

SALT LAKE CITY COUNCIL STAFF REPORT

BUDGET ANALYSIS – FISCAL YEAR 2010-11

DATE: May 18, 2010
BUDGET FOR: CITY ATTORNEY'S OFFICE
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The City Attorney's Office has historically contained three divisions: Civil Practice, City Prosecutor's Office, and Risk Management. As part of the Administration's 2010-11 proposal for reorganization and elimination of the Administrative Services Department, the Recorder's Office would be transferred to the Attorney's Office. (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 portion) for fiscal year 2010-11 is as follows:

CITY ATTORNEY'S OFFICE PROPOSED BUDGET (General Fund)				
	Adopted 2009-10	Proposed 2010-11	Difference	Percent Change
Civil & Prosecutor's Offices				
Personal Services	4,154,728	4,211,930	57,202	1.4%
Other Operating Expenses	359,197	359,197	0	0.0%
Civil & Prosecutor's Total	\$ 4,513,925	\$ 4,571,127	57,202	1.3%
City Recorder's Office				
Personal Services		387,741		
Other Operating Expenses		118,810		
City Recorder's Total	see note below*	\$ 506,551	506,551	
Attorney's Office Total	\$ 4,513,925	\$ 5,077,678	563,753	12.5%

*Note: The adopted FY 2009-10 budget for the City Recorder's Office was \$493,286. Changes to their budget will be discussed below. However, for the purposes of showing the changes to the City Attorney's Office budget, the Recorder's Office 2009-10 amount is shown as -0-.

OVERVIEW OF KEY ELEMENTS

- Administrative reorganization – the Administration proposes transferring the Recorder's Office to the City Attorney's Office. There are no costs to this reorganization; the increases reported are not a result of the reorganization.
 - Without taking into account the transfer of the Recorder's Office into the Attorney's Office, the budget for ongoing functions increases by \$57,202 or 1.3%.
 - The total 12.5% change reflected in the chart above is mostly due to the Recorder's Office transfer and not a true increase to the general fund budget.

- Elimination of four positions- three in the Civil Division and one in the Prosecutor's Office. Three of these positions were vacant and one civil attorney position was filled and is considered a lay-off. The total savings of the eliminations is \$329,848. These are discussed in more detail below.
- Restoration of the career ladder program in the Attorney's Office. Last year, the Council cut the Attorney's Office career ladder program for a savings of \$70,000. This was intended to be a one-time cut. The proposed budget includes \$85,000 for salary adjustments as follows:
 - Approximately \$70,000 of the funding is to restore the traditional career ladder program. It is proposed to be used in the Civil Division for Senior City Attorneys promoted to Appointed Senior City Attorneys (at-will positions), and some prosecutors in the Prosecutor's Office as they progress from Associate, Assistant, Senior Assistant prosecutor positions.
 - The career ladder program is similar to step increases used in other departments. As with the rest of the City, step or merit increases were eliminated during the current budget year.
 - The justification behind the career ladder program is to provide the necessary flexibility to adjust pay to recognize an employee's performance, responsibilities, and competency. This helps to maintain a competitive position for attorney and prosecutor salaries. The City has lost attorneys and prosecutors to both public and private entities in the past due to comparative salary and/or workload levels.
 - In addition to the \$70,000, approximately \$15,000 of the funding would be used for salary adjustment for civil attorneys as the workload is shifted as a result of the proposed lay-off.
- Market adjustments per the Citizens Compensation Advisory Committee recommendations. There is \$79,673 budgeted to adjust the salaries for attorneys benchmarked to Appointed Senior City Attorney positions in the Civil Division, and for employees benchmarked to paralegal positions in both Civil and Prosecutor's Offices. This will adjust the pay of existing employees whose actual average pay is more than 10% below that of other local employers. More information about the market adjustments will be discussed during the Compensation briefing on May 25.

The market adjustments are a separate issue from the career ladder program, although both are aimed at maintaining a competitive position when comparing compensation with other entities. As the Council discussed with the CCAC Board Members, this is a step to resolving the issue that certain salary ranges within the City are remarkably below market rates.

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 provides the following service: 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.*

Personal Services Adjustments - In addition to the items discussed above, the other changes that affect this budget are:

Elimination of Positions: (\$283,216 decrease) – The Administration proposes eliminating two vacant positions and one staffed position in the Civil Division. These positions are:

- Civil Attorney (lay-off): \$104,000. This position is currently filled. The remaining 13 civil attorneys will absorb this workload. In order to manage that increased workload, each attorney will work with their assigned department to refine priority levels for work and requests.
- Civil Attorney assigned to the Airport (vacant): \$128,220. This position was not filled, and through discussions with the Airport Director, the Administration has decided to eliminate this position. There is a remaining attorney assigned to the airport, and the Administration has indicated that as issues with airport expansion or other items arise, the Airport and Attorney’s Office may utilize outside legal counsel or contract counsel as necessary. (There was offsetting revenue for this position since the airport reimburses the general fund for services provided. That revenue item has been eliminated too.)
- Legal Secretary (vacant): \$50,996. This position has been vacant for some time, and has been held vacant during the past few rounds of mid-year adjustments for budget reductions. (Since for the current 2009-10 budget this position was held vacant as a one-time reduction, the 2010-11 budget includes the restoration of that one-time reduction. This is an accounting step to accurately reflect the elimination of the position as an ongoing cut for 2010-11. Basically, there is an addition of \$40,253 to restore the one-time cut and then a reduction of \$50,996 to eliminate the position.)

1.5% Salary Restoration & Benefit Changes – to restore the 1.5% salary suspension, in addition to pension and insurance rate changes.

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		
	2010-11	
Team	Attorneys	Paralegal & Support Staff
Justice Court	8	4
District Court	3	1
Domestic Violence (grant funded by the State of Utah)		1
Screening (also cover traffic calendars)	4	4
Filing, reception, other support		4
Management	1	1
Total	16	15

Personal Services Adjustments - In addition to the items discussed above, the other changes that affect this budget are:

Elimination of Position: (\$46,632 decrease) - The Administration proposes eliminating a vacant office tech position in the Prosecutor's Office. The Council may recall that the ratio of support staff to attorneys has historically been an issue in the Prosecutor's Office. 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. (Since for the current 2009-10 budget this position was held vacant as a one-time reduction, the 2010-11 budget includes the restoration of that one-time reduction. This is an accounting step to accurately reflect the elimination of the position as an ongoing cut for 2010-11. Basically, there is an addition of \$46,237 to restore the one-time cut and then a reduction of \$46,632 to eliminate the position.)

1.5% Salary Restoration & Benefit Changes - to restore the 1.5% salary suspension, in addition to pension and insurance rate changes.

RECORDER'S OFFICE - KEY ELEMENTS

The Recorder's Office provides public meeting notification, City Council meeting minutes, coordination of city elections including candidate forms, support for contract execution, and records maintenance.

To provide these functions to the various City Departments, the Recorder's Office has five full-time and one part-time employees.

The adopted budget for the Recorder's Office in 2009-10 was \$493,286. Their proposed 2010-11 budget of \$506,551 is an increase of \$13,265 or 2.7%. This is primarily attributable to the restoration of the 1.5% salary suspension and insurance coverage changes.

The largest budget item in the Recorder's Office, aside from personal services, is the cost for printing public notices. This budget item is \$67,654 of their \$118,810 'other operating expenses' budget.

QUESTIONS FOR CONSIDERATION

1. The Council may wish to ask about the impact of the eliminated positions on the workloads of remaining staff members.
2. The Council may wish to ask about the Administration to evaluate whether the City Recorder's Office has access to the technology necessary to address the City's needs.