

SALT LAKE CITY COUNCIL STAFF REPORT

BUDGET ANALYSIS – FISCAL YEAR 2004-05

DATE: May 11, 2004

BUDGET FOR: **CITY ATTORNEY'S OFFICE**

STAFF REPORT BY: Gary Mumford

cc: Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Sim Gill, Lynn Pace, Steve Fawcett, Kay Christensen, DJ Baxter

The City Attorney's Office contains three divisions: Civil Practice, City Prosecutor's Office, and Risk Management. Budgets relating to the Risk Management Division are analyzed separately with the Governmental Immunity Fund and the Insurance & Risk Management Fund.

The Civil Practice Division provides legal support for the City's departments and litigation defense of state and federal court lawsuits filed against the City. The Division is organized into five teams or functions: Departmental Legal Support, Litigation, State Legislative Advocacy, Paralegal Support, and Administrative Support. The Civil Division is staffed with one city attorney, one deputy city attorney, ten senior city attorneys, two paralegals, 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. Council staff prepared separate staff reports on the budgets for these two separate funds.

The City Prosecutor's Office screens, charges, files, and prosecutes criminal violations. The Prosecutor's Office is staffed with one city prosecutor, twelve prosecutors, one office manager, two paralegal and six additional support staff. This staffing includes two prosecutor positions and one support position that were funded when the City took over the misdemeanor caseload previously handled by the District Attorney. The Prosecutor's Office estimates that it will handle 21,000 criminal cases annually. In addition, the re-criminalization of traffic cases resulted in an estimated 4,000 additional traffic cases the Prosecutor's Office will handle.

The City Prosecutor's Office is organized into five teams as follows:

City Prosecutor Teams		
Team	Attorneys	Paralegal & Support Staff

Justice Court	3	2
District Court	3	1
Domestic Violence	3	1
Screening	3	1
Management	1	4
Total	13	9

The Mayor's Recommended Budget for the City Attorney's Office (General Fund) for fiscal year 2004-05 and proposed changes from fiscal year 2003-04 are as follows:

CITY ATTORNEY'S OFFICE PROPOSED BUDGET (General Fund)				
	Adopted 2003-04	Proposed 2004-05	Difference	Percent Change
Civil Practice	\$1,379,464	\$1,338,057	\$(41,407)	(3.0%)
City Prosecutor's Office	1,434,304	1,594,844	160,540	11.2%
Total	\$2,813,768	\$2,932,901	\$119,133	4.2%

Increases in pension premiums for both divisions will cost \$28,668. The City's share of employee health insurance premium increases will cost \$17,472.

Civil Division – changes in proposed budget from previous year

1. Contractual legal services (\$26,128 reduction) – The budget for contractual legal services is proposed to decrease from \$85,100 to \$58,972 (30.7% reduction). Actual costs for contractual legal services for the first ten months of the current year were \$56,664. Although, the City Attorney doesn't anticipate exceeding this budget, an additional midyear appropriation may be requested if major contracted legal services become necessary.
2. Office equipment (\$3,895 decrease) – The budget for office equipment replacement is proposed to decrease from \$11,895 to \$8,000.
3. Technical books (\$1,000 decrease) – The budget for technical books is proposed to decrease from \$31,000 to \$30,000.
4. Attorney expenses relating to general obligation bonds (\$2,193) – The budget proposes to pay for a small portion of attorney costs from bond proceeds of future general obligation bonds. This funding could be considered short-term since the reimbursements will only be applicable until all of the voter approved bonds are issued.

City Prosecutor's Office – changes in proposed budget

1. Additional paralegal position (\$49,128 increase) – The three attorneys on the screening team are doing some work that the City Prosecutor recommends be

performed by a paralegal. An additional paralegal would allow the screening team to function with two attorneys. The freed up attorney will be assigned to the Justice Court team. The screening process reviews each case to identify witnesses and determine whether there is sufficient evidence to continue with the case. *The Council may wish to inquire about the screening procedures and the degree to which screening is successful in limiting cases to those which prosecution is likely to be successful. The Council may wish to inquire whether an additional paralegal could replace another attorney (when a vacancy occurs) on the screening team or on any of the other teams. Further, the Council may wish to inquire about the degree to which the screening team or the City Prosecutor prioritizes the use of prosecutorial resources – is there an assessment of the resources that will be invested to prosecute the case as opposed to the severity of the crime? Are there other factors considered in the screening (are some cases considered to be a higher priority than others, or are all cases that are viewed to have adequate evidence prosecuted?)*

2. Additional office technician position (\$39,103 increase) – The additional technician is proposed to be assigned to the Justice Court team. Some Council Members have suggested hiring a study of the Justice Court. Since a study of the Court may also shed some light on resource needs of the Prosecutor's Office, the Council may wish to delay funding new positions until after the Justice Court study.
3. Career ladder promotions (\$14,736 increase) – A newly hired prosecutor with no experience is hired as an "associate prosecutor" at a salary of \$42,848. After one year of experience, the employee advances to an "assistant prosecutor" at a salary of \$47,965. An "assistant prosecutor" advances to a "senior assistant prosecutor" at a salary of \$55,973 after four years experience. Four attorneys in the Prosecutor's Office are eligible for promotions under the career ladder program. The career ladder program was developed by the City's Human Resource Management Division to reduce the turnover rate in the Prosecutor's Office. Career ladder promotions are allowed under the City's Career Development policy (3.01.04). This policy states: *"The City provides upward mobility for employees through recruitment and career ladder movement of qualified candidates among existing City employees to fill available positions.... As necessary, supervisors will adjust the pay rates of employees who move into a job with a higher pay range as a result of a job bid, appointment, or career ladder step up."* Last year the Prosecutor's Office funded career ladder promotions from other savings because the Council did not approve a specific budget for this item. This resulted in an increase in the base budget for fiscal year 2004-05. No other division requests a separate budget for career ladder promotions.
4. Professional/technical services (\$3,000) – The budget for professional and technical services is proposed to decrease from \$16,672 to \$13,672 (18% reduction). Actual costs for professional and technical services for the first ten months of the current year were \$17,925. Council Members may wish to inquire about the need and use of professional and technical services in the City Prosecutor's Office.

5. Nuisance abatement – The Prosecutor’s Office at one time reported to the Council Office that due to limited resources, the level of service that can be expected from the Prosecutor’s Office had been decreased. Nuisance abatement issues appear to be an ongoing problem city-wide. *The Council may wish to ask if there plans to better address these issues.*

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.