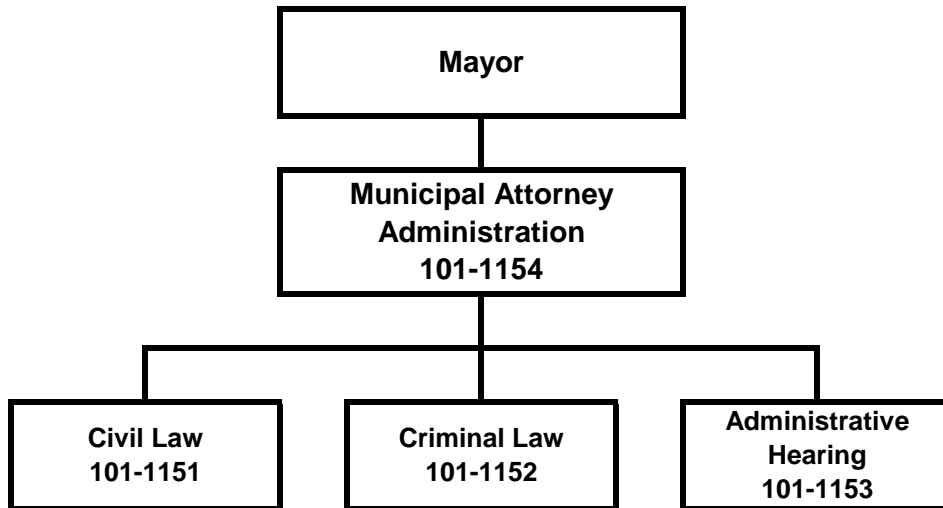


# Municipal Attorney



# Municipal Attorney

---

Dennis Wheeler, Municipal Attorney

343-4545

## Department Mission

---

Provide legal services to Municipal government, managing all civil litigation to which the Municipality is a party, and providing judicial prosecution of misdemeanor criminal offenses in direct support of enforcement activities

## Strategies: How the department meets its mission

---

- Aggressive participation in litigation and non-litigation matters to minimize potential MOA liability exposure
- Effective prosecution case review to direct resources to stronger cases while reducing overall case load
- Continual review of the municipal code to keep it current and meaningful
- Use technology to reduce work load and costs
- Provide training and incidental advice avoid potential problems
- Services as chief legal counsel to the municipality

## Divisions

---

- Civil
  - Litigation, non-litigation, and bankruptcy matters
  - Municipal Code updates and changes
  - Impound program
- Criminal
  - Misdemeanor and traffic prosecution
  - Domestic Violence prosecution
  - Pre-Trial Diversion program
  - Anti-Gang program
- Administrative Hearing Office
  - Hearings relating to possible Code violations, certain appeals of municipal agency administrative actions, and impound disputes
- Administration
  - Chief Counsel for the city
  - Supervise all divisions
  - Outside counsel contract control
  - Indigent Defense contract administrator
  - Department budget and financial oversight

# Municipal Attorney

## Resource Plan

Divisions	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
<b>Expenditures</b>				
Administration	\$ 1,568,380	\$ 1,686,292	\$ 1,531,107	-9.2%
Civil Law	1,640,480	1,579,501	1,378,899	-12.7%
Criminal Law	3,996,215	3,837,476	3,771,633	-1.7%
Administrative Hearing	196,017	208,116	214,380	3.0%
<b>Total Direct Cost</b>	<b>\$ 7,401,092</b>	<b>\$ 7,311,385</b>	<b>\$ 6,896,019</b>	<b>-5.7%</b>
<b>Revenues</b>				
Administration	\$ (461,000)	\$ (250,000)	\$ (250,000)	0.0%
Civil Law	(85,384)	(105,336)	(105,336)	0.0%
Criminal Law	(1,055,952)	(810,000)	(930,000)	14.8%
Administrative Hearing	(11,440)			
<b>Total Revenue</b>	<b>\$ (1,613,776)</b>	<b>\$ (1,165,336)</b>	<b>\$ (1,285,336)</b>	<b>10.3%</b>
<b>Cost of Services Provided:</b>				
By Other Departments	\$ 1,848,314	\$ 394,628	\$ 394,072	-0.1%
To Other Departments	(7,622,318)	(5,048,964)	(4,671,660)	-7.5%
<b>Total Cost</b>	<b>\$ (5,774,004)</b>	<b>\$ (4,654,336)</b>	<b>\$ (4,277,588)</b>	<b>-8.1%</b>
<b>Net Cost</b>	<b>\$ 13,312</b>	<b>\$ 1,491,713</b>	<b>\$ 1,333,095</b>	<b>-10.6%</b>

