

City Attorney's Office

**FY2010-2011
Preliminary Strategic Operating Plan**

FY2010 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
FY2010-2011 Preliminary Strategic Operating Plan
FY 2010 Final Update

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

	FY2008 Actual	FY2009 Revised Budget	FY2010 Request
Budget	\$2,422,597	\$1,827,200	\$1,693,953
Positions	26.50	26.5	26.5

City Attorney's Office Mission Statement

Our mission is to help the City of Charlotte develop and achieve its policy goals in the public interest by providing excellent, objective, and efficient legal advice and advocacy unaffected by politics, personalities or self-interest.

Principles and Values

As attorneys and as members of the community we will conduct ourselves professionally, consistent with these principles and values:

- We will provide knowledgeable legal advice that is proactive, comprehensive, and effective;**
- We will discharge our duties in an honorable and balanced manner; and**

- **We will provide timely, responsive, and cost-effective services.**

Key Issues and Challenges

For FY2010, the Office of the City Attorney anticipates the following issues and challenges:

Enhance Customer Service

- *Increase In-House Legal Services* – To responsibly plan for future needs, the City Attorney envisions the need for additional resources to handle the increased workload associated with handling public records requests, advising quasi-judicial boards and appeals, negotiating and litigating worker’s compensation claims and torts, and utilities matters other than the water rights lawsuit. We experience an increasing workload each year due to recent law changes and the ability of people to file lawsuits against the City with ease. We currently have insufficient resources available to meet the needs and demands of a growing City. Gaps are currently filled by contracting with private attorneys, almost always at a higher cost than providing the service with on staff attorneys. The additional resources are outlined below and a more complete explanation and justification to support these requests is contained in Section V – Request for Resources:
 - Utilities attorney: The South Carolina vs. North Carolina water rights lawsuit is all consuming for the part-time Utilities attorney. There is not enough time left for the part-time attorney to handle the multitude of other legal issues that CMU encounters on a daily basis. Therefore, we request that an additional utilities position be created.
 - Quasi-Judicial/Public Records attorney: This attorney would be the primary attorney responsible for dealing with public records requests, and would also serve as legal advisor to City quasi-judicial boards and hearing officers.
 - Worker’s Compensation/Tort attorney: We have continued to monitor the tort defense caseload over the past 5 years and are requesting an additional attorney to assist with the tort case overload, as well as bringing Worker’s Compensation claims *in house*.

We strive to continue to provide prompt, excellent and affordable legal services to the City during these tough economic times. Workloads have increased due to the reassignment of the environmental attorney to stimulus funding projects, increase in tort defense cases, and the State of SC v. State of NC water rights lawsuit. In response to these challenges, we requested the above full-time positions in FY2010-FY2011. The positions were not included in our FY2010 budget, however their acquisition remains a high priority.

A CATS full-time temporary (3-year) overhire position has been approved whose time will be dedicated entirely to legal matters dealing with the Blue Line Extension

project. The position will be funded by Federal and State matching funds received by CATS.

- *Public Records Requests* – Various requests for public records dealing with all types of issues and from all across the City will continue. During the past year, several massive requests hampered our ability to continue business as usual and placed a significant burden on the entire office. The Litigation Hold process developed in-house is a start in the right direction, but more technology is urgently needed. We expect the number and complexity of these requests to increase in the coming years.

An electronic data collection tool entitled, “Encase” has been approved. It is one piece of software that will help speed up the collection of public requested data city-wide, as well as data needed in litigation discovery explained in the technology piece below.

Optimize Business Processes

- *Technology* – The need for electronic data collection software is adversely affecting our business. The software is urgently needed to comply with the law, to provide faster responses to large volume public records requests, and to reduce the internal and external costs of gathering and reviewing data. We have used expensive outsourced contract attorneys in the past to perform the work. Having this software is also critical from the standpoint of protecting restricted data. In an attempt to contain costs, we strive to handle more litigation in-house; however, it has become evident that we need help organizing, reviewing, redacting and producing documents, managing trial calendars and discovery deadlines.

