

LEGAL SERVICES DEPARTMENT MID-YEAR REVIEW

All figures through June 30, 2015

Significant 2015 Events:

The first half of 2015 has been busy for the Legal Services Department. Below is a list of items that we have been involved with so far:

- We worked closely with the Library Director and outside counsel on preparation for and actual negotiations with property owners on the Library project.
- The City Clerk's Office successfully conducted election recounts for two Aldermanic races following the spring election. A site change for a polling location also took place.
- General Policy for Alcohol Licensing was modified in the spring. Retail alcohol license fees were restructured to appropriately reflect each particular class. The process for license applications being recommended for denial was modified to become more efficient for the applicant, City staff and the Safety and Licensing Committee members.
- Through June 6, 2015, staff has represented the City in 2,763 scheduled initial court appearances, 55 scheduled jury and court trials and 1,647 scheduled pre-trials/jury trial conferences or motion hearings.
- The City Attorney's Office represented the City in truancy court both at the courthouse and by travelling to each of the high schools and middle schools multiple times each month.
- Staff worked closely with the department of Parks, Recreation and Facilities Management with regard to concluding the long-standing contract with the operator of the City's golf course and assisted with the transition to the golf course being managed by City staff including reviewing various new contracts with vendors, etc.
- In 2015 the City participated in and resolved a claim by Relyco construction company for increased payment as a result of unforeseen conditions at Reid Golf Course. The mediation addressed the soil conditions anticipated and what was actually determined. After a half-day of mediation, the City reached an agreement that was satisfactory to all parties. This mediation was handled in-house.
- The City Attorney's Office worked with the Department of Public Works on the Appleton East High School stormwater project. We worked with the contractor who would do the inspections of the structure and reworked the contract so it was acceptable to both sides.

- We have begun working with the Department of Public Works Engineering Division concerning a rewrite and update of the stormwater ordinances. This is being done in three phases and we hope to have the phases completed by the end of the year.
- The City Attorney's Office participated with the Assessor's Office in mediation regarding tax claims by Walgreens and Kentucky Fried Chicken here in the city of Appleton. These claims involved issues of state-wide concern and we were able to successfully mediate an agreement.
- The City Attorney's Office worked with the Department of Public Works to obtain an access agreement for the Cherryvale Development area. This was an intermunicipal agreement which required numerous iterations with the Village of Little Chute to meet the needs of both communities. This effort was brought to a successful conclusion.
- Staff in the City Attorney's Office is working with the Department of Public Works and the WisDOT on preliminary tasks relating to the land acquisitions for the Richmond Street/CTH OO roundabout project. We anticipate this project going the balance of this year and into next year dealing with just land acquisition.
- This office worked with outside counsel concerning a claim filed by Sunflower Spa as a result of watermain break. A Motion for Summary Judgment has been filed in Federal District Court and we are awaiting the judge's decision on that motion.
- The City Clerk's Office steered a recruitment mailing to various entities to increase the quantity of Election Inspectors. New Inspector training will be provided in the fall.
- With the addition of the Voter Photo ID law, the Election Day manual will be completely revised, reprinted and distributed.
- The Deputy City Clerk is involved in the revision of the City website and adding information relevant to the public, including information relating to special events, public notices as well as absentee voting and election night results.
- 186 renewals were completed for retail licenses - there are beer/liquor licenses available for application, thus a waiting list is not in effect at this time.
- A 4-year purge took place for voter registration.

Performance Data:

