

LEGAL SERVICES DEPARTMENT MID-YEAR REVIEW

All figures through June 30, 2013

Significant 2013 Events:

The first half of 2013 has been busy for the Legal Services Department. Below is a list of items that we have been involved with so far:

Litigation:

- In 2013 two civil rights cases filed (by the same plaintiff) against various officers of the Appleton Police Department continued. In the first lawsuit, the City's Motion for Summary Judgment was granted. In the second, Motions for Summary Judgment have been filed and we are currently waiting for a decision from the judge.
- We assisted counsel for our insurance carrier in the defense of a §1983 civil rights action regarding the officer involved shooting of an armed person which was dismissed with prejudice and without costs.
- We continue to monitor foreclosure actions (involving rehabilitation loans) at various stages and, when permissible, also seek deficiency judgments and pursue collection efforts.
- The City is currently involved in an equal rights claim concerning the Appleton Police Department. This is a claim filed by an officer claiming the Police Chief's decision not to include him on the City's tactical team was employment discrimination. This case is still in its early stages.
- The City Attorney's Office also settled two personal injury cases with outcomes favorable to the City.
- The City Attorney's Office successfully mediated a contested condemnation matter stemming from the Wisconsin Avenue reconstruction. Another such matter is currently pending before the circuit court.
- We also continued to work with outside counsel concerning the excessive assessment lawsuits brought forth by three different retail entities in the City.

Fox River:

- The Fox River clean up litigation continues in Federal Court in Green Bay. The Court has ruled initially, that the mills are not entitled to contribution from the municipalities for sums paid by the mills for the clean up, and in fact the municipalities can recover from the mills any expenses they have paid for clean up of the Fox River. Both actions are favorable to the City, however, it should be understood that this case is certainly going to be appealed to the U.S. Court of Appeals. The District Court is currently involved in matters which are not related to

the City, although we continue to monitor those proceedings, so proceedings on that matter have slowed. However, the Federal Government and State of Wisconsin have named the City in a lawsuit seeking damages for pollution caused in the river. While we continue to hope for a negotiated settlement, the City continues to prepare for litigation should settlement discussions be unsuccessful. This office is currently working with one of the insurance carriers who has been paying for litigation costs up to this point in finding additional insurance policies the City may have held prior to 1974.

Assorted Issues:

- The City Attorney’s Office completed one condemnation process for the area at/near KK and Coop Road.
- The City Attorney’s Office, Clerk’s Office and Information Technology Department worked closely to bring the Granicus project to fruition. The new system went live on June 5, 2013.
- The City Attorney’s Office continued its cooperative efforts with the Finance Department and the Appleton Public Library with regard to collections.
- Two regularly scheduled elections were administered.
- Implementation of E-certified mailing software continued (into its second year) allowing staff to obtain delivery confirmation of certified mail via the internet, which reduces the paperwork and results in a cost savings.
- The City Clerk’s Office worked with the State to purge inaccurate or inactive records from the poll books. 3,587 notices were mailed with 225 returned by voters requesting continuation of their registrations and 1,811 returned as undeliverable. Records with no responses were inactivated by the GAB.
- The license renewal process was completed for the over 1,000 operators’ licenses and liquor licenses expiring June 30. The Safety and Licensing Committee held 2 license non-renewal hearings.
- Updated waiting list for "Class B" beer/liquor licenses which currently stands at 14.
- Held Board of Review with 10 objections presented.

Performance Data:

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Administration</u>	<u>Client Benefits/Impacts</u>					
	Timely legal information is provided upon which Alderpersons and staff members can make decisions. Meet time frame of requester.	100%	100%	>100%	100%	100%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
	Contracts are reviewed in a timely manner to allow performance to proceed. # of performances delayed due to review not being completed.	0	0	0	0	0
	<u>Outcome</u>					
	Dispute avoidance: # of suits filed against the City.	8	22	0	5	5
	Prompt Service: % of external customers surveyed rating service acceptable or better	100%	100%	100%	99%	99%
	# of surveys returned	48	61	90	49	90
	<u>Outputs</u>					
	Written opinions issued.	5	14	>20	8	10
	Ordinances reviewed.	241	131	100	41	100
	Staff training; # of hours of staff training	127	115	150	204	204

