

LEGAL DEPARTMENT



Service Level Report FY09
with historical data

MISSION – PROSECUTION

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

- Prosecute adult misdemeanor & infraction violations, including DUIs, BAC refusals and probation violations
- Provide timely legal opinions to Police Dept.
- Prepare subpoenas, motions and other legal pleadings and respond to defendant discovery requests
- Prosecute misdemeanor domestic violence cases
- Assist public with criminal procedure questions and victim restitution 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

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



Measures of Inputs

People

	FY05	FY06	FY07	FY08	FY09	FY10	FY05-FY09 Change
Legal							
Full Time	7	7	7	7	7	7	0
Half Time	0	0	0	0	0	0	0

Money

	FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ACTUAL	FY 2010 BUDGET
LEGAL						
Labor	526,209	551,231	555,377	586,075	594,736	601,308
Operating	60,470	59,473	83,495	72,269	77,811	83,702
Capital						
Total	586,679	610,704	638,872	658,344	672,547	685,010
CPI	199.2	201.8	208.9	216.6	216.2	
Real FY05 \$	586,679	602,836	609,102	605,533	619,730	
% Change in Real FY05 \$, FY05-FY09					5.63%	

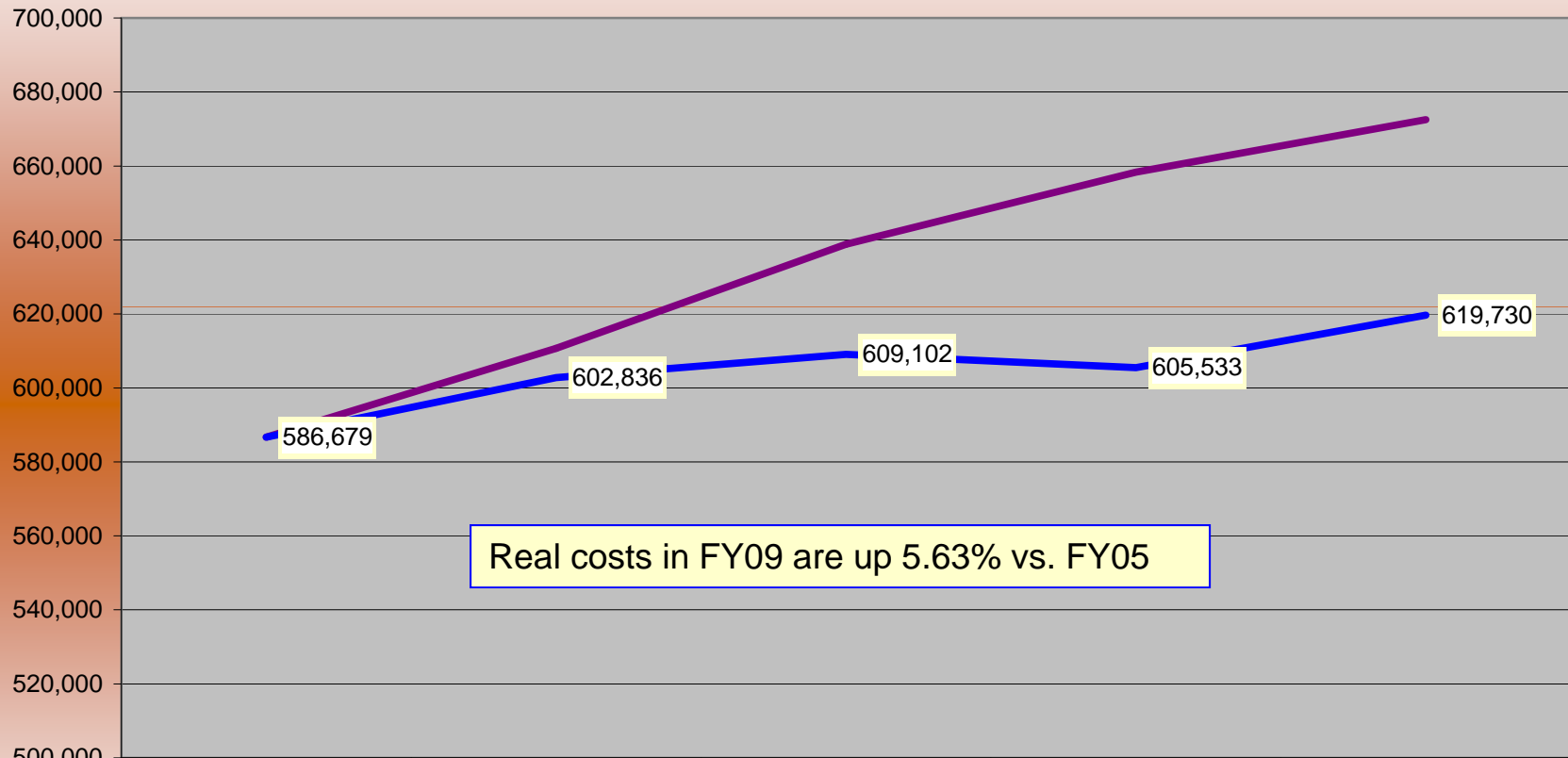
Inherited Capital

Office space; 1,447 sq ft

FY09 Program Revenue: \$393,452
(most is magistrate court; combo of legal & police; noted here)
FY09 Net Cost: \$279,095 (\$5.08 per capita)

Analysis of Inputs

Legal Department Nominal & Real FY05-FY09



	ACTUAL FY 2005	ACTUAL FY 2006	ACTUAL FY 2007	ACTUAL FY 2008	ACTUAL FY 2009
— Total	586,679	610,704	638,872	658,344	672,547
— CPI	199.2	201.8	208.9	216.6	216.2
— Real FY05 \$	586,679	602,836	609,102	605,533	619,730

OUTPUTS

Workload 2009

Prosecution



- Resolved over 5,000 violations per year
- Subpoenaed over 1,000 witnesses per year
- Prepared discovery responses for cases
- Addressed approximately 400 case-related phone and personal inquiries per month from City Police, Code Enforcement Officers, domestic violence victims and citizens at large
- Attended approximately 500 court hearings per month on approximately 675 criminal charges, including domestic violence, BAC refusals, probation violations and jury trials
- Reviewed, and as necessary, revised Municipal Code sections pertinent to prosecution matters

OUTPUTS

2009 Civil Workload



- Researched & analyzed issues for Mayor, City Council, & City Departments
- Prepared and reviewed documents for City Departments to further the business of the City, including contracts, agreements, leases, real property documents, correspondence, opinions and guidelines
- Participated in negotiations of City issues, including personnel contracts
- Prepared resolutions (38), ordinances (17), and City Council decisions
