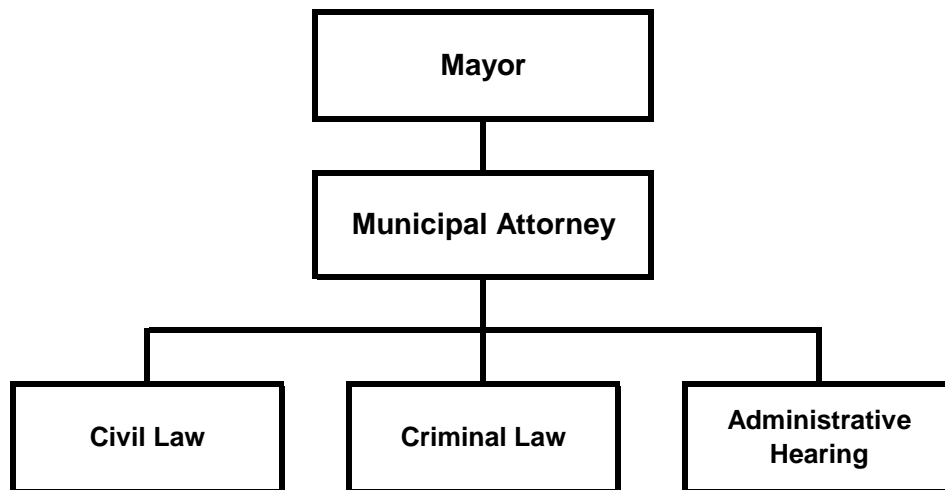


Municipal Attorney



Municipal Attorney

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.

Department Goals that Contribute to Achieving the Mayor's Mission:



Administration – Make city government more efficient, accessible, transparent, and responsive

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



Economy – Build a city that attracts and retains a talented workforce, is hospitable to diverse entrepreneurs, small business and established companies, and provides a strong environment for economic growth

- 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.

Municipal Attorney Department Summary

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Division				
ATY Administration	1,538,226	1,616,659	1,578,292	(2.37%)
ATY Administrative Hearing	266,646	290,473	288,993	(0.51%)
ATY Civil Law	2,309,460	2,484,489	2,583,131	3.97%
ATY Criminal	3,052,276	3,556,254	3,622,823	1.87%
Direct Cost Total	7,166,608	7,947,875	8,073,239	1.58%
Intragovernmental Charges				
Charges by/to Other Departments	(5,587,217)	(6,404,322)	(6,409,610)	0.08%
Function Cost Total	1,579,391	1,543,553	1,663,629	7.78%
Program Generated Revenue	(602,244)	(598,320)	(618,320)	3.34%
Net Cost Total	977,146	945,233	1,045,309	10.59%
Direct Cost by Category				
Salaries and Benefits	5,645,036	6,283,416	6,294,380	0.17%
Supplies	24,426	27,034	27,034	-
Travel	4,216	-	10,000	100.00%
Contractual/OtherServices	1,492,930	1,637,425	1,741,825	6.38%
Debt Service	-	-	-	-
Direct Cost Total	7,166,608	7,947,875	8,073,239	1.58%
Position Summary as Budgeted				
Full-Time	48	48	48	-
Part-Time	-	-	-	-
Position Total	48	48	48	-

Municipal Attorney Reconciliation from 2020 Revised Budget to 2021 Proposed Budget

	Direct Costs	Positions		
		FT	PT	Seas/T
2020 Revised Budget	7,947,875	48	-	-
2020 One-Time Requirements				
- Reverse 2020 1Q one-time travel reduction	10,000	-	-	-
- Reverse 2020 1Q one-time movement of Municipal Attorney time to ML&P Sale Admin	60,000	-	-	-
Changes in Existing Programs/Funding for 2021				
- Salaries and benefits adjustments	12,926	-	-	-
2021 Continuation Level	8,030,801	48	-	-
2021 One-Time Requirements				
- Efficiency/Modernization Project - File Trail upgrade to go paperless	26,100	-	-	-
- Efficiency/Modernization Project - Electronic Court Docketing - connection to State of Alaska court system for paperless and electronic file and calendar sharing efficiencies	72,500	-	-	-
2021 Proposed Budget Changes				
- Executive salaries to stay flat from 2020	(42,814)	-	-	-
- Non-Represented pay scales to stay flat from 2020	(19,148)	-	-	-
- Efficiency/Modernization Project - ongoing mi-fi service	5,800	-	-	-
2021 Proposed Budget	8,073,239	48	-	-