“Encase” will be used as a data collection tool in litigation discovery.

- *Revise or Modify the CAO Values, Vision and Mission Statement*- Because of enhancements and revisions to the City’s Strategic Themes and Principles, the City Attorney’s Office has formed a Steering Committee to oversee and guide the possible revision or reaffirmation of the current CAO Values, Vision and Mission Statement.

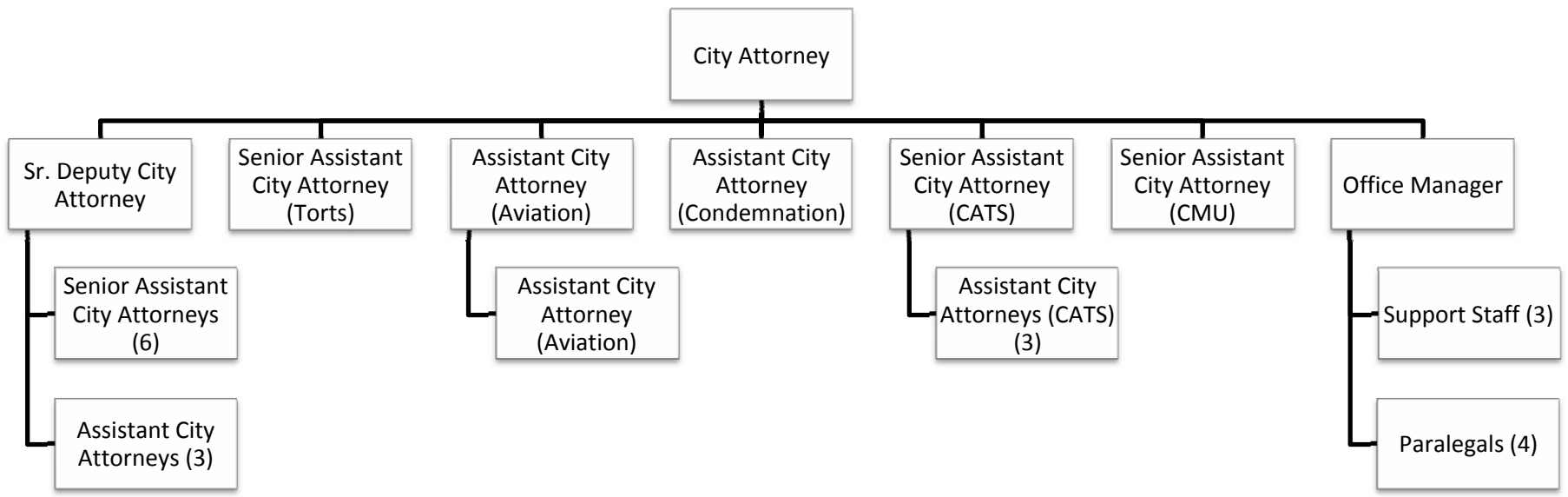
A steering committee was formed and re-worked the CAO Values, Vision and Mission Statement during FY2009, which is contained in our Mission Statement above.

Manage Staff: Space needs continue to be an issue. Our Risk Management and Real Estate divisions are located in a tiny corner of space rented from Risk Management in the Cameron Brown Building. There is no room for expansion for personnel or files. This space meets some of our needs at present, but is not a long term solution.

During the summer of 2008 we underwent a renovation that created 2 additional small conference rooms intended to be used for mediations and other meetings. However, the

rooms have become reviewing rooms for various litigation and public records request matters. Both rooms are currently filled with boxes containing documents related to several cases being handled in-house. Opposing attorneys and other interested parties use the rooms to review the documents. The rooms have locks so they provide secure storage for these files.

As the City Attorney's Office continues to handle more work in-house, the need for office, meeting and secure storage space continues to be a high priority.



