

# Legal

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**LEGAL DEPARTMENT**

<b>Budget Highlights</b>	<b>FY 2014/15 Actual</b>	<b>FY 2015/16 Adopted</b>	<b>FY 2015/16 Amended</b>	<b>FY 2016/17 Recomm'd</b>	<b>% Change from Adopted FY 2015/16</b>
Employee Expense	645,759	649,252	649,252	681,296	4.9%
Supplies and Services	282,998	189,928	189,928	249,206	31.2%
Machinery and Equipment	<u>3,720</u>	<u>688</u>	<u>688</u>	-	0.0%
Total	932,477	839,868	839,868	930,502	10.8%
Administrative Overhead					
Charges to Enterprise Fds.	354,538	267,001	267,001	338,266	26.7%
Section 8 -Legal Services	820	820	820	820	0.0%
Cable TV -Legal Services	573	573	573	573	0.0%
County Revenue	<u>3,159</u>	<u>1,000</u>	<u>1,000</u>	<u>2,000</u>	<u>100.0%</u>
Total	359,090	269,394	269,394	341,659	126.7%
Property Tax Support	573,387	570,474	570,474	588,843	18,369
Percent Increase (Decrease)					3.2%
<b>Personnel - Authorized FTE</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	

**Improvement Package Summary**

**1 of 2**

This improvement level request provides funding for contracted on-site shredding. The City Attorney's Office currently utilizes a desktop shredder; however the shredder cannot handle the amount of confidential legal documents that need to be shredded. In addition, Legal Services support staff does not have time to shred confidential legal documents due to a large workload. Contracting on-site shredding would allow the City Attorney's Office to efficiently shred confidential documents and free up storage space for other legal documents.

Related Cost: \$ 200 Non-Recurring  
 Related Cost: \$ 540 Recurring  
 Total Cost: \$ 740  
 Property Tax Impact: +\$.0003/+.00%  
 Activity: Legal Services

**Recommend - Yes**

**2 of 2**

This improvement level request provides funding to contract with an outside vendor to conduct fair housing testing based on protected classes in furtherance of the objectives of the Voluntary Compliance Agreement (VCA) with the US Department of Housing and Urban Development.

Related Cost: \$ 30,000 Non-Recurring  
 Property Tax Impact: +\$.0127/+.11%  
 Activity: Legal Services

**Recommend - Yes**

**Significant Line Items at Maintenance Level**  
**(Without Recommended Improvement Package)**

**Employee Expense**

1. FY 2017 employee expense reflects a 2.5% wage package increase.
2. The Iowa Public Employee Retirement System (IPERS) City contribution remains at 8.93% and the employee contribution remains at 5.95% in FY 2017.
3. The City portion of health insurance expense increased from \$1,040 in FY 2016 to \$1,325 in FY 2017 per month per contract, resulting in an increase of \$17,100 (27.40%).
4. Overtime expense remained at \$3,000 in FY 2017.

**Supplies & Services**

5. Copying and Reproduction decreased from \$2,993 in FY 2016 to \$1,672 in FY 2017 based on FY 2015 actual of \$1,672.
6. Subscriptions increased from \$16,228 in FY 2016 to \$17,574 in FY 2017 based on FY 2016 actual plus 8.65%.
7. Property Tax increased from \$4,910 in FY 2016 to \$8,218 in FY 2017 due to new lease agreement and an increase in commercial property taxes in FY 2017 of 12%.
8. Damage Claims increased from \$84,392 in FY 2016 to \$108,838 in FY 2017 based on a five year average (FY 2011 – FY 2015) of actual claims paid.
9. Court Costs and Fees decreased from \$1,130 in FY 2016 to \$112 in FY 2017 based on FY 2015 actual of \$109 plus 2%.
10. Education and Training increased from \$10,000 in FY 2016 to \$11,421 in FY 2017 based on actual estimated cost of conferences.
11. Internet Services decreased from \$1,440 in FY 2016 to \$360 in FY 2017 due to a new contract negotiated for data plans for tablets which reduced the monthly cost from \$40 per month per device to \$10 per month per device.
12. Administrative Judge increased from \$13,966 in FY 2016 to \$15,018 in FY 2017 based on FY 2015 actual \$14,724 plus 2%.

