1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2010-24
3	INTRODUCED BY:
4	
5	Councilor Bushee
6	
7	
8	
9	
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.
14	
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.

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

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

1	2. The detail enumerated above must be maintained in a modernized case management system.
2	AND BE IT FURTHER RESOLVED that if the City of Santa Fe is not being solely
3	represented by the City Attorney's Office in connection with the lawsuit, the City Attorney's
4	Office shall explain to the Governing Body why there is a need to have a private lawyer or law
5	firm represent the City of Santa Fe in the legal matter; and, why there is a need to have a private
6	lawyer or law firm represent the City of Santa Fe in the legal matter if the lawyer or law firm is
7	not primarily based in Santa Fe.
8	AND BE IT FURTHER RESOLVED that if the City of Santa Fe is or is not being
9	solely represented by the City Attorney's Office in connection with the claim or lawsuit the
10	Governing Body is to be kept aware of positions taken and asserted or raised by the City of Santa
11	Fe if its position may conflict with existing state law, rule, or regulation and a reason why that
12	position is being taken.
13	PASSED, APPROVED, and ADOPTED this 14th day of April, 2010.
14	
15	DailCoss
16	DAVID COSS, MAYOR
17	ATTEST:
18	
19	gerande y. Digi
20	JOLANDA Y. VIGIL, CITY CLERK
21	APPROVED AS TO FORM:
22	
23	TENO F
24	GENO ZAMORA, CITY ATTORNEY
25	Jp/ca/jpmb/2010 res/city attorney report (substitute)