***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 – 2

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 that is unaffected by politics, personalities, or self-interest.

Accomplishments

Over the past year the City Attorney's Office has been pleased about the following accomplishments where we have provided excellent, objective and efficient legal advice, and customer service.

City Council

- Supported City Council in the development and adoption of a redistricting plan.
- Drafted and supported staff and Council in the adoption of a news rack ordinance.
- Helped negotiate the recycling promotion agreement with Coke.
- Helped negotiate and draft the contract and other legal documents for the sale of the Afro-Am Cultural property to Little Rock A.M.E. Zion Church.

Utilities:

- Successful intervention by City of Charlotte in South Carolina vs. North Carolina water rights lawsuit. Special Master submitted an interim report to the U.S. Supreme Court recommending that Charlotte be allowed to intervene and allowing South Carolina to challenge the intervention; the Court has allowed the challenge and will hear oral arguments on the recommended intervention by Charlotte, Duke Energy and the Catawba River Water Supply Project on October 5, 2009.

Finance

- Negotiated a settlement agreement of a class action lawsuit brought against the City claiming that it assessed an illegal privilege license tax. Settlement did not require the City to admit that it asserted any illegal tax, and allowed for the matter to be resolved within 3 months of class action's filing. Resolution was the product of a joint process along with Budget and Finance to ensure a form of settlement that was efficient with respect to City time and resources.

Construction Litigation:

- Worked with Storm Water on claims against a contractor for latent defects in construction of the Marsh Road Storm Drainage improvement project and obtained an out of court settlement;
- Worked with Utilities to resolve disputed claims on the CMU Southwest Water Main Project;
- Mediated a settlement of a disputed claim by Hunt/Nash/Applegate on the Arena. This was the last claim open on the Arena.
- Successfully settled all construction claims on the South Corridor Rail Line, leaving only our design claim against PTG left to pursue.

Real Estate: Successfully litigated the Arboretum fire station condemnation claim of three adjacent homeowners who challenged the amount of compensation due them for the City taking their ability to enforce restrictive covenants on the fire station lot. During the trial the homeowners testified to damages of \$500,000 - \$600,000. At conclusion of the trial, one homeowner was awarded \$55,000; one homeowner was awarded \$20,000; and one homeowner was awarded \$0. We consider this to be a victory.

Airport:

- Work with the FAA, NCDOT and various other entities on projects related to the new third parallel runway;
- Work with the Airport and the taxicab companies and drivers to update their operating agreement along with revised rules and regulations.

Environment:

- Worked with CMU to resolve the EPA/FBI/SBI criminal investigation of the McAlpine Waste Water Treatment Plant. Received notification from the EPA Special Agent in charge of the case that the criminal investigation had been terminated after their review of the evidence. As part of EPA's standard operating procedure, the matter will be referred to the civil side of the EPA for their consideration. CMU received an informal report that the EPA would not pursue the matter further.
- Worked with Aviation and CMU to bring renewable energy projects to fruition at their facilities, including a potential biodiesel project at the McDowell WWTP that involves converting crops and/or brown grease to biodiesel to be used in city vehicles;
- Drafted grant proposal on CMU's behalf for Department of Energy's Technical Assistance Program, which would provide CMU with technical assistance on solar and methane-to-energy projects. DOE awarded the grant to CMU, which provides up to \$10,000 in DOE services (e.g., DOE employee time and travel) to CMU;
- Negotiated a contract for an engineering firm to perform an odor study related to odors coming from a large composting facility, designed to support possible enforcement proceedings against it, and to be submitted to the State for their review in the facility's permit renewal. Handled a significant public records request from the facility owner requiring the City to review and produce over

24,000 records related to the facility going back to 1998, while also responding to a public records lawsuit filed by the facility.

- Worked to organize and plan for the City's stimulus funds on energy and the environment. This includes the energy block grant funds from the Department of Energy, as well as helping Utilities with the environment stimulus funds they sought, and applying for additional ARRA grants and researching renewable energy bonds to pay for renewable energy projects.