- Attended numerous water law meetings and negotiations, accomplished acquisition of new water rights, and continued efforts to lease Palisades water
- Attended City Council, PDA, Site Plan Review, Credit Committee, special review committees, union negotiations and departmental meetings as requested
- Provided on-demand legal services for 250-350 departmental requests per month
- Addressed civil related inquiries from community agencies (e.g., Greenway Foundation, Three Rivers RC&D, Old Town) and the public-at-large
- Administered initial contractor 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, acquisition and leasing 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
- Criminal cases are processed with the goal of serving the best interests of all citizens of the City of Pocatello in compliance with state and local laws



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 10 Budget \$685,010 (up \$460 from FY 09 Budget)
- **Boise (full-time in-house department)**
 - 30 attorneys (up 1 from FY 09)
 - 21 support staff (up 1 from FY 09)
 - No sanitation, street or water department assistance
 - FY 10 Budget \$4,422,405 (includes 3% base salary compensation increase)

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
 - FY10 Budget \$1,320,488
- **Nampa (retains outside counsel)**
 - Separate outside law firm retained for civil litigation, including full service assistance to City Council and City Departments
 - Contract with County Prosecutor for criminal cases (new)
 - Budget for FY10 \$1,234,236 (same as FY09)

Outcomes: Effectiveness & Results

- Readily available legal review and advice to City departments by experienced attorneys (91 years combined experience) 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, by both per capita cost and total dollars expended
- 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

- 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
- Court scheduling policies dictate the number of attorneys needed in court at any given time
- 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



- Maintain an acceptable and sustainable level of legal services for City departments, advisory boards, and programs, including criminal prosecution services, with existing resources and financial constraints
- Protection, maintenance, and acquisition of water rights, together with challenging water calls, clarifying Palisades ownership issues and other water law issues, will continue to require substantial legal department resources for years to come
- Administrative changes at the District Court level continue to require increased legal staff time and preparation for the prosecution of cases.