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Litigation</u>	<u>Client Benefits/Impacts</u>					
	Active participation by this office will minimize the number of claims against the City. # of claims filed against the City.	106	67	<100	33	<100
	<u>Outcome</u>					
	Minimize cost of settlements. \$ value of settlements and judgments.	\$50,806	\$12,205	\$50,000	\$3,424	\$50,000
	Minimize use of outside counsel. # of cases.	0	5	0	0	0
	<u>Outputs</u>					
	Most cases handled will be handled by the City Attorney staff. # of cases handled by staff.	100%	82%	100%	80%	100%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Real Estate</u>	<u>Client Benefits/Impacts</u>					
	The City will acquire necessary real estate within the time period requested by the department heads making the request. Projects will not be delayed due to real estate acquisition issues. # of projects delayed.	0	0	0	0	0
	<u>Outcome</u>					
	Acquisitions are made in a manner acceptable to both the property owner and to the City. # of contested condemnation cases.	2	1	0	1	1
	<u>Outputs</u>					
	# of real estate transactions.	5	7	12	10	12

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Recordkeeping</u>	<u>Client Benefits/Impacts</u>					
	Retrieval of information. % of same day responses	94%	94%	95%	95%	95%
	1 week retrieval for detailed requests	6%	6%	5%	5%	5%
	<u>Outcome</u>					
	Legal requirements are met. # of legal challenges sustained	0	0	0	0	0
	<u>Outputs</u>					
	# hours maintaining records	398	1,554	1,500	731.5	1,500
	# of requests for information	340	345	300	136	300
	# of publication notices	466	327	400	123	400
	# of ordinances adopted	243	132	175	38	175

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Licensing</u>	<u>Client Benefits/Impacts</u>					
	Prompt application process. % processed the same day	95%	95%	100%	100%	100%
	% issued within 90 days of application	100%	100%	100%	100%	100%
	<u>Outcome</u>					
	Statutory and ordinance compliance of all licenses issued. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	License applications processed. # of beer/liquor licenses issued	224	225	225	143	225
	# of operator licenses issued	923	2,148	1,100	960	1,100
	# of general licenses issued	585	329	500	224	500

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Elections</u>	<u>Client Benefits/Impacts</u>					
	Accurate election roll. # of changes, add and deletes	5,940	13,918	6,000	1,255	1,500
	# of voters purged (biannual)	2,562	0	7,500	3,587	4,500
	<u>Outcome</u>					
	Fair and accurate election process. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	# of election votes cast	23,327	116,938	23,000	12,532	18,000
	# of registered voters	84,202	168,183	90,000	89,421	93,500
	# of elections administered	4	6	2	2	4
	# of candidates filing nomination papers	20	36	10	26	35
	# of ballot styles	136	220	118	130	210
	% of staff trained at each election	98%	98%	100%	98%	98%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2011</u>	<u>Actual 2012</u>	<u>Target 2013</u>	<u>Actual 2013</u>	<u>Projected 2013</u>
<u>Mail/Copy Services</u>	<u>Client Benefits/Impacts</u>					
	Accurate photocopy services. Remake of request	1%	1%	1%	1%	1%
	<u>Outcome</u>					
	Efficient mail processing. # of pieces of mail returned for correction from mailing service	13	12	25	1	15
	<u>Outputs</u>					
	# of pieces of outgoing mail	149,848	152,980	225,000	75,861	155,000
	# of packages handled	296	377	500	183	400
	# of copies made in mail center	1,050,588	1,303,248	1,500,000	498,296	1,050,000

Areas of Primary Concentration for 2013:

We will continue working with other departments in the City to ensure that City projects run smoothly and there is no delay in project completions.

The City Attorneys' Office will work with outside counsel for the Fox River clean up, the excessive assessments lawsuits that are current pending and the outstanding open records lawsuits. We will also continue to vigorously defend the City of Appleton in actions filed against the City of Appleton.

We also intend to continue to have an active role, in conjunction with the Finance Department and the Appleton Public Library, in the collection of outstanding funds and/or materials.

We will also continue with the implementation of the new document management system for Council and Committee agendas, minutes, reports and video streaming.

The City Clerk's division will administer the July 23, 2012 Spring Primary Election for the vacant District 1 Aldermanic seat and will also administer the August 20 special election.

We will continue working with the new document management system.

Budget Performance Summary

Please see the attached FASTR report.

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City of Appleton
Legal Services
Summary Budget to Actual Report
For the Six Months Ending June 30, 2013

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Description	Year to Date Expense	Full Year Amended Budget	Percent of Amended Budget
Legal Services Administration	136,271	295,323	46.1 %
Litigation	106,253	222,071	47.8 %
Real Estate	20,893	45,655	45.8 %
Recordkeeping	48,203	99,063	48.7 %
Licensing	37,769	70,594	53.5 %
Elections	127,741	182,522	70.0 %
Mail / Copy	100,178	169,186	59.2 %
Total	577,308	1,084,414	53.2 %