Tort Defense:

- 6 cases pending in US District Court for the Western District of NC, 1 of which was recently returned from the US Court of Appeals for the Fourth Circuit in Richmond (after a favorable ruling dismissing the appeal);
- 13 cases pending in Mecklenburg County courts;
- 23 lawsuits resolved and closed, either through settlement or trial;
- Assisted in the resolution of 4 major claims.

Planning:

- Work with the Planning Department and CMPD to enforce the 400 foot separation requirement between nightclubs and residential districts required by the Zoning Ordinance. Help Planning revise the ZO to better define nightclubs and restaurants;
- Work with departments to prepare for annexation of seven areas into the City. The annexations became effective on June 30, 2009, without legal challenge.
- Obtained favorable rulings in three lawsuits challenging the Planning Staff's approval of the Independence Woods subdivision.
- Obtained a favorable ruling in the United States Court of Appeals (Fourth Circuit) on a lawsuit challenging the City's adult business zoning ordinance.
- Oversaw completion of odor study performed by engineering firm, focusing on causes, sources, and potential solutions for odors related to a large industrial composting facility. Also worked in collaboration with the City Manager's office to ensure that Mayor and Council were kept informed of process related to the study, and our efforts to assist citizens affected by the composting odors.
- Provided options to City Council for involvement in state enforcement proceedings against the large industrial composting facility, and acted in accordance with Council request to attempt to intervene in state administrative proceeding.

NASCAR: Prepared and negotiated legal terms for amendments to the Hall of Fame contracts to provide for more funding for exhibits, energy efficiency and project contingency.

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.

The office will monitor and respond to feedback from customers.

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

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.

Because of enhancements and revisions to the City's Strategic Themes and Principles, the City Attorney's Office has formed a Steering Committee to oversee and guide the possible revision or reaffirmation of the current CAO Values, Vision and Mission Statement.

A Steering Committee re-worked our Value, Vision and Mission Statement in FY2009.

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. Outside counsel rates will be closely monitored to keep costs as low as possible.

Compile a list of outside counsel used by the City. Outside counsel rates will be closely reviewed in order to make bi-annual reports.

Updated attorney assignment list and backup attorney list and distributed copies to City Council and KBEs. The outside rate information was also reviewed.

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 and volunteerism.

As the local economy soured and donations to charities fell, the CAO stepped up efforts to partner with local groups to help fill their needs. The CAO completed a school supply drive for Shamrock Gardens in Fall 2008, sponsored an art contest for students and held a luncheon and tour of the Mayor's office for the winners of the competition; and gathered and delivered Christmas gifts for seven children. The CAO also volunteered to assist the Crisis Assistance Ministry for a day in December 2008.

The CAO toured the new Bechtler Museum, Knight Theater and Gantt Center on May 28, 2009.

We will support the Wellness initiative through nutritional education sponsored through the Wellness program and by making healthy food choices available at departmental events and meetings.

The CAO hosted a Wellness Works Nutrition 101 class in May 2009 with 85% participation, and healthy food options are provided at our monthly birthday breakfasts.

We will provide informative and helpful legal information to employees on various legal topics by publication of LegalEase on CNET.

Four issues of LegalEase have been completed and posted to CNET.

Strategic Initiatives

- Ensure excellent customer service delivery through client service interviews, and by providing legal advice that is proactive, comprehensive and effective.
- 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 timely, responsive and cost-effective services by monitoring the 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 life-long learning.
- Discharge our duties in an honorable and balanced manner

Technology Plan

The Office of the CIO and BSS/IT have been extremely helpful by analyzing our current processes and assisting in development of a plan outlining our future technology

needs. The City Attorney's Office has submitted four (4) requests to the Technology Proposal Evaluation Team (TPET). They are as follows:

- Encase which is a data collection tool used for electronic discovery, public records requests and forensic data analysis. It collects email and other data from locations outside of the Enterprise Vault, including from individual desktops.
- Litigation Support System which organizes, reviews, redacts, and produces documents and data collected through *Encase* and *Discovery Accelerator* for purposes of litigation discovery, public records requests and forensic data analysis.
- Case Management Licensing Expansion to expand the licensing of a case management pilot program in our office to a full production solution.
- Business Process Analysis for consulting services to analyze our current processes, particularly in the area(s) of case management for all attorneys.