**Revenue**

13. County revenue increased from \$1,000 in FY 2016 to \$2,000 in FY 2017 based on the number of unresolved tax appeals.
14. Revenue received from Enterprise Funds for administrative overhead charges and has increased from \$267,001 in FY 2016 to \$327,941 in FY 2017 due to an increase in the capacity of the sanitary sewer fund.

# CITY ATTORNEY'S OFFICE

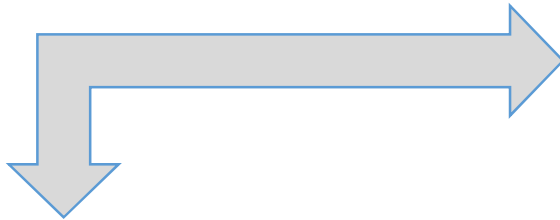
The mission of the City Attorney's Office is to provide legal counsel to the City Council, City Manager, and all officials and departments of the City in matters relating to their official duties so that the City delivers excellent municipal services that support urban living and a sustainable City plan for the community's future and that facilitate access to critical human services which result in financially sound City government and citizens getting services and value for their tax dollar.



## SUCCESS IS ABOUT PLANNING, PARTNERSHIPS, AND PEOPLE LEADING TO OUTCOMES

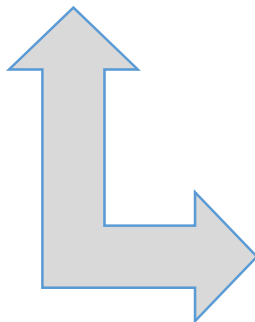
### PLANNING

Provides counsel and direction to all City departments so that they may perform duties and responsibilities to ensure economic prosperity, environmental/ecological integrity, and social/cultural vibrancy throughout the community.



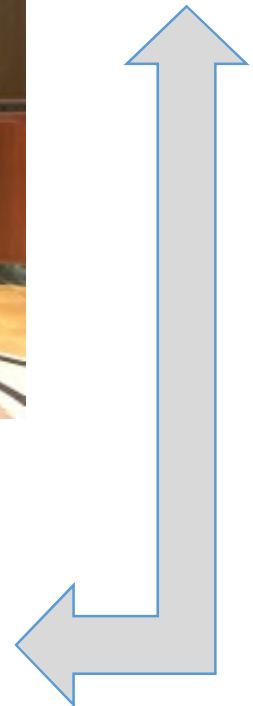
### PEOPLE

Cross-training among City Attorney's Office staff delivers quality customer service and allows staff to deliver services that exceed citizen expectations. Investment in training allows a high quality, knowledgeable, and informed workforce.

