

SALT LAKE CITY COUNCIL STAFF REPORT
BUDGET ANALYSIS – FISCAL YEAR 2003-04

DATE: May 23, 2003
BUDGET FOR: CITY ATTORNEY'S OFFICE
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The Salt Lake City Attorney's Office has five divisions – Civil, Prosecutor, Governmental Immunity, and Risk Management & Workers' Compensation. Council staff provided the Council with separate reports on the proposed budgets for the Governmental Immunity Fund and the Insurance & Risk Management Fund. (The City Attorney's Office oversees the risk and workers compensation components of the Insurance & Risk Management Fund while the Department of Management Services oversees the employee health and life insurance components.)

The City Attorney's Office (excluding the Prosecutor's Office) is staffed with one City Attorney, two Deputy City Attorneys, nine Senior City Attorney's, one Paralegal, three Legal Secretaries, one Risk Manager, one Risk Management Administrative Assistant, and one part-time File Clerk. The costs of some of these positions are charged to the Governmental Immunity Fund or to the Insurance & Risk Management Fund. The proposed budget (supplemental request) would add one additional Paralegal position to the Civil Division.

The City Attorney's Office provides legal counsel to Salt Lake City for making legislative and administrative decisions. Services include: ADA (American Disabilities Act), airport law, bankruptcy, business license issues, contracts, employment law, environmental law, federal grant administration, FLSA (Fair Labor Standards Act), GRAMA (Government Records Access and Management Act), housing (nuisance abatement), intergovernmental relations, land use planning, litigation, lobbying, ordinances, public safety, risk management, and water law.

The City Prosecutor's Office is staffed with one City Prosecutor, twelve Prosecutors, one Office Manager, one Paralegal and five additional support staff. The proposed budget (supplemental request) would add one additional Paralegal position to the Prosecutor's Office. Prosecutor's Office prosecutes persons and organizations charged with violations of City ordinances insuring justice, public protection and compliance with the law. This staffing includes the three additional employees were added to the City Prosecutor's Office by budget amendment #11 in connections with additional prosecution of cases previously handled by the County District Attorney.

On May 16, 2003, the Council Office received a supplemental budget request from the Administration (attached). The following table includes the supplemental request.

CITY ATTORNEY'S OFFICE PROPOSED BUDGETS					
	Adopted 2002-2003	Amended 2002-2003	Proposed 2003-2004	Difference	Percent Change
Legal Support & Legal Matters	\$1,387,414	\$1,373,114	\$1,365,714	\$(7,400)	(0.5%)
City Prosecutor's Office	1,245,301	1,412,231	1,466,536	54,305	3.8%
Total	\$2,632,715	\$2,785,345	\$2,832,250	\$46,905	1.7%

Budget reductions of \$175,757 were made by amendment #12 to help offset a revenue shortfall. Of this amount, \$42,900 will be on-going savings relating to the elimination of a vacant secretary position.

The budget for the City Attorney's Office is proposed to increase by 1.7% over the amended budget for fiscal year 2002-03. The budget would decrease by 2.0% if pay adjustments and changes in pension and insurance rates are not considered in the calculation. This decrease includes the request for two additional paralegal positions.

POTENTIAL MATTERS AT ISSUE

1. On May 16, 2003, the Administration forwarded a supplemental budget request. The Administration proposes to use \$77,500 of the \$626,000 in miscalculated social security payments relating to firefighters to fund the supplemental requests.
 - Additional paralegal position to be assigned to the Civil Division (\$25,000 increase) – A senior attorney has announced retirement in July 2003. The City Attorney's plan is to fill the vacancy with a less experienced attorney at a significantly lower salary and proposes to use the salary savings toward funding a new paralegal position. The City Attorney's experience is that there should be a much higher level of paralegals to attorneys. (See attached supplemental budget request.) *The Council may wish to ask the City Attorney to comment on the optimal ratio of attorneys to paralegals based on his experience with other companies or firms. The Council may wish to ask whether it wouldn't be more advantageous to hire even more paralegals in lieu of filling the vacant position with another attorney.*
 - Additional paralegal position to be assigned to the City Prosecutor's Office along with additional costs of serving documents (\$52,500) – An additional paralegal in the Prosecutor's Office would cost about \$42,500 in salary and benefits. The primary work that would be performed by an additional paralegal would be to assist in the filing of charges, reviewing of police reports, and processing additional cases resulting from recriminalization.

