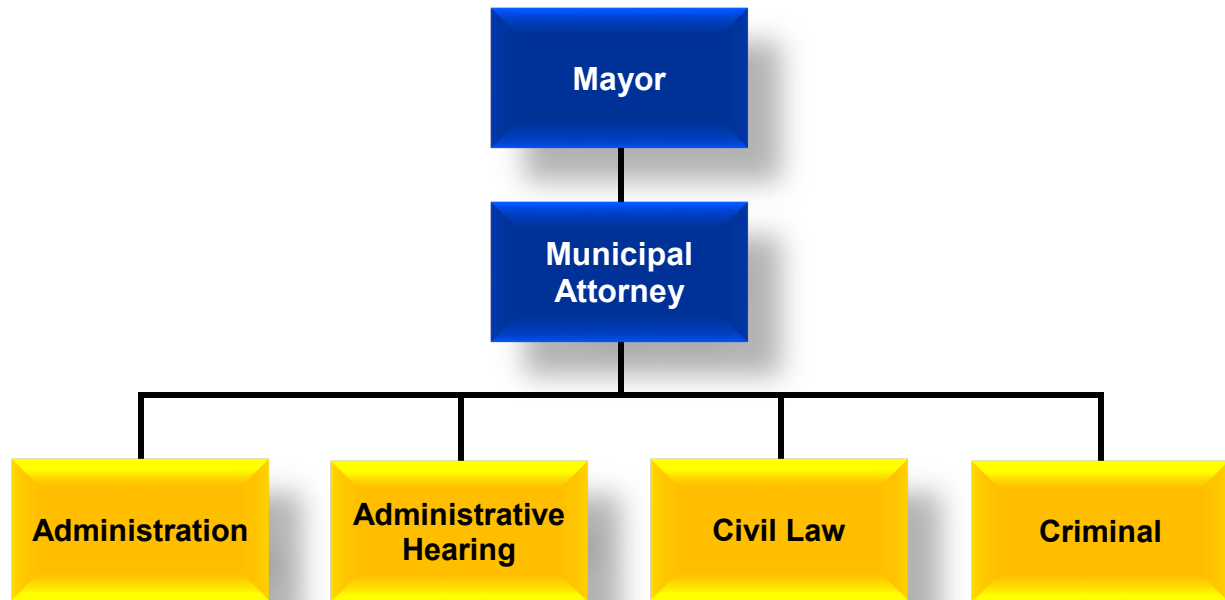


# Municipal Attorney



## 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:



**Economic Recovery – Build a city that attracts and retains a talented workforce, is hospitable to entrepreneurs and business owners, provides a strong environment for economic growth, attract new and innovative industries to Anchorage, and expand the tourism opportunities of Southcentral Alaska.**

- 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.



**Exemplary Municipal Operations – Improve the efficiency and effectiveness of Municipal operations to deliver services faster and better.**

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

## Municipal Attorney Department Summary

	2022 Actuals Unaudited	2023 Revised	2024 Approved	24 v 23 % Chg
<b>Direct Cost by Division</b>				
ATY Administration	1,579,011	2,027,433	2,055,884	1.40%
ATY Administrative Hearing	303,802	293,386	304,801	3.89%
ATY Civil Law	2,166,897	2,595,270	2,777,507	7.02%
ATY Criminal	3,163,570	3,683,277	3,788,066	2.84%
<b>Direct Cost Total</b>	<b>7,213,281</b>	<b>8,599,366</b>	<b>8,926,258</b>	<b>3.80%</b>
<b>Intragovernmental Charges</b>				
Charges by/to Other Departments	(5,373,507)	(6,630,109)	(6,956,599)	4.92%
<b>Function Cost Total</b>	<b>1,839,774</b>	<b>1,969,257</b>	<b>1,969,659</b>	<b>0.02%</b>
Program Generated Revenue	(846,401)	(717,320)	(717,320)	-
<b>Net Cost Total</b>	<b>993,373</b>	<b>1,251,937</b>	<b>1,252,339</b>	<b>0.03%</b>
<b>Direct Cost by Category</b>				
Salaries and Benefits	5,501,666	6,764,555	7,091,447	4.83%
Supplies	9,731	27,034	27,034	-
Travel	844	10,000	10,000	-
Contractual/Other Services	1,701,039	1,797,777	1,797,777	-
Debt Service	-	-	-	-
<b>Direct Cost Total</b>	<b>7,213,281</b>	<b>8,599,366</b>	<b>8,926,258</b>	<b>3.80%</b>
<b>Position Summary as Budgeted</b>				
Full-Time	45	46	46	-
Part-Time	-	-	-	-
<b>Position Total</b>	<b>45</b>	<b>46</b>	<b>46</b>	<b>-</b>

