

City Attorney's Office

**FY2008-2009
Preliminary Strategic Operating Plan**

FY2009 Final Update

DeWitt F. McCarley, City Attorney

“We are committed to providing the City and its public officials and employees with cost effective legal services of the highest quality.”

**City Attorney's Office
FY2008-2009 Preliminary Strategic Operating Plan
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I. Executive Summary

Introduction

The City Attorney's Office provides legal advice and representation to the Mayor, City Council, City Manager and other City officials, employees, and agencies. The Office represents the City, its officials and employees in litigation filed by or against them. Upon request, the Office provides legal opinions to City officials and employees on City-related matters.

All ordinances and resolutions adopted by the City Council are drafted or reviewed by the City Attorney's Office. Contracts, leases, deeds, franchises and other legal documents to which the City is a party are also reviewed or drafted by the Office. In addition, the City Attorney is involved in selecting and managing the services of outside counsel who represent the City, its officials and employees on City-related matters.

The City Attorney's Office is committed to providing the City and its public officials and employees with cost effective legal services of the highest quality.

Summary of Resource Needs

	FY2007 Actual	FY2008 Revised Budget	FY2009 Request
Budget	\$1,706,905	\$2,025,475	\$1,789,893
Positions	26	26	26

Vision and Mission

Vision: We will be the City of Charlotte's preferred provider of legal services. Our services will be consistently responsive and of the highest quality. We will be passionate in our pursuit of excellence and will always act in accordance with the highest professional and ethical standards.

Mission: We will ensure that appropriate legal services are always provided to our client, the City of Charlotte, in accordance with the values of the City Attorney's Office. This responsibility will be discharged by consulting regularly with our client and being familiar with its needs.

Key Issues and Challenges

Enhance Customer Service: Because of changes to the Federal Rules of Civil Procedure regarding electronic discovery, staff developed and implemented a litigation hold procedure required for retention and storage of documents that might be considered relevant to potential or pending lawsuits.

Staff is developing a litigation hold checklist and will develop a training plan to present to all KBUs.

Staff has completed the litigation hold checklist. The tasks have been listed and incorporated into Litigation Records Retention Policy; InfoPath Litigation Hold Form; Instructions for Issuing Litigation Hold; and Instructions to Recipient for Completing Litigation Hold Form.

Each attorney will be responsible for training their KBE on the Litigation Hold Policy.

The training materials were completed and a refresher course was conducted for all attorneys. The attorneys have conducted training sessions for their KBUs.

Increase Legal Services: We have continued to monitor the tort defense caseload over the past 2-3 years to determine if an additional tort defense attorney position is necessary to help with the increasing caseload. We do anticipate an increase in tort litigation with the operation of the light rail system.

This position is a high priority for the City Attorney's Office. This office will continue to work with Finance and Budget on this issue and to pursue a service level request in the FY2009 SOP.

This issue remains a high priority. A service level change for an additional tort defense attorney was included with the City Attorney's Office FY2009 Strategic Operating Plan update submitted in February 2008.

Technology: All attorneys received laptops and SmartPhones in FY2008. SmartPhone and laptop training sessions will be scheduled for all attorneys to ensure they know how to effectively use the new equipment.

All attorneys have received training on all new equipment.

Manage Staff: Space needs continue to be at the top of our Key Issues and Challenges list. Our Risk Management and Real Estate divisions recently relocated to a space reserved for the Attorney's Office when Risk Management moved to the Cameron Brown Building. This space is very small and there is no room for expansion. This space meets some of our space needs at the present, but is not a long term solution.

In the past we have mentioned the lack of conference room space for mediations in condemnation and tort cases. With the space mentioned above, the Real Estate staff now shares a small conference room with the Risk Management attorney staff and Risk Management. The shared use of this conference room is not the best solution for the Real Estate staff because there are no additional rooms available for negotiation purposes during mediation. The conference room is very small and will not accommodate all mediation attendees. Risk Management also has priority over the attorneys for use of this space. A conference room dedicated to the sole use of our attorneys for court-ordered mediations is needed.

Three small conference rooms have been created in the City Attorney's Office by dividing the library in half and installing a high density filing system that created space for an additional small conference room in the Government Center. These conference rooms will help with mediations, although inconvenient for the Real Estate attorney staff since they are located in the Cameron Brown Building.

