

LEGAL SERVICES DEPARTMENT MID-YEAR REVIEW

All figures through June 30, 2014

Significant 2014 Events:

The first half of 2014 has been busy for the Legal Services Department. Below is a list of items that we have been involved with so far:

- In 2014 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.
- City staff worked with outside counsel concerning the excessive assessment lawsuits brought forth by three different retail entities in the city of Appleton. The most significant amount of time was spent on preparation for the CVS litigation. A significant number of hours were spent assisting in the organization of trial documents and preparation and review of documents to be filed regarding motions and responses to motions. Trial in this matter was held in late May/early June of this year.
- 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 Attorney's Office successfully defended two lawsuits brought against the City arising out of denied claims. Both matters went to trial where we ultimately prevailed. Additionally, this office successfully defended and obtained a stipulated dismissal of a slip and fall case during the discovery process.
- Represented the City in traffic and ordinance related matters including 3,071 scheduled initial court appearances, 80 scheduled jury and court trials and 1,274 scheduled pre-trials/jury trial conferences or motion hearings.
- Represented the City in truancy court both at the courthouse and by travelling to each of the high schools and middle schools. Truancy court typically runs an entire day and to date 7.5 days have been spent on 372 matters in addition to multiple additional court appearances as well as meetings at each school with school officials prior to the court date in preparation for the hearings.
- The Fox River clean up litigation reached a new stage in the process. A Consent Decree was reached amongst most of the parties and submitted to Federal Court for its review and approval. The Court's approval would be the last major step in finalizing the District Court proceedings. The next step would be any appeals of the District Court opinions and we will remain involved in that process.

- The City is also close to reaching an agreement with insurance carriers to cover the settlement amount in the Consent Decree. We continue to work with insurance counsel and the carriers to cover remaining expenses incurred in the preparation and litigation process.
- Staff worked closely with and advised the Department of Parks, Recreation and Facilities Management on the sudden closure of the Gardens of the Fox Cities and termination of the agreement with that organization and issues arising out of those circumstances.
- Staff also drafted several new ordinances or revised existing ordinances, including clarifying the circumstances when issuance of a license can be delayed due to outstanding taxes or other obligations to the City; expansion of the Fox Cities Transit Commission; updates to the recycling ordinance to include the City-supplied containers; shoreland zoning ordinance and the accommodation and employment ordinance.
- Coordinated efforts with the Fire Department and Building Inspections to timely file a list of ordinances proposed for exemption from the statewide Uniform Commercial Building Code.
- Two regularly scheduled elections were administered.
- MOVE TO AMEND Petition for Direct Legislation was received with 5,099 signatures. 4,514 were validated and the Common Council voted to have it appear on the November ballot.
- A second petition regarding minimum wage is anticipated.
- The Official 2014-2015 Directory was prepared, printed and distributed. There remains a demand for the directory and will continue to print a limited supply.
- The license renewal process was completed for: liquor licenses, operators licenses, cigarette, amusement devices, pet store/kennel licenses and salvage dealers.
- Implementation of new postage machine.
- Board of Review met and has adjourned until September 10th.
- We continue to work with Granicus to develop the City's Insight page.
- Submitted the Bi-Annual Tax Exemption Report to the Department of Revenue with over 200 properties in the city.
- Updated the Election Manual with a number of legislative updates.

Performance Data:

