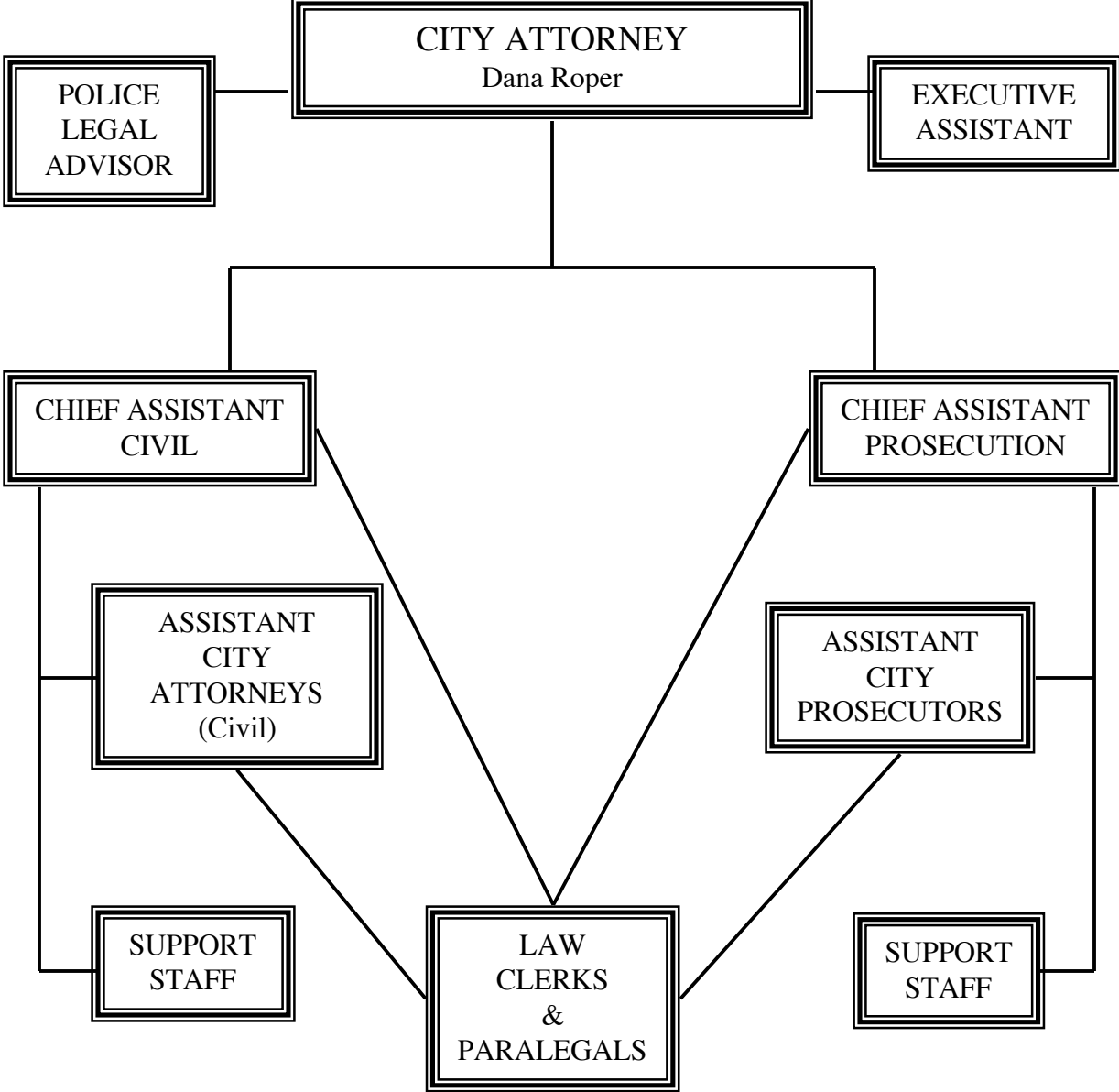


# CITY LAW DEPARTMENT





## LAW DEPARTMENT

**GOAL:** Provision of effective legal services to the Mayor, City Council, and executive levels of municipal government.

### SIGNIFICANT CHANGES FOR THE LAST FIVE YEARS

- Redevelopment activities, including negotiation and drafting of option to Purchase Agreement, Redevelopment Agreement and Remediation Agreement with NDEQ.
- Development and Zoning Issues.
- Prosecution of driving under the influence of drug cases – Qualification of Drug Recognition Expert trained police officers.
- Cable Television Franchise – Implementation of the franchise including the educational provider.
- Successful Defense of the Impact Fee Ordinance.
- Development of Stormwater Drainage Criteria Manual.