Municipal Attorney Division Summary

ATY Administration

(Fund Center # 115450, 115479, 115400)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	316,488	344,027	305,660	(11.15%)
Supplies	1,243	1,080	1,080	-
Travel	-	-	-	-
Contractual/Other Services	1,220,495	1,271,552	1,271,552	-
Equipment, Furnishings	-	-	-	-
Manageable Direct Cost Total	1,538,226	1,616,659	1,578,292	(2.37%)
Debt Service	-	-	-	-
Depreciation/Amortization	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	1,538,226	1,616,659	1,578,292	-
Intragovernmental Charges				
Charges by/to Other Departments	(320,422)	(309,106)	(270,663)	(12.44%)
Function Cost Total	1,217,803	1,307,553	1,307,629	0.01%
Program Generated Revenue by Fund				
Fund 101000 - Areawide General	240,657	242,320	262,320	8.25%
Program Generated Revenue Total	240,657	242,320	262,320	8.25%
Net Cost Total	977,146	1,065,233	1,045,309	(1.87%)
Position Summary as Budgeted				
Full-Time	2	2	2	-
Position Total	2	2	2	-

Municipal Attorney**Division Detail****ATY Administration**

(Fund Center # 115450, 115479, 115400)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	316,488	344,027	305,660	(11.15%)
Supplies	1,243	1,080	1,080	-
Travel	-	-	-	-
Contractual/Other Services	1,220,495	1,271,552	1,271,552	-
Manageable Direct Cost Total	1,538,226	1,616,659	1,578,292	(2.37%)
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	1,538,226	1,616,659	1,578,292	(2.37%)
Intragovernmental Charges				
Charges by/to Other Departments	(320,422)	(309,106)	(270,663)	(12.44%)
Program Generated Revenue				
406621 - Reimbursed Cost-Payroll	(551)	-	-	-
406625 - Reimbursed Cost-NonGrant Funded	240,810	242,320	262,320	8.25%
407050 - Other Fines and Forfeitures	(73)	-	-	-
408380 - Prior Year Expense Recovery	470	-	-	-
Program Generated Revenue Total	240,657	242,320	262,320	8.25%
Net Cost				
Direct Cost Total	1,538,226	1,616,659	1,578,292	(2.37%)
Charges by/to Other Departments Total	(320,422)	(309,106)	(270,663)	(12.44%)
Program Generated Revenue Total	(240,657)	(242,320)	(262,320)	8.25%
Net Cost Total	977,146	1,065,233	1,045,309	(1.87%)

Position Detail as Budgeted

	2019 Revised		2020 Revised		2021 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	-
Position Detail as Budgeted Total	2	-	2	-	2	-

Municipal Attorney
Division Summary
ATY Administrative Hearing
(Fund Center # 115300)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	266,646	290,473	288,993	(0.51%)
Travel	-	-	-	-
Manageable Direct Cost Total	266,646	290,473	288,993	(0.51%)
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	266,646	290,473	288,993	-
Intragovernmental Charges				
Charges by/to Other Departments	(264,738)	(289,473)	(287,993)	(0.51%)
Function Cost Total	1,907	1,000	1,000	-
Program Generated Revenue by Fund				
Fund 101000 - Areawide General	1,907	1,000	1,000	-
Program Generated Revenue Total	1,907	1,000	1,000	-
Net Cost Total	-	-	-	-
Position Summary as Budgeted				
Full-Time	2	2	2	-
Position Total	2	2	2	-

Municipal Attorney
Division Detail
ATY Administrative Hearing
(Fund Center # 115300)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	266,646	290,473	288,993	(0.51%)
Travel	-	-	-	-
Manageable Direct Cost Total	266,646	290,473	288,993	(0.51%)
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	266,646	290,473	288,993	(0.51%)
Intragovernmental Charges				
Charges by/to Other Departments	(264,738)	(289,473)	(287,993)	(0.51%)
Program Generated Revenue				
407050 - Other Fines and Forfeitures	1,528	1,000	1,000	-
408380 - Prior Year Expense Recovery	380	-	-	-
Program Generated Revenue Total	1,907	1,000	1,000	-
Net Cost				
Direct Cost Total	266,646	290,473	288,993	(0.51%)
Charges by/to Other Departments Total	(264,738)	(289,473)	(287,993)	(0.51%)
Program Generated Revenue Total	(1,907)	(1,000)	(1,000)	-
Net Cost Total	-	-	-	-

Position Detail as Budgeted

	2019 Revised		2020 Revised		2021 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Legal Secretary II	1	-	1	-	1	-
Municipal Attorney II	1	-	1	-	1	-
Position Detail as Budgeted Total	2	-	2	-	2	-

