



AN INTRODUCTION TO THE CITY ATTORNEY'S OFFICE
Durham Bar 2020 CLE Program

WHAT IS THE CITY ATTORNEY?

- Within the City of Durham, the City Attorney's Office is a multi-practice law office that responds to and handles the legal needs of the City, its elected officials, employees and agents where those needs arise in connection with work on behalf of the City.
- In Durham, the City Attorney is employed directly by the City Council as an in-house employee, and all of the employees in the CAO are City employees.
- The Durham CAO has 9 attorneys, 1 paralegal, and two administrative support personnel.



CITY ATTORNEY
CITY OF DURHAM

919.560.4158

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WHAT DOES THE CITY ATTORNEY DO?

- **Litigation** – Handle civil lawsuits brought by and against the City
- **Counsel**- Act as general counsel for the City. Advise City Council, City Administration and Departments on a wide range of matters.
- **Legal Documents** - Negotiate/draft/review contracts, leases, bid documents and bonds, resolutions and ordinances, easements, indemnification agreements, inter-local agreements, and other documents.
- **Support and advise** special boards, committees, and commissions created by the City.
- **Real estate matters** advise departments on planning and land use matters, acquisitions, dispositions, and management of city-owned properties and city facilities.

Basically, the City Attorney handles all* legal matters for the City.



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Schewel



Alston



Caballero



Freeman



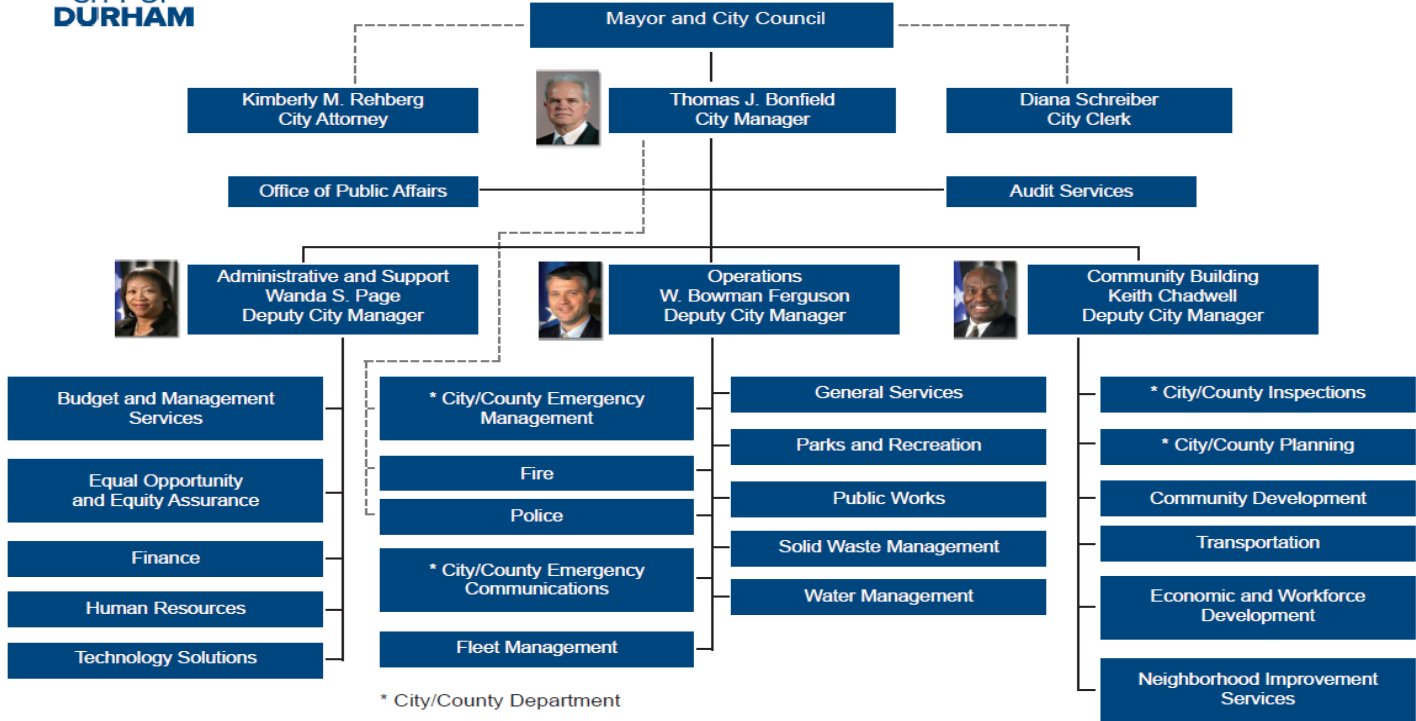
Johnson



Middleton



Reece



KIMBERLY REHBERG



- Kim was appointed City Attorney in June 2019 after serving as an Assistant City Attorney and then a Senior Assistant City Attorney in the Durham City Attorney's Office since 2005
- Spent most of her youth in Onslow County, the daughter of a career USMC officer and a nursing administrator at the County Hospital. Having moved to North Carolina at age 5, she considers herself to be a North Carolinian for life
- Graduated from University of North Carolina (B.A. Psychology, 1991) and Duke University School of Law (J.D., 1994)

