

Fund:

**GENERAL**

Department:

**GENERAL GOVERNMENT**

Division:

**CITY ATTORNEY**

Division No.: **40003**

**MISSION:**

The mission of the City Attorney's Office is to ensure that the operations of the City government are conducted in a lawful manner.

**SERVICES:**

The City Attorney's Office advises the City Council and City staff on legal issues, represents the City in legal proceedings, reviews and prepares legal documents, prepares revisions and updates to the Carbondale City Code and prosecutes violations of the Carbondale City Ordinances.

**SIGNIFICANT GOALS AND OBJECTIVES:**

**GOAL:**

A. Provide adequate, competent legal services to the City in its operations, progress and growth in order to provide efficient governmental services to the citizens of Carbondale

**Objective:**

1. Provide useful and timely legal service to the legislative, administrative and advisory bodies of the City government

**Strategies:**

- a. Investigate and review information relating to the facts and circumstances surrounding legal disputes or issues under consideration
- b. Identify and address issues which could potentially cause conflict and litigation with the City government's daily operations
- c. Research and remain updated on relevant court decisions, statutory provisions, administrative decisions, legislation, advance sheets, legislative bulletins, regulatory materials and other legal resource publications

- d. Determine how changes in the law may affect the City's operations
- e. Develop and maintain a network of communication and information with municipal attorneys from other cities for the purpose of exchanging information, advice and ordinances as they relate to local government
- f. Maintain and update the City's law library to provide adequate, current materials for the purpose of legal research, review and referral as necessary to stay abreast on municipal issues
- g. Prepare and disseminate information to City administration regarding current developments and trends in the law which affects municipalities and the City's operations
- h. Review documents prepared by City administration to determine if legal issues are involved and if so, what changes are necessary to protect the City's interests
- i. The City Attorney is the Open Meetings Act (OMA) officer and one of three Freedom of Information Act (FOIA) officers along with the City Clerk and the Police Records Clerk

**Objective:**

2. Minimize liability and avoid unnecessary litigation

**Strategies:**

- a. Maintain a "preventive law" program which will:
  - 1) identify and address areas that may produce litigation in the future;
  - 2) develop clear policies consistent with the law to alleviate the potential for litigation and avoid unsuccessful litigation; and
  - 3) disseminate policies to appropriate departments for consideration and implementation
- b. Remain current on changes in state and federal laws which impact the City's liability
- c. Stay abreast of decisions being made by City staff and provide appropriate legal advice
- d. Review all documents and contracts to which the City is a party
- e. Provide legal analysis on law enforcement issues to the Police Department

- f. Review City policies and regulations and compare to changes in federal and state laws pertaining to or affecting employment law
- g. Provide legal advice to boards and commissions of the City of Carbondale

**GOAL:**

- B. Provide the citizens of Carbondale with an efficient and concise set of ordinances

**Objective:**

- 1. Provide ordinances that enhance, protect and promote the quality of life for the citizens of the City of Carbondale

**Strategies:**

- a. Consult with City staff to ascertain problems or conflicts and determine the most effective approach to resolution
- b. Draft ordinances in plain English and language that will survive a constitutional challenge for vagueness or over breadth
- c. Review and remain current on changes in municipal, state and federal laws and regulations that affect City Code provisions
- d. Draft comprehensible provisions which address current needs of the City and anticipated future needs and interests
- e. Review strategies and procedures of other municipalities in light of the City's goals and objectives
- f. Communicate with other governing agencies to learn from their experiences with alternative methodologies

**GOAL:**

- C. Create and maintain adequate, safe and prudent City Code provisions to promote the City of Carbondale as a positive place in which to live and conduct business

**Objective:**

- 1. Maintain a safe and secure atmosphere conducive to existing properties and future residential and commercial developments

**Strategies:**

- a. Assess problem areas to determine which ordinances are violated most frequently and whether the current provisions are adequately addressing unlawful activity
- b. Prosecute ordinance violations and maintain a proactive approach to situations which pose a clear and present danger to the health, safety and welfare of the community
- c. Draft and propose revisions to the Carbondale City Code in a manner that carefully balances the needs of the community and the City's obligation to protect the public health, safety and welfare of the entire community
- d. Supervise, regulate and enforce the City's Community Service Program

**PROGRAM HIGHLIGHTS:**

The City Attorney's Office will continue to implement computer-assisted, online legal research to provide quick, accurate and useful legal research tools for the day-to-day operations of the City.