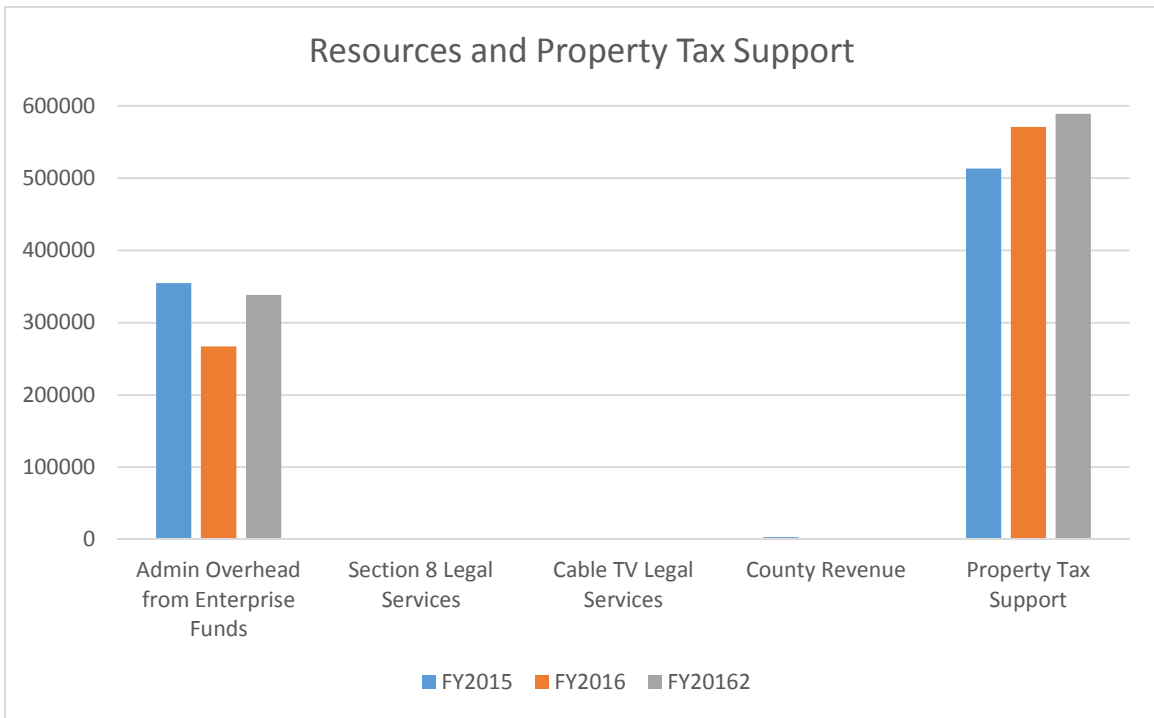


### PARTNERSHIPS

Staff of the City Attorney's Office volunteer with numerous local and state partnerships to implement the City Council's community vision. Staff also develops and implements processes that help provide solutions for community challenges and opportunities.

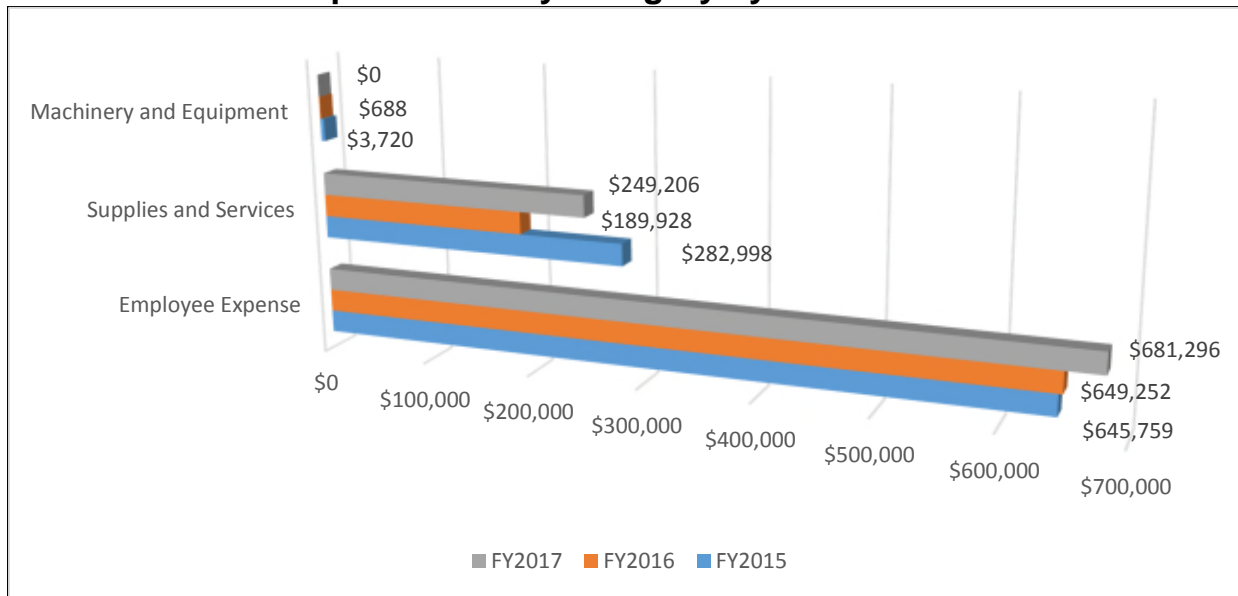


# CITY ATTORNEY'S OFFICE



The City Attorney's Office is supported by 5 full-time equivalent employees, which accounts for 73% of the department expense as seen below. Overall, the department's expenses are expected to increase by 10.7% in FY2017 compared to FY 2016.

