

## 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>2004 Actual</u>	<u>2005 Budget</u>	<u>2005 Projected</u>	<u>2006 Request</u>	<u>2006 Executive</u>	<u>2006 Adopted</u>
Legal Counseling	\$ 426,917	\$ 627,067	\$ 627,067	\$ 617,088	\$ 621,538	\$ 652,095
Ordinance Enforcement	823,050	413,882	413,882	374,335	402,825	433,780
Civil Litigation	290,250	477,751	477,751	451,513	465,991	487,657
Contracts/Leases	239,818	409,155	409,155	411,109	410,697	432,121
Ordinance Revision	217,384	242,178	242,178	250,886	250,586	262,540
<b>Agency Total</b>	<u>\$ 1,997,419</u>	<u>\$ 2,170,033</u>	<u>\$ 2,170,033</u>	<u>\$ 2,104,931</u>	<u>\$ 2,151,637</u>	<u>\$ 2,268,193</u>

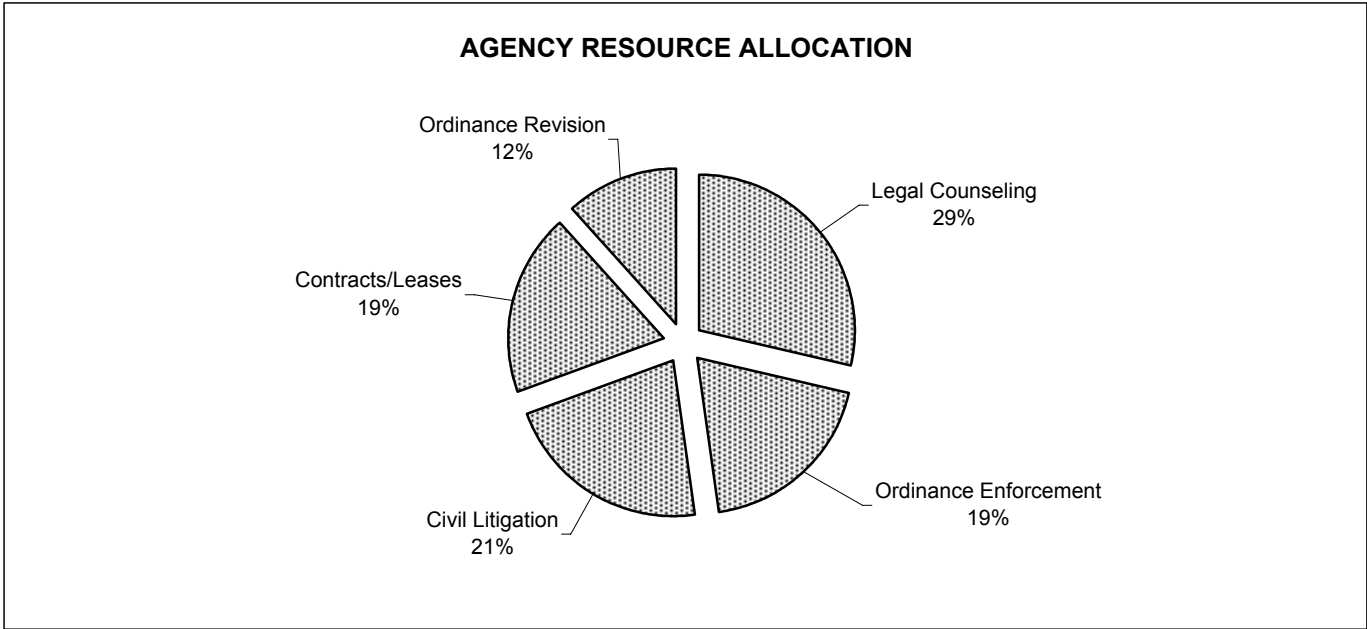
### **Adopted Budget Highlights**

The Budget includes:

1. Addition of one Legal Secretary 2 position and elimination of one Legal Secretary 1 position and one Litigation Assistant 2 position.

The agency submitted \$145,834 in supplemental requests, of which \$48,267 is included in the Adopted Budget.

## 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.

<b>Service Summary</b>			
	<b>2004</b>	<b>2005</b>	<b>2006</b>
	<u>Actual</u>	<u>Budget</u>	<u>Adopted</u>
Total Expenditures	\$ 520,255	\$ 682,642	\$ 706,895
Less Inter-Agency Billings	<u>93,338</u>	<u>55,575</u>	<u>54,800</u>
Net Total	<u>\$ 426,917</u>	<u>\$ 627,067</u>	<u>\$ 652,095</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.

<b>Service Summary</b>			
	<b>2004</b>	<b>2005</b>	<b>2006</b>
	<b>Actual</b>	<b>Budget</b>	<b>Adopted</b>
Total Expenditures	\$ 989,821	\$ 630,207	\$ 651,930
Less Inter-Agency Billings	166,770	216,325	218,150
Net Total	<u>\$ 823,050</u>	<u>\$ 413,882</u>	<u>\$ 433,780</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's 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.

<b>Service Summary</b>			
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Adopted</b>
Total Expenditures	\$ 322,266	\$ 505,351	\$ 517,907
Less Inter-Agency Billings	32,016	27,600	30,250
Net Total	<u>\$ 290,250</u>	<u>\$ 477,751</u>	<u>\$ 487,657</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.

<b>Service Summary</b>			
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Adopted</b>
Total Expenditures	\$ 257,922	\$ 455,105	\$ 481,896
Less Inter-Agency Billings	18,104	45,950	49,775
Net Total	<u>\$ 239,818</u>	<u>\$ 409,155</u>	<u>\$ 432,121</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.

<b>Service Summary</b>			
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Adopted</b>
Total Expenditures	\$ 230,508	\$ 256,728	\$ 276,065
Less Inter-Agency Billings	13,124	14,550	13,525
Net Total	<u>\$ 217,384</u>	<u>\$ 242,178</u>	<u>\$ 262,540</u>

### Attorney Summary by Major Object of Expenditure

	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2005 Projected</b>	<b>2006 Request</b>	<b>2006 Executive</b>	<b>2006 Adopted</b>
Permanent Salaries	\$ 1,618,535	\$ 1,723,812	\$ 1,723,812	\$ 1,672,932	\$ 1,708,358	\$ 1,769,862
Hourly Employee Pay	3,790	9,095	9,095	9,095	9,095	9,420
Overtime Pay	277	0	0	0	0	0
Fringe Benefits	508,740	625,917	625,917	607,473	620,315	666,542
Purchased Services	109,863	123,991	123,991	135,552	133,990	142,490
Supplies	56,195	38,959	38,959	38,960	38,960	38,960
Inter-Departmental Charges	9,657	8,259	8,259	7,419	7,419	7,419
Debt/Other Financing Uses	0	0	0	0	0	0
Capital Assets	13,713	0	0	0	0	0
Total Expenditures	<u>\$ 2,320,771</u>	<u>\$ 2,530,033</u>	<u>\$ 2,530,033</u>	<u>\$ 2,471,431</u>	<u>\$ 2,518,137</u>	<u>\$ 2,634,693</u>
Inter-Agency Billings	<u>323,352</u>	<u>360,000</u>	<u>360,000</u>	<u>366,500</u>	<u>366,500</u>	<u>366,500</u>
Net Budget	<u>\$ 1,997,419</u>	<u>\$ 2,170,033</u>	<u>\$ 2,170,033</u>	<u>\$ 2,104,931</u>	<u>\$ 2,151,637</u>	<u>\$ 2,268,193</u>