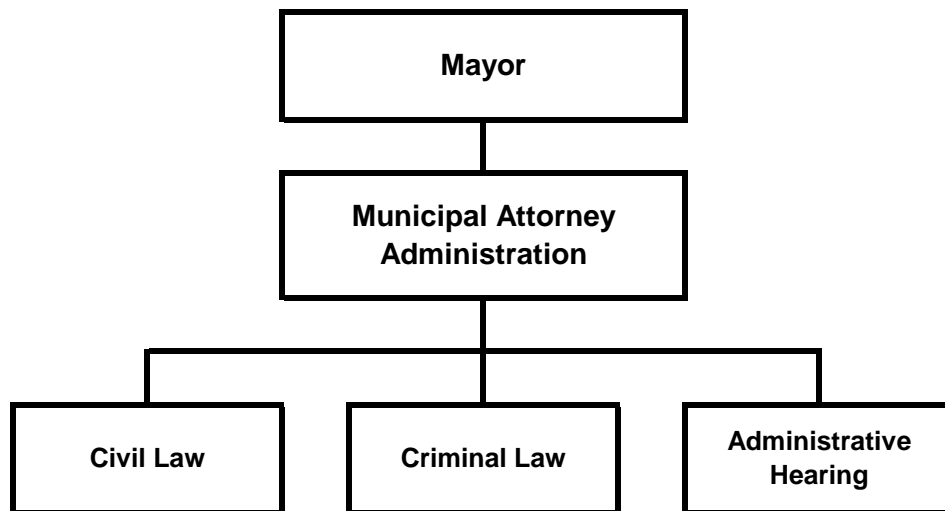


Municipal Attorney



Municipal Attorney's Office

Description

The legal department serves as chief legal counsel to the MOA-including the Mayor, the Assembly, and all executive departments, agencies, authorities, boards and commissions. The department supervises and controls all civil and criminal legal services performed by the department and contract counsel for MOA.

Department Services/Divisions

- Civil Law: 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, and create and review legal documents.
- Criminal Law (Prosecution): Prosecute misdemeanor and traffic offenses under the Anchorage Municipal Code. Includes aiding police investigation, evaluating and filing charges, conducting criminal trials, enforcing conditions of probation, motions and appeals, and assisting victims.
- Administrative Hearing Office (AHO): 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 the code.

Municipal Attorney Department Summary

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Division				
Administrative Hearing	239,894	227,543	219,961	<3.33%>
Civil Law	2,442,126	2,507,544	2,626,554	4.75%
Criminal	3,367,113	3,180,433	2,892,258	<9.06%>
Muni Attorney Admin	1,531,880	1,614,599	1,628,666	0.87%
Direct Cost Total	7,581,013	7,530,119	7,367,439	<2.16%>
Intragovernmental Charges				
Charges by Other Departments	509,853	423,355	1,383,413	226.77%
Charges to Other Departments	(5,591,409)	(5,386,757)	(6,264,095)	16.29%
Function Cost Total	2,499,457	2,566,717	2,486,757	<3.12%>
Program Generated Revenue	(1,581,604)	(1,285,000)	(1,205,000)	<6.23%>
Net Cost Total	917,854	1,281,717	1,281,757	-
Direct Cost by Category				
Personnel	5,789,354	5,843,453	5,676,835	<2.85%>
Supplies	57,457	27,470	27,470	-
Travel	15,351	10,000	10,000	-
Contractual/OtherServices	1,718,851	1,649,196	1,653,134	0.24%
Debt Service/Depreciation	-	-	-	-
Direct Cost Total	7,581,013	7,530,119	7,367,439	<2.16%>
Position Summary as Budgeted				
Full-Time	53	53	51	
Part-Time	5	5	2	
Position Total	58	58	53	

