

Attorney

Agency Number: **02**
Budget Function: **Administration**

The mission of the City Attorney's Office is to provide legal representation for the City of Madison as an entity, by enforcing ordinances, drafting documents and advising City officials and managers as to how to carry out their policies in compliance with the law. The City Attorney negotiates on the City's behalf and uses legal procedures to support and defend the lawful decisions of City officials and agencies. If authorized to do so by the Common Council, the City Attorney defends actions brought against any officer or employee growing out of acts done or breaches of duty in the course of employment.

<u>Major Service</u>	<u>2002 Actual</u>	<u>2003 Budget</u>	<u>2003 Projected</u>	<u>2004 Request</u>	<u>2004 Executive</u>	<u>2004 Adopted</u>
Legal Counseling	\$ 575,651	\$ 346,945	\$ 346,945	\$ 478,451	\$ 478,451	\$ 491,020
Ordinance Enforcement	751,809	540,803	540,803	353,798	353,798	364,687
Civil Litigation	258,598	483,146	483,146	446,427	446,427	456,757
Contracts/Leases	175,069	402,477	402,477	377,813	377,813	387,672
Ordinance Revision	189,172	279,471	279,471	355,296	355,296	364,700
Agency Total	<u>\$ 1,950,298</u>	<u>\$ 2,052,841</u>	<u>\$ 2,052,841</u>	<u>\$ 2,011,784</u>	<u>\$ 2,011,784</u>	<u>\$ 2,064,835</u>

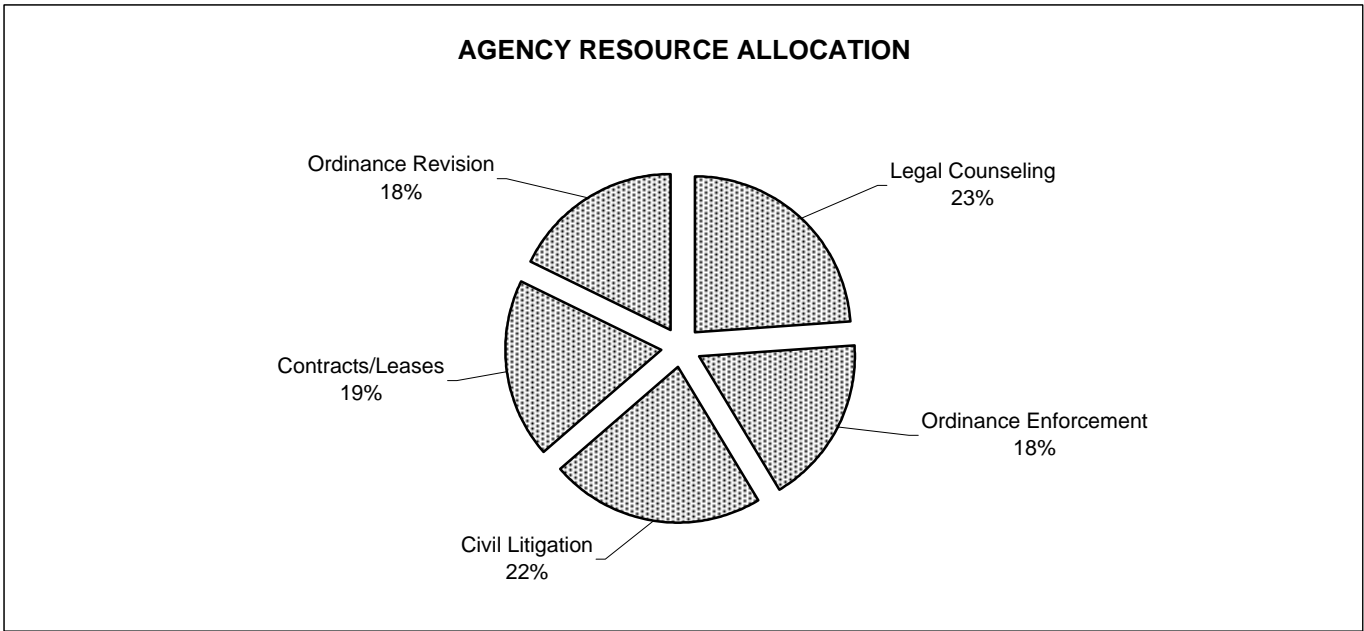
Adopted Budget Highlights

The Budget includes:

1. Creation of an interagency staff team by the City Attorney's Office to review the penalty ranges and bail deposits for Madison General Ordinances that are not governed by the Uniform State Traffic Deposit Schedule. A report on the findings will be prepared and delivered to the Common Council by April 30, 2004.