**Municipal Attorney  
Reconciliation from 2023 Revised Budget to 2024 Approved Budget**

	Direct Costs	Positions		
		FT	PT	Seas/T
<b>2023 Revised Budget</b>	8,599,366	46	-	-
<b>Changes in Existing Programs/Funding for 2024</b>				
- Salaries and benefits adjustments	326,892	-	-	-
<b>2024 Continuation Level</b>	<b>8,926,258</b>	<b>46</b>	<b>-</b>	<b>-</b>
<b>2024 Proposed Budget Changes</b>				
- None	-	-	-	-
<b>2024 Approved Budget</b>	<b>8,926,258</b>	<b>46</b>	<b>-</b>	<b>-</b>

## **Alcoholic Beverages Retail Sales Tax Program**

### **Description**

The net receipts from the alcoholic beverages retail sales tax, after payment of the costs of administration, collection, and audit to the municipality, are dedicated and shall be available to use only for:

- Funding for police, related criminal justice personnel, and first responders
- Funding to combat and address child abuse, sexual assault, and domestic violence
- Funding for substance misuse treatment, prevention programs, detoxification or long-term addiction recovery facilities, mental and behavioral health programs, and resources to prevent and address Anchorage's homelessness crisis.

Additional information is available in Appendix R.

### **Department Services**

The Municipal Attorney's Office uses the Alcohol Beverage Retail Sales Tax Program to fund an Assistant Municipal Prosecutor and a Legal Secretary position in the Domestic Violence Unit of the Municipal Prosecutor's Office. There is additional funding given to the department for expenses and supplies that might arise from two new positions being created (such as new computers, cell phones, new work stations, etc.).

## Municipal Attorney Department Summary Alcohol Tax

	2022 Actuals Unaudited	2023 Revised	2024 Approved	24 v 23 % Chg
<b>Direct Cost by Division</b>				
ATY Criminal	183,734	266,986	276,463	3.55%
<b>Direct Cost Total</b>	<b>183,734</b>	<b>266,986</b>	<b>276,463</b>	<b>3.55%</b>
<b>Intragovernmental Charges</b>				
Charges by/to Other Departments	767	1,003	1,044	4.09%
<b>Function Cost Total</b>	<b>184,502</b>	<b>267,989</b>	<b>277,507</b>	<b>3.55%</b>
<b>Net Cost Total</b>	<b>184,502</b>	<b>267,989</b>	<b>277,507</b>	<b>3.55%</b>
<b>Direct Cost by Category</b>				
Salaries and Benefits	183,283	251,986	261,463	3.76%
Supplies	-	15,000	15,000	-
Travel	-	-	-	-
Contractual/Other Services	451	-	-	-
Debt Service	-	-	-	-
<b>Direct Cost Total</b>	<b>183,734</b>	<b>266,986</b>	<b>276,463</b>	<b>3.55%</b>
<b>Position Summary as Budgeted</b>				
Full-Time	2	2	2	-
Part-Time	-	-	-	-
<b>Position Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>-</b>

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## Administration Municipal Attorney’s Office

*Anchorage: Performance. Value. Results.*

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**Mission**

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>
<b>2017</b>	3/15	20%	1/12	10%	0%
<b>2018</b>	2/15	13%	1/13	7%	0%
<b>2019</b>	3/15	20%	1/14	7%	0%
<b>2020</b>	1/15	6%	1/14	7%	0%
<b>2021</b>	2/15	13%	1/14	7%	0%
<b>2022 1Q</b>	1/15	6%	1/13	7%	7%
<b>2022 2Q</b>	0/15	0%	0/11	0%	0%
<b>2022 3Q</b>	2/15	7.5%	1/11	11%	0%
<b>2022 4Q</b>	4/15	26.6&	2/11	18.2%	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	2021	2022 1Q	2022 2Q	2022 3Q	2022 4Q
Total Credits	200	260	218	249	234	63	39	36	60
# of Attorneys	27	28	29	29	27	27	27	26	22
Average Credits	7.4	9.2	7.5	8.6	8.6	2.3	1.4	1.4	2.7
% Greater than 9	82.2%	100%	83.3%	95.4%	103.8%	38.5%	15.5%	15.3%	30.3%

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	2021	2022 1Q	2022 2Q	2022 3Q	2022 4Q
Total Credits	144	174	168	108	136	18	18	24	18
# of Attorneys	27	28	29	29	27	27	27	26	22
Average Credits	5.3	6.2	5.8	3.7	5.0	.66	.66	.92	.81
% Greater than 6	88.3%	100%	96.7%	99.3%	119.1%	11.1%	11.1%	29.6%	13.6%

CLE – 6 credit average without ethics



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**Civil Division**  
**Municipal Attorney's Office**

*Anchorage: Performance. Value. Results.*

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**Mission**

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 (lit cases).