In the past two years, the City Prosecutor has significantly decreased the expense of process service. The City Prosecutor is requesting a \$10,000

increase to file summons and subpoenas relating to the recriminalization of traffic offenses and relating to the transfer of a caseload from the District Attorney's cases.

The Council may wish to discuss with the City Attorney whether it may be advisable to add additional paralegal positions in the Prosecutor's Office with a offsetting reduction in attorney expense (e.g., perhaps 3 additional paralegals to replace 2 attorney positions when vacancies exist). While the paralegal funding request in the civil section of the Attorney's Office was generated due to an unanticipated retirement, the justification listed for this position does not relate to a circumstance that has changed since the Mayor's budget was prepared / submitted. The recriminalization issue is a result of the Legislative session. The transfer of the caseload from the District Attorney took place well in advance of the budget preparation.

2. Salary & benefits adjustments (\$82,215) – Employees are proposed to receive 2.7% general percentage pay increase.
3. Pension rate change (\$15,840 increase) – Pension rates will increase from 8.69% to 9.62%.
4. Health insurance rate change (\$3,504 increase) – Health insurance premiums are increasing 2%.
5. Career ladder promotions (\$24,482 increase) – The proposed budget contains additional funding for career ladder promotions. A newly hired prosecutor with no experience is hired as an “associate prosecutor” at a salary of \$42,500. After one year of experience, the employee advances to an “assistant prosecutor” at a salary of \$47,000. An “assistant prosecutor” advances to a “senior prosecutor” at a salary of \$54,870 after four years experience. (The salary levels usually are adjusted each year.) Five attorneys in the Prosecutor's Office are eligible for promotions under the career ladder program. The budget includes \$18,482 for career ladder promotions. The career ladder program is not part of the City's compensation ordinances.

A newly hired civil attorney with at least six years experience is hired as a “senior city attorney” with a salary of about \$62,500. After one year with the City, the attorney is eligible for a \$500 per month increase if the attorney switches to the unclassified pay plan (at-will status). This increase is at the option of the employee. Since one attorney is eligible during fiscal year 2003-04 for this option, the budget includes \$6,000 of salary contingency.

6. Reduction of office expenses in the Prosecutor's Office (\$42,350 one-time savings) The City Prosecutor may request that these funds be restored in future fiscal years.
7. Reduction in the budgets for office equipment replacement and workers compensation pay in the Civil Division (\$8,500 savings)
8. Shift CDBG salary to CDBG Fund (\$55,432 decrease) – The Community Development Block Grant (CDBG) pays for 37% of the salary and benefits for

one attorney to support grant programs. In the past, salary expense for CDBG positions within the general fund were budgeted as general fund expenditures with an equal amount budgeted as grant revenue to the general fund. The Administration proposes budgeting for these positions directly within the CDBG Fund thereby eliminating the budget within the general fund.

Additional Information

SIX-YEAR BUSINESS PLAN

The Attorney's Office prepared a six-year business plan and set goals in connection with the proposed budget.

1. Legal services – Respond to all requests for contract review, assignments, requests for legal opinions, telephone calls and e-mail messages in a prompt and timely fashion. The Attorney's Office reported that 96% of the time it has responded to contract review and legal opinions within 10 days and provides responses to more complex matters within 30 days.
2. Environment – Ensure internal compliance with environmental regulations and prosecute known violations. Assign one attorney to handle City environmental matters.
3. Claims – Review and evaluate each new claim or lawsuit by at least two members of the office to determine appropriate response. Resolve 90% of non-medical claims within 30 days. Vigorously defend all litigation.
4. Prosecution – Prepare and pre-screen all matters prior to filing. Provide citizen screening on every request. Provide CAT team education.
5. Alternatives to prosecution – Create and maintain at least one new program per year to address specific criminal conduct.
6. Neighborhoods – Actively participate in CAT teams and other programs designed to address and resolve neighborhood problems. Assign one or more attorneys to handle civil housing and zoning enforcement cases. Take prompt enforcement action on all referrals.

AUDIT REPORTS

The Council's contract auditor has audited both the City Prosecutor's Office and the Civil Division of the City Attorney's Office. These reports will be available within the next few days.

LEGISLATIVE INTENT STATEMENTS

No legislative intent statements are outstanding for the City Attorney's Office.

The Council may wish to consider issuing some legislative intent statements relating to items discussed during the budget briefing.