Municipal Attorney

Division Summary

ATY Civil Law

(Fund Center # 115100)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	2,169,352	2,326,829	2,415,471	3.81%
Supplies	5,351	10,930	10,930	-
Travel	4,112	-	10,000	100.00%
Contractual/Other Services	130,645	146,730	146,730	-
Equipment, Furnishings	-	-	-	-
Manageable Direct Cost Total	2,309,460	2,484,489	2,583,131	3.97%
Debt Service	-	-	-	-
Depreciation/Amortization	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	2,309,460	2,484,489	2,583,131	-
Intragovernmental Charges				
Charges by/to Other Departments	(2,305,137)	(2,594,489)	(2,573,131)	(0.82%)
Function Cost Total	4,324	(110,000)	10,000	(109.09%)
Program Generated Revenue by Fund				
Fund 101000 - Areawide General	4,324	10,000	10,000	-
Program Generated Revenue Total	4,324	10,000	10,000	-
Net Cost Total	-	(120,000)	-	(100.00%)
Position Summary as Budgeted				
Full-Time	16	16	16	-
Position Total	16	16	16	-

Municipal Attorney**Division Detail****ATY Civil Law**

(Fund Center # 115100)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	2,169,352	2,326,829	2,415,471	3.81%
Supplies	5,351	10,930	10,930	-
Travel	4,112	-	10,000	100.00%
Contractual/Other Services	130,645	146,730	146,730	-
Manageable Direct Cost Total	2,309,460	2,484,489	2,583,131	3.97%
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	2,309,460	2,484,489	2,583,131	3.97%
Intragovernmental Charges				
Charges by/to Other Departments	(2,305,137)	(2,594,489)	(2,573,131)	(0.82%)
Program Generated Revenue				
406625 - Reimbursed Cost-NonGrant Funded	1,566	10,000	10,000	-
408380 - Prior Year Expense Recovery	2,758	-	-	-
Program Generated Revenue Total	4,324	10,000	10,000	-
Net Cost				
Direct Cost Total	2,309,460	2,484,489	2,583,131	3.97%
Charges by/to Other Departments Total	(2,305,137)	(2,594,489)	(2,573,131)	(0.82%)
Program Generated Revenue Total	(4,324)	(10,000)	(10,000)	-
Net Cost Total	-	(120,000)	-	(100.00%)

Position Detail as Budgeted

	2019 Revised		2020 Revised		2021 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Deputy Municipal Attorney	1	-	1	-	1	-
Legal Secretary II	1	-	-	-	-	-
Legal Secretary III	3	-	4	-	4	-
Municipal Attorney I	3	-	3	-	3	-
Municipal Attorney II	8	-	8	-	8	-
Position Detail as Budgeted Total	16	-	16	-	16	-

Municipal Attorney Division Summary

ATY Criminal

(Fund Center # 115200)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	2,892,550	3,322,087	3,284,256	(1.14%)
Supplies	17,832	15,024	15,024	-
Travel	104	-	-	-
Contractual/Other Services	141,790	219,143	323,543	47.64%
Equipment, Furnishings	-	-	-	-
Manageable Direct Cost Total	3,052,276	3,556,254	3,622,823	1.87%
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	3,052,276	3,556,254	3,622,823	-
Intragovernmental Charges				
Charges by/to Other Departments	(2,696,920)	(3,211,254)	(3,277,823)	2.07%
Function Cost Total	355,357	345,000	345,000	-
Program Generated Revenue by Fund				
Fund 101000 - Areawide General	355,356	345,000	345,000	-
Program Generated Revenue Total	355,356	345,000	345,000	-
Net Cost Total	-	-	-	-
Position Summary as Budgeted				
Full-Time	28	28	28	-
Position Total	28	28	28	-

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

(Fund Center # 115200)

	2019 Actuals	2020 Revised	2021 Proposed	21 v 20 % Chg
Direct Cost by Category				
Salaries and Benefits	2,892,550	3,322,087	3,284,256	(1.14%)
Supplies	17,832	15,024	15,024	-
Travel	104	-	-	-
Contractual/Other Services	141,790	219,143	323,543	47.64%
Manageable Direct Cost Total	3,052,276	3,556,254	3,622,823	1.87%
Debt Service	-	-	-	-
Non-Manageable Direct Cost Total	-	-	-	-
Direct Cost Total	3,052,276	3,556,254	3,622,823	1.87%
Intragovernmental Charges				
Charges by/to Other Departments	(2,696,920)	(3,211,254)	(3,277,823)	2.07%
Program Generated Revenue				
406490 - DWI Impnd/Admin Fees	290,109	290,000	290,000	-
406625 - Reimbursed Cost-NonGrant Funded	3,276	5,000	5,000	-
407060 - Pre-Trial Diversion Cost	49,520	50,000	50,000	-
408380 - Prior Year Expense Recovery	12,451	-	-	-
408550 - Cash Over & Short	-	-	-	-
Program Generated Revenue Total	355,356	345,000	345,000	-
Net Cost				
Direct Cost Total	3,052,276	3,556,254	3,622,823	1.87%
Charges by/to Other Departments Total	(2,696,920)	(3,211,254)	(3,277,823)	2.07%
Program Generated Revenue Total	(355,356)	(345,000)	(345,000)	-
Net Cost Total	-	-	-	-