Municipal Attorney

Reconciliation from 2012 Revised Budget to 2013 Proposed Budget

	Direct Costs	Positions		
		FT	PT	T
2012 Revised Budget	7,530,119	53	5	-
2012 One-Time Requirements				
- None	-	-	-	-
Transfers (to)/from Other Agencies				
- None	-	-	-	-
Debt Service Changes				
- None	-	-	-	-
Changes in Existing Programs/Funding for 2013				
- Salary and benefits adjustments	227,795	-	-	-
- Contractual TimeMatters software annual contract	4,000	-	-	-
2013 Continuation Level	7,761,914	53	5	-
2013 One-Time Requirements				
- None	-	-	-	-
Transfers (to)/from Other Agencies				
- None	-	-	-	-
2013 Proposed Budget Changes				
- Unfund vacant TSRP Attorney, Anti-Gang Attorney, and Legal Clerk. Attorney positions were largely funded through grants and did not do primary criminal division work so will have minimal impact to citizens. The legal clerk assists in getting cases open and files together. Loss of clerk will result in other staff absorbing workload however FileTrail implementation is anticipated to reduce this impact. Overall this will have little impact on citizens.	(230,150)	(2)	(1)	-
- Unfund filled payroll position. Loss of position will result in four hours per week of work to be added to other staff. Kronos is expect to absorb the rest. This should not have a direct impact on citizens.	(61,490)	-	(1)	-
- Unfund filled Trial Attorney. This is based on historical prosecutor to police officer ratio. There is no expected impact to taxpayers.	(122,695)	(1)	-	-
- Fully fund trial attorney position. Workload required for position is full-time so position needs to be adjusted. There is no expected impact to taxpayers since the department is currently absorbing the cost due to vacancy of predecessor. The department will not have the capacity to absorb the cost in 2013	19,922	1	(1)	-
- Alignment of budget to 2013 Fleet schedule	(62)	-	-	-
2013 Proposed Budget	7,367,439	51	2	-

**Municipal Attorney
Division Summary
Administrative Hearing**

(Dept ID # 1153)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits	239,894	227,543	219,961	<3.33%>
Travel	-	-	-	
Manageable Direct Cost Total	239,894	227,543	219,961	<3.33%>
Debt Service, Depreciation	-	-	-	
Direct Cost Total	239,894	227,543	219,961	<3.33%>
Revenue by Fund				
Fund 101 - Areawide General	1,965	-	-	
Revenue Total	1,965	-	-	

Positions as Budgeted

	2011 Revised		2012 Revised		2013 Proposed	
	<u>Full Time</u>	<u>Part Time</u>	<u>Full Time</u>	<u>Part Time</u>	<u>Full Time</u>	<u>Part Time</u>
Legal Secretary II	1	-	1	-	1	-
Municipal Attorney II	1	-	1	-	1	-
Positions as Budgeted Total	2	-	2	-	2	-

Municipal Attorney
Division Detail
Administrative Hearing
(Dept ID # 1153)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits				
1101 - Straight Time Labor	128,135	141,044	133,177	<5.58%>
1301 - Leave/Holiday Accruals	30,956	1,966	1,902	<3.27%>
1401 - Benefits	80,804	84,532	84,882	0.41%
Salaries and Benefits Total	239,894	227,543	219,961	<3.33%>
Travel	-	-	-	-
Manageable Direct Cost Total	239,894	227,543	219,961	<3.33%>
Debt Service, Depreciation	-	-	-	-
Direct Cost Total	239,894	227,543	219,961	<3.33%>
Intra-Governmental Charges				
Charges By Other Departments	12,873	11,304	38,060	236.70%
Charges to Other Departments	(250,703)	(238,846)	(258,021)	8.03%
Program Generated Revenue				
9215 - Other Fines & Forfeitures	1,965	-	-	-
Program Generated Revenue Total	1,965	-	-	-
Net Cost				
Manageable Direct Cost	239,894	227,543	219,961	<3.33%>
Debt Service, Depreciation	-	-	-	-
Charges By Other Departments	12,873	11,304	38,060	236.70%
Charges to Other Departments	(250,703)	(238,846)	(258,021)	8.03%
Program Generated Revenue	(1,965)	-	-	-
Net Cost Total	100	1	-	<68.32%>

