

LEGAL SERVICES DEPARTMENT

MID-YEAR REVIEW

All figures through June 21, 2016

Significant 2016 Events:

The first half of 2016 has been busy for the Legal Services Department. Below is a list of items that we have been involved with so far:

- The Fox River clean up litigation reached a new stage in the process. The current stage of the process is the City is defending against a request by Appvion for contribution for sums they have paid for that clean up. We continue to work with outside counsel to defend the City's interest in that case.
- We worked with the Department of Public Works and the Parks and Recreation and Facilities Management Department regarding railroad trestles and trails near the Fox River. That is a long process and we are making progress on obtaining those facilities in the future.
- The City Clerk's Office successfully conducted 2 elections so far in 2016.
- The City Clerk's Office learned and utilized the new State WisVote system.
- As a result of the Spring Election held on April 5th the Clerk's Office processed 4,811 Voter Registrations.
- The City Clerk's Office administered 8 weeks of early in-person absentee voting with a very high volume of early voters and registrations.
- The City Clerk's Office implemented new laws regarding voter Photo ID, absentee ballots, and campaign finance.
- At the time of liquor license renewals 194 beer/liquor licenses were routed and issued.
- Staff attended various training including the liquor licensing updates, and election law changes.
- The General Policy for Alcohol Licensing was revised to reflect changes in legislation such as the issuance of Class "A" Cider Only licenses and to remove the Economic Development Grant program for Reserve "Class B" licenses.
- The City Clerk's Office along with the Special Events Staff Committee reviewed and updated the Special Events Policy.
- The Board of Review proceeding was completed at the beginning of June.
- The City Attorney's Office staff represented the City in traffic and ordinance related

matters. Through June 4, 2016, staff has represented the City in 2,637 scheduled initial court appearances, 40 scheduled jury and court trials and 1,597 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.
- The City Attorney's Office is actively engaged in other litigation including the defense in a variety of lawsuits. Staff also resolved a number of matters through mediation or dispositive motions.
- The City Attorney's Office continues working closely with various departments and the Appleton Area School District regarding establishing a joint employee health clinic with the School District.
- The City Attorney's Office is assisting the Parks, Recreation and Facilities Management Department with a performance bond claim.
- Staff continues to assist outside counsel and monitor work of outside counsel in matters pending in Federal Court.
- Staff worked closely with various departments regarding employee discipline and discharge matters.
- City Attorney's Office staff provided training regarding HIPPA issues.
- 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.
- Staff in the City Attorney's Office has been working with the Department of Public Works and their consultant on tasks relating to the land acquisitions for the Richmond Street/CTH OO roundabout project.
- The City has filed a second lawsuit against the Village of Harrison and Town of Harrison over the attempted annexation of property in the City's growth area. The case has just begun and we anticipate there being significant activity over the next several months.
- Working with the Department of Public Works, we completed an update to the Stormwater Management and Erosion Control ordinances.

Performance Data:

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</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	40	26	75		50
	Acquisitions are made in a manner acceptable to both the property owner and to the City. # of contested condemnation cases.	1	0	0	0	0
	<u>Outputs</u>					
	Written opinions issued.	7	3	>20	5	10
	Ordinances reviewed.	205	106	120	51	100
	# of real estate transactions.	15	21	13	13	15
	Staff training; # of hours of staff training	194	56	120		120

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</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.	66	66	<100	25	<100
	<u>Outcome</u>					
	Dispute avoidance: # of suits filed against the City.	9	12	0	2	3
	Minimize cost of settlements. \$ value of settlements and judgments.	\$39,977	\$19,644	\$50,000	\$12,165	\$50,000
	Minimize use of outside counsel. # of cases.	4	4	0	1	1
	<u>Outputs</u>					
	Most cases handled will be handled by the City Attorney staff. # of cases handled by staff.	67%	67%	100%	91%	91%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</u>
<u>Recordkeeping</u>	<u>Client Benefits/Impacts</u>					
	Retrieval of information. % of same day responses	95%	95%	95%	96%	95%
	1 week retrieval for detailed requests	5%	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	261	480	500		500
	# of requests for information	208	78	250		250
	# of publication notices	184	498	300		300
	# of ordinances adopted	77	106	200	49	100

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</u>
<u>Licensing</u>	<u>Client Benefits/Impacts</u>					
	Prompt application process. % processed the same day	100%	100%	100%	%	100%
	% issued within 90 days of application	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	215	222	225		225
	# of operator licenses issued	615	1,159	1,200		1,200
	# of general licenses issued	368	556	500		500

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</u>
<u>Elections</u>	<u>Client Benefits/Impacts</u>					
	# of changes, add and deletes	6,164	2,775	6,000		6,000
	# of voter registrations processed	4,475	378	8,500		8,500
	# of absentee ballots issued	7,023	945	8,500		8,500
	<u>Outcome</u>					
	Fair and accurate election process. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	# of election votes cast	47,660	8,620	90,000		90,000
	# of registered voters	41,000	41,900	45,000		45,000
	# of elections administered	4	2	4	2	4
	# of candidates filing nomination papers					
	# of ballot styles					
	% of staff trained at each election	98%	98%	100%	%	100%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2014</u>	<u>Actual 2015</u>	<u>Target 2016</u>	<u>Actual 2016</u>	<u>Projected 2016</u>
<u>Mail/Copy Services</u>	<u>Client Benefits/Impacts</u>					
	Accurate photocopy services. Remake of request	0%	0%	1%	%	1%
	<u>Outcome</u>					
	Efficient mail processing. # of pieces of mail returned for correction from mailing service	-	0	5		0
	<u>Outputs</u>					
	# of pieces of outgoing mail	142,658	144,429	160,000		160,000
	# of packages handled	337	298	400		400
	# of copies made in mail center	887,812	682,072	1,000,000	*	1,000,000

**less June count*

Areas of Primary Concentration for the remainder of 2016:

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 conduct the remaining two elections in 2016, including the November General Election.

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.

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