

LEGAL SERVICES DEPARTMENT MID-YEAR REVIEW

City Attorney's Office figures through June 30, 2019

City Clerk's Office figures through July 11, 2019

Significant 2019 Events:

The Legal Services Department has been engaged in a number of matters through the first half of 2019. Below are some of the highlights for the first half of the year:

- Continued to work with the Department of Public Works and the Parks, Recreation and Facilities Management Department regarding railroad trestles and trails near the Fox River and continue negotiations with developers of Eagle Point and RiverHeath for trail easements and maintenance agreements. Also assisted with the acquisition of a parcel of property from Neenah Papers to be used as part of a future trail connection point.
- Represented the City in traffic and ordinance related matters in 2018 including 7,133 scheduled initial court appearances, 87 scheduled jury and court trials and 3,587 scheduled pre-trials/jury trial conferences or motion hearings. 2019 statistics are a little under half of the 2018 numbers as of June 1, 2019.
- Represented the City in finalizing and closing remaining truancy court cases and will evaluate the future role of this office pending the Common Council's decision whether to repeal the truancy ordinance.
- Actively engaged in litigation including defense of a variety of lawsuits. Staff resolved a number of matters through mediation, dispositive motions or negotiated settlements. This includes litigating several matters before an administrative law judge - including two work comp appeals as well as two unemployment appeals. We also continued to provide representation in a small claims matter.
- Continued to work with outside counsel on pending worker's compensation and duty disability claims. Additionally, worked with outside counsel to achieve a Summary Judgment dismissal of a pending federal lawsuit against Appleton officers.
- Worked closely with various departments regarding employee discipline and discharge matters.
- Provided training regarding HIPAA issues.
- Worked with the Department of Facilities Management and the Department of Public Works on the provision of access from the Avenue Mall with the removal of the Blue Ramp. Interested parties have negotiated and agreed upon final egress updates in principle and will be formalizing the agreement in writing prior to implementing the updates.
- Worked with Public Works on development of a master license agreement to enter

into with service providers for the use of right-of-way and/or city structures within the right-of-way for future 5G cellular antennas and other equipment. This ordinance was passed early in 2019.

- Assisted CEDD with the preparation and execution of development agreements including Gabriel Lofts, School of Rock property and 320 East College Avenue.
- Assisted in the drafting of or drafted a number of ordinances including the ‘vaping ordinance’.
- In the first six months of 2019, the Attorney's Office has drafted, negotiated, reviewed and/or processed a total of 235 agreements/contracts. We also worked with City departments to review the contracting process and requirements.

City Clerk’s Office:

- Successfully administered two regularly scheduled elections.
- Cost effectively administered one City-only primary election for Alderperson District 7.
- Worked with Outagamie County to set-up ballot styles, order ballots, and effectively convey results.
- Modified Central Count procedures to increase efficiency and allow for increased processing of ballots.
- Updated and improved Election Day contingency plan.
- Thoroughly trained and cross-trained all new staff.
- Prepared for procurement of electronic poll books.
- Updated Election Day procedures and manuals related to electronic poll books.
- Implemented new mechanisms for approval and tracking of liquor license renewals and related licenses.
- Trained Council on new iLegislate voting software for Council Meetings, continued to look for ways to enhance the new iLegislate features and related Granicus software components.
- Worked with Community Development to revise forms, processes & licenses to better serve applicants and capture appropriate license information.
- Cleaned, organized and updated file system in vault.
- As a result of staff vacancies, reclassified positions for better provision of services also resulting in reduction of some staff costs.

- Worked with the Police Department to review and update procedures related to checks at establishments holding alcohol licenses.
- Worked to notice, coordinate, schedule and staff Special Election for two alderperson vacancies.