Municipal Attorney Division Summary

Civil Law

(Dept ID # 1151)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits	2,100,260	2,343,884	2,458,894	4.91%
Supplies	36,533	10,930	10,930	-
Travel	12,697	10,000	10,000	-
Contractual/Other Services	292,635	142,730	146,730	2.80%
Manageable Direct Cost Total	2,442,126	2,507,544	2,626,554	4.75%
Debt Service, Depreciation	-	-	-	
Direct Cost Total	2,442,126	2,507,544	2,626,554	4.75%
Revenue by Fund				
Fund 101 - Areawide General	221,436	-	-	
Revenue Total	221,436	-	-	

Positions as Budgeted

	2011 Revised		2012 Revised		2013 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Deputy Municipal Attorney	2	-	2	-	2	-
Legal Secretary II	3	-	3	-	3	-
Legal Secretary III	4	-	3	-	3	-
Municipal Attorney I	3	-	3	-	3	-
Municipal Attorney II	7	-	7	-	7	-
Special Admin Assistant I	-	-	1	-	1	-
Special Admin Assistant II	1	-	1	-	1	-
Positions as Budgeted Total	20	-	20	-	20	-

Municipal Attorney
Division Detail
Civil Law
(Dept ID # 1151)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits				
1101 - Straight Time Labor	1,232,682	1,484,911	1,552,104	4.53%
1301 - Leave/Holiday Accruals	141,406	18,488	19,272	4.24%
1401 - Benefits	726,173	867,554	914,587	5.42%
1601 - Vacancy Factor	-	(27,069)	(27,069)	-
Salaries and Benefits Total	2,100,260	2,343,884	2,458,894	4.91%
Supplies	36,533	10,930	10,930	-
Travel	12,697	10,000	10,000	-
Contractual/Other Services	292,635	142,730	146,730	2.80%
Manageable Direct Cost Total	2,442,126	2,507,544	2,626,554	4.75%
Debt Service, Depreciation	-	-	-	-
Direct Cost Total	2,442,126	2,507,544	2,626,554	4.75%
Intra-Governmental Charges				
Charges By Other Departments	217,109	170,235	507,606	198.18%
Charges to Other Departments	(2,427,426)	(2,677,779)	(3,134,160)	17.04%
Program Generated Revenue				
9499 - Reimbursed Cost	9,769	-	-	-
9796 - Claims & Judgments	211,667	-	-	-
Program Generated Revenue Total	221,436	-	-	-
Net Cost				
Manageable Direct Cost	2,442,126	2,507,544	2,626,554	4.75%
Debt Service, Depreciation	-	-	-	-
Charges By Other Departments	217,109	170,235	507,606	198.18%
Charges to Other Departments	(2,427,426)	(2,677,779)	(3,134,160)	17.04%
Program Generated Revenue	(221,436)	-	-	-
Net Cost Total	10,373	-	-	<38.28%>

Municipal Attorney Division Summary

Criminal

(Dept ID # 1152)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits	3,176,461	2,991,767	2,703,654	<9.63%>
Supplies	19,062	15,460	15,460	-
Travel	2,155	-	-	
Contractual/Other Services	169,434	173,206	173,144	<0.04%>
Manageable Direct Cost Total	3,367,113	3,180,433	2,892,258	<9.06%>
Debt Service, Depreciation	-	-	-	
Direct Cost Total	3,367,113	3,180,433	2,892,258	<9.06%>
Revenue by Fund				
Fund 101 - Areawide General	1,032,170	1,005,000	925,000	<7.96%>
Revenue Total	1,032,170	1,005,000	925,000	<7.96%>

Positions as Budgeted

	2011 Revised		2012 Revised		2013 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Administrative Officer	2	-	2	-	-	-
Deputy Municipal Attorney	1	-	1	-	1	-
Legal Clerk I	1	-	1	-	-	-
Legal Clerk II	6	-	6	-	6	-
Legal Secretary I	1	-	1	-	1	-
Legal Secretary II	4	-	4	-	5	-
Legal Secretary III	2	-	2	-	2	-
Municipal Attorney I	8	1	9	1	9	-
Municipal Attorney II	4	3	3	3	2	2
Principal Office Associate	-	1	-	1	-	-
Senior Admin Officer	-	-	-	-	1	-
Positions as Budgeted Total	29	5	29	5	27	2