Position Detail as Budgeted

	2019 Revised		2020 Revised		2021 Proposed	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Administrative Officer	1	-	1	-	1	-
Deputy Municipal Attorney	1	-	1	-	1	-
Legal Clerk II	2	-	2	-	2	-
Legal Secretary I	1	-	1	-	1	-
Legal Secretary II	8	-	8	-	8	-
Legal Secretary III	1	-	1	-	1	-
Municipal Attorney I	12	-	12	-	12	-
Municipal Attorney II	2	-	2	-	2	-
Position Detail as Budgeted Total	28	-	28	-	28	-

Anchorage: Performance. Value. Results

Administration 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>
2017	3/15	20%	1/12	10%	0%
2018	2/15	13%	1/13	7%	0%
2019	3/15	20%	1/14	7%	0%
2020 1q	1/15	0%	0/14	0%	0%
2020 2q	0/15	0%	1/14	7%	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%.

	2017	2018	2019	2020 1Q	2020 2Q
Total Credits	200	260	218	60	87
# of Attorneys	27	28	29	29	29
Average Credits	7.4	9.2	7.5	2.0	3.0
% Greater than 9	82.2%	100%	83.3%	22.2%	32.3%

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%

	2017	2018	2019	2020 1Q	2020 2Q
Total Credits	144	174	168	39	45
# of Attorneys	27	28	29	29	29
Average Credits	5.3	6.2	5.8	1.3	1.6%
% Greater than 6	88.3%	100%	96.7%	21.7%	25.8%

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>
2017	2/56	3.6%	0%	2/191	1%	0%
2018	3/78	3.8%	0%	3/190	1.6%	0%
2019	5/82	6.1%	0%	5/188	2.7%	0%
2020 1q	1/23	4.3%	0%	1/49	2%	0%
2020 2q	1/25	4%	0%	1/49	2%	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>
2017	1/62	1.6%	0%
2018	0/35	0%	0%
2019	0/42	0%	0%
2020 1q	0/7	0%	0%
2020 2q	0/3	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
2017	29/30	97%	31/31	100%	1/1	50%
2018	18/20	90%	15/15	100%	0/0	0%
2019	18/21	86%	21/21	100%	0/0	0%
2020 1q	1/2	50%	5/5	100%	0/0	0%
2020 2q	1/3	33.33%	4/4	100%	0/0	0%

* 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: Opened cases

Measure #8: Declined cases

Measure #9: Dismissed cases

Measure #10: Closed/Probation cases

Measure #11: Response to defense

Measure #12: Trial cases

Measure #13: Probation Violations Filed

Measure #14: Victim Contact (all cases)

Measure #15: Domestic Violence counts

Measure #16: Minor Offense (violations) new for 2016

		Performance Measures	2017	2018	2019	2020 1Q	2020 2Q
PM	7	Open	5430	6342	6740	1838	1356
PM	8	Declined	167	2033	2318	356	309
PM	9	Dismissals	1115	1309	1300	18	44
PM	10	Closed/Probation	8115	5231	6123	804	372
PM	11	Response to defense					
		Motions Granted	5	5	6	1	0
		Motions Denied	60	41	30	9	0
		Motions Open	44	24	25	8	0
		Withdrawn	0	0	0	0	0
		Appeals Upheld	8	3	4	0	0
		Appeals Withdrawn by Defense	2	7	17	1	0
		Appeals Open	14	8	18	1	0
PM	12	Trial CASES	30	31	32	6	0
		Outcome by count: Not Guilty	16	4	13	3	0
		Outcome by count: Guilty	20	31	28	7	0
		Outcome by count: Hung Jury	7	2	2	0	0
PM	13	Probation Violations Filed	960	801	504	116	8
PM	14	Victim Contact (all cases)	3189	3269	3389	745	701
PM	15	Domestic Violence counts	2699	3265	3458	758	843
PM	16	Minor Offenses (violations)	82	22	0	1	1

Cases Received	2017	2018	2019	2020 1Q	2020 2Q
Domestic Violence Unit	2101	2548	2353	541	541
General Trial Unit	5017	5456	4643	1343	1343
Minor Offense &Traffic	82	22	0	1	1
Total Cases	7200	8026	6996	1885	1885

PVR Measure WC: Managing Workers' Compensation Claims

Reducing job-related injuries is a priority for the Administration by ensuring safe work conditions and safe practices. By instilling safe work practices, we ensure not only the safety of our employees but reduce the potential for injuries and property damage to the public. The Municipality is self-insured and every injury poses a financial burden on the public and the injured worker's family. It just makes good sense to WORK SAFE.

Results are tracked by monitoring monthly reports issued by the Risk Management Division.