Over the past 6-8 months this office has had several lawsuits being prepared for court hearings. These lawsuits are producing a large volume of documents with nowhere to store them securely. In particular, one has taken over the entire library which prohibits the attorneys from using the library for research or meetings. A dedicated, secure on-site store room for active case files is needed.

A dedicated, secure on-site store room for active case files continues to be a very high priority issue since the library space was given up for two small conference rooms. The office filing system was upgraded which added some additional filing space. But there is still not enough storage for large lawsuit files and there is no room for growth.

Although the Real Estate and Risk Management attorneys are sharing office space, space is still a priority need.

All space needs mentioned above are still a high priority. Since the Cameron Brown space is not a long term solution, we would like to find space in CMGC for the seven people from this office that are located with Risk Management in the Cameron Brown building. Storage space for working lawsuit files has become a critical issue.

Law Clerk: For a number of years this office has hired second year law students to intern for ten weeks during the summer. The attorneys have always found their work to be very beneficial. The attorneys find enough research projects to keep two interns busy for the ten weeks. Recently the attorneys have come up with enough projects that the interns didn't have time to complete all the research projects they were given. At the end of last year we hired an attorney that had just passed the bar and was looking for a job in Charlotte to intern for us and complete some of the extra research projects. We were able to keep him busy with projects for approximately three months. Following that, we had another licensed attorney working with the attorneys, especially on environmental issues, until she found permanent employment.

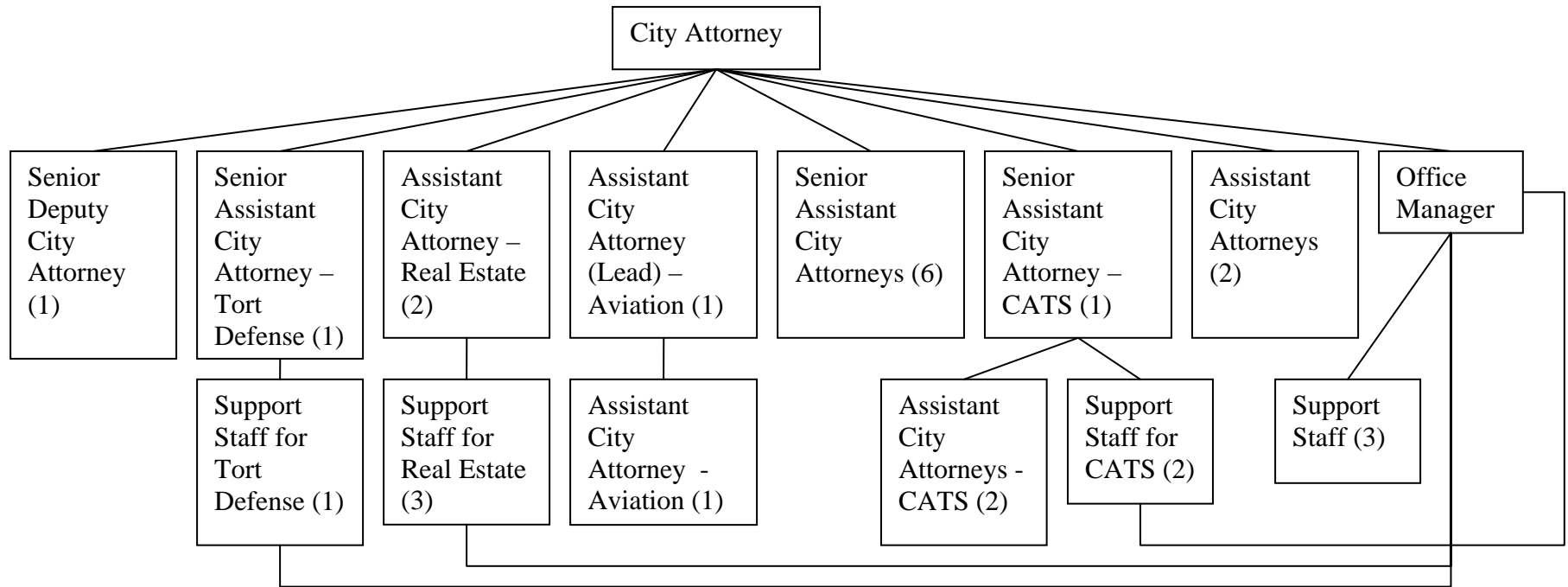
Since there is a new law school in Charlotte, we would like to create a new full-time law clerk position and hire law students from the law school to fill the position.

