

SALT LAKE CITY COUNCIL STAFF REPORT

BUDGET ANALYSIS – FISCAL YEAR 2009-10

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BUDGET FOR: CITY ATTORNEY'S OFFICE

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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 Mayor's Recommended Budget for the City Attorney's Office (General Fund) for fiscal year 2009-10 is as follows:

CITY ATTORNEY'S OFFICE				
PROPOSED BUDGET				
(General Fund)				
	Adopted 2008-09	Proposed 2009-10	Difference	Percent Change
Civil Practice				
Personal Services	2,207,442	1,903,422	-304,020	-13.8%
Other Operating Expenses	118,915	123,162	4,247	3.6%
Civil Practice Total	\$ 2,326,357	\$ 2,026,584	\$ (299,773)	-12.9%
City Prosecutor's Office				
Personal Services	2,401,614	2,321,306	-80,308	-3.3%
Other Operating Expenses	236,035	236,035	0	0.0%
Prosecutor's Office Total	\$ 2,637,649	\$ 2,557,341	\$ (80,308)	-3.0%
Attorney's Office Total	\$ 4,964,006	\$ 4,583,925	\$ (380,081)	-7.7%

*Please note: the mid-year budget cuts to "other operating expense" are proposed to continue in FY10, but are not reflected in the line items in the above chart. For more information, see Division write-ups below.

The proposed budget for the Attorney's Office is mostly affected only by personal services, while other expenses are staying flat. The personal services costs are decreasing for three reasons: 1) a transfer of staff from the Civil Division to the Governmental Immunity Fund, 2) two vacant positions being held open – one in the Civil Division and one in the Prosecutor's Office, and 3) the salary suspension being applied citywide. These budget reductions are consistent with cuts and salary savings throughout the rest of the General Fund. However, the transfer of FTEs to the Governmental Immunity Fund may spur further policy discussions. This change will be addressed below in this report and in a future report on the Governmental Immunity Fund.

As with the rest of the City, the Attorney's Office will be affected by the increase from 5% to 10% of employee-paid insurance premiums.

CIVIL PRACTICE DIVISION - KEY ELEMENTS

The Civil Practice Division provides legal support for the City's departments, including the City Council and Mayor, and litigation defense of state and federal court lawsuits filed against the City as well as bringing lawsuits and administrative proceedings on behalf of the City.

The Division is organized into five teams or functions: Departmental Legal Support, Litigation, State Legislative Advocacy, Paralegal Support, and Administrative Support.

Some of the attorneys' time is spent on the Governmental Immunity Fund and the Insurance and Risk Management Fund. *Council staff will prepare separate staff reports on the budgets for these two separate funds.*

Staffing Adjustments

Transfer to Governmental Immunity (2.0 FTEs, decrease of \$250,560) –

The Administration proposes returning to the practice of funding attorney time directly out of the Governmental Immunity Fund (the "Fund"), rather than having attorneys in the Attorney's Office charging their time to the Fund. This means that for four attorneys half of their time will be allocated directly to the Fund. In addition, other attorneys may charge their time to the Fund as appropriate. The intent is that this will result in a more accurate accounting of time.

This proposal will affect the Governmental Immunity Fund, especially in combination with the Administration's other proposals for the Fund in the 2009-10 fiscal year. For more information and these impacts please refer to the Governmental Immunity briefing and report, currently scheduled for May 26.

Vacancy Continuation (\$40,253 decrease) – During the second round of budget adjustments in March, the Attorney's Office cut the budget associated with a vacant legal secretary position. The Administration is proposing the continuation of this vacancy for an annual savings of \$40,253. At the time of the mid-year budget adjustment, there was no indication that this vacancy would result in a significant negative impact. ***The Council may wish to ask whether the continued vacancy will present any negative impacts for attorneys needing support assistance.***

Salary Suspension (\$26,794 decrease) – The salary suspension within the Civil Division results in an annual savings of \$26,794.