Municipal Attorney**Division Detail****Criminal**

(Dept ID # 1152)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits				
1101 - Straight Time Labor	1,768,354	1,910,114	1,728,539	<9.51%>
1201 - Overtime	2,574	-	-	-
1301 - Leave/Holiday Accruals	215,117	27,884	25,598	<8.20%>
1401 - Benefits	1,190,415	1,252,244	1,147,992	<8.33%>
1601 - Vacancy Factor	-	(198,475)	(198,475)	-
Salaries and Benefits Total	3,176,461	2,991,767	2,703,654	<9.63%>
Supplies	19,062	15,460	15,460	-
Travel	2,155	-	-	-
Contractual/Other Services	169,434	173,206	173,144	<0.04%>
Manageable Direct Cost Total	3,367,113	3,180,433	2,892,258	<9.06%>
Debt Service, Depreciation	-	-	-	-
Direct Cost Total	3,367,113	3,180,433	2,892,258	<9.06%>
Intra-Governmental Charges				
Charges By Other Departments	238,113	199,016	670,931	237.12%
Charges to Other Departments	(2,568,602)	(2,374,449)	(2,638,251)	11.11%
Program Generated Revenue				
9216 - Pre-Trial Diversion Cost	380,214	315,000	315,000	-
9482 - DWI Impound/Admin Fees	-	680,000	600,000	<11.76%>
94822	633,580	-	-	-
9499 - Reimbursed Cost	18,233	10,000	10,000	-
9742 - Other Property Sales	143	-	-	-
Program Generated Revenue Total	1,032,170	1,005,000	925,000	<7.96%>
Net Cost				
Manageable Direct Cost	3,367,113	3,180,433	2,892,258	<9.06%>
Debt Service, Depreciation	-	-	-	-
Charges By Other Departments	238,113	199,016	670,931	237.12%
Charges to Other Departments	(2,568,602)	(2,374,449)	(2,638,251)	11.11%
Program Generated Revenue	(1,032,170)	(1,005,000)	(925,000)	<7.96%>
Net Cost Total	4,453	-	(62)	<16781.86%>

Municipal Attorney
Division Summary
Muni Attorney Admin
 (Dept ID # 1154)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits	272,738	280,259	294,326	5.02%
Supplies	1,862	1,080	1,080	-
Travel	499	-	-	-
Contractual/Other Services	1,256,782	1,333,260	1,333,260	-
Manageable Direct Cost Total	1,531,880	1,614,599	1,628,666	0.87%
Debt Service, Depreciation	-	-	-	-
Direct Cost Total	1,531,880	1,614,599	1,628,666	0.87%
Revenue by Fund				
Fund 101 - Areawide General	326,034	280,000	280,000	-
Revenue Total	326,034	280,000	280,000	-

Positions as Budgeted

	2011 Revised		2012 Revised		2013 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Municipal Attorney	1	-	1	-	1	-
Special Admin Assistant II	1	-	1	-	1	-
Positions as Budgeted Total	2	-	2	-	2	-

Municipal Attorney
Division Detail
Muni Attorney Admin
 (Dept ID # 1154)

	2011 Actuals	2012 Revised	2013 Proposed	13 v 12 % Chg
Direct Cost by Category				
Salaries and Benefits				
1101 - Straight Time Labor	171,625	181,922	190,715	4.83%
1301 - Leave/Holiday Accruals	9,052	1,819	1,907	4.83%
1401 - Benefits	92,061	96,518	101,704	5.37%
Salaries and Benefits Total	272,738	280,259	294,326	5.02%
Supplies	1,862	1,080	1,080	-
Travel	499	-	-	-
Contractual/Other Services	1,256,782	1,333,260	1,333,260	-
Manageable Direct Cost Total	1,531,880	1,614,599	1,628,666	0.87%
Debt Service, Depreciation	-	-	-	-
Direct Cost Total	1,531,880	1,614,599	1,628,666	0.87%
Intra-Governmental Charges				
Charges By Other Departments	41,758	42,800	166,816	289.76%
Charges to Other Departments	(344,678)	(95,683)	(233,663)	144.20%
Program Generated Revenue				
9499 - Reimbursed Cost	326,034	280,000	280,000	-
Program Generated Revenue Total	326,034	280,000	280,000	-
Net Cost				
Manageable Direct Cost	1,531,880	1,614,599	1,628,666	0.87%
Debt Service, Depreciation	-	-	-	-
Charges By Other Departments	41,758	42,800	166,816	289.76%
Charges to Other Departments	(344,678)	(95,683)	(233,663)	144.20%
Program Generated Revenue	(326,034)	(280,000)	(280,000)	-
Net Cost Total	902,927	1,281,716	1,281,819	0.01%

