

LEGAL SERVICES DEPARTMENT

MID-YEAR REVIEW

All figures through June 30, 2018

Significant 2018 Events:

The Legal Services Department has been engaged in a number of matters through the first half of 2018. Below are some of the highlights for the first half of the year:

City Attorney's Office:

- 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.
- Through May 19, 2018, staff has represented the City in 2,821 scheduled initial court appearances, 49 scheduled jury and court trials and 1,517 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.
- Actively engaged in litigation including defense of a variety of lawsuits. Staff resolved a number of matters through mediation, dispositive motions or negotiated settlement.
- Worked with outside counsel on pending worker's compensation and duty disability claims. Worked with outside counsel to prepare a defense and ultimately negotiate resolution of a potential high exposure claim.
- Continued to assist outside counsel and monitor work of outside counsel in matters pending in Federal Court.
- The financing of the Exhibition Center took numerous unexpected turns. This office was involved in the review of the bond documents which were put together to bring the financing to a conclusion.
- Assisted the Police Department with investigation of an employment matter and worked cooperatively with outside counsel to resolve the issue.
- Provided training regarding HIPPA issues.
- Worked cooperatively with a number of departments in trying to negotiate for a project on the former K-Mart site, prepare a development agreement and bring it before the Council for approval.
- Mediated the lawsuit against the Village of Fox Crossing regarding its incorporation of property subject to an existing boundary agreement and came to a negotiated settlement.

- Worked with Finance and Human Resources to coordinate necessary steps as a result of the U.S. Supreme Court's decision in *Janus* requiring specific consent of union members to withhold dues from their paychecks.

City Clerk's Office:

- Successfully conducted two regularly-scheduled elections.
- Successfully and responsibly administered two special elections by consolidating polling places, and combining notices with other affected jurisdictions.
- Worked with Outagamie County to effectively program election equipment and set-up ballot styles.
- Streamlined the election returns process by revising forms, envelopes, and instructions.
- Incorporated Election Inspectors into the Seasonal Pay Plan.
- Worked with the Human Resources Department to create online job posting/applicant screening for Election Inspectors through the Neogov platform.
- Thoroughly trained Election Inspectors on new election equipment and Election Day procedures.
- Conducted WisVote user training for neighboring jurisdictions.
- Conducted numerous Baseline Chief Inspector Trainings for Clerks and Election Inspectors throughout the State.
- Selected a platform for electronic record management and began planning for implementation.
- Developed agreements for facilities used as polling places.

Performance Data:

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</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>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</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>					
	Prompt Service: % of external customers surveyed rating service acceptable or better	100%	100%	100%	New PM – no data	100%
	# of surveys returned	42	60	30	17	30
	Acquisitions are made in a manner acceptable to both the property owner and to the City. # of contested condemnation cases.	0	1	0	0	1
	<u>Outputs</u>					
	Written opinions issued.	7	37	5	10	20
	Ordinances reviewed.	104	84	100	62	100
	# of real estate transactions.	91	103	20	5	10
	Staff training; # of hours of staff training	74	104	70	36	100

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</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.	63	73	<100	40	<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	\$13,247	<\$50,000
	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 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</u>
<u>Recordkeeping</u>	<u>Client Benefits/Impacts</u>					
	Retrieval of information.					
	% of same day responses	93%	97%	95%	95%	95%
	1 week retrieval for detailed requests	7%	3%	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	960	1,280	950	600	950

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</u>
	# of requests for information	133	136	150	49	150
	# of publication notices	225	188	265	67	265
	# of ordinances adopted	104	84	100	62	100

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</u>
<u>Licensing</u>	<u>Client Benefits/Impacts</u>					
	# Licenses sent for Committee/Council approval	90%	98%	100%	New PM – no data	775
	% of surveys returned with rating of Acceptable	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	211	209	213	213	213
	# of operator licenses issued	782	1,094	600	253	600
	# of general licenses issued	470	431	500	342	500

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</u>
<u>Elections</u>	<u>Client Benefits/Impacts</u>					
	# of voter status changes	13,637	3,857	2,600	755	2,600
	# of voter registrations processed	11,740	284	4,000	935	4,000
	# of absentee ballots issued	20,550	1,354	12,000	2,778	12,000
	<u>Outcome</u>					
	Fair and accurate election process. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	# of election votes cast	77,438	11,899	56,000	17,501	56,000
	# of registered voters	45,100	35,824	42,000	37,492	42,000
	# of election administered	4+recount	2+Nov Spec	2	4	6
	% of staff trained at each election	95%	96%	100%	100%	100%

<u>Program</u>	<u>Criteria</u>	<u>Actual 2016</u>	<u>Actual 2017</u>	<u>Target 2018</u>	<u>Actual 2018</u>	<u>Projected 2018</u>
<u>Mail/Copy Services</u>	<u>Client Benefits/Impacts</u>					
	Accurate photocopy services. Remake of request	0%	0%	1%	0%	0%
	<u>Outputs</u>					
	# of pieces of outgoing mail	133,031	109,243	140,000	66,023	140,000
	# of packages handled	220	146	265	63	265
	# of copies made in mail center	790,073	600,011	800,000	441,029	800,000

*less June count

Areas of Primary Concentration for the remainder of 2018:

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.

The City Clerk's Office will strive to efficiently serve and assist voters in two high-turnout elections.

The City Clerk's Office will conduct Granicus User Training to ensure accurate meeting agendas and minutes.

Budget Performance Summary

Please see the attached FASTR report.

City Law A17-0353

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City of Appleton
Legal Services
Summary Budget to Actual Report
For the Six Months Ending June 30, 2018

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Description	Year to Date Expense	Full Year Amended Budget	Percent of Amended Budget
Legal Services Administration	165,389	342,180	48.3 %
Litigation	91,896	208,559	44.1 %
Real Estate	0	0	.0 %
Recordkeeping	46,886	110,136	42.6 %
Licensing	30,909	68,880	44.9 %
Elections	86,278	286,008	30.2 %
Mail / Copy	77,286	180,949	42.7 %
Total	498,644	1,196,712	41.7 %