The law clerk position will be a temporary full-time Office Assistant III position with no benefits. It will be a one-year internship for each law student hired. Hiring a law clerk will be more cost effective than a paralegal because the pay rate is lower, and a request for a paralegal position would require asking for a permanent full-time position with benefits.

Each year after the summer interns return to school, we realize the importance of the work they have performed for the office. The office has a great resource with the new law school in Charlotte and the capability of hiring a full-time law clerk. The request for a full-time law clerk position is renewed.

This remains a high priority. A service level change for a law clerk position was included with the City Attorney's Office FY2009 Strategic Operating Plan update submitted in February 2008.

Organizational Chart



***Also to be considered as a part of the City Attorney's Office organizational chart:

Police Attorney's Office
Deputy City Attorney – 1
Senior Assistant City Attorney – 2
Assistant City Attorney – 2
Paralegal – 1
Support Staff – 1

II. Strategy and KBU Planning

The City Attorney's Office provides legal advice and representation to the Mayor, City Council, City Manager, City officials and employees.

Accomplishments

Over the past year the City Attorney's Office has been pleased about several accomplishments where we have provided great legal services and excellent customer service.

- **CMU.** Worked with co-counsel Hogan & Hartson to represent the City in the South Carolina v. North Carolina suit, filing a motion to intervene and securing a favorable decision on the motion so that the City is allowed to intervene and become a party in this original jurisdiction case in the US Supreme Court.
- **Environmental.** Continue to work with the Manager's office and Engineering to finalize the greenhouse gas inventory and develop an action plan to lower the City's emissions.
- **Environmental.** Work with Real Estate and Engineering on the sale and redevelopment of the Statesville Avenue Landfill.
- **Environmental.** Work with Engineering and the Manager's office to explore opportunities for solar power at City facilities.
- **Code Enforcement.** Completed a collaborative effort among the City Attorney's Office, Neighborhood Development, and Charlotte-Mecklenburg Police Department leading to Council's approval of revisions to the City Code to create standards of fitness for lodging establishments and to create requirements for hotels to cooperate in criminal investigations.
- **CATS.** Assisted CATS in negotiating and writing contracts for a preliminary design on two more rail corridors.
- **Public Safety.** Defended the City against counterclaims arising out of City nuisance action shutting down crime-infested Star Choice and engaged in negotiations resulting in owner's sale of hotel to a third party that would end criminal activity and ensure that previous owners would no longer manage hotels or motels within the City.

- **Public Safety.** Lobbied against legislation which would have impaired City authority to inspect hotels and motels. City efforts resulted in modifications to draft bills which preserved City ability to inspect hotels and motels.

Links to Corporate Strategy

The City Attorney's Office will provide service that is consistent with the City's corporate strategy.

Serve the Customer. The City Attorney's Office will continue to focus on the client, be accessible and responsive, and maintain a thorough understanding of City operations, personnel and policies.

The City Attorney's Office will provide a high level of customer service to Key and Support Businesses, monitor and respond to feedback from our customers, and strive to be accessible and responsive to our customers.

Each attorney is required to conduct a client service interview with each of his or her client departments and develop a plan to provide the service.

Each attorney met with their client department and developed a plan to provide service.

The office will monitor and respond to feedback from customers. The office has set a goal to develop a litigation hold policy which is required because of changes to the Federal Rules of Civil Procedure regarding electronic discovery. Each attorney will be responsible for training their KBE on the Litigation Hold Policy.

The training materials were completed and a refresher course was conducted for all attorneys. The attorneys have conducted training sessions for their KBUs.

Run the Business. The City Attorney's Office will continue to pursue excellence in the practice of law, be recognized experts in municipal law, and focus on preventive legal advice.

Support the City's new Wellness Works priorities by setting goals to promote physical activity, implement office policy for a better work environment, and ensure healthy food options are available.

A goal was set for a target number of exercise hours and the number of hours was exceeded. A flexible work schedule was adopted allowing flexible lunch and work hours to allow for exercise time. A healthy food option is available at the monthly birthday breakfast.

Create a resource of all session laws that affect Charlotte. The office has set a goal to create a notebook of all session laws that affect Charlotte and present the findings to the office.

A list was created and placed in a notebook, as well as, being posted on the City Attorney's CNET page.

Manage Resources. The City Attorney's Office will continue to strive to provide legal services in a cost effective manner and at a lower cost than services provided by outside counsel.