Career Ladder – The Attorney's Office generally utilizes a "career ladder" program as their step or merit increases for attorneys throughout the year. The Administration has indicated that this system has served as an important retention tool. This year, it is the Administration's intent to not implement the career ladder program.

Health Insurance Changes – The Administration is proposing to adjust the portion paid by employees toward premiums from 5% to 10%.

Other Operating Expenses – During the first round of mid-year budget cuts, the Administration proposed \$15,000 in miscellaneous budget reductions in the Civil Division's "other operating expenses". The Administration proposes to continue this

cut for fiscal year 2009-10, and will make \$15,000 in reductions between court filing fees, depositions and transcript charges, copy center charges, and legal education and training. (Please note: this cut is not reflected in the chart on page 1, because it was accounted for as a personal services reduction according to the accounting reports. How this cut is reflected in the department's accounting reports for fiscal year 2010 may change before the Council's final adoption.)

CITY PROSECUTOR'S OFFICE – KEY ELEMENTS

The City Prosecutor's Office screens, charges, files, and prosecutes criminal violations.

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

City Prosecutor Teams		
<u>Team</u>	Current	
	Attorneys	Paralegal & Support Staff
Justice Court	12	8
District Court / Screening*	4	5
Domestic Violence (grant funded by the State of Utah Advocate)		1
Filing, reception, other support		2
Management	1	1
Total	17	17

* District Court and Screening functions were combined in order to assign two more attorneys to the Justice Court.

Personal Services Adjustments (\$80,308 decrease)

Vacancy Savings (\$46,737 decrease) – The Administration proposes holding vacant an office tech position in the Prosecutor's Office. The Council may recall that the ratio of support staff to attorneys is a consistent topic of conversation with the Prosecutor's Office. The Administration has argued that the ratio is inadequate. The last addition of support staff was during the 2007-08 budget year when the Council approved the addition of four support staff positions.

The issue is closely linked to both the operations and caseload at the Justice Court, and is also a factor in the budget for the Legal Defenders (a part of the non-departmental budget). Historically, the Administration has also argued that this is a factor in attorney retention, because of competitive workloads. ***The Council may wish to consider the impacts of reducing the support staff within the Prosecutor's Office, and discuss the impacts the vacancy may have to staff workload and processing time.***

The Council may wish to ask whether the vacancy will affect the prioritization of cases handled by the Prosecutor's Office.

Salary Suspension (\$31,454 decrease) - The salary suspension within the Prosecutor's Office results in an annual savings of \$31,454.

Career Ladder - Just as in the Civil Division, the Prosecutor's Office utilizes a "career ladder" program as their step or merit increases for attorneys throughout the year. The Administration indicates that this system has served as an important retention tool. This year, it is the Administration's intent to *not* implement the career ladder program.

Health Insurance Changes - The Administration is proposing to adjust the portion paid by employees toward premiums from 5% to 10%.

Other Operating Expenses - During the first round of mid-year budget cuts, the Administration proposed \$45,863 in budget reductions in the Prosecutor's Office "other operating expenses". The Administration proposes to continue this cut for fiscal year 2009-10, and will reduce \$45,863 primarily in capital costs, plus other operating costs including stationery supplies, technical books, and process service. (Please note: this cut is not reflected in the chart on page 1, because it was accounted for as a personal services reduction according to the accounting reports. How this cut is reflected in the department's accounting reports for fiscal year 2010 may change before the Council's final adoption.)

The Mayor's Recommended Budget also includes an increase to the filing fee for plea in abeyance cases. This is not expected to significantly affect the number of cases that are handled through the Prosecutor's Office.

QUESTIONS FOR CONSIDERATION

1. **The Council may wish to ask about the impact of the salary suspension on retention of attorneys on both the Civil and Prosecutor's sides. While many outside firms are facing similar cutbacks, some competitors (other cities and/or the District Attorney's Office) may not be reducing employee pay.**

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.