

LEGAL SERVICES DEPARTMENT

MID-YEAR REVIEW

All figures through June 30, 2017

Significant 2017 Events:

The Legal Services Department has been engaged in a number of respects through the first half of 2017. Below is a list highlighting some of our Department's work so far this year:

City Attorney's Office:

- The Fox River clean up litigation was completed. We have worked with outside counsel to finalize the payment of costs.
- Worked with the Department of Public Works and the Parks, Recreation and Facilities Management Department regarding railroad trestles and trails near the Fox River. We continue working to complete the process and get the final agreement signed.
- Through June 3, 2017, staff has represented the City in 3,455 scheduled initial court appearances, 68 scheduled jury and court trials and 1,491 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 multiple times each month.
- Continue to work with outside counsel on a worker's compensation and duty disability claim.
- Assisted the Parks, Recreation and Facilities Management Department with resolution of a performance bond claim.
- Continue to assist outside counsel and monitor work of outside counsel in matters pending in Federal Court.
- Continue to work with the Finance and Utilities Departments on customer issues such as theft of water and collection as well as assisting with the development of an excessive water usage monitoring policy and modifications to the Water Leak Policy.
- Worked closely with various departments regarding employee discipline and discharge matters.
- Provided training regarding HIPPA issues.
- Worked with the Department of Public Works and the WisDOT on land acquisitions for the Oneida Street reconstruction.

- Filed suit against the Village of Fox Crossing regarding its incorporation of property subject to an existing boundary agreement.
- Worked with the Department of Public Works to amend the RoW ordinance and address relocation invoices submitted by utilities.
- Began integration of an electronic file management system.

City Clerk's Office:

- Successfully conducted two elections.
- Found significant cost savings in ballot printing through the use of another State certified vendor.
- Continued training on the State WisVote voter/election administration system.
- Worked to find two new polling locations for 2018.
- Worked with Outagamie County on election procurement for new voting machines.
- Began a reorganization of the vault, where permanent records are kept.
- At the time of liquor license renewals, 211 beer/liquor licenses were issued.
- Revised the Liquor License Policy to include statutory changes and clarify portions of the policy.
- Attended various training including Municipal Clerk's Institute, liquor licensing updates, WisVote webinars and classes at the Wisconsin Municipal Clerk's Association Annual Conference.
- Worked with the special events staff committee and applicants in administration of the new Special Events Policy.
- Attended Department of Revenue approved Board of Review Training.
- The Board of Review proceedings were completed on June 1st.

Performance Data:

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|----------------|---|--------------------|--------------------|--------------------|--------------------|-----------------------|
| Administration | <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 |
| | 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> | | | | | |
| | Prompt Service: % of external customers surveyed rating service acceptable or better | 100% | 100% | 100% | 100% | 100% |
| | # of surveys returned | 26 | 42 | 26 | 32 | 30 |
| | Acquisitions are made in a manner acceptable to both the property owner and to the City. # of contested condemnation cases. | 1 | 0 | 0 | 0 | 1 |
| | <u>Outputs</u> | | | | | |
| | Written opinions issued. | 3 | 7 | >20 | 21 | 30 |
| | Ordinances reviewed. | 106 | 104 | 106 | 51 | 100 |
| | # of real estate transactions. | 21 | 91 | 21 | 87 | 95 |
| | Staff training; # of hours of staff training | 56 | 74 | 56 | 45 | 56 |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|---|--|--------------------|--------------------|--------------------|--------------------|-----------------------|
| Litigation | <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. | 66 | 63 | <100 | 36 | <100 |
| | <u>Outcome</u> | | | | | |
| | Dispute avoidance: # of suits filed against the City. | 12 | 5 | 0 | 4 | 5 |
| | Minimize cost of settlements. \$ value of settlements and judgments. | \$19,644 | \$56,160 | <\$50,000 | \$1,276 | <\$50,000 |
| Minimize use of outside counsel. # of cases.* | 4 | 0 | 0 | 0 | 0 | |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|----------------|--|------------------------|------------------------|------------------------|------------------------|---------------------------|
| | <u>Outputs</u> | | | | | |
| | Most cases handled will be handled by the City Attorney staff. # of cases handled by staff.* | 78% | 100% | 100% | 100%* | 100% |