All attorneys received their own laptops and SmartPhones in FY2008. Training sessions will be scheduled to ensure all attorneys know how to effectively use the new equipment.

Training was scheduled and completed by all attorneys.

Successful management of outside counsel. The attorneys will set a schedule to report bi-annually on their experiences working with outside counsel.

The schedule was completed for staff to make bi-annual reports.

Develop Employees. The City Attorney's Office will continue to champion the City's interest, treat citizens and the Bar with respect, and maintain the highest professional and ethical standards.

The Attorney's Office will strive to increase the availability of skills in areas required to support City priorities, encourage staff to undertake activities or participate in organizations that strengthen and demonstrate our individual and collective commitment to professionalism.

We will determine the best way to make all attorneys aware of ethics opinions, ethics rule changes, and other ethics related matters.

Ethics opinions are being monitored and posted.

The attorneys are encouraged to develop and present seminars for the Mecklenburg County Bar, International Municipal Lawyers Association, their client departments, local organizations and give talks to students in the local public school system.

Each year we plan tours of different parts of the City so that staff can better understand the operational needs of our client.

Staff toured the light rail system in October 2007 and the light rail maintenance facility in June 2008.

Strategic Initiatives

- Ensure good customer service delivery through client service interviews.
- Conduct informal surveys of Council members to determine topics they are interested in learning more about.
- Be proactive regarding the provision of legal advice and opinions concerning the creation and interpretation of local ordinances, state and federal law. Administer all legal services, manage and coordinate all litigation matters and represent the City's legal positions with other agencies.
- Deliver competitive services by monitoring the services of outside counsel to ensure that the City is receiving the highest quality legal services at a reasonable cost.
- Promote learning and growth by providing the necessary resources and encouraging staff to undertake activities that demonstrate their commitment to professionalism and lifelong learning.

City Attorney's Office Special Plans

Technology Plan

Since all attorneys received their own laptop and SmartPhone during FY2008, we did not submit a technology request for FY2009.

Training and Development Plan

Customer Service Training: The City Attorney's Office will continue to conduct client surveys with the individual client departments to ensure that the staff attorneys are addressing the needs of the client and identify special needs. The office will strive to return telephone calls on the same day received and answer e-mail requests within a reasonable timeframe.

The office will continue to make Council member requests for service a high priority. We will research and provide written responses to Council members when received.

Technology Training: The City Attorney's Office technology plan provides that all staff members have a basic understanding of Outlook, that support staff develop and maintain superior word processing skills, and all attorneys should have a basic understanding of Word. Particular staff members should develop and maintain expertise in relevant computer skills to assist and serve as a resource for other staff members in areas such as Word, Outlook, PowerPoint, Westlaw, etc.

The office will conduct periodic surveys of staff members to ensure that they receive the training identified in the surveys. Encourage support staff to pursue higher levels of training in Word.

Professional Development Training: Continue to provide resources and funding so that the attorneys will receive the 12 hours of Continuing Legal Education required by the Board of Continuing Legal Education of the North Carolina State Bar.

Provide funding for attorneys to attend conferences and seminars in their area of expertise.

Encourage attorneys to develop and conduct a seminar, or write a legal article for publication. The budget now provides for the City Attorney, the Senior Deputy City Attorney and a Senior Assistant City Attorney to attend the International Municipal Lawyers Association Mid-Winter Conference and the Annual Conference. If other attorneys are interested in attending one or both of these conferences, they will be required to write and give a speech at the conferences in order to attend.

Encourage all staff members to participate in some community service effort.

Customer Service Plan

The City Attorney's Office will continue to strive to be the City of Charlotte's preferred provider of legal services. We will continue to make every effort to retain the experienced attorneys that are now on staff. We will recruit and make every effort to retain the best-qualified support staff.

The Attorney's Office will encourage all new employees to take Customer Service training through Training Trax.

The Attorney's Office will make Council member requests for service a high priority.

III. Service Delivery

The City Attorney's Office provides all legal services for the City.

Core Service Areas

City Departments and Officials: Provide legal services to all City departments and City officials.

Mayor and City Council: Provide legal services to Mayor and members of Council.

Service History and Trends

City departments and officials: These legal services include ongoing advice to city officials, preparation and review of legal documents, representation of the City and city

officials in lawsuits. When warranted the City Attorney may contract with outside legal counsel for specialized expertise and services. The Attorney's Office will administer all legal services, manage and coordinate all litigation matters and represent the City's legal interests with other agencies.