Expenditure by Category	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
Salaries and Benefits	\$ 5,692,360	\$ 5,492,779	\$ 5,413,053	-1.5%
Supplies	31,636	29,110	27,470	-5.6%
Travel	12,592	10,000		-100.0%
Contractual/Other Services	1,638,821	1,779,496	1,455,496	-18.2%
Equipment, Furnishings	25,683			
Debt Service/Depreciation				
<b>Total Direct Cost</b>	<b>\$ 7,401,092</b>	<b>\$ 7,311,385</b>	<b>\$ 6,896,019</b>	<b>-5.7%</b>

Positions	2008 Revised	2009 Revised	2010 Proposed
Full-Time	60	57	55
Part-Time		1	
Temporary/Seasonal			
<b>Total Positions</b>	<b>60</b>	<b>58</b>	<b>55</b>

## Municipal Attorney

### Reconciliation from 2009 Revised Budget to 2010 Proposed Budget

	<u>Direct Costs</u>	<u>Positions</u>		
		<u>FT</u>	<u>PT</u>	<u>T</u>
<b>2009 Revised Budget</b>	\$ 7,311,385	57	1	
<b>2009 One-Time Requirements</b>				
- None				
<b>Transfers (to)/from Other Agencies</b>				
- None				
<b>Debt Service Changes</b>				
<b>Changes in Existing Programs/Funding for 2009</b>				
- Salary and benefits adjustments	204,109	1	(1)	
<b>2010 Continuation Level</b>	<u>\$ 7,515,494</u>	<u>58</u>	<u>-</u>	<u>-</u>
<b>Transfers (to)/from Other Agencies</b>				
- None				
<b>Debt Service Changes</b>				
<b>2010 Budget Changes</b>				
- Salary and benefits adjustments	110,690			
- Reduce funding for Indigent Defense	(149,500)			
- Eliminate 1 attorney position	(114,459)	(1)		
- Eliminate 1 attorney position last half of 2010	(62,000)	(1)		
- Reduce non-labor	(186,140)			
- Eliminate 1 support staff position	(85,602)	(1)		
- Reduce personnel funding through attrition	(132,464)			
<b>2010 Proposed Budget</b>	<u><u>\$ 6,896,019</u></u>	<u><u>55</u></u>	<u><u>-</u></u>	<u><u>-</u></u>

# Municipal Attorney

## Administration Division

---

### Division's Purpose

- Chief legal counsel to the MOA including the Mayor, and all executives, departments, agencies, and boards and commissions
- Supervise and control all civil and criminal legal services performed by the department and contract counsel for the Municipality

Programs	Goals	FY 2009 Revised	FY 2010 Proposed
<b>Administrative</b>	Increase federal grant funding to continue anti-gang		
	program as well as start getting revenue as a result of those cases		
	Reorganize indigent defense program to make it less costly		
	Maintain reduced outside counsel costs		
<b>Division Direct Cost Total</b>		<b>\$ 1,686,292</b>	<b>\$ 1,531,107</b>

# Municipal Attorney

## Administration Division

Division Expenditures by Category	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
Salaries and Benefits	\$ 282,613	\$ 279,652	\$ 276,767	-1.0%
Supplies	2,388	1,580	1,080	-31.6%
Travel	2,889			
Contractual/Other Services	1,280,490	1,405,060	1,253,260	-10.8%
Equipment, Furnishings				
Debt Service/Depreciation				
<b>Total Direct Cost</b>	<b>\$ 1,568,380</b>	<b>\$ 1,686,292</b>	<b>\$ 1,531,107</b>	<b>-9.2%</b>

Division Personnel Summary	2008 Revised			2009 Revised			2010 Proposed		
	FT	PT	T	FT	PT	T	FT	PT	T
Administration	2			2			2		
<b>Total Personnel</b>	<b>2</b>			<b>2</b>			<b>2</b>		

# Municipal Attorney

## Civil Division

### Division's Purpose

- Provide legal counsel, support, and advice on specific legislation, the Municipal Code, Charter, legislative procedures, the responsibilities and authority of the Municipality
- Represent the Municipality and its officials and employees in civil litigation

Programs	Goals	FY 2009 Revised	FY 2010 Proposed
<b>DUI/DWOI Impounds and Forfeitures</b>	Meet increased revenue projection for impound program		
<b>Litigation</b>	Maintain reduced reliance on outside counsel		
<b>Non-litigation</b>	Maintain core advisory functions with fewer counsel		
<b>Division Direct Cost Total</b>		<b>\$ 1,579,501</b>	<b>\$ 1,378,899</b>