DON O'TOOLE



- Joined the Durham City Attorney's Office in 2010 and was appointed Deputy City Attorney in July 2019
- Grew up in Mahopac, NY, but has lived in North Carolina since 1982. He loves his adopted state!
- Earned degrees from Brown University (Sc.B. Geology-Biology, 1982), North Carolina State University (B.S. Civil Engineering, 1988), and UNC School of Law (J.D., 2000)
- A licensed professional engineer

SHERRI ZANN ROSENTHAL



- Has worked for the City of Durham for over 30 Years
- Was appointed Deputy City Attorney in January 2019
- Joined the Durham City Attorney's Office
- Will retire from the City effective April 1, 2020
- Graduated from Duke University (B.A., History and Journalism, 1979) and University of North Carolina School of Law (J.D., 1985) and
- Created two real estate businesses and has experience as a real estate developer

FRED LAMAR



- Fred has been with the Durham City Attorney's Office since 2006
- Grew up in the Greater Charleston, SC area, where his extended family still resides
- Earned degrees from the University of South Carolina (B.S. Chemical Engineering, 1988) and the Chicago-Kent College of Law (J.D., 1994)
- Fred is a registered patent attorney
- Has lived in Durham since 1997

JOHN ROSEBORO



- Joined the City Attorney's Office in November 2019
- Was born and raised in Winston-Salem, North Carolina
- Graduated from North Carolina A&T State University (B.A. History, 1995) and UNC School of Law (J.D., 1999)
- Has lived in the Raleigh-Durham area since 1999

TONI RUSS



- Toni has been an attorney with the City of Durham for over 23 years
- Was raised in Durham since the age of 5, and her family continues to reside here
- Attended the University of North Carolina for both undergrad and law school (B.A. International Studies, 1991 and J.D., 1995)

CRISTA CUCCARO



- Joined the City Attorney's Office in September 2018
- Prior to joining the City of Durham, Crista was a Staff Attorney in Knoxville, Tennessee
- Graduated from the University of North Carolina (B.A. Sociology and Minor in Women's Studies and Social and Economic Justice, 2008) and the University of Tennessee College of Law (J.D. 2013).

ANNA DAVIS



- Joined the City Attorney's Office in January 2020
- Grew up in Greensboro, North Carolina.
- Graduated from the University of North Carolina (B.A. History and Communication, 2002) and North Carolina Central University School of Law (J.D., 2010)
- Is currently pursuing a Master's Degree in Human Resources Management from Georgetown University (expected graduation 2021)

SOFIA HERNANDEZ



- Joined the Durham City Attorney's Office in September 2018
- Earned degrees from Seattle University (B.A. English, 2006) and Duke University School of Law (J.D. 2009)
- Born in Honduras and immigrated to the U.S. at the age of 7
- Has lived in Durham for over 10 years and is proud to call the Bull City home

ADMINISTRATIVE STAFF



Kimberly Belmonte
Administrative
Coordinator



Minerva Council
Senior Administrative
Technician



Kelly Troy
Paralegal



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ATTORNEY ASSIGNMENTS

Crista M. Cuccaro, Assistant City Attorney

- Board of Adjustment
- Community Development
- Finance, including:
 - Bond Issuances
 - Collections, Purchasing, Procurement, Treasury
- Fleet and Radio Maintenance
- General Code Drafting and Codification
- Historic Preservation Commission
- Legislative Agenda Resource and Liaison
- Sales & Solicitation and Business Regulation
- Resident Calls

Anna Davis, Assistant City Attorney

- Human Resources
- Employee Privacy Issues
- Employee Training and Development
- Employment Law
- Legal Support for Employee Relations Investigations
- Liaison to Civilian Police Review Board
- Personnel Policies Consult, Review and Development
- Title VII, FMLA, FLSA, ADA (Title I), OSHA, REDA
- Resident Calls
- Litigation, especially employment related



ATTORNEY ASSIGNMENTS

Sofia Hernandez, Assistant City Attorney

- Cemeteries
- Emergency Communications
- Emergency Management
- Equity & Inclusion (Racial Equity Division)
- Fire Department
- Intellectual Property Issues
- Neighborhood Improvement Services
- Parks and Recreation
- CAO's Intern/Extern Program Coordinator
- Resident Calls

Frederick C. Lamar, Senior Assistant City Attorney

- Contracts for Construction and Design Services
- Economic Development Initiatives
- Eminent Domain/Condemnations
- Equity & Inclusion (Contract & Compliance Division)
- General Services, including:
 - Construction & Design Contracts
- Public Art & Contracts
 - Durham Performing Arts Center (DPAC)
 - Durham Bulls Athletic Park (DBAP)
- Non-City Agency Grants
- NC DOT Contracts
- Office of Economic and Workforce Development
- Transportation, including:
 - DATA/GoTriangle
- Taxi Cabs/Passenger Vehicles for Hire