Encase, which is the first piece of the electronic software needed for electronic discovery, public records requests and forensic data analysis, has been approved in FY2009 budget.

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 emphasizes the importance of all staff members having an understanding of Outlook, that support staff develop and maintain superior word processing skills, and all attorneys should have an 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, Excel, Access and LexisNexis.

The office will conduct periodic surveys of staff members to ensure that they receive the training to keep them current on computer technology. Encourage support staff to pursue higher levels of training in Word, Access, Excel and PowerPoint.

Professional Development Training: Continue to provide resources and funding so that the attorneys will receive at least 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, to maintain current competence in changing areas of the law.

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.

The CAO continues to have excellent participation in our community service efforts. City Attorney Mac McCarley will be the President of IMLA for FY2010. Rob Phocas presented an environmental seminar at the IMLA conference held in Washington, DC in April 2009.

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 the highest 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 legal 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 FY2010 is \$1,693,953 with 26 permanent full-time positions, and a temporary part-time position.

Change to Current Level: In FY2011 three requested changes to current level are a software licensing expansion of \$7,210 to purchase additional licenses for the TrialWorks Litigation Management system, system support for Encase of \$7,004, and system support for the Litigation Support software of \$8,400.

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

1. A request for service level change totals \$129,203 for a full-time utilities attorney for FY2010. This position will be charged to Utilities.

Assistant City Attorney: A utilities attorney position is requested to maintain the prior level of service to utilities, in light of the State of SC vs. State of NC water rights lawsuit. The half-time utilities attorney who was advising utilities is completely consumed by protecting the City's interest in this lawsuit.

Link to BSC: *Enhance Customer Service*

Performance Measurement Outcome: Enhance customer service by maintaining the level of service utilities has experienced in the past.

2. A request for service level change in the amount of \$129,203 for an administrative hearing officer/public records attorney for FY2010.

Assistant City Attorney: This attorney would be the primary attorney responsible for dealing with public records requests and electronic discovery in litigation, and would also serve as legal advisor to City quasi-judicial boards and hearing officers.

- *Public Records* – In the last several years the City has experienced a marked increase in public records requests, many of which have been massive in scope and scale, typically including emails and other electronic records that are not easily gathered simply by “pulling a file”. These requests have come from citizens, the media, and prospective litigants, and in one case a request was followed by a public records lawsuit filed approximately two weeks after the initial request. The number and nature of requests, which will inevitably increase, coupled with the logistics and complexity of gathering and reviewing potentially responsive records for protected information has begun to significantly burden the operations of the City Attorney’s office.
- *Quasi-Judicial Officer:* The City has numerous boards (*e.g.*, Civil Service, Zoning Board of Adjustment, Historic District Commission, Passenger Vehicle for Hire, Housing Appeals, Stormwater Advisory Committee, Tree Advisory Committee, etc.) and hearing officers (*e.g.*, appeals from parking tickets, noise ordinance violations, sexually oriented business decisions, etc.) that conduct quasi-judicial hearings. Typically the attorney assigned to the KBU whose regulations are the subject of the appeal serve as the legal advisor to the board or hearing officer. Recent bar ethics opinions and developing constitutional principles suggest that the City may be at risk if the attorney who advises the decision making board had also advised the KBU prior to the hearing. This position would eliminate this potential ethical and legal risk and establish consistency in advice given to quasi-judicial boards and hearing officers. It would also free up the attorney assigned to a KBU to represent the KBU at quasi-judicial hearings.

