

LEGAL DEPARTMENT



Service Level Report FY08 with
historical data

MISSION – PROSECUTION

To comply with Idaho and Municipal Codes in prosecuting misdemeanors and infractions occurring within City limits

- Address all adult misdemeanor & infraction violations, including DUIs, BAC refusals and probation violations
- Provide on-demand legal opinions to Police Dept.
- Prepare legal pleadings and search warrants, and respond to defendant discovery requests
- Prosecute misdemeanor domestic violence cases
- Assist public with criminal procedure questions and restitution and victim compensation requests



MISSION– CIVIL

To provide accurate, on-demand legal counsel to the Mayor, City Council & City Departments to promote the City's best interests and to protect the City from liability

- Prepare contracts, agreements, decisions and other legal documents, conduct negotiations, research issues and provide legal counsel, at the direction of the Mayor and City Council
- Pursue water law issues to protect City water rights and to acquire future water sources for the City
- Monitor State and Federal environmental issues for compliance, regulation and requirements
- Provide staff support to Risk Management



Measures of Inputs

People

Legal	FY04	FY05	FY06	FY07	FY08	FY09
Full Time	7	7	7	7	7	7
Half Time	0	0	0	0	0	0

Money

	FY 2004 ACTUAL	FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 BUDGET
LEGAL						
Labor	499,858	526,209	551,231	555,377	586,075	600,986
Operating	55,825	60,470	59,473	83,495	72,269	83,564
Capital	5,500					
Total	561,183	586,679	610,704	638,872	658,344	684,550
CPI	190.9	199.2	201.8	208.9	216.6	
Real FY04 \$	561,183	562,234	577,718	583,723	580,303	
% Change in Real FY04 \$, FY04-FY08					3.41%	

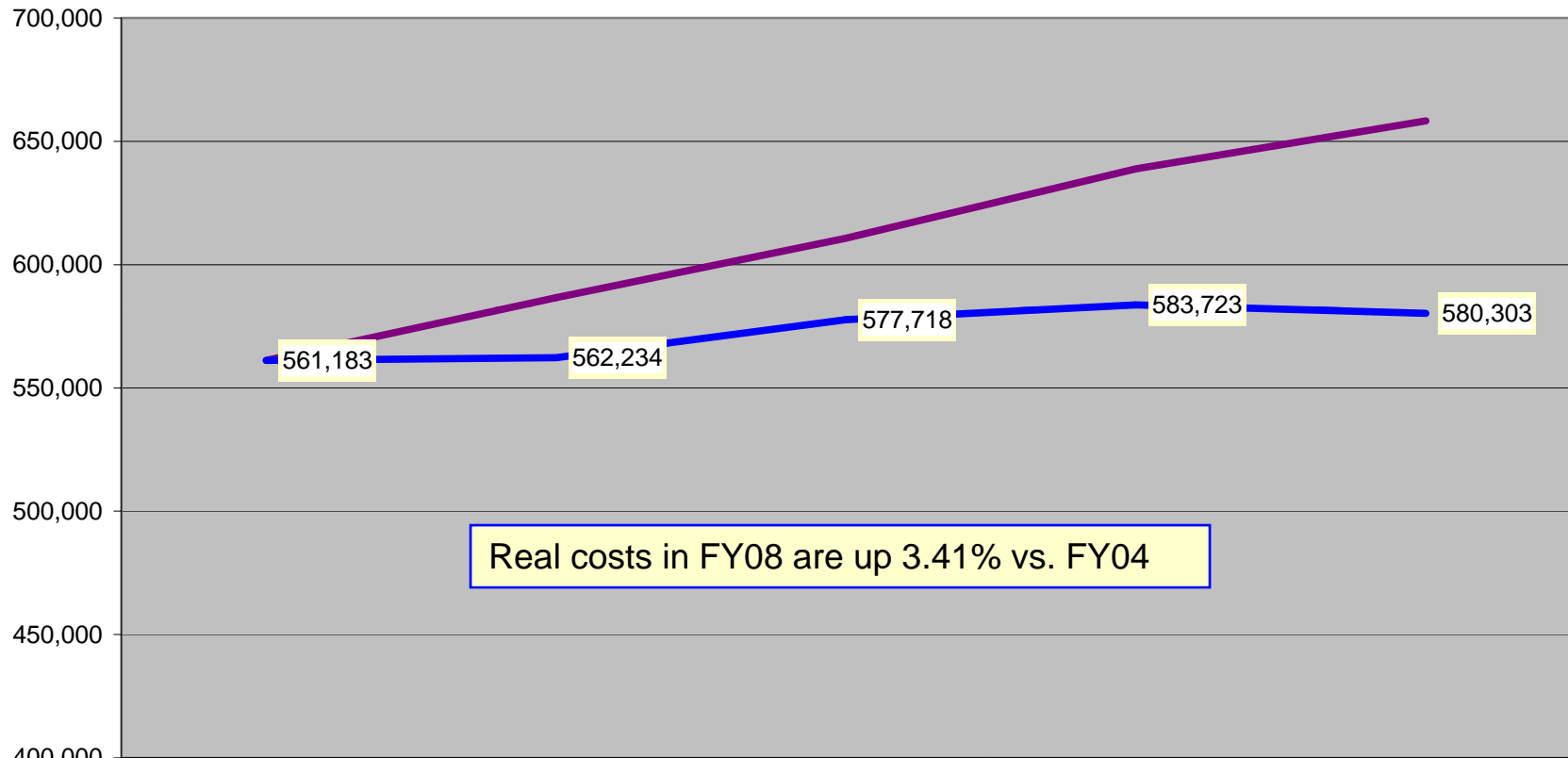
Inherited Capital

Office space; 1,447 sq ft

FY08 Program Revenue: \$381,664
 (most is magistrate court; combo of legal & police; noted here)
 FY08 Net Cost: \$276,680 (\$5.07 per capita)