ATTORNEY ASSIGNMENTS

Donald T. O'Toole, Deputy City Attorney

- Inspections (Other than Neighborhood Improvement Services enforcement actions)
- Planning (Excluding Historic Preservation Commission and Board of Adjustment)
- Public Works (Excluding Construction and Design Contracts), including:
 - Assessments (Other than Assessment Collections)
 - Development Review
 - Franchises, Licenses, and Permits for Work Conducted in City Right-of-Way
 - Stormwater
- Water Management (Excluding Construction and Design Contracts, and Customer Billing and Collections)
- Use of City-Owned Property by Private Development

Kimberly M. Rehberg, City Attorney

- Bond Issuances
- Budget & Management Services
- City Clerk
- City College
- City Council
- City Manager
- Internal Audit
- Open Meetings Law (Council)
- Public Records (Council)
- Public Information



ATTORNEY ASSIGNMENTS

John Roseboro, Senior Assistant City Attorney

- Litigation and Litigation Coordination
- Risk Management Division
- Petitions for Custodial Law Enforcement Recordings
- Bankruptcy Issues/Litigation
- Nuisance Abatement (NIS Related)
- Nuisance Abatement (Police Related)
- Eminent Domain/Condemnations

Sherri Zann Rosenthal, Deputy City Attorney

- Customer Billing Services (Other than Collections)
- General Services (Excluding Construction, Design, and Public Art Contracts)
- North Carolina Utility Commission
- Real Estate Issues, including:
 - Carolina Theater
 - Durham Armory
 - Durham Convention Center
 - Easement and Greenway Acquisition
 - Hillandale Golf Course
 - Leases
- Solid Waste
- Special Projects—CAO and City-Wide
- Sustainability Issues
- Technology Solutions

ATTORNEY ASSIGNMENTS

Toni Russ, Senior Assistant City Attorney

- Police Legal Counsel
- Police Legal Training
- Alcoholic Beverage Control
- Noise Ordinance Enforcement
- Towing Committee



Interfacing with the CAO on . . . a land use issue

City Departments Involved:

- Planning
- Public Works
- Water Management
- Inspections

An attorney representing a developer or property owner may contact our office because the client takes issue with the manner in which a City department is applying a specific standard

Standards originate from multiple sources: federal and state laws, administrative code provisions, permits, the City Code, the City-County Unified Development Ordinance (UDO), and the City's Reference Guide for Development

To resolve issues:

- Get the facts straight—Seek face-time (w/ City staff, developer, contractors)
- Remember that if the City is applying a state or federal requirement, then staff typically has less flexibility in the application of the requirement to the project in question.
- Conversely, if a City requirement is at issue, staff may have more flexibility **if it can be demonstrated that an alternative approach will achieve the purpose of the City requirement.**



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Interfacing with the CAO on . . . a police-related issue

Are you seeking a certain record and cannot figure out where to send your request? Do you need to better understand why a record cannot simply be released upon request or subpoena? Talk to the Police Attorney.

Interfacing with the CAO on . . . Community development issues

If you're trying to negotiate deal points for a transaction with Community Development, recognize that the City has common standard provisions. If you're challenging such a provision, be prepared to help us understand fully why a standard City provision won't work for your client.

Recognize that your client may have had a good deal of interaction with City staff without you involved. Make sure that you're clear on what those background interactions entailed, and what your client understood the deal to be.



Interfacing with the CAO on . . . Code enforcement

If you're representing a client before the Housing Appeals Board or in Community Life Court, reach out to the CAO early. Often code enforcement issues can be resolved (including obtaining extensions for compliance) before the matter gets to HAB or CLC, if the CAO hears from the property owner or counsel PRIOR TO the hearing date.

Interfacing with the CAO on . . . subpoenas for City employees

- Copy the CAO on subpoenas served on City employees
- The CAO helps City employees to understand what the matter involves and what information the employee needs to review to prepare for the deposition or hearing.
- Recognize that City employees—particularly Police Officers, Fire Fighters, Code Inspectors, etc.—respond to many calls and incidents each year. If you want their testimony to be helpful in your matter at all, it is critical that you 1) be specific about the matter that you're handling and 2) allow sufficient time for the City witness to locate incident reports, files, etc. and familiarize themselves with the issues.



Interfacing with the CAO on . . . Claims

Do NOT call the CAO!

Risk Management Division – Finance Department

Ryan Wilson, Claims Administrator

919-354-2740 ext. 18333

Ryan.Wilson@durhamnc.gov



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**QUESTIONS?
Comments?**



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**THANK YOU
FOR THE INVITATION TO INTRODUCE
YOU TO THE OFFICE OF THE CITY
ATTORNEY!**

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