Municipal Attorney Operating Grant and Alternative Funded Programs

Program	Dept ID	Award Amount	Amount Expended As of 12/31/2012	Expected Expenditures in 2013	Expected Balance at End of 2013	Personnel			Grant Expiration
						FT	PT	T	
Anti-Gang Grant	11559G	75,660	75,660	-	-	-	-	-	Jun-13
(State Grant - Revenue Pass Thru)	115512G	60,000	-	60,000	-	-	-	-	
	115513G		-	55,113	-	-	1	-	
Justice Assistance Grant (portion of APD's grant)	455310G	160,000	80,000	80,000	-	-	1	-	Jun-13
(Federal Grant)									
- Provide funding to underwrite projects to reduce crime and improve public safety									
Total Program Funding			155,660	195,113	-	-	2	-	
Total Direct Costs				7,367,439		51	2	-	
Total Funding and Direct Costs				7,562,552		51	4	-	

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Anchorage: Performance. Value. Results

Administration Division
Municipal Attorney's Office
Anchorage: Performance. Value. Results.

Purpose

Chief legal counsel to the MOA including the Mayor, Assembly, and all executive, departments, agencies, boards and commissions.

Supervise and control all civil and criminal legal services performed by the department and contract counsel for MOA.

Core Services

- Budgetary management
- Staff supervision
- Program and policy oversight

Accomplishment Goals

Maintain high quality, efficient production of legal services through low turnover rate of professional staff, and successful completion by attorneys of subject matter training/continuing legal education.

Performance Measures

Progress in achieving goals will be measured by:

Measure #1: Turnover rate equal to or less than that in government sector legal offices of similar situation.

	<u>Criminal</u>	<u>Criminal %</u>	<u>Civil</u>	<u>Civil %</u>	<u>Retirement %</u>
2007	2/15	13%	2/12	17%	4%
2008	2/15	13%	1/12	8%	0%
2009	2/15	13%	0/11	0%	0%
2010	3/14	21%	2/11	18%	4%
2011	5/16	31%	0/11	0%	21%
2012 2nd qtr	2/16	12.5%	0/11	0%	0%

Turnover Rate: National average is 19.5% of which contributing factors are pay, benefits, and student loans. Retirements are indicated as a separate percentage.

Measure #2: Percent of professional staff that complete at least 9 Continuing Legal Education credits each year, with a goal of 50%.

	2009	2010	2011	2012 2nd qtr
Total Credits	311	369	284	114
# of Attorneys	22	24	27	27
Average Credits	14.14	15.38	10.52	4.22
% Greater than 9	100%	100%	100%	0%

Continuation Legal Education (9 credits) completion percentage – Goal is 50%

Measure #3: Percent of professional staff that complete at least 6 Continuing Legal Education credits per year in their core practice areas, not including required ethics training, with a goal of 100%.

CLE (3 credits) completion percentage – goal is 100%

	2009	2010	2011	2012 2nd qtr
Total Credits	245	297	204	88
# of Attorneys	22	24	27	27
Average Credits	11.14	12.38	7.56	3.26
% Greater than 6	100%	100%	100%	45%

CLE – 6 credit average without ethics

Civil Division
Municipal Attorney's Office
Anchorage: Performance. Value. Results.

Purpose

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

Direct Services

- Provide opinions and code revisions
- Conduct civil litigation

Accomplishment Goals

- Low incidence of remand or reversal on appeal

Performance Measures

Progress in achieving the goal shall be measured by:

Measure #4: Number of matters remanded or reversed on appeal.