**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>
<b>2017</b>	2/56	3.6%	0%	2/191	1%	0%
<b>2018</b>	3/78	3.8%	0%	3/190	1.6%	0%
<b>2019</b>	5/82	6.1%	0%	5/188	2.7%	0%
<b>2020</b>	3/76	3.9%	0%	1/49	2%	0%
<b>2021</b>	20/63	31.7%	1.5%	0/67	0%	0%
<b>2022 1Q</b>	21/70	30.0%	0%	0/72	0%	0%
<b>2022 2Q</b>	21/70	30.0%	0%	0/72	0%	0%
<b>2022 3Q</b>	22/75	29.3%	0%	0/103	0%	0%
<b>2022 4Q</b>	20/87	23%	0%	0/154	0%	0%

## Administrative Hearing Office Municipal Attorney's Office

*Anchorage: Performance. Value. Results.*

**Mission**

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>
<b>2017</b>	1/62	1.6%	0%
<b>2018</b>	0/35	0%	0%
<b>2019</b>	0/42	0%	0%
<b>2020</b>	0/17	0%	0%
<b>2021</b>	0/16	0%	0%
<b>2022 1Q</b>	0/4	0%	0%
<b>2022 2Q</b>	0/9	0%	0%
<b>2022 3Q</b>	0/4	0%	0%
<b>2022 4Q</b>	0/8	0%	0%

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

	<b>10 days</b>	<b>% in 10 days</b>	<b>20 days</b>	<b>% in 20 days</b>	<b>45 days</b>	<b>% in 45 days</b>
<b>2017</b>	29/30	97%	31/31	100%	1/1	50%
<b>2018</b>	18/20	90%	15/15	100%	0/0	0%
<b>2019</b>	18/21	86%	21/21	100%	0/0	0%
<b>2020</b>	8/12	66.66%	5/5	100%	0/0	0%
<b>2021</b>	5/32	15%	10/11	100%	5/6	100%
<b>2022 1Q</b>	2/4	50%	2/2	100%	0/0	0%
<b>2022 2Q</b>	6/9	66.66%	3/9	33.33%	1/1	100%
<b>2022 3Q</b>	4/4	100%	4/4	100%	0/0	0%
<b>2022 4Q</b>	3/3	100%	2/2	100%	3/3	100%

\* 45 days is AHD; 20 days is Animal Control; 10 days is everything else

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## **Criminal Division Municipal Attorney's Office**

*Anchorage: Performance. Value. Results.*

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### **Mission**

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**

2024 Approved General Government Operating Budget

		2018	2019	2020	2021	2022	2023 1Q	2023 2Q	2023 3Q	2023 4Q
PM	7	Open (all new cases)	6,342	6,740	6,887	7,998	7,621	1,769	1,717	
PM	8	Declined (new & on going)	2,033	2,318	1,180	1,254	1,317	471	529	
PM	9	Dismissals (new & on going)	1,309	1,300	363	1,310	1,326	483	254	
PM	10	Closed/Probation (new & on going)	5,231	6,123	2,142	4,143	3,229	749	707	
PM	11	Motion (response to defense)								
		Defense Motions Granted	5	6	9	5	9	10	20	
		Defense Motions Denied	41	30	25	22	36	14	17	
		Motions Open	24	25	35	31	67	14	16	
		Withdrawn	-	-	13	-	6	-	4	
		Defense Appeals Upheld	3	4	-	1	2	-	-	
		Appeals Withdrawn by Defense	7	17	2	3	4	1	-	
		Appeals Open	8	18	8	15	19	4	4	
PM	12	Trial								
		Total <b>Cases</b>	31	32	6	4	-	5	3	
		Outcome of case by <b>count</b> : Not Guilty	4	13	3	-	-	1	3	
		Outcome of case by <b>count</b> : Guilty	31	28	7	6	9	5	1	
		Outcome of case by <b>count</b> : Hung Jury	2	2	-	-	-	-	-	
PM	13	Probation Violations Filed	801	504	505	202	392	170	59	
PM	14	Victim Contact (bail notice)	3,269	3,389	3,126	2,995	2,966	640	737	
PM	15	Domestic Violence counts filed	3,265	3,458	3,033	3,279	2,267	533	585	
PM	16	Minor Offenses (violations)	22	-	2	-	-	-	-	

		2018	2019	2020	2021	2022	2023 1Q	2023 2Q	2023 3Q	2023 4Q
	Cases Received									
	General Trial Unit	2,548	2,353	3,115	3,933	3,879	1,062	1,089		
	Domestic Violence Unit	5,456	4,643	3,641	2,033	1,956	421	474		
	Total cases by Quarter	8,004	6,996	6,756	5,966	5,835	1,483	1,563	-	-

PM 7 Due to continued staffing shortages and lack of OT funding, closing cases has stopped while staff attempt to keep  
PM 10 vacant positions afloat. Numbers reflected in JustWare are off by 5,000 - 6,000 cases in need of closing.

**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.