### PROJECTED CHANGES FOR THE NEXT FIVE YEARS

- Stress preventative legal representation to avoid unnecessary litigation.
- Community growth and expansion of city services such as utilities, police and fire protection, and public property maintenance will result in additional complex litigation in the areas of civil rights, torts, personnel, environmental, and disaster assistance claims.
- eDiscovery rules at the Federal Court level require the creation of an eDiscovery Response Plan and creates a significant liability, if not followed.
- Legal services and increased coordination between Council, Administration, and Problem Resolution Team on “Quality of Life” issues such as blight; graffiti; red tagging houses; wild parties, etc.
- Personnel law such as discrimination; worker’s compensation issues; labor negotiations; employee benefits.
- Affirmative action and enforcement of housing, employment, and equal opportunity structures.
- Regulatory Issues – (1) Telecommunications (2) Environmental (3) Natural Gas (4) Liquor (5) Emergency Medical Services/ Ambulance/Medicare/Health Reform - HIPPA compliance (6) Personnel/Employment - ADA, FMLA, FLSA, Drug Testing.
- Environmental Issues – (1) Water - Protection of City’s Water Supply (2) NPDES - Solid Waste and Stormwater Permits (3) Recycling, hazardous waste, solid waste management, landfill, air pollution, etc. (4) Establishment of a wetlands bank, acquisition and drafting of conservation easements (5) Floodplain ordinances.
- Gas Franchise – Re-negotiation and audit as it relates to the sale of Aquila to Black Hills.
- Prosecutorial Workload will be impacted by: (1) Emphasis on public safety with the addition of police officers and increased pressure for visible results (2) Continuing trend by Nebraska Legislature to enhance DUI penalties (3) Increase in the number of judges, Juvenile Court, and a proposed increase for County Court.
- Long Range Transportation Plan Update
- Development and Zoning Issues (1) Implementation of the 2030 Comprehensive Plan long range planning tasks (2) Annual Plan Status Report and Five year Plan Update (3) Acquisition of Property as needed for new projects (4) New Zoning and Subdivision Codes (5) Annexation Issues (6) Redevelopment Projects (7) Adopting new impact fee schedules for paying cost of major infrastructure improvements (8) Antelope Valley (9) Beltway Issues (10) Collection on outstanding Improvements (11) Protection of future right-of-way needs from premature development (12) Fringe TIF Projects (13) Infrastructure Financing Options.

**LAW DEPARTMENT**

**GENERAL FUND**

<b>PROGRAM STATEMENTS</b>	<b>ACTUAL</b>	<b>ESTIMATEI</b>	<b>PROJECTED</b>
<b>OBJECTIVES</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>
<b>PERFORMANCE MEASURES</b>			

1. Professional provider of in-house legal services to best protect the interest of the taxpayers of the City of Lincoln, Nebraska, in a cost effective, efficient, and reliable manner to the Mayor, City Council, executive and administrative levels of municipal government as well as the Public Building Commission and the Joint Antelope Valley Association.			
A. Provide legal representation in all administrative proceedings and litigation initiated by, or filed against, the City.			
1. Number of actions opened / actions closed / actions pending.	62 / 61 / 73	50 / 53 / 70	50 / 50 / 70
2. Number of cases handled by outside legal counsel.	2	1	0
B. Provide legal services to the Mayor, Council, and city officers as well as various boards, committees and commissions.			
1. Provide Legal advice and/or opinions (written and orally).	Ongoing	Ongoing	Ongoing
2. Attend meetings; prepare all documents associated with; and provide legal services to the following:			
a. City Council (Number of meetings/documents drafted/reviewed).	44 / 564	44 / 600	44 / 600
b. Planning Commission (Number of meetings/documents drafted).	24 / 141	24 / 150	If Needed / 150
c. Public Building Commission	Monthly	Monthly	Monthly
d. Other Boards and Commissions: such as Health, Personnel, P.R.T., STOP, Human Rights, Board of Zoning Appeals	As Needed	As Needed	As Needed
3. Project Negotiation - Attend meetings; provide legal guidance as to legality of the project and ensure successful implementation.	Ongoing	Ongoing	Ongoing
4. Monitor State Legislative activity - Number of bills reviewed and tracked.	250	198	200
5. Review of tort claims filed against the City.	241	325	325
6. Obtain compliance by developers on outstanding improvements.	\$4,194,587	Nominal	Nominal
7. Certificates of Insurance reviewed for permits only.	1,344	1,300	1,300
8. Respond to Public Record Requests in four working days.	100%	100%	100%
9. Monitor federal/state regulations, statutes, and case law.	Ongoing	Ongoing	Ongoing
10. Review Executive Orders within five days of receipt.	1,515/ 80%	1,550 / 80%	1,625 / 50%
Number of Executive Orders Drafted.	234	250	275
11. Prepare updates for the Lincoln Municipal Code - Print/Web.	2 / 52	2 / 52	2 / 52
C. Handle all violations of the City Code referred to the Prosecution Division.			
1. Traffic and misdemeanor offenses processed within two days of receipt – Number of counts /Number of filings in County Court.	71,361 / 35,451	72,000 / 36,000	73,000/ 36,500
2. County Court Sessions - Weekly Average.	45	45	50
3. Juvenile Court Cases (informal / formal filings).	1,148 / 416	1,300 / 425	1,300 / 425
4. Juvenile Court Scheduled Hearings - Weekly Average.	18	25	35
5. Appeals to Higher Courts.	27	30	30
6. Prompt handling of public inquiries (office visits, phone, written).	38,157	38,600	39,000
7. Code referrals.	134	100	125
8. Training - review prosecution efforts with referring agencies.	4	6	2
D. Administration / Resources.			
1. Maintain in-house legal research print/multi-media library.	100%	100%	90%
2. Basic legal research/writing performed by paralegal or law clerk.	100%	50%	0%
3. Number of days of attorney training/professional development.	15	2	0
* Proposed Mandatory CLE in 01/01/2008 by Supreme Court.			
4. Initiate procedures to better measure performance activities.			June, 2008
5. Plan and prepare for relocation in FY 07/08.			Ongoing