## Expenditures by Category by Fiscal Year



# CITY ATTORNEY'S OFFICE

## Overview

The chief legal officer of the City of Dubuque is the City Attorney, who provides counsel and direction to the City by attending meetings of the City Council and selected boards and commissions. The City Attorney is assisted by two full-time Assistant City Attorneys, a Paralegal, and a Legal Assistant. The City Attorney's Office represents the City in all cases before the federal and state courts and administrative agencies where the City has an interest.

The City Attorney's Office processes all claims and suits for and against the City and provides written opinions to the City Council, boards and commissions, the City Manager, and City departments. The City Attorney's Office assists in the preparation and review of legal documents, legislation, and other matters in which there is a City interest.

The City Attorney's Office prosecutes ordinance and traffic violations, represents City boards and commissions, provides advice on legal opinions to officials, department managers, and City employees, and drafts legal documents, memoranda, and opinions.

Position Summary	
	FY 2016/17 FTE's
City Attorney	1.00
Assistant City Attorney	2.00
Paralegal	1.00
Legal Assistant	1.00
<b>Total FT Equivalent Employees</b>	<b>5.00</b>

## Highlights of the Past Year

- **Zaber (Franchise Fee Rebates)** – Reached a settlement agreement on the suit filed by J. Thomas Zaber, on behalf of himself and all others similarly situated, seeking the refund of certain franchise fees collected by the City
- **McFadden (Industrial Park Land Acquisition)** – Negotiated and finalized the acquisition of real estate
- **Sledding Legislation** – Reviewed legislation related to limiting sledding in designated City parks to reduce the City's liability for accidents from sledding
- **Sidewalk Liability** – Amended City Code to shift the financial liability to property owners in most cases when people are injured on sidewalks
- **North Cascade Road Housing TIF** - Prepare an Urban Renewal Plan for the District to stimulate, through public involvement and commitment, private investment in new housing and residential development
- **Emerald Ash Borer Plan** – Worked with the Leisure Services Department to review and finalize the Plan
- **Bee Branch Property Acquisitions/Sales** – Executed documents necessary for the acquisitions of properties needed to further accomplish the current phase of the Bee Branch Creek Project; completed documents facilitating the sale of rehabilitated properties to new home owners excited to live in revitalized Bee Branch neighborhoods

# CITY ATTORNEY'S OFFICE

## On-Going & Future Initiatives

- **Pre-Annexation Agreements** – Continue planned and managed growth and corresponding service extensions through the execution of pre-annexation agreements with property owners living in annexation study areas
- **Flood Wall Easements** – Continue to monitor and maintain the earthen levee and flood wall system so the City may immediately respond to areas along the system that need additional support or repair during Mississippi River high water and flood events
- **O'Rourke Farms Airport Utility Extension Project** – Acquired easements necessary to extend existing utilities from the City of Dubuque to the Dubuque Regional Airport
- **Derby Grange LLC** – Entered into an agreement with the parties for a potential residential development of approximately 48 acres at the northwest corner of John F. Kennedy Road and Derby Grange Road; the agreement anticipates future adjacency and identifies urban renewal as a mechanism for facilitating public improvements while stimulating private development and the provision of funds for low and moderate income housing throughout the City
- **Abandoned Property Reclamation (Iowa Code 657A.10A)** – Work with City departments to identify abandoned/vacant properties throughout the City and successfully obtain title to the properties; rehabilitate the properties and sell to new home owners
- **Monitoring of Vulnerable Properties** – Tracking of properties in foreclosure, bank-owned property, County owned property, and property for which the County is eligible to take ownership
- **Voluntary Compliance Agreement** – On-going compliance with the Housing and Urban Development's Voluntary Compliance Agreement
- **Boards and Commissions Updates** – Work with the City Clerk's Office and each individual department to make the standard provisions in all boards and commission ordinances uniform and consistent
- **International Property Maintenance Code** – Adopt the International Property Maintenance Code to modernize the City's Code and apply the most up-to-date health, safety, and welfare understandings to existing renter- and owner-occupied properties
- **Enhanced Neighborhood Support** – Collaborate with departments to enforce City Code violations and to ensure compliance with judgments and court orders



# CITY ATTORNEY'S OFFICE

## Performance Measures

### City Attorney's Office – Activity Statement

Provide legal counsel to the City Council, City Manager, and all officials and departments of the City in matters relating to their official duties.



