



OFFICE OF THE  
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



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TO: Mayor Jordan  
City Council  
Casey Jones, City Prosecutor  
Mayor's Committee

FROM: Kit Williams, City Attorney

DATE: September 4, 2014

RE: Civil Rights Administrator

"The Mayor shall designate the Civil Rights Administrator, who shall administer this chapter and be responsible for receiving, investigating and conciliating complaints under this chapter." § 119.11 Administration and Enforcement (A).

The Administration has investigated how similar Civil Rights Administration ordinances are administered in other cities similar to Fayetteville. In each case, the Administrator has been a lawyer who probably has at least some Civil Rights experience or training. Therefore, the Mayor has requested that I consider allowing the designation of one of the four lawyers in the City Attorney Department (two in the City Attorney's Office and two in the City Prosecutor's Office) as the Civil Rights Administrator.

The City Attorney's Office has had the same staff (two attorneys and one office manager/paralegal) for a quarter century. In the same period of time our City has almost doubled in size and City Government has grown in staff size and in the complexity and reach of City ordinances and regulations. When the City gets sued (we are currently personally

defending three active cases), it is sometimes very difficult to keep up with demands from City staff and the Aldermen for legal research, review of contracts and documents, drafting sometimes complex new ordinances, assisting in their implementation, etc.

I have not allowed the City Prosecutor's Office to increase its staff since I became Fayetteville City Attorney in 2001. Indeed, the City Prosecutor's head court has gone from two attorneys and eight support staff down to two attorneys and seven support staff while their case load has about doubled since 2001. I also placed the additional burden of prosecuting businesses who were failing to pay their Hotel, Motel and Restaurant taxes on the City Prosecutor's Office. They have now collected over \$800,000.00 in overdue HMR taxes. Instead of placing additional duties upon the City Prosecutor's Office, I need to relent and eventually request the City Council authorize an additional employee (to return to ten employees) for the City Prosecutor's Office.

As Fayetteville City Attorney, I am separately elected by Fayetteville citizens. My number one duty must be my service to our citizens. I thus work **with** rather than **for** the Fayetteville Mayor. However, I have always believed that one of my most important goals is to help the Mayor's and City Council's policy decisions be realized and to make our government as effective and efficient as possible. I always try to say "Yes" to Mayor Jordan.

The Civil Rights Administrator's job and decisions will almost certainly be controversial and questioned by one side or the other who gave conflicting and heartfelt opinions for ten hours to our City Council before their vote to pass the Civil Rights Administration ordinance.

Despite my heavy workload and reluctance to step into the whirlwind of controversy, I will agree to Mayor Jordan's request to act as the Civil Rights Administrator for a period of one year. During this year long period, the City Administration will have sufficient time to select a city employee and have the future Civil Rights Administrator attend training to improve his or her mediation skills and gather more knowledge

about Civil Rights including options for a complainant beyond the City's Civil Rights Administration Chapter.

As Civil Rights Administrator, I view my duties almost exclusively as listening to a complainant, contacting the accused business or person and giving them an opportunity to give me their side of the story. After that I would try to mediate or conciliate some agreeable resolution.

If Mayor Jordan decides to appoint a Citizen Commission to assist the Civil Rights Administrator, I might ask the complainant and business in an unclear or difficult case to present their sides of the controversy to the Commission so that a better resolution could be found. If no resolution is possible, I will either recommend that the complainant meet with and provide an affidavit to the City Prosecutor, or I will not recommend a referral to the City Prosecutor.

As part of the Official City Attorney Department Policy, the City Prosecutor's Office may not subpoena the City Attorney who has worked on a dispute as Civil Rights Administrator for the trial of a person or business involved in the dispute. I cannot limit the right of a defendant to subpoena whom they please for their defense.