Link to BSC: *Enhance Customer Service; Optimize Business Processes*

Performance Measurement Outcome: Timely, comprehensive and accurate response to public records requests and advice to boards/hearing officers without using expensive outside counsel.

These requests were not included in the FY2010 budget, but they remain a high priority.

3. A request for service level change totals \$68,300 for an electronic data collection tool used for electronic discovery and public records requests for FY2010.

Encase: This software is absolutely necessary to effectively and efficiently comply with the law, quickly handle public records requests and investigate possible security breaches. It will benefit the entire organization by reducing the number of employees necessary to gather electronic data.

Link to BSC: *Optimize Business Processes & Enhance Customer Service*

Performance Measurement Outcome: Legal compliance, faster responses to public records requests, cost reduction, and forensic data analysis.

This request was approved and is included in the FY2010 budget.

4. A request for service level change for \$50,000 for a litigation support system that will allow the attorneys to organize, review, redact and produce documents and data collected through Encase and Discovery Accelerator for litigation discovery, public records requests and forensic data analysis for FY2010.

Link to BSC: *Optimize Business Processes*

Performance Measurement Outcome: Legal compliance, faster responses to public records requests, cost reduction and forensic data analysis.

This request was not included in the FY2010 budget, but remains a high priority.

5. A request for service level change of \$129,726 for an *in-house* tort defense/worker's compensation attorney for FY2011 This position would be charged to Risk Management.

Assistant City Attorney: A tort defense/worker's compensation attorney position is requested to bring worker's compensation defense cases in-house and to handle overflow tort cases.

The position is requested to enhance the customer service to Risk Management and will reduce the amount of money paid for these services to outside counsel.

Link to BSC: *Enhance Customer Service: Deliver Competitive Services*

Performance Measurement Outcome: Enhance customer service. Control cost of legal services by bringing the work in-house.

This request was not included in the FY2010 budget, but remains a high priority.

6. A request for a service level change of \$60,000 for a Business Process Analysis of Case Management to develop a standardized process for handling caseloads for FY2011. This is a one-time cost that would be used to maximize thinly stretched resources by leveraging technology in the best manner possible.

Link to BSC: Optimize Business Processes

Performance Measurement Outcome: A standardized process for everyone would eliminate unproductive efforts of attorneys who each handle their caseloads in a different manner.

This request was not included in the FY2010 budget, but remains a high priority.

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

FY 2010 & FY 2011 Service Level Change Request Summary

Attorney	50100	\$129,203.00
Records/AO Attorney	50100	\$129,203.00
Litigation Software	50100	\$68,300.00 (approved)
Support System	50100	\$50,000.00

Subtotal FY2010 **\$376,706.00**

Change to Current Level

Management Licensing Expansion	50100	\$7,210.00
	50100	\$7,004.00
Support for Litigation Software	50100	\$8,400.00

Service Level Change

In-house Attorney	50100	\$129,726.00
Process Analysis	50100	\$60,000.00

Subtotal FY2011 **\$212,340.00**

Total FY2010-2011 **\$589,046.00**



**City of Charlotte
Service Level Change Request Form
FY2010 & FY2011**

Center	Fund	Project Name	Dept Rank
50100	101	Utilities Attorney	1

Line Items	FY10	FY11
011 Salary & Wage - Reg.	92,000	
085 Social Security Tax	7,038	
086 Empl Insurance Premium	5,810	
087 Empl Retirement Expns	4,416	
097 401K Retirement	2,760	
112 KBU Telecommunications	1,600	
113 Postage	100	
131 Printing & Publishing	300	
136 Technology Supplies/Svcs	5,200	
146 Auto & Othr Allowances	700	
161 Travel & Meetings	2,350	
164 Training Conf & Meetings	1,673	
191 Dues,Subscr, & Prof Lic	5,000	
271 Office Supplies	119	
291 Sm Tools & Expnd Eqpt	137	
TOTAL		0

Technology Related ?	no
TPET Status ?	
TPET Funded ?	

