

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: July 6, 2009  
Reviewed by: BP

**SUBJECT:** Recovery of Attorney's Fees Ordinance

**REPORT BY:** Robert Zweben, City Attorney

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**STAFF RECOMMENDATION**

Introduce for first reading, and waive formal reading, of Ordinance #09-010 Recovery of Attorney's Fees.

**BACKGROUND**

This proposed ordinance authorizes the City to seek attorney's fees and reimbursement of its related costs to nuisance abatement actions when the City prevails. Should the person cited prevail, then he/she would likewise be entitled to attorney's fees instead of the City.

**DISCUSSION**

This ordinance likely will only benefit the City because the City would be citing a property owner for a violation of the code. Citations for violations should only be given when violations exist, so there should be no, or very few times, when the City would have erred in issuing a citation. In other words, either the condition exists or it does not. Therefore, the City should rarely, if it all, be exposed to a claim for attorney's fees, but should be entitled to receive fees in most, if not all, such proceedings that the City initiates.

**SUSTAINABILITY IMPACT**

N/A.

**FINANCIAL IMPACT**

City should recoup attorney's fees and other expenses related to nuisance abatement actions.