

**Function:**  
**General Government**

**Department:**  
**Legislative and Council**

**Activity:**  
**Legal Services**

#### **GENERAL INFORMATION**

The City Attorney is retained by the City on a part-time basis and paid on an hourly basis. The City's previous long-serving City Attorney retired at the end of October, 2010. After soliciting proposals from interested attorneys, Matt Brick of the Brick Gentry Law Firm was selected to serve as the new City Attorney at a rate of \$150 per hour. The part-time City Attorney is available to the City Administrator and City staff on an "as needed" basis for legal assistance. With the change in City Attorneys, the City's prosecution function was separated from the City Attorney function. Jennifer Lerner was selected to serve as the City Prosecutor at a rate of \$85 per hour.

#### **CURRENT TRENDS AND ISSUES**

The revised estimate for 2011/2012 is \$5,000 higher than the original budget. The City's original 2011/2012 Legal Services budget included \$10,000 toward the cost of updating the City Code. The City Administrator researched various methods of updating the Code including various Code services firms as well as the City Attorney. The City Attorney provided a quote for a full update of the Code in an amount not to exceed \$25,000. This cost includes \$10,000 for the Zoning ordinance portion of the Code which is planned to be completed in 2012/2013 and \$15,000 for all of the remaining sections which are budgeted for completion in the current year. This required a \$5,000 amendment to this budget which City Council approved in September of 2011. The update of the Zoning ordinance portion of the Code is budgeted to be completed in 2012/2013 after the update of the City's Comprehensive Plan. The City's last full City Code update was completed in December of 1981.

The 2012/2013 budget is the same as the original 2011/2012 budget. As mentioned previously, the budget includes \$10,000 to update the Zoning ordinance portion of the City Code. This budget is based on an estimate of the hours of legal services needed during the year. Legal services for capital projects and enterprise funds are charged to those projects or funds.

#### **GOAL STATEMENT**

To provide legal services to the Mayor, City Council, City staff, and Advisory Commissions and Boards to insure that all functions of the City are performed on a legal basis in accordance with the City Code, State Statutes, and Federal laws and regulations; to prosecute City Ordinance violations and defend the City when involved in lawsuits.

**PERFORMANCE MEASURES**

	Actual 2008/2009	Actual 2009/2010	Actual 2010/2011**	Estimated 2011/2012	Estimated 2012/2013
Hours of Legal Service Provided:					
City Attorney (previous including prosecutions) *	408	385	106	N/A	N/A
New City Attorney (excluding prosecutions) *	N/A	N/A	613	750	750
City Prosecutor	N/A	N/A	106	250	250

\* City Attorney hours include those charged to capital projects and enterprise funds.

\*\* The previous City Attorney retired at the end of October, 2010 and was replaced with a new City Attorney and City Prosecutor.

**OBJECTIVES TO BE ACCOMPLISHED IN 2012/2013**

- \* To continue to respond to requests for assistance in legal matters by the Mayor, City Council, and City Administrator (all legal services requests are made through the City Administrator).
- \* To complete a comprehensive update to the City Code. The Zoning Ordinance review and update will follow completion of the City's comprehensive plan. (**Management Agenda Top Priority**)

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	Actual 2009/2010	Actual 2010/2011	Budget 2011/2012	Revised Estimate 2011/2012	Budget 2012/2013	Percent Change
<b>Expenditure Summary</b>						
Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
Commodities	-	-	100	100	100	0.00%
Contractual Services	39,031	49,293	70,500	75,500	70,500	0.00%
Capital Outlay	-	-	-	-	-	
Transfers	-	-	-	-	-	
Total Expenditures	<u>\$ 39,031</u>	<u>\$ 49,293</u>	<u>\$ 70,600</u>	<u>\$ 75,600</u>	<u>\$ 70,600</u>	0.00%
<b>Funding Sources</b>						
General Revenues	<u>\$ 39,031</u>	<u>\$ 49,293</u>	<u>\$ 70,600</u>	<u>\$ 75,600</u>	<u>\$ 70,600</u>	0.00%