# of FTEs Requested	1	Revenue (\$)	129,203	Revenue Source	CMU
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Position Name	Position #	Total FTEs for position
Assistant City Attorney	1	1

Linkage to Strategic Objective

(List Corporate Objective(s) and explain how this SLC Supports that Objective)

Impact On Strategic Objective

SLC Justification

Enhance Customer Service
Utilities encounters numerous legal issues on a daily basis and this position is being requested to maintain the level of customer service the KBU has become accustomed to receiving from the City Attorney's office.
1) Necessary to maintain the level and quality of customer service that has been provided to Utilities in the past.



**City of Charlotte
Service Level Change Request Form
FY2010 & FY2011**

Center	Fund	Project Name	Dept Rank
50100	101	Administrative Hearing Officer / Public Records Attorney	2

Line Items	FY10	FY11
011 Salary & Wage - Reg.	92,000	92,000
085 Social Security Tax	7,038	7,038
086 Empl Insurance Premium	5,810	6,333
087 Empl Retirement Expns	4,416	4,416
097 401K Retirement	2,760	2,760
112 KBU Telecommunications	1,600	1,600
113 Postage	100	100
131 Printing & Publishing	300	300
136 Technology Supplies/Svcs	5,200	5,200
146 Auto & Othr Allowances	700	700
161 Travel & Meetings	2,350	2,350
164 Training Conf & Meetings	1,673	1,673
191 Dues, Subscr, & Prof Lic	5,000	5,000
271 Office Supplies	119	119
291 Sm Tools & Expnd Eqpt	137	137
TOTAL	129,203	129,726

Technology Related ?	no
TPET Status ?	
TPET Funded ?	

# of FTEs Requested	1	Revenue (\$)	\$129,203	Revenue Source	General
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Position Name	Position #	Total FTEs for position
Assistant City Attorney		1

Linkage to Strategic Objective

(List Corporate Objective(s) and explain how this SLC Supports that Objective)

Enhance Customer Service

Impact On Strategic Objective

Allow the City Attorney's Office to handle public records requests expeditiously at the lowest cost possible., and remove the ethical questions posed when the same attorney advises both KBUs and quasi-judicial boards.

SLC Justification

- 1) Necessary so that large public records requests do not adversely affect the daily operations of the City Attorney's office
- 2) Necessary to limit potential City liability when the same attorney is advising both the regulatory board and departmental employees and hearing officers.



**City of Charlotte
Service Level Change Request Form
FY2010 & FY2011**

Center	Fund	Project Name	Dept Rank
50100	101	Encase (Electronic Data Collection Tool)	3

Line Items	FY10	FY11
136 Technology Supplies/Svcs	68,300	7,004
TOTAL	68,300	7,004

Technology Related ?
 TPET Status ?
 TPET Funded ?

of FTEs Requested Revenue (\$) Revenue Source

Position Name	Position #	Total FTEs for position

Linkage to Strategic Objective

(List Corporate Objective(s) and explain how this SLC Supports that Objective)

Impact On Strategic Objective

SLC Justification

Optimize Business Processes & Enhance Customer Service.
Computer software for electronic discovery and public records requests is absolutely necessary to effectively and efficiently comply with the law, quickly handle public records requests and investigate possible security breaches.
1) <u>Legal Compliance</u> : Reduces the risk of non-compliance with Federal and state laws that require the production of electronic documents in litigation discovery; 2) <u>Faster responses to public records requests</u> : Will enable the City to respond quickly and at a lower cost to public records requests and electronic discovery requests in litigation; 3) <u>Cost Reduction</u> : Eliminates the need to have numerous City employees search through their email to respond to litigation discovery and public records requests and also reduces the cost of hiring outside attorneys to perform this function; 4) <u>Forensic</u> : Useful in investigations of security breaches, misuses of personal identification data or any matter that requires a wide scale search for relevant email or data.