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</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. | 7 | 9 | 0 | 11 | 13 |
| | Prompt Service: % of external customers surveyed rating service acceptable or better | 100% | 100% | 100% | 100% | 100% |
| | # of surveys returned | 70 | 40 | 80 | 34 | 50 |
| | <u>Outputs</u> | | | | | |
| | Written opinions issued. | 10 | 7 | >20 | 2 | >20 |
| | Ordinances reviewed. | 99 | 104 | 100 | 55 | 100 |
| | Staff training; # of hours of staff training | 242 | 193.5 | 160 | 48 | 185 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</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. | 72 | 66 | <100 | 26 | <100 |
| | <u>Outcome</u> | | | | | |
| | Minimize cost of settlements. \$ value of settlements and judgments. | \$11,203 | \$39,977 | \$50,000 | \$6,332 | \$50,000 |
| | Minimize use of outside counsel. # of cases. | 4 | 4 | 0 | 1 | 0 |
| | <u>Outputs</u> | | | | | |
| | Most cases handled will be handled by the City Attorney staff. # of cases handled by staff. | 67% | 67% | 100% | 91% | 100% |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</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. | 19 | 15 | 10 | 4 | 10 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</u> |
|----------------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Recordkeeping</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Retrieval of information. % of same day responses | 98% | 95% | 95% | 96% | 95% |
| | 1 week retrieval for detailed requests | 2% | 5% | 5% | 1% | 5% |
| | <u>Outcome</u> | | | | | |
| | Legal requirements are met. # of legal challenges sustained | 0 | 0 | 0 | 0 | 0 |
| | <u>Outputs</u> | | | | | |
| | # hours maintaining records | 1,575 | 261 | 1,500 | 480 | 1,000 |
| | # of requests for information | 217 | 218 | 300 | 72 | 250 |
| | # of publication notices | 214 | 208 | 400 | 98 | 250 |
| | # of ordinances adopted | 101 | 77 | 175 | 55 | 150 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</u> |
|------------------|--|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Licensing</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Prompt application process. % processed the same day | 95% | 100% | 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 | 250 | 215 | 225 | 19 | 220 |
| | # of operator licenses issued | 1,846 | 615 | 1,800 | 220 | 1,200 |
| | # of general licenses issued | 453 | 368 | 500 | 150 | 500 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</u> |
|------------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Elections</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Accurate election roll. # of changes, add and deletes | 4,073 | 6,164 | 6,000 | 1,161 | 6,000 |
| | # of voters purged (4 year purge) | 3,587 | 0 | 3,000 | 0 | 3,000 |
| | <u>Outcome</u> | | | | | |
| | Fair and accurate election process. # of legal challenges | 0 | 0 | 0 | 0 | 0 |
| | <u>Outputs</u> | | | | | |
| | # of election votes cast | 12,903 | 47,660 | 13,000 | 8,620 | 8,620 |
| | # of registered voters | 44,500 | 162,308 | 42,000 | 41,904 | 44,654 |
| | # of elections administered | 4 | 4 | 2 | 2 | 2 |
| | # of candidates filing nomination papers | 30 | 11 | 30 | 8 | 8 |
| | # of ballot styles | 115 | 52 | 114 | 8 | 8 |
| | % of staff trained at each election | 98% | 98% | 100% | 98% | 98% |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2013</u> | <u>Actual 2014</u> | <u>Target 2015</u> | <u>Actual 2015</u> | <u>Projected 2015</u> |
|---------------------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| <u>Mail/Copy Services</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Accurate photocopy services. Remake of request | 1% | 0% | 1% | 1% | 1% |
| | <u>Outcome</u> | | | | | |
| | Efficient mail processing. # of pieces of mail returned for correction from mailing service | 6 | - | 10 | 0 | 5 |
| | <u>Outputs</u> | | | | | |
| | # of pieces of outgoing mail | 146,545 | 142,658 | 155,000 | 77,952 | 155,000 |
| | # of packages handled | 366 | 337 | 400 | 172 | 400 |
| | # of copies made in mail center | 808,354 | 887,812 | 1,000,000 | 308,277* | 1,000,000 |

**less June count*

Areas of Primary Concentration for the remainder of 2015:

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.

We will continue to assist, guide and advise City staff from all departments as well as elected officials on legal matters in a timely fashion.

Continue to identify training and education opportunities for staff as it relates to duties of the City Clerk's Office.

Budget Performance Summary

Please see the attached FASTR report.

J:\Attorney\WORD\BUDGET\2015\2015 Mid-Year Review.doc

City of Appleton
Legal Services
Summary Budget to Actual Report
For the Six Months Ending June 30, 2015

| Description | Year to Date Expense | Full Year Amended Budget | Percent of Amended Budget |
|-------------------------------|----------------------------|--------------------------------|---------------------------------|
| Legal Services Administration | 107,907 | 276,865 | 39.0 % |
| Litigation | 103,742 | 256,339 | 40.5 % |
| Real Estate | 21,099 | 47,484 | 44.4 % |
| Recordkeeping | 49,624 | 99,002 | 50.1 % |
| Licensing | 28,361 | 62,252 | 45.6 % |
| Elections | 94,303 | 186,733 | 50.5 % |
| Mail / Copy | 89,049 | 168,517 | 52.8 % |
| Total | 494,085 | 1,097,192 | 45.0 % |