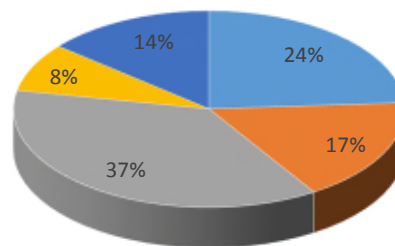
### Goal: Planned and Managed Growth



#### **Outcome #1: Provide timely, cost-efficient, quality services, and advice to support the City Council, City Manager, and all City departments in fulfilling their missions and goals.**

*By providing general counsel, the City Attorney's Office reduces the City's cost from having to consult with outside counsel and provides timely and effective legal advice to departments and partner agencies. This also ensures City staff complies with all laws and regulations and allows the City to respond to citizens, City staff, and community needs and projects in an expedited and effective manner.*

### Where Our Time Goes



- General Counsel
- Legal Opinions
- Contracts and Other Legal Documents
- Conveyance of Real Property
- Ordinances and Resolutions

- **GENERAL COUNSEL** - Provide day-to-day legal advice to City Council, the City Manager, administration, and boards and commissions of the City; attend meetings, conferences, and City Council meetings/work sessions to ensure City staff is complying with all laws and regulations.
- **LEGAL OPINIONS** - Research and draft opinions on legal matters in response to requests of City Council and other City officials.
- **CONTRACTS AND OTHER LEGAL DOCUMENTS** - Draft and/or review contracts and other legal documents to which the City is a party such as development agreements, which bring jobs and growth to the City.
- **CONVEYANCE OF REAL PROPERTY** - Prepare deeds, examine titles, and conduct closings necessary for acquisition and disposition of real property.
- **ORDINANCES AND RESOLUTIONS** - Research relevant law and prepare measures to implement policy decisions of City staff.

# CITY ATTORNEY'S OFFICE



**Goal: Partnering for a Better Dubuque**



**Outcome #2: Provide excellent customer service and promote workplace diversity.**

*The City Attorney's Office acquires information that is useful to the City Attorney's Office in performing its services and cooperates with local organizations to provide timely and effective services, and also allows the City Attorney's Office to operate more effectively.*

- **TRAINING** – Provide training such as landlord, fair housing, and leadership training and advice to assist in implementation of City policies.
- **CUSTOMER SERVICE** - Provide courteous and timely referrals and response to citizen inquiries.

*Staff of the City Attorney's Office attend annual conferences which provide advances and developments to the law so that staff can effectively communicate the changes to other City staff.*

- **CONTINUING LEGAL EDUCATION** - City Attorney Barry Lindahl and Assistant City Attorneys Crenna Brumwell and Maureen Quann attended a total of 109 hours of continuing legal education during 2014.

<b>CITY STAFF INVOLVEMENT IN THE COMMUNITY</b>		
<i>Barry Lindahl</i>	<i>Crenna Brumwell</i>	<i>Maureen Quann</i>
Member of the Iowa League of Cities Environmental Coordinating Committee	Project Concern Board of Directors and Board Representative for the Foster Grandparent Program	Iowa Municipal Attorney Association Executive Board District 1 Representative
Adjunct Lecturer at the University of Iowa College of Law	2 <sup>nd</sup> Vice Chair of Hillcrest Board of Trustees	Member of the Board of Directors of the American Red Cross Tri-State Chapter
	United Way Board, participating on behalf of Hillcrest	Serves on the Dubuque Museum of Art Special Events Committee
	Foundation for Dubuque Public Schools	Member of the Riverview Center Board of Directors
	Mentor and on the board for Mentor Dubuque	Member of the Young Lawyers Division
	City's Prescott School Partnership	Mentor at the Multicultural Family Center
	Every Child/Every Promise	Trustee on the Clarke University Board of Trustees
	Wonder Women Planning Committee for Girl Scouts	

# CITY ATTORNEY'S OFFICE



Goal: Social/Cultural Vibrancy



**Outcome #3: Advance, advocate, and safeguard the interests of the City within the bounds of the law and sustain City operations by assuring the City operates in accordance with municipal law.**

*The City Attorney's Office provides timely and effective legal advice on all legal issues and disputes. This helps reduce the costs of services by preventing future lawsuits and claims.*