**City of Charlotte
Service Level Change Request Form
FY2010 & FY2011**

Center	Fund	Project Name	Dept Rank
50100	101	Tort Defense Attorney	5

Line Items	FY10	FY11
011 Salary & Wage - Reg.		92,000
085 Social Security Tax		7,038
086 Empl Insurance Premium		6,333
087 Empl Retirement Expns		4,416
097 401K Retirement		2,760
112 KBU Telecommunications		1,600
113 Postage		100
131 Printing & Publishing		300
136 Technology Supplies/Svcs		5,200
146 Auto & Othr Allowances		700
161 Travel & Meetings		2,350
164 Training Conf & Meetings		1,673
191 Dues,Subscr, & Prof Lic		5,000
271 Office Supplies		119
291 Sm Tools & Expnd Eqpt		137
TOTAL		129,726

Technology Related ?
 TPET Status ?
 TPET Funded ?

of FTEs Requested Revenue (\$) Revenue Source

Position Name	Position #	Total FTEs for position
Assistant City Attorney/Tort Defense		1

Linkage to Strategic Objective

(List Corporate Objective(s) and explain how this SLC Supports that Objective)

Enhance Customer Service by bringing workers compensation negotiation and litigation *in house*.

Impact On Strategic Objective

The position is requested to enhance the customer service to Risk Management and will reduce the amount of money paid for these services to outside counsel.

SLC Justification

1) Necessary to control the cost spent on outside legal counsel.

Summary		FY08	FY09	FY10
The City Attorney's Office provides legal advice, research and information to the Mayor, City Council, City Manager and City staff. The Office represents the City, its officials and employees in litigation filed by or against them.	Budget	\$2,422,597	\$1,827,200	\$1,693,953
	Positions	26.5	26.5	26.5
Accomplishments				
<ul style="list-style-type: none"> • Successful intervention by the City in <u>South Carolina v. North Carolina</u> water rights lawsuit. • Successfully litigated the Arboretum fire station condemnation claim of three adjacent homeowners. • Worked with Aviation and CMU to bring renewable energy projects to fruition at their facilities, including a potential biodiesel project at the McDowell WWTP that involves converting crops and/or brown grease to biodiesel to be used in City vehicles. • Prepared and negotiated legal terms for amendments to the Hall of Fame contracts to provide for more funding for exhibits, energy efficiency and project contingency. 				
Vital Statistics				
<ul style="list-style-type: none"> • Provides over 30,000 hours of legal service (excluding Aviation and Police) • 16.5 attorneys and 10 support (2 support positions will remain vacant for savings purposes) • Two attorneys in Aviation • Five attorneys and 2 support in Police 				
Service Delivery Challenges				
<p>Resources: The need for additional resources to handle the increased workload associated with handling massive public records requests, advising quasi-judicial boards and appeals, negotiating and litigating worker's compensation claims and torts, and utilities matters other than the water rights lawsuit. We experience an increasing workload each year due to recent law changes and the ability of people to easily file lawsuits against the City. We currently have insufficient resources available to meet the needs and demands of the City.</p> <p>Public Records Requests: Various requests for public records dealing with all types of issues and from all across the City will continue. During the past year, several significant requests hampered our ability to continue business as usual and placed a significant burden on the entire office. The Litigation Hold process developed in-house is a start in the right direction, but more technology is urgently needed. We expect the number and complexity of these requests to increase in coming years.</p> <p>Technology: The lack of electronic data collection software is adversely affecting our business. The software is urgently needed to stay legal, to provide faster responses to large volume public records requests, and to reduce the internal and external costs of gathering and reviewing data. We have used outsourced contract attorneys in the past to perform the work. Having the software is also critical from the standpoint of protecting restricted data.</p> <p>Space Needs: Office space needs remain a high priority. We have staff located in four separate buildings, and those located in other buildings spend considerable time commuting back and forth to CMGC for meetings. Managing off-site attorneys presents substantial challenges.</p>				