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</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% |
| | 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. | 22 | 7 | 0 | 7 | 10 |
| | Prompt Service: % of external customers surveyed rating service acceptable or better | 100% | 100% | 100% | 100% | 100% |
| | # of surveys returned | 61 | 22 | 80 | 22 | 50 |
| | <u>Outputs</u> | | | | | |
| | Written opinions issued. | 14 | 10 | >20 | 5 | 10 |
| | Ordinances reviewed. | 131 | 99 | 100 | 53 | 100 |
| | Staff training; # of hours of staff training | 115 | 242 | 150 | 94 | 94 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</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. | 67 | 72 | <100 | 30 | <100 |
| | <u>Outcome</u> | | | | | |
| | Minimize cost of settlements. \$ value of settlements and judgments. | \$12,205 | \$11,203 | \$50,000 | \$7,243 | \$50,000 |
| | Minimize use of outside counsel. # of cases. | 5 | 4 | 0 | 4 | 0 |
| | <u>Outputs</u> | | | | | |
| | Most cases handled will be handled by the City Attorney staff. # of cases handled by staff. | 82% | 67% | 100% | 67% | 100% |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</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. | 1 | 1 | 0 | 0 | 0 |
| | <u>Outputs</u> | | | | | |
| | # of real estate transactions. | 7 | 19 | 10 | 4 | 10 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</u> |
|----------------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Recordkeeping</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Retrieval of information. % of same day responses | 94% | 98% | 95% | 98% | 95% |
| | 1 week retrieval for detailed requests | 6% | 2% | 5% | 2% | 5% |
| | <u>Outcome</u> | | | | | |
| | Legal requirements are met. # of legal challenges sustained | 0 | 0 | 0 | 0 | 0 |
| | <u>Outputs</u> | | | | | |
| | # hours maintaining records | 1,554 | 1,575 | 1,500 | 731.5 | 1,500 |
| | # of requests for information | 345 | 217 | 300 | 125 | 300 |
| | # of publication notices | 327 | 214 | 400 | 95 | 400 |
| | # of ordinances adopted | 132 | 101 | 175 | 55 | 175 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</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 | 225 | 250 | 225 | 197 | 225 |
| | # of operator licenses issued | 2,148 | 1,846 | 1,100 | 239 | 1,100 |
| | # of general licenses issued | 329 | 453 | 500 | 301 | 500 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</u> |
|------------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Elections</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Accurate election roll. # of changes, add and deletes | 13,918 | 4,073 | 6,000 | 5,200 | 6,200 |
| | # of voters purged (4 year purge) | 0 | 3,587 | 3,200 | 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 | 116,938 | 12,903 | 23,000 | 12,532 | 18,000 |
| | # of registered voters | 168,183 | 44,5000 | 160,000 | 165,000 | 160,000 |
| | # of elections administered | 6 | 4 | 4 | 4 | 4 |
| | # of candidates filing nomination papers | 36 | 30 | 30 | 32 | 35 |
| | # of ballot styles | 220 | 115 | 228 | 228 | 228 |
| | % of staff trained at each election | 98% | 98% | 100% | 98% | 98% |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2012</u> | <u>Actual 2013</u> | <u>Target 2014</u> | <u>Actual 2014</u> | <u>Projected 2014</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 | 12 | 6 | 25 | 1 | 15 |
| | <u>Outputs</u> | | | | | |
| | # of pieces of outgoing mail | 152,980 | 146,545 | 225,000 | 69,873 | 155,000 |
| | # of packages handled | 377 | 366 | 500 | 174 | 400 |
| | # of copies made in mail center | 1,303,248 | 808,354 | 1,500,000 | 394,176 | 1,050,000 |

Areas of Primary Concentration for the remainder of 2014:

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 Attorney's 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 continue with the development of the document management system for Council and Committee Agendas, Minutes and video streaming.

We will conduct election worker training to provide information on the numerous legislative changes.

The City Clerk's Office will administer the August Partisan Primary and the November General Election.

Budget Performance Summary

Please see the attached FASTR report.

J:\Attorney\WORD\BUDGET\2014\2014 Mid-Year Review.doc

83500
TEACHERA
MIDYER LGL

City of Appleton
Legal Services
Summary Budget to Actual Report
For the Six Months Ending June 30, 2014

1
07/01/14
14:07:22

| Description | Year to Date Expense | Full Year Amended Budget | Percent of Amended Budget |
|-------------------------------|----------------------------|--------------------------------|---------------------------------|
| Legal Services Administration | 124,256 | 299,607 | 41.5 % |
| Litigation | 173,815 | 310,604 | 56.0 % |
| Real Estate | 21,004 | 46,662 | 45.0 % |
| Recordkeeping | 40,237 | 99,153 | 40.6 % |
| Licensing | 27,495 | 61,507 | 44.7 % |
| Elections | 149,932 | 298,836 | 50.2 % |
| Mail / Copy | 102,096 | 167,796 | 60.8 % |
| Total | 638,835 | 1,284,165 | 49.7 % |