

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 access to legal

information and to provide adequate and current information 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 2017, 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:

Performance Measurements	Division Goal/ Objective	Actual FY 2015	Authorized Budget FY 2016	Estimated Actual FY 2016	Budget FY 2017
Outstanding Accounts Collected	A-1	300	300	300	300
Small Claims Filed	A-1	200	200	200	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	100	100	100	100
Ordinance Violations Prosecuted/ Filed	C-1	3,500	3,500	3,500	3,500
Ordinance Violations Tried	C-1	600	600	600	600
Community Service Program Contacts	C-1	145	145	145	145
Community Service Program Completions	C-1	50	50	50	50

NUMBER OF FULL TIME EQUIVALENT EMPLOYEES:

POSITION TITLE	ACTUAL FY 2015	AUTHORIZED BUDGET FY 2016	ESTIMATED ACTUAL FY 2016	BUDGET FY 2017	\$ AMOUNT BUDGET FY 2017
City Attorney	1.00	1.00	1.00	1.00	\$97,947
Assistant City Attorney	1.00	1.00	1.00	1.00	\$67,995
Legal Assistant	0.00	0.00	0.40	1.00	\$43,930
Administrative Secretary	2.00	2.00	1.20	0.00	\$0
TOTAL	4.00	4.00	3.60	3.00	\$209,872

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EXPENDITURE CLASSIFICATION	AUTHORIZED		ESTIMATED		
	ACTUAL FY 2015	BUDGET FY 2016	ACTUAL FY 2016	BUDGET FY 2017	
PERSONAL SERVICES					
100	Employee Salary and Wages	233,956	236,048	249,106	209,872
101	Accrued Sick Leave	20,424	0	0	0
102	Accrued Vacation Leave	5,651	0	0	0
110	Employee Overtime	0	0	0	0
130	Employee Health Ins. Benefits	43,911	47,105	42,462	43,089
131	Employee Retirement Benefits	49,018	47,657	49,221	41,065
140	Employee Work. Comp. Benefits	573	545	499	570
141	Employee Unemp. Comp. Benefits	0	0	0	0
TOTAL PERSONAL SERVICES		353,533	331,355	341,288	294,596
DIRECT OPERATING CHARGES & SERVICES					
200	Professional & Consultant Fees	439	3,500	3,500	3,500
210	Publishing and Filing Fees	65	300	0	300
222	Communications-Postage	855	2,000	2,000	2,000
240	Travel, Conferences, Training	1,192	3,372	3,372	3,372
250	Repairs & Maint.-Equip.	0	400	0	400
270	Outside Printing Services	0	100	0	100
271	Other Outside Services	2,163	2,900	2,900	2,900
272	Office Supplies	1,914	1,980	1,980	1,980
273	Operating Supplies & Materials	11,869	14,985	12,200	12,200
280	Subscriptions and Memberships	2,245	2,160	3,160	3,160
281	Insurance and Bonds	0	100	100	100
299	Operating Equipment	0	0	0	0
TOTAL DIR. OPER. CHRGS. & SRVCS.		20,742	31,797	29,212	30,012
TOTAL EXPENDITURES		<u>374,275</u>	<u>363,152</u>	<u>370,500</u>	<u>324,608</u>