

**Legal
Department**

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Legal Department—Budget Overview

Description

The Legal Department consists of the City Attorney's Office. The position of City Attorney is established by ordinance and specific duties and responsibilities are set forth in the Topeka City Code. The Legal Department represents the City in all legal matters, administers the risk management program, and prosecutes violation of city ordinances, including misdemeanors.

Budget Summary by Program

| | Actual 2003 | Actual 2004 | Adopted 2005 | Estimated 2005 | Adopted 2006 |
|--------------------------------|------------------|------------------|------------------|-------------------|------------------|
| <i>Expenditures</i> | | | | | |
| City Attorney | 1,358,522 | 1,508,204 | 1,548,313 | 1,538,972 | 1,644,300 |
| Total Expenditures | 1,358,522 | 1,508,204 | 1,548,313 | 1,538,972 | 1,644,300 |
| Percent Change | | 11.0% | 2.7% | 2.0% | 6.2% |
| <i>Financing</i> | | | | | |
| General Fund | 1,358,522 | 1,356,458 | 1,394,915 | 1,385,683 | 1,485,505 |
| Special Liability Expense Fund | - | 101,737 | 103,643 | 103,543 | 106,999 |
| Workers Compensation Fund | - | 50,009 | 49,755 | 49,746 | 51,796 |
| Total Revenues | 1,358,522 | 1,356,458 | 1,548,313 | 1,538,972 | 1,644,300 |

Significant Features

- On the initiative of the City Council, in 2006 the City Attorney's Office will take over the negotiation of labor contracts from the Human Resources Department. This action was accomplished by shifting 1.0 FTE position and \$81,528 from the Human Resources budget to the City Attorney's Office. A reduction of \$40,000 was then made to reflect assumed savings in attorney fees paid to outside legal counsel representing the City in labor complaints and lawsuits.
- Beginning in 2004, the budget reflects significant shifts in funding from the General Fund to the Special Liability Expense Fund and the Workers Compensation Fund. The costs shifted to the Special Liability Expense Fund represent salaries of employees who perform functions related to the defense of the City against claims. The Workers Compensation Fund is financing the salary and costs of the Risk Investigator/Safety Coordinator position. The latter was approved in the 2003 Adopted Budget.

Personnel Summary by Program (in Full-Time Equivalents)

| | Actual 2003 | Actual 2004 | Adopted 2005 | Estimated 2005 | Adopted 2006 |
|-------------------|----------------|----------------|-----------------|-------------------|-----------------|
| City Attorney | 23.50 | 21.50 | 21.50 | 21.50 | 22.50 |
| Total FTEs | 23.50 | 21.50 | 21.50 | 21.50 | 22.50 |

Legal Department Program Details

Budget Summary by Expenditure Category

| | Actual 2003 | Actual 2004 | Adopted 2005 | Estimated 2005 | Adopted 2006 |
|----------------------|------------------|------------------|------------------|-------------------|------------------|
| Personnel Services | 1,235,469 | 1,285,732 | 1,341,328 | 1,333,333 | 1,466,039 |
| Contractual Services | 77,570 | 188,045 | 164,985 | 170,639 | 143,261 |
| Commodities | 45,483 | 34,427 | 42,000 | 35,000 | 35,000 |
| Capital Outlay | - | - | - | - | - |
| Total Program | 1,358,522 | 1,508,204 | 1,548,313 | 1,538,972 | 1,644,300 |

Discussion

The City Attorney's Office represents the City of Topeka and its officials and employees in judicial cases where the City is a named party. The office defends the City and files lawsuits on behalf of the City; represents the City in actions before administrative agencies; and, handles claims filed against the City. Attorneys prosecute traffic cases, misdemeanor criminal cases, driving under influence cases and other city code violation cases in Municipal Court. All such cases, whether they originate at an administrative agency, municipal court, state district court, or federal district court, are handled through the appellate process.

Staff members draft contracts and other legal documents, review legal documents, and draft resolutions and ordinances for council consideration. Staff members also provide legal opinions and advice to city departments and representatives. The Department is organized as a single division. Most of the attorneys and support staff are involved in several areas of operation and one division is more reflective of the functional operation of the office.

The Risk Management Program manages the City's self-insurance workers' compensation and vehicle physical damage self-insurance programs. The program develops and maintains a comprehensive property insurance management program for the City; coordinates transactions with commercial insurers who provide coverage to the City in special circumstances; monitors and enforces programs designed to promote a safe work place; and administers the loss control program.

Personnel Schedule (in Full-Time Equivalent)

| Position Title | Actual 2003 | Actual 2004 | Adopted 2005 | Estimated 2005 | Adopted 2006 |
|----------------------------|----------------|----------------|-----------------|-------------------|-----------------|
| City Attorney | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Attorney I | 3.00 | 3.00 | 3.00 | 3.00 | 4.00 |
| Attorney III | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 |
| Attorney IV | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Attorney V | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Chief of Litigation | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Paralegal | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Legal Specialist I | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Legal Specialist II | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Assistant I | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Assistant II | 3.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Assistant III | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Rehabilitation Coordinator | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Supervisor III | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Risk Inv/Safety Coord. | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Total Program FTEs | 23.50 | 21.50 | 21.50 | 21.50 | 22.50 |

Notes on Budget and Personnel

- The budget reflects a new Attorney I position to negotiate labor contracts.

Legal Department Program Performance

Objectives and Performance Measures

| Actual | Actual | Estimate | Estimate |
|--------|--------|----------|----------|
| 2003 | 2004 | 2005 | 2006 |

Objective: To reduce workers compensation expenses.

| | | | | |
|--|------------|------------|---------|---------|
| <i>Measure:</i> Number of claims | 378 | 314 | 325 | 325 |
| <i>Measure:</i> Expenses/awards (both current and prior year claims) | \$ 911,981 | \$ 836,045 | No Est. | No Est. |

Objective: Reduce civil claim exposure and costs.

| | | | | |
|---|------------|-----------|---------|---------|
| <i>Measure:</i> Number of claims filed | 151 | 168 | 150 | 150 |
| <i>Measure:</i> Monetary amount of claims filed (in millions) | \$ 6.4M | \$ 27M | No Est. | No Est. |
| <i>Measure:</i> Number of claims approved | 50 | 54 | 45 | 45 |
| <i>Measure:</i> Monetary amount of claims paid | \$ 114,344 | \$ 46,212 | No Est. | No Est. |

Objective: Reduce insurance costs increases.

| | | | | |
|---|------------|------------|------------|--------------|
| <i>Measure:</i> Insurance premiums costs | \$ 887,953 | \$ 943,574 | \$ 946,580 | \$ 1,022,300 |
| <i>Measure:</i> Percentage increase/decrease in costs | 46.0% | 6.3% | 0.3% | 8.0% |

Activity Indicators

| | | | | |
|---|--------|--------|--------|--------|
| <i>Indicator:</i> Ordinances and Resolutions Prepared | 198 | 201 | 200 | 200 |
| <i>Indicator:</i> Charges and cases prosecuted | 42,165 | 59,882 | 55,000 | 55,000 |