Analysis of Inputs

Legal Department Nominal & Real FY04-FY08



	ACTUAL FY 2004	ACTUAL FY 2005	ACTUAL FY 2006	ACTUAL FY 2007	ACTUAL FY 2008
— Total	561,183	586,679	610,704	638,872	658,344
— CPI	190.9	199.2	201.8	208.9	216.6
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OUTPUTS

Workload 2008

Prosecution



- Resolve over 5,000 violations per year
- Subpoena over 1,000 witnesses per year
- Prepare discovery responses for cases scheduled for trial
- Address approximately 400 case-related phone and personal inquiries per month from City Police, Code Enforcement Officers, domestic violence victims and citizens at large
- Attend approximately 450 court hearings per month on approximately 675 criminal charges, including jury trials
- Review and revise Municipal Code sections pertinent to prosecution matters



OUTPUTS

Workload 2008

Civil



- Research and analyze issues for Mayor, City Council and City Departments
- Prepare and review documents for City Departments to further the business of the City, including contracts, agreements, leases, real property documents, correspondence, opinions and guidelines
- Conduct negotiations and settlement of City issues
- Prepare resolutions, ordinances and City Council decisions
- Attend numerous water law meetings and negotiations and pursue acquisition of new water rights for the City
- Attend City Council, PDA, Site Plan Review, Credit Committee, special review committees, union negotiations and departmental meetings as requested
- Provide on-demand legal services for 250-350 departmental requests per month
- Address civil related inquiries from community agencies (e.g., Greenway Foundation, Three Rivers RC&D, Old Town) and public-at-large
- Administer initial bond claims for public claimants

Efficiency, Effectiveness, Quality

- Council decisions, resolutions and ordinances produced in timely manner
- Advancing economic development opportunities remains a priority
- Water rights protection and acquisition efforts continue
- Environmental regulation requirements on water, waste treatment and environmental issues are addressed to reduce City liability
- Defense of all non-insured civil cases handled in-house to reduce costs
- Assistance provided to HR on employee issues and contract negotiations
- Enhanced interaction with other City Departments to improve response time to department requests
- Conduct review of all documents signed by the Mayor or City Council
- Prosecuting attorneys promptly meet all Court scheduling demands and requirements



Comparison

- **Pocatello (full-time in-house department)**
 - 3 4/5 attorneys (does not include risk manager)
 - 3 support staff
 - Full service assistance to all City departments & prosecution of all infraction and misdemeanor cases
 - FY 09 Budget \$684,550
- **Boise (full-time in-house department)**
 - 29 attorneys
 - 20 support staff
 - 2 specially assigned staff from other city departments
 - No sanitation, street or water department assistance
 - Ceased prosecution for City of Meridian
 - FY 08 Budget \$4,426,934

Comparison Continued

- **Coeur d'Alene (full in-house criminal; partial in-house civil)**
 - 6 attorneys (2 civil, 4 criminal)
 - 7 support staff, 1 work study intern
 - Bulk of civil litigation contracted out to private firms
 - Outside water law counsel retained for adjudication
 - FY 08/09 Budget \$1,291,886
- **Nampa (retains outside counsel)**
 - Separate outside law firms retained for civil and prosecution duties
 - Full service assistance to City departments & Council
 - Budget for FY09 \$1,234,236
 - Currently exploring retaining in-house legal counsel

Outcomes: Effectiveness & Results

- Readily available legal review and advice to City departments reduces potential for litigation and damages
- Continued work on environmental, sewer and water law issues safeguards future quality of life for City residents
- Legal services provided at lower cost than comparable cities
- Coordination between legal and police departments results in successful prosecutions and victim restitution
- Legal assistance in economic development efforts continues to advance City toward its goals

Explanatory Factors

Legal Department

- Locating, maintaining and preserving quality water sources remains a high priority and is time consuming
- Fluctuations in the pursuit and citation of criminal activity has a direct bearing on prosecution of cases
- Legal Department's workload is directly tied to issues being addressed by other City departments and topics of import to the City. As those issues and topics arise, documents must be reviewed, additional questions must be addressed and new areas of law must be researched.

Issues & Concerns



Legal Department

- The national economic downturn increases the importance of the City's efforts to encourage economic development, and in turn will require substantial legal review of land acquisition, use and development issues, federal and state regulatory issues, water issues, sanitary sewer issues, infrastructure agreements and document preparation, and provision of services to citizens
- Protection, maintenance and acquisition of water rights, together with challenging water calls, clarifying Palisade ownership issues and other water law issues, will continue to require substantial legal department resources for years to come
- Prosecution staff prepare evidence required for prosecution cases which was previously prepared by the Police Department, using more legal staff time and incurring additional costs.
- Use of the proceeds from the economic stimulus package will require additional document review, oversight and administration.

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