The agency submitted supplemental budget requests totaling \$12,600.

Attorney



Budget Service Descriptions:

Legal Counseling

Goal: To help City officials and agencies carry out their policies in compliance with law.

Service Priorities: 1. Prepare, publish, and distribute formal opinions and reports on legal issues affecting City policy. Inform officials and agencies of current legal developments. 2. Prepare and present formal and informal training sessions for City officials and staff. 3. Answer informal legal questions from City officials, staff, and committees. 4. Attend meetings of staff teams and public bodies to provide legal advice.

Objectives: 1. Agencies, boards and commissions act according to law. 2. City officials and staff request and use City Attorney training to improve their programs. Maximize compliance with laws and minimize exposure to liability. 3. Agencies are encouraged to consider legal issues in planning their programs. 4. Programs and policies incorporate legal advice, and court challenges are minimized.

Service Summary			
	2002	2003	2004
	<u>Actual</u>	<u>Budget</u>	<u>Adopted</u>
Total Expenditures	\$ 653,820	\$ 639,707	\$ 628,545
Less Inter-Agency Billings	<u>78,170</u>	<u>292,762</u>	<u>137,525</u>
Net Total	<u>\$ 575,651</u>	<u>\$ 346,945</u>	<u>\$ 491,020</u>

Ordinance Enforcement

Goal: To improve citizens' quality of life by helping enforcement agencies deter conduct which is dangerous or interferes with public health and welfare.

Service Priorities: 1. Prosecuting civil enforcement actions including nuisance and injunctive actions as necessary. 2. Providing advice and training to enforcement staff. 3. Researching legal issues raised by new enforcement techniques, recent case law developments and changes in state law. 4. Identifying legal solutions to enforcement problems and drafting appropriate ordinance amendments. 5. Conducting appellate proceedings.

Objectives: 1. Conviction of individuals and corporations charged with violations. 2. Fewer tickets and complaints dismissed because of formal or substantive deficiencies. 3. Successful use of new legal mechanisms as well as up to date enforcement techniques (e.g. laser radar, drug nuisance actions, intoxilyzers, in-squad videos). 4. Achieve maximum compliance with ordinances. 5. City prevails in appeals.

Service Summary			
	2002	2003	2004
	Actual	Budget	Adopted
Total Expenditures	\$ 799,406	\$ 601,840	\$ 522,037
Less Inter-Agency Billings	47,597	61,037	157,350
Net Total	<u>\$ 751,809</u>	<u>\$ 540,803</u>	<u>\$ 364,687</u>

Civil Litigation

Goal: To see to it that courts uphold the decisions of the Mayor and the Council, and of those officials and agencies authorized by the Mayor and Council to make decisions.

Service Priorities: 1. Represent the City in uninsured litigation. Uninsured litigation is conducted by members of the City Attorney's staff. Uninsured litigation arises when decisions of the Common Council or City boards, commissions and committees are challenged by affected parties. Uninsured litigation could also arise out of contract disputes, out of ordinance or contract enforcement procedures, or out of disciplinary actions that are challenged by employees. Examples of uninsured litigation are challenges to annexations, zoning and other land use decisions, and appeals to Circuit Court from decisions of the Board of Review, Plan Commission, Equal Opportunities Commission, Personnel Board, Zoning Board of Appeals, and similar agencies. 2. Tender insured cases and oversee work of outside counsel. 3. Represent the City in administrative proceedings before City agencies. Examples are Police and Fire Commission proceedings on disciplinary actions brought by the Police Chief and Fire Chief, Public Health Commission proceedings and charges of code violations brought by the Public Health Director, liquor license proceedings before the Alcohol License Review Committee, and Board of Review proceedings on property tax appeals. 4. Represent the Community Development Authority Housing Operations Unit in all of its uninsured litigation. This includes evictions, tenant grievance hearings and appeals, Section 8 claims, lease disputes, contract actions and other litigation. 5. Represent the City in collection actions.