Appeal rate of remand or reversal

	<u>Lit Only</u>	<u>Appeals</u>	<u>Rem/Rev</u>	<u>w/ NonLit</u>	<u>Appeals</u>	<u>Rem/Rev</u>
2008	5/106	5%	0%	5/215	2%	0%
2009	6/93	7%	0%	6/204	3%	0%
2010	2/91	2%	0%	2/352	1%	0%
2011	2/73	3%	0%	2/235	1%	0%
2012 2nd qtr	7/50	14%	0%	7/189	3.7%	0%

Administrative Hearing Office Municipal Attorney's Office

Anchorage: Performance. Value. Results.

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 the code.

Direct Services

- Adjudicate matters.
- Conduct hearings, if requested.

Accomplishment Goals

- Low incidence of remand or reversal on appeal
- Improve timeframe between hearing and decision

Performance Measures

Progress in achieving goals shall be measured by:

Measure #5: Percent of matters appealed and remanded or reversed on appeal, as a percentage of total active matters within the fiscal year.

Appeal rate of remand or reversal

	<u>Hearings</u>	<u>Appeal</u>	<u>Rem/Rev</u>
2008	3/223	1.3%	0.4%
2009	5/198	2.5%	0.0%
2010	3/157	1.9%	0.0%
2011	1/114	1.0%	0.0%
2012 1st qtr	2/37	5.4%	0.0%

Measure #6: Percent of decisions rendered within code authorized number of days of their hearings (10, 20, 45 days depending on type*).

	10 days	% in 10 days	20 days	% in 20 days	45 days	% in 45 days
2009	112/174	70%	22/22	100%	0/2	0%
2010	91/126	72%	30/30	100%	1/1	100%
2011	74/82	90%	29/29	100%	2/3	66%
2012 1st qtr	32/36	89%	0/0	0%	1/1	100%

* 45 days is DHHS; 20 days is Animal Control; 10 days is everything else

Criminal Division
Municipal Attorney's Office
Anchorage: Performance. Value. Results.

Purpose

Prosecute misdemeanor and traffic offenses under the Anchorage Municipal Code.

Division Direct Services

- Assist\advise Anchorage Police Department (APD) regarding warrants, DV arrests, and related investigatory matters.
- Prosecute cases initiated by APD or transferred from State.
- Pursue or defend appeals from trial courts.
- Assist victims through witness coordination, notice regarding proceedings, and restitution.

Accomplishment Goals

- Improved conviction rate to deter crime and punish offenders.

Performance Measures

Progress in achieving goals will be measured by:

Measure #7: Percentage of open cases at the end of the reporting period.

Measure #8: Percentage of declines at the end of the reporting period.

Measure #9: Percentage of dismissals at the end of the reporting period.

Measure #10: Percentage of cases that result in conviction.

JustWare Database

	2008	2009	2010	2011	2012 2nd
Open	1,574	3,263	3,308	2,864	1,755
Declines	3,496	3,636	3,321	3,345	1,373
Dismissed	3,680	3,136	3,052	3,098	550
Adjudicated	6,436	5,137	4,784	4,512	1,058
Not Guilty	5	5	3	13	12
Disposition per Statue	15,191	15,177	14,468	13,832	4,767

Percentages

		2008	2009	2010	2011	2012 1st
Open	PM 7	10.4%	21.5%	22.9%	21.1%	36.8%
Declines	PM 8	23.0%	24.0%	23.0%	24.6%	28.8%
Dismissals	PM 9	24.2%	20.7%	21.0%	22.8%	11.5%
Conviction	PM 10	42.4%	33.8%	33.1%	31.5%	22.2%
Not Guilty		0.0%	0.0%	0.0%	0.0%	0.0%
		100.0%	100.0%	100.0%	100.0%	100.0%

Measure #11: Percentage of convictions sustained on appeal during the reporting period.

Prosecution Appeal Rate of Remand / Reversal

	<u>Cases</u>	<u>Appeal</u>	<u>Rem/Rev</u>
2008	0/15,191	0.00%	0.00%
2009	1/15,177	0.00%	0.00%
2010	0/14,468	0.00%	0.00%
2011	1/13,832	0.00%	0.00%
2012 2nd qtr	1/4,755	0.00%	0.00%