## LAW DEPARTMENT

### GENERAL FUND

**COMMENTS:**

1. Bldg. Com. pays \$39,762 for legal representation.
2. A Paralegal and Attorney I position are eliminated due to hiring freeze .5 FTE Law Clerks are also eliminated.
3. Supplies reduction reduces on site access to print subscriptions of legal resources which are not included in current electronic subscription.

EQUIPMENT DETAIL			ACTUAL	BUDGET	MAYOR	COUNCIL	
MAYOR	COUNCIL		2005-06	2006-07	2007-08	2007-08	
<u>2007-08</u>	<u>2007-08</u>		<b>EXPENDITURE SUMMARY</b>				
None			PERSONNEL	1,881,974	1,845,055	1,782,328	1,782,328
			SUPPLIES	42,902	38,500	28,750	28,750
			SERVICES	151,869	143,337	142,064	142,064
			EQUIPMENT	1,059	0	0	0
			TRANSFERS	0	0	0	0
			TOTAL	2,077,804	2,026,892	1,953,142	1,953,142
			<b>REVENUE SUMMARY</b>				
			GENERAL FUND	2,026,892	1,953,142	1,953,142	1,953,142
			TOTAL	2,026,892	1,953,142	1,953,142	1,953,142
			<b>SERVICES SUMMARY</b>				
			Contractual	20,830	18,770	18,548	18,548
			Travel/Mileage	8,435	400	400	400
			Print/Copying	5,945	6,750	5,500	5,500
			Insurance	3,925	4,336	5,716	5,716
			Utilities	11,963	12,000	12,000	12,000
			Maint./Repair	2,288	2,497	2,611	2,611
			Rentals	88,905	89,809	91,014	91,014
			Miscellaneous	9,578	8,775	6,275	6,275
			TOTAL	151,869	143,337	142,064	142,064
		0					0

PERSONNEL DETAIL								
CLASS			EMPLOYEES		BUDGET	MAYOR	COUNCIL	
CODE	CLASS	PAY RANGE	<u>06-07</u>	<u>07-08</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2007-08</u>	
X	0024	Prosecution Assistant	27,770-39,149	4.00	4.00	150,549	150,995	154,831
X	0026	Legal Secretary II	31,866-44,732	3.00	3.00	129,773	130,027	133,330
X	0028	Paralegal	31,866-44,732	2.00	1.00	75,766	40,105	41,142
X	0032	Excluded Senior Office Assistant	25,922-36,631	2.00	2.00	55,263	57,274	58,763
M	0633	Executive Assistant	47,347-81,040	1.00	1.00	67,221	69,768	71,686
M	0705	Attorney I	48,822-99,569	3.00	1.00	176,638	56,794	58,356
M	0706	Attorney II	61,228-119,394	10.00	11.00	844,985	898,255	922,957
M	0708	Chief Asst. City Attorney	61,228-119,394	2.00	2.00	235,181	232,398	238,788
D	0710	City Attorney	54,639-129,452	1.00	1.00	110,489	114,910	118,070
U	4904	Professional/Technical Worker	\$11.40-19.38/hr.	0.50		15,600	0	
		Salary Adjustment					47,397	
		Vacancy/Turnover Savings				-18,615	-17,979	-17,979
		Fringe Benefits (Workers' Compensation)				2,205	2,384	2,384
		TOTAL		28.50	26.00	1,845,055	1,782,328	1,782,328