21 actions to modify policies and improve procedures in order to minimize legal expenses for the
22 city.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that the City Attorney is directed to maintain a modernized case
25 management system.

1 **AND BE IT FURTHER RESOLVED** that the City Attorney is directed to report to the
2 Governing Body, in executive session, on at least a monthly basis, to provide a summary of the
3 status of all pending legal matters, for both litigation and non-litigation matters, for which the
4 City of Santa Fe is incurring attorney's fees and costs.

5 1. The presentation by the City Attorney shall include at a minimum:

- 6 A. The name and subject matter of the legal representation;
- 7 B. A summary of the nature of the legal representation;
- 8 C. Whether the matter is being handled in-house or by private counsel. If handled by
9 private counsel, the names of the lawyers who are representing the City of Santa
10 Fe in the legal matter and the hourly rate and terms of compensation being paid;
- 11 D. The projected costs of legal representation, including anticipated attorney's fees
12 and any litigation costs for the future of the representation;
- 13 E. Whether there is any insurance coverage for the claims or lawsuit against the
14 City of Santa Fe and whether the City of Santa Fe will be paying or reimbursing
15 any insurance company, or agent of an insurance company, for any self insured
16 retention or deductible in connection with that legal matter, and the extent of any
17 such payments on a monthly and annual basis;
- 18 F. A summary opinion prepared by the City Attorney's Office regarding the merits
19 of the legal matter, why there is the need for representation from other than the
20 City Attorney's Office and the prospects of upholding the City of Santa Fe's legal
21 position *in connection with the legal matter*; and
- 22 G. The name of the person within the City Attorney's office responsible for the
23 supervision over the conduct of the legal matter on behalf of the City of Santa Fe,
24 regarding pending litigation, past litigation, pending settlements, settlement
25 offers, and amounts of recently settled cases.