Objectives: 1. Support decisions made by City officials and agencies. 2. Work with insurer and with outside counsel to limit the City's exposure to economic loss. 3. Help City staff achieve compliance with rules and laws they are responsible for enforcing. 4. Improve living conditions for residents of CDA housing by achieving court approval of CDA management decisions. 5. Obtain revenue and encourage voluntary payment of sums owed to the City.

Service Summary			
	2002 Actual	2003 Budget	2004 Adopted
Total Expenditures	\$ 310,628	\$ 483,146	\$ 484,182
Less Inter-Agency Billings	52,030	0	27,425
Net Total	<u>\$ 258,598</u>	<u>\$ 483,146</u>	<u>\$ 456,757</u>

Contracts/Leases

Goal: To protect the City's policy and economic interests in its purchase of services and its other economic and financial dealings.

Service Priorities: 1. Draft form contracts and train City staff in their use. 2. Assist agencies in negotiations with contractors, developers, et al., and draft or approve language to which parties agree. 3. Draft and approve other legal documents. 4. Approve signed contracts as to form.

Objectives: 1. Ensure that form contracts protect the City's policy and economic interests and that form contracts are used regularly. 2. Ensure that individually negotiated agreements protect the City's policy and economic interests; that agreed upon language accurately sets forth the intentions of the parties; and that the requirements of applicable ordinances, statutes, regulations and Council policies are met. 3. Achieve the same objectives as in item 2 for other legal documents. 4. Ensure that contracts do not contain formal deficiencies which might affect their enforceability.

Service Summary			
	2002 Actual	2003 Budget	2004 Adopted
Total Expenditures	\$ 226,602	\$ 402,477	\$ 414,172
Less Inter-Agency Billings	51,532	0	26,500
Net Total	<u>\$ 175,069</u>	<u>\$ 402,477</u>	<u>\$ 387,672</u>

Ordinance Revision

Goal: To see to it that Madison ordinances accurately express the policies chosen by the Mayor and Common Council and that current ordinances are easily available to the public.

Service Priorities: 1. Draft ordinances requested by the Mayor and alderpersons. 2. Research issues raised by ordinance requests, such as constitutionality, municipal authority, etc., and report the information to the Mayor and Council. 3. Prepare ordinance amendments required by changing state and federal legislation. 4. Publish revised, current ordinances.

Objectives: 1. Provide language needed for consideration of ordinance changes. 2. Provide staff, Mayor and Council with information they need in order to make policy choices. 3. Ensure that ordinances are up to date and take advantage of changes made in state and federal law. 4. Make ordinances as current as possible and as available as possible.

Service Summary			
	2002 Actual	2003 Budget	2004 Adopted
Total Expenditures	\$ 233,734	\$ 279,471	\$ 378,400
Less Inter-Agency Billings	44,562	0	13,700
Net Total	<u>\$ 189,172</u>	<u>\$ 279,471</u>	<u>\$ 364,700</u>

Attorney Summary by Major Object of Expenditure

	2002 Actual	2003 Budget	2003 Projected	2004 Request	2004 Executive	2004 Adopted
Permanent Salaries	\$ 1,531,631	\$ 1,667,061	\$ 1,667,061	\$ 1,659,454	\$ 1,659,454	\$ 1,676,045
Hourly Employee Pay	6,731	8,792	8,792	8,790	8,790	8,880
Overtime Pay	160	0	0	0	0	0
Fringe Benefits	521,414	571,171	571,171	568,568	568,568	580,962
Purchased Services	109,968	99,215	99,215	91,015	91,015	114,991
Supplies	47,611	47,200	47,200	36,800	36,800	36,800
Inter-Departmental Charges	6,160	13,201	13,201	9,657	9,657	9,657
Debt/Other Financing Uses	0	0	0	0	0	0
Capital Assets	514	0	0	0	0	0
Total Expenditures	<u>\$ 2,224,190</u>	<u>\$ 2,406,640</u>	<u>\$ 2,406,640</u>	<u>\$ 2,374,284</u>	<u>\$ 2,374,284</u>	<u>\$ 2,427,335</u>
Inter-Agency Billings	<u>273,892</u>	<u>353,799</u>	<u>353,799</u>	<u>362,500</u>	<u>362,500</u>	<u>362,500</u>
Net Budget	<u>\$ 1,950,298</u>	<u>\$ 2,052,841</u>	<u>\$ 2,052,841</u>	<u>\$ 2,011,784</u>	<u>\$ 2,011,784</u>	<u>\$ 2,064,835</u>