Mayor and City Council: The Attorney's Office will direct and organize functions of the office in a manner that will support the goals and objectives of the City Council. We will continue developing criteria for the use of outside legal counsel to supplement various departmental activities. Continue to hire, train and develop internal staff to assume additional legal responsibility in support of City needs.

The Attorney's Office will develop and promote practices which are responsive to City Council priorities and initiatives while retaining accountability for completion of those initiatives. Also provide accurate, concise and timely information on which the Council may take appropriate action.

IV. BSC and Performance Measurement

The City Attorney's Office will continue its efforts to build a strong team and dedication to providing the citizens and employees of the City with the best possible legal services. The Attorney's Office will create an environment that rewards constructive candor and addresses conflicts skillfully and productively.

The Attorney's Office will exhibit outstanding professional skills and demonstrate the ability to lead and take strong action on initiatives while ensuring complete follow through. The Office will exhibit knowledge of municipal laws and ordinances, as well as in-depth understanding of state and federal procedures and substantive law issues. The advice and actions from the City Attorney's Office will be based on the highest level of integrity and legal precedent.

The Attorney's Office will continue to reflect its strong philosophy with regard to professional development. Staff is encouraged to reach their fullest professional potential.

V. Request for Resources

Base Budget: The City Attorney's Office budget request for FY2009 is \$1,789,893 with 25 permanent full-time positions, one 25-hour (.63) permanent part-time position and 2 temporary part-time positions.

Change to Current Level: A request is included in FY2009 to increase the 013-Temporary line item. This increase is for a new temporary part-time attorney position. The Senior Deputy City Attorney retired the end of December 2007 and will return to

work February 2008 in a temporary part-time position working with the Utility department and will work out of the CMU/Brookshire office. This request will be offset in line item 960.

A request is included in FY2008 and FY2009 to increase the auto allowance. More attorneys are required to drive to their client location for meetings and for court appearances. The request includes additional costs for parking in the CMGC parking deck for required attendance at staff meetings, mediations and for guests that are required for mediations and other scheduled meetings.

A request is included in FY2008 and FY2009 to increase the number of attorneys attending the annual IMLA conference and the IMLA Mid-Year seminar. The request is to increase the attendance at the annual conference from 4 to 6 attorneys and the attendance at the seminar from 3 to 5 attorneys. The request includes a cost per person increase from \$1,500 to \$2,000 to accommodate the rising costs of hotels and expenses in Washington, D.C. This organization is the only national organization specific to municipalities and is the only resource for the attorneys on a national level. The attorneys write articles and give presentations for IMLA. The number of attorneys on staff has increased and is one of the reasons for increasing the number of attorneys attending.

A request is included in FY2008 and FY2009 to increase the number of attorneys attending the North Carolina Municipal Attorneys conferences and seminars. The request is to increase the number of attorneys attending the annual conference and seminars from 6 to 10 attorneys. This organization is the only state organization specific to municipal attorneys and a good resource. The number of attorneys on staff has increased and one of the reasons for increasing the number of attorneys attending.

Service Level Change: The service level changes in this budget request are highlighted below.

1. A request for service level change totals \$134,019 and includes a new tort defense attorney position for FY2009.

Assistant City Attorney: A second tort defense attorney position is requested to help with the increasing workload. An increase is anticipated in personal injury and property damage claims since the light rail system began operation in November 2007. Until the public develops an awareness of the trains, personal injury and property damage claims will be an issue. The new position will work one-half time tort defense issues and one-half Workers Compensation claims.

The new position is requested to enhance the customer service to Risk Management.

This request remains a high priority. A service level change was submitted with the FY2008 Mid-Year SOP Report/FY2009 Strategic Operating Plan. This office will continue working with Finance and Risk Management on this issue.

2. A request for service level changes totals \$33,769 for a new law clerk position.

Law Clerk: A law clerk position is requested to work with the attorneys on special projects as well as routine research projects. We have had two summer intern positions for a number of years and recently the attorneys have had more projects than the interns can complete during their ten week internship. The City Attorney's Office is involved in a number of high profile matters as well as several large lawsuits and will be able to keep a law clerk occupied and justify the position. A law clerk position will be more cost effective than a paralegal position and the person will be attending and taking the appropriate law classes for the position.

