

## Attorney

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

The City Attorney provides legal representation to the City of Madison as an entity. As the City's lawyers, the Office of the City Attorney engages in three major activities. First, we prosecute violations of the City's laws, enforcing ordinances adopted by the Common Council. Second, we provide legislative counsel, drafting and revising the City's code of ordinances and advising the Common Council and City Boards, Committees and Commissions on the meaning of legislative enactments. Third, we provide general legal counsel and representation to the City, drafting documents, advising City officials and managers on compliance with the law, representing the City in court, negotiating on the City's behalf, and otherwise using legal procedures to support and defend the lawful decisions of City officials and agencies.

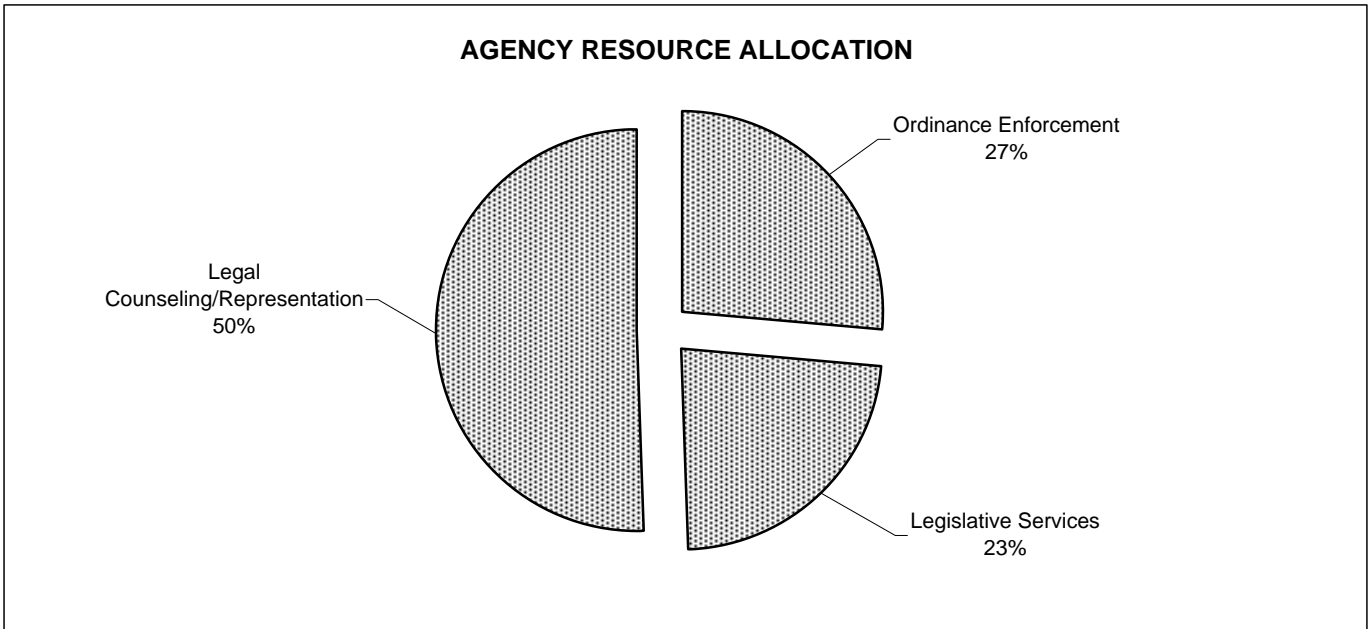
<u>Major Service</u>	<u>2007 Actual</u>	<u>2008 Budget</u>	<u>2008 Projected</u>	<u>2009 Request</u>	<u>2009 Executive</u>	<u>2009 Adopted</u>
Ordinance Enforcement	\$ 517,589	\$ 666,204	\$ 666,204	\$ 674,906	\$ 681,660	\$ 710,045
Legislative Services	214,686	582,479	582,479	589,479	593,597	612,827
Legal Counseling/Representation	<u>1,572,212</u>	<u>1,336,500</u>	<u>1,336,500</u>	<u>1,311,330</u>	<u>1,307,542</u>	<u>1,355,180</u>
<b>Agency Total</b>	<u>\$ 2,304,487</u>	<u>\$ 2,585,183</u>	<u>\$ 2,585,183</u>	<u>\$ 2,575,715</u>	<u>\$ 2,582,799</u>	<u>\$ 2,678,052</u>