# Municipal Attorney

## Civil Division

Division Expenditures by Category	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
Salaries and Benefits	\$ 1,547,602	\$ 1,499,891	\$ 1,338,939	-10.7%
Supplies	9,168	10,930	10,930	0.0%
Travel	5,774			
Contractual/Other Services	77,936	68,680	29,030	-57.7%
Equipment, Furnishings				
Debt Service/Depreciation				
<b>Total Direct Cost</b>	<b>\$ 1,640,480</b>	<b>\$ 1,579,501</b>	<b>\$ 1,378,899</b>	<b>-12.7%</b>

Division Personnel Summary	2008 Revised			2009 Revised			2010 Proposed		
	FT	PT	T	FT	PT	T	FT	PT	T
Civil	14			12			12		
<b>Total Personnel</b>	<b>14</b>			<b>12</b>			<b>12</b>		



# Municipal Attorney

## Criminal Division

### Division's Purpose

- Prosecute misdemeanor and traffic offenses under the municipal code, which include aiding police investigation, evaluating, and filing charges; conducting criminal trials; enforcing conditions of probation, motions and appeals; and assisting victims

Programs	Goals	FY 2009 Revised	FY 2010 Proposed
Pre-Trial Diversion Program	Actively work with defendants to steer into programs or agree to disposition prior to being arraigned to reduce caseload and save on indigent defense costs		
	Link Just Ware system with the Anchorage Police Department system to increase efficiently implement e-discovery with defense counsel		
Division Direct Cost Total		\$ 3,837,476	\$ 3,771,633

# Municipal Attorney

## Criminal Division

Division Expenditures by Category	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
Salaries and Benefits	\$ 3,666,128	\$ 3,505,120	\$ 3,582,967	2.2%
Supplies	20,080	16,600	15,460	-6.9%
Travel	3,929	10,000		-100.0%
Contractual/Other Services	280,395	305,756	173,206	-43.4%
Equipment, Furnishings	25,683			
Debt Service/Depreciation				
<b>Total Direct Cost</b>	<b>\$ 3,996,215</b>	<b>\$ 3,837,476</b>	<b>\$ 3,771,633</b>	<b>-1.7%</b>

Division Personnel Summary	2008 Revised			2009 Revised			2010 Proposed		
	FT	PT	T	FT	PT	T	FT	PT	T
Criminal	42			41			39		
<b>Total Personnel</b>	<b>42</b>			<b>41</b>			<b>39</b>		

# Municipal Attorney

## Administrative Hearing Office

---

### Division's Purpose

- Provide for the adjudication of certain municipal code violations and conduct hearings on certain appeals of administrative actions of municipal agencies within the scope of its jurisdiction established by code

Programs	Goals	FY 2009 Revised	FY 2010 Proposed
Administrative Hearing	Prompt hearing for citizens		
	Convert paper files to electronic to save storage and destruction costs		
Division Direct Cost Total		\$ 208,116	\$ 214,380

# Municipal Attorney

## Administrative Hearing Office

Division Expenditures by Category	2008 Actuals	2009 Revised	2010 Proposed	FY 10 v 09 % Chg
Salaries and Benefits	\$ 196,017	\$ 208,116	\$ 214,380	3.0%
Supplies				
Travel				
Contractual/Other Services				
Equipment, Furnishings				
Debt Service/Depreciation				
<b>Total Direct Cost</b>	<b>\$ 196,017</b>	<b>\$ 208,116</b>	<b>\$ 214,380</b>	<b>3.0%</b>

Division Personnel Summary	2008 Revised			2009 Revised			2010 Proposed		
	FT	PT	T	FT	PT	T	FT	PT	T
Administrative Hearing	2			2			2		
<b>Total Personnel</b>	<b>2</b>			<b>2</b>			<b>2</b>		

## Municipal Attorney

### Operating Grant Funded Programs

Grant Program	FY 2009 Revised Anticipated Resources Used				FY 2010 Proposed Anticipated Resources Used				Latest Grant Expiration
	Amount	FT	PT	T	Amount	FT	PT	T	
Total Grant Funding	\$ 47,175	3	-	-	\$ 58,000	2	-	-	
Total Direct Costs	\$ 7,311,385	54	-	-	\$ 6,896,019	56	-	-	
Total Grant Funds and Direct Costs	\$ 7,358,560	57	-	-	\$ 6,954,019	58	-	-	
Grant Funding May Represent 0.6% of the Department's Revised 2009 Operating Budget									
Grant Funding May Represent 0.8% of Department Proposed 2010 Operating Budget									
Anti-Gang Grant (Project Safe Neighborhoods)	\$ 47,175	3			\$ 58,000	2			Jun-09
-Continue earmarked federal funding to prosecute gang related cases through the federal office									
Total	\$ 47,175	3	-	-	\$ 58,000	2	-	-	