Link to BSC: *Enhance Customer Service*

Performance Measurement Outcome: Greater employee productivity. Enhance customer service. Achieve a positive employee climate.

This request remains a high priority. A service level change was submitted with the FY2008 Mid-Year SOP Report/FY2009 Strategic Operating Plan. This office will continue working with Finance and Risk Management on this issue.

V. Conclusion

The City Attorney's Office is committed to providing the City and its public officials and employees with cost effective legal services of the highest quality.

VI. Appendices

- A. Service Level Change Summary
- B. Service Level Change Pages from Budget System

Appendix A – City Attorney’s Office Service Level Change Summary

**City Attorney’s Office
FY09 Service Level Change Request Summary**

<u>FY09 Service Level Change</u>	<u>Cost Center</u>	<u>Request</u>
Tort Defense Attorney	50100	\$134,019
Law Clerk	50100	\$ 33,769
Total		\$167,788

City Attorney's Office-Balanced Scorecard Report

Reporting Period: 07/01/08 to 06/30/09

Corporate Objective	KBU Initiative (* indicates Focus Area Initiative)	Measure (\$ indicates incentive pay measure)	Prior Year Actual	Lead or Lag	Performance Data			Comments/Explanation <i>(To be completed at mid-year and year-end reporting))</i>
					Target	YTD	Status	

Serve the Customer	B2. Enhance Customer Service	All attorneys must conduct client service interviews and report the results to the City Attorney *	Each attorney will conduct the interviews \$	100% of goal each year	Lag	100%			In Development Stage	Each attorney is required to meet with their client department to determine whether or not the department is receiving the assistance it needs or requires on projects or matters the department might be involved in during the year. The meetings are to occur no later than December 1, 2008.
Run the Business	B3. Optimize Business Processes	Set goal of 1 year for revising or modifying Mission Statement	Part One: Evaluate and reaffirm or modify the City Attorney's office Values, Vision and Mission Statement *		Lag	June 2009			In Development Stage	A Steering Committee will be formed to oversee and guide revision of the CAO Mission statement, with the overall goal being potential realignment with the four BSC perspectives.
	B3. Optimize Business Processes	Set goal of 1 year for developing list and plan for implementation	Part Two: Develop an agreed upon list of, and plan for implementing, specific things the CAO will start doing, stop doing, continue doing, or do differently. *		Lag	June 2009			In Development Stage	Steering Committee will formulate a priority list of "start-stop-continue-do differently items, consistent with the four BSC perspectives, and prepare a plan for implementation.
Manage Resources	R2. Deliver Competitive Services	Successful management of outside counsel	Manage outside counsel by interviewing outside counsel		Lag	June 2009			In Development Stage	A schedule is in place for making bi-annual reports.
Develop Employees	E1. Develop Employees	1) Host the Wellness Works Nutrition 101 class with 80% of employees participating. 2) Ensure that healthy food options will be available.	Support the Wellness Works Priorities by supporting Healthy Nutrition \$		Lag	June 2009			In Development Stage	

Status:

1. Use a "+" (plus) sign to indicate all is well.
2. Use a "-" (minus) sign to indicate that the status is not where expected or the current status is in trouble. Provide explanation.
3. Use a "x" to indicate this target will not or is not met. Provide explanation.

* in KBU initiative column indicates Focus Area initiative

\$ indicates incentive pay measure

City Attorney's Office-Balanced Scorecard Report

Reporting Period: 07/01/08 to 06/30/09

Corporate Objective	KBU Initiative (* indicates Focus Area Initiative)	Measure (\$ indicates incentive pay measure)	Prior Year Actual	Lead or Lag	Performance Data			Comments/Explanation <i>(To be completed at mid-year and year-end reporting)</i>
					Target	YTD	Status	

Develop Employees	E3. Promote Learning and Growth	Encourage staff to undertake activities or participate in organizations that strengthen & demonstrate our individual & collective commitment to professionalism.	Perform a community service as an office by continuing our partnership with Shamrock Gardens Elementary School & schedule a tour of a significant City project/facility. \$		Lag	June 2009		In Development Stage	
Develop Employees	E3. Promote Learning and Growth	Provide informative and helpful legal information to employees on various legal topics.	Publish four issues of LegalEase on CNET \$		Lag	June 2009		In Development Stage	

* in KBU initiative column indicates Focus Area initiative
\$ indicates incentive pay measure