Performance Data:

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</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
	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	60	22	60	N/A	N/A
	Acquisitions are made in a manner acceptable to both the property owner and to the City. # of contested condemnation cases.	0	0	0	0	0
	<u>Outputs</u>					
	Written opinions issued.	37	44	20	9	20
	Ordinances reviewed.	84	100	100	70	100
	# of real estate transactions.	103	20	20	9	14
	Staff training; # of hours of staff training	104	70	100	98	100

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</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.	73	70	<100	33	<100
	<u>Outcome</u>					
	Dispute avoidance. # of suits filed against the City.	7	5	0	3	5
Minimize cost of settlements. \$ value of settlements and judgments.	\$47,646	\$34,151	<\$50,000	\$23,172	<\$50,000	

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
	Minimize use of outside counsel. # of cases.*	0	0	0	1*	1*
	<u>Outputs</u>					
	Most cases handled will be handled by the City Attorney staff. # of cases handled by staff.*	100%	100%	100%	75%*	75%*

*Currently one Federal matter is being handled by outside counsel due to CVMIC recommendations

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
<u>Recordkeeping</u>	<u>Client Benefits/Impacts</u>					
	Retrieval of information. % of same day responses	97%	98%	98%	95%	98%
	1 week retrieval for detailed requests	3%	2%	2%	5%	2%
	<u>Outcome</u>					
	Legal requirements are met. # of legal challenges sustained	0	0	0	0	0
	<u>Outputs</u>					
	# hours maintaining records	1,280	1,060	1,200	525	1,200
	# of requests for information	136	98	100	32	80
	# of publication notices	188	195	200	97	200
	# of ordinances adopted	84	123	100	68	100

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
<u>Licensing</u>	<u>Client Benefits/Impacts</u>					
	# Licenses sent for Committee/Council approval	New PM - no data		1,300	1,194	1,300
	% of surveys returned with rating of Acceptable	New PM - no data		100%	5%	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	209	211	214	200	214
	# of operator licenses issued	1,094	764	1,050	550	1,050
	# of general licenses issued	431	463	500	348	500

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
<u>Elections</u>	<u>Client Benefits/Impacts</u>					
	# of voter status changes	3,857	7,287	3,000	926	3,000
	# of voter registrations processed	284	6,794	200	504	200
	# of absentee ballots issued	1,354	10,224	1,500	1,400	1,500

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
	<u>Outcome</u>					
	Fair and accurate election process. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	# of election votes cast	11,899	54,776	13,000	13,495	13,000
	# of registered voters	45,100	35,824	42,000	40,815	42,000
	# of election administered	2+Nov Spec	6 (4 + 2 spec)	2	2	3
	% of staff trained at each election	96%	98%	100%	97%	100%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2017</u>	<u>Actual 2018</u>	<u>Target 2019</u>	<u>Actual 2019</u>	<u>Projected 2019</u>
<u>Mail/Copy Services</u>	<u>Client Benefits/Impacts</u>					
	Accurate photocopy services. Remake of request	0%	0%	1%	0%	0%
	<u>Strategic Outcomes</u>					
	Reduce costs # of piece of mail returned to departments for reconciliation	New PM – no data	New PM – no data	60	22	60
	<u>Outputs</u>					
	# of pieces of outgoing mail	109,243	111,231	110,000	48,799	110,000
	# of packages handled	146	131	150	14	150
	# of copies made in mail center	600,011	745,807	660,000	331,092	600,000

Areas of Primary Concentration for the remainder of 2019:

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

Assist outside counsel with defense of various pending legal matters.

Update and enhance contingency plans for elections and related materials.

Provide detailed training for election inspectors on electronic poll books and legislative changes for elections.

Continue to work with various departments on large mailings and copy jobs to enhance accuracy and efficiency.

Actively explore opportunities for process improvement and streamlining of procedures.

Work towards a smooth implementation and use of electronic poll books.

Successfully and cost-effectively administer Special Election for vacant aldermanic districts.

Conduct Board of Review training for City members and neighboring municipality members.

Budget Performance Summary

Please see the attached summary report.

City Law A18-0409

ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	% USED
Total 14510 Legal Services Administration	\$349,230.00	\$349,230.00	\$150,579.35	43.10
Total 14521 Legal Services Litigation	\$194,575.00	\$194,575.00	\$95,392.74	49.00
Total 14530 Legal Services Recordkeeping	\$104,440.00	\$104,440.00	\$29,248.16	28.00
Total 14540 Legal Service Licensing	-\$141,344.00	-\$141,344.00	-\$164,745.32	116.60
Total 14550 Legal Services Election	\$139,793.00	\$139,793.00	\$65,749.49	47.00
Total 14560 Legal Service Mail/Copy	\$157,874.00	\$157,874.00	\$78,376.66	49.60
Grand Total	\$804,568.00	\$804,568.00	\$254,601.08	31.60