*Circuit Court only – does not include WC or employment matters

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|-------------------------|---|------------------------|------------------------|------------------------|------------------------|---------------------------|
| Recordkeeping | <u>Client Benefits/Impacts</u> | | | | | |
| | Retrieval of information. % of same day responses | 95% | 93% | 95% | 97% | 95% |
| | 1 week retrieval for detailed requests | 5% | 7% | 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 | 480 | 960 | 1,200 | 560 | 1,200 |
| | # of requests for information | 78 | 133 | 200 | 79 | 175 |
| | # of publication notices | 498 | 225 | 500 | 93 | 250 |
| # of ordinances adopted | 106 | 104 | 165 | 51 | 100 | |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|------------------------------|--|------------------------|------------------------|------------------------|------------------------|---------------------------|
| Licensing | <u>Client Benefits/Impacts</u> | | | | | |
| | Prompt application process. % processed the same day | 100% | 90% | 100% | 99% | 95% |
| | % 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 | 222 | 211 | 205 | 195 | 212 |
| | # of operator licenses issued | 1,159 | 782 | 1,200 | 266 | 600 |
| # of general licenses issued | 556 | 470 | 600 | 152 | 500 | |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|---|------------------------------------|------------------------|------------------------|------------------------|------------------------|---------------------------|
| Elections | <u>Client Benefits/Impacts</u> | | | | | |
| | # of voter status changes | 2,775 | 13,637 | 2,250 | 2,657 | 2,600 |
| | # of voter registrations processed | 378 | 11,740 | 400 | 176 | 400 |
| | # of absentee ballots issued | 945 | 20,550 | 1,050 | 1,438 | 1,438 |
| | <u>Outcome</u> | | | | | |
| Fair and accurate election process. # of legal challenges | 0 | 0 | 0 | 0 | 0 | |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|----------------|--|------------------------|------------------------|------------------------|------------------------|---------------------------|
| | <u>Outputs</u> | | | | | |
| | # of election votes cast | 8,620 | 77,438 | 9,680 | 11,899 | 9,680 |
| | # of registered voters | 41,900 | 45,100 | 43,000 | 43,421 | 43,000 |
| | # of elections administered | 2 | 4+recount | 2 | 2 | 2 |
| | # of candidates filing nomination papers | 30 | 12 | 12 | 10 | 12 |
| | # of ballot styles | 114 | 54 | 20 | 20 | 20 |
| | % of staff trained at each election | 98% | 95% | 100% | 98% | 98% |

| <u>Program</u> | <u>Criteria</u> | <u>Actual 2015</u> | <u>Actual 2016</u> | <u>Target 2017</u> | <u>Actual 2017</u> | <u>Projected 2017</u> |
|-------------------------------|---|------------------------|------------------------|------------------------|------------------------|---------------------------|
| <u>Mail/Copy Services</u> | <u>Client Benefits/Impacts</u> | | | | | |
| | Accurate photocopy services. Remake of request | 0% | 0% | 1% | 0% | 1% |
| | <u>Outputs</u> | | | | | |
| | # of pieces of outgoing mail | 144,429 | 133,031 | 135,000 | 61,405 | 140,000 |
| | # of packages handled | 298 | 220 | 375 | 73 | 375 |
| | # of copies made in mail center | 682,072 | 790,073 | 925,000 | 326,015 | 925,000 |

**less June count*

Areas of Primary Concentration for the remainder of 2017:

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 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 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\2017\2017 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, 2016

1
07/17/17
09:38:07

| Description | Year to Date Expense | Full Year Amended Budget | Percent of Amended Budget |
|-------------------------------|----------------------------|--------------------------------|---------------------------------|
| Legal Services Administration | 133,713 | 334,884 | 39.9 % |
| Litigation | 113,392 | 246,657 | 46.0 % |
| Real Estate | 0 | 0 | .0 % |
| Recordkeeping | 32,147 | 107,635 | 29.9 % |
| Licensing | 41,680 | 76,016 | 54.8 % |
| Elections | 140,589 | 333,956 | 42.1 % |
| Mail / Copy | 99,776 | 194,340 | 51.3 % |
| Total | 561,297 | 1,293,488 | 43.4 % |