### **Adopted Budget Highlights**

The Budget includes:

1. Continuation of the current level of service.
2. A reduction in work study funding.

## Attorney



**Budget Service Descriptions:**

**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>2007</b>	<b>2008</b>	<b>2009</b>
	<u>Actual</u>	<u>Budget</u>	<u>Adopted</u>
Total Expenditures	\$ 730,537	\$ 896,604	\$ 933,595
Less Inter-Agency Billings	<u>212,948</u>	<u>230,400</u>	<u>223,550</u>
Net Total	<u>\$ 517,589</u>	<u>\$ 666,204</u>	<u>\$ 710,045</u>

## Legislative Services

*Goal:* To assure that Madison ordinances accurately express the policies chosen by the Mayor and Common Council, that current ordinances are easily available to the public, to advise City officials on legal issues with existing or proposed legislation, and to provide parliamentary and procedural advice to the Common Council and other City bodies.

*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. 5. Advise on parliamentary and procedural issues.

*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. 5. Assure that the Common Council and City boards, committees and commissions use proper procedures in considering legislation.

<b>Service Summary</b>			
	<b>2007</b>	<b>2008</b>	<b>2009</b>
	<b>Actual</b>	<b>Budget</b>	<b>Adopted</b>
Total Expenditures	\$ 233,456	\$ 596,754	\$ 635,277
Less Inter-Agency Billings	18,770	14,275	22,450
Net Total	<u>\$ 214,686</u>	<u>\$ 582,479</u>	<u>\$ 612,827</u>

## Legal Counseling/Representation

*Goal One:* 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.

*Goal Two:* Assure 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 (CDA) 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 and tax appeals.

*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.

*Goal Three:* 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. 5. Coordinate City policy on contract issues through the staff Contract Group.

*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>2007 Actual</b>	<b>2008 Budget</b>	<b>2009 Adopted</b>
Total Expenditures	\$ 1,724,091	\$ 1,478,325	\$ 1,527,780
Less Inter-Agency Billings	151,879	141,825	172,600
Net Total	\$ 1,572,212	\$ 1,336,500	\$ 1,355,180

**Attorney**  
**Summary by Major Object of Expenditure**

	<u>2007</u> <u>Actual</u>	<u>2008</u> <u>Budget</u>	<u>2008</u> <u>Projected</u>	<u>2009</u> <u>Request</u>	<u>2009</u> <u>Executive</u>	<u>2009</u> <u>Adopted</u>
Permanent Salaries	\$ 1,950,832	\$ 2,014,297	\$ 2,014,297	\$ 2,020,321	\$ 2,040,316	\$ 2,101,524
Hourly Employee Pay	17,759	9,548	9,548	12,000	12,000	12,360
Overtime Pay	(469)	0	0	0	0	0
Fringe Benefits	544,795	762,482	762,482	765,038	772,596	806,281
Purchased Services	125,540	141,870	141,870	136,227	131,858	131,858
Supplies	41,801	38,740	38,740	40,200	40,200	40,200
Inter-Departmental Charges	7,826	4,746	4,746	4,429	4,429	4,429
Debt/Other Financing Uses	0	0	0	0	0	0
Capital Assets	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Expenditures	\$ 2,688,084	\$ 2,971,683	\$ 2,971,683	\$ 2,978,215	\$ 3,001,399	\$ 3,096,652
Inter-Agency Billings	<u>383,597</u>	<u>386,500</u>	<u>386,500</u>	<u>402,500</u>	<u>418,600</u>	<u>418,600</u>
Net Budget	<u>\$ 2,304,487</u>	<u>\$ 2,585,183</u>	<u>\$ 2,585,183</u>	<u>\$ 2,575,715</u>	<u>\$ 2,582,799</u>	<u>\$ 2,678,052</u>