The City Attorney's Office will continue to aggressively collect past due accounts for debts owed to the City. Such actions include: collection for past due payments on water and sewer bills, outstanding payments on loan programs, payment for damage to City-owned property, past due leaf or special refuse collection, weed mowing charges and liens and collection of false fire or police alarms. This activity will continue through the use of letters, phone calls, small claims complaints and civil action when necessary.

The City Attorney's Office has benefited from the use of both nonpaid paralegal and law student interns. A continued effort will be made to utilize the internship programs through the Southern Illinois University for the benefit of both the City and the intern.

In FY 2016, the City Attorney's Office will continue to be responsible for the management and supervision of the Community Service Program. This will include receiving any requests for community service, determining the eligibility of each person, creating and maintaining a list of "designated sites" where community service may be performed, supervising the performance and success of each participant through direct contact with each site and enforcing the terms and conditions of the program.

**PERFORMANCE MEASUREMENTS:**

<b>Performance Measurements</b>	<b>Division Goal/ Objective</b>	<b>Actual FY 2014</b>	<b>Authorized Budget FY 2015</b>	<b>Estimated Actual FY 2015</b>	<b>Budget FY 2016</b>
Outstanding Accounts Collected	A-1	250	300	250	300
Small Claims Filed	A-1	200	200	100	200
Legal Opinions Rendered/Memos	A-1, A-2	750	750	750	750
Legal Correspondence, Contracts or Documents Prepared/Revised/Reviewed	A-1, A-2	1,000	1,000	1,000	1,000
Ordinances and Resolutions Drafted, Revised or Reviewed	B-1	250	250	250	250
City Code Provisions Updated	B-1	75	75	100	100
Ordinance Violations Prosecuted/ Filed	C-1	2,852	3,500	3,291	3,500
Ordinance Violations Tried	C-1	624	450	600	600
Community Service Program Contacts	C-1	140	145	145	145
Community Service Program Completions	C-1	50	50	50	50

**NUMBER OF FULL TIME EQUIVALENT EMPLOYEES:**

<b>POSITION TITLE</b>	<b>ACTUAL FY 2014</b>	<b>AUTHORIZED BUDGET FY 2015</b>	<b>ESTIMATED ACTUAL FY 2015</b>	<b>BUDGET FY 2016</b>	<b>\$ AMOUNT BUDGET FY 2016</b>
City Attorney	1.00	1.00	1.00	1.00	\$94,503
Assistant City Attorney	1.00	1.00	1.00	1.00	\$65,605
Administrative Secretary	2.00	2.00	2.00	2.00	\$75,940
<b>TOTAL</b>	4.00	4.00	4.00	4.00	\$236,048

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EXPENDITURE CLASSIFICATION	AUTHORIZED		ESTIMATED		
	ACTUAL FY 2014	BUDGET FY 2015	ACTUAL FY 2015	BUDGET FY 2016	
<b>PERSONAL SERVICES</b>					
100	Employee Salary and Wages	231,392	236,048	236,048	236,048
101	Accrued Sick Leave	0	0	0	0
102	Accrued Vacation Leave	84	0	0	0
110	Employee Overtime	0	0	0	0
130	Employee Health Ins. Benefits	44,238	44,987	43,725	47,105
131	Employee Retirement Benefits	48,707	51,044	49,604	47,657
140	Employee Work. Comp. Benefits	645	655	608	545
141	Employee Unemp. Comp. Benefits	0	0	0	0
TOTAL PERSONAL SERVICES		325,066	332,734	329,985	331,355
<b>DIRECT OPERATING CHARGES &amp; SERVICES</b>					
200	Professional & Consultant Fees	1,789	3,500	3,500	3,500
210	Publishing and Filing Fees	0	300	250	300
222	Communications-Postage	1,603	2,000	1,500	2,000
240	Travel, Conferences, Training	963	3,165	2,350	3,372
250	Repairs & Maint.-Equip.	0	400	250	400
270	Outside Printing Services	0	100	0	100
271	Other Outside Services	2,588	3,100	2,800	2,900
272	Office Supplies	1,854	2,000	2,000	1,980
273	Operating Supplies & Materials	12,036	13,200	13,200	13,200
280	Subscriptions and Memberships	1,637	2,000	2,160	2,160
281	Insurance and Bonds	5	100	100	100
299	Operating Equipment	777	0	0	0
TOTAL DIR. OPER. CHRGS. & SRVCS.		23,252	29,865	28,110	30,012
<b>TOTAL EXPENDITURES</b>		<b>348,318</b>	<b>362,599</b>	<b>358,095</b>	<b>361,367</b>