- **LITIGATION / LAWSUITS** - Handle civil cases initiated by the City or brought against the City and provide a defense from lawsuits for the City and City employees and protects public taxpayers from lawsuits and assures the City operates according to law.
- **HUMAN RIGHTS** – Administration, screening, review, and investigation of third party complaints of discrimination filed under Title 8 of the City Code; Review of Action Plan and Voluntary Compliance Agreement with HUD for complying with terms and conditions.
- **SIMPLE MISDEMEANOR COURT** – Responsible for the prosecution of all violations of City criminal and civil codes before the Iowa District Court for Dubuque County.
- **CLAIMS** – Process and investigate all claims filed against the City of Dubuque and collaborate with Public Entity Risk Services for those in excess of the deductible.
- **GRIEVANCE ARBITRATIONS AND CIVIL SERVICE APPEALS** – Represent the City in grievance arbitrations and hearings before the Civil Service Commission.

**Recommended Operating Revenue Budget - Department Total  
76 - LEGAL SERVICES**

<b>Fund</b>	<b>Account</b>	<b>Account Title</b>	<b>FY14 Actual Revenue</b>	<b>FY15 Actual Revenue</b>	<b>FY16 Adopted Budget</b>	<b>FY17 Recomm'd Budget</b>
100	46205	COUNTY SHARE	4,463	3,159	1,000	2,000
<b>46 - LOCAL GRANT AND REIMBURSE</b>			<b>4,463</b>	<b>3,159</b>	<b>1,000</b>	<b>2,000</b>
100	53605	MISCELLANEOUS REVENUE	253	50	0	0
100	53610	INSURANCE CLAIMS	1,061	0	0	0
100	53615	DAMAGE CLAIMS	17,500	0	0	0
100	53620	REIMBURSEMENTS-GENERAL	0	1,165	0	0
<b>53 - MISCELLANEOUS</b>			<b>18,814</b>	<b>1,215</b>	<b>0</b>	<b>0</b>
100	59280	FR SECTION 8 HOUSING	820	820	820	820
100	59290	FR CABLE TV	573	573	573	573
100	59610	FR WPC OPERATING	74,954	83,092	44,670	104,743
100	59620	FR STORMWATER OPERATING	2,888	16,475	31,178	33,368
100	59630	FR PARKING OPERATING	13,271	14,750	16,085	17,215
100	59640	FR WATER UTILITY	72,348	80,678	0	0
100	59670	FR REFUSE COLLECTION	101,416	107,556	121,161	129,671
100	59810	FR GARAGE SERVICE FUND	4,134	4,134	4,134	0
100	59940	FR DMASWA	42,984	46,638	49,773	53,269
<b>59 - TRANSFER IN AND INTERNAL</b>			<b>313,388</b>	<b>354,716</b>	<b>268,394</b>	<b>339,659</b>
<b>76 - LEGAL SERVICES TOTAL</b>			<b>336,665</b>	<b>359,090</b>	<b>269,394</b>	<b>341,659</b>

## Recommended Operating Expenditure Budget - Department Total 76 - LEGAL SERVICES

Fund	Account	Account Title	FY14 Actual Expense	FY15 Actual Expense	FY16 Adopted Budget	FY 17 Recomm'd Budget
100	61010	FULL-TIME EMPLOYEES	479,686	492,908	500,392	511,096
100	61050	OVERTIME PAY	1,407	2,551	3,000	3,000
100	61310	IPERS	42,961	44,244	45,453	42,422
100	61320	SOCIAL SECURITY	32,943	33,915	35,822	36,609
100	61410	HEALTH INSURANCE	64,983	64,260	56,160	79,500
100	61415	WORKMENS' COMPENSATION	1,811	1,805	1,826	1,910
100	61416	LIFE INSURANCE	330	330	1,002	1,022
100	61655	CAR ALLOWANCE	5,660	5,746	5,597	5,737
<b>61 - WAGES AND BENEFITS</b>			<b>629,781</b>	<b>645,759</b>	<b>649,252</b>	<b>681,296</b>
100	62010	OFFICE SUPPLIES	1,297	1,505	1,322	1,535
100	62030	POSTAGE AND SHIPPING	709	622	744	653
100	62031	PROCESSING MATERIALS	0	0	0	740
100	62050	OFFICE EQUIPMENT MAINT	0	180	184	224
100	62061	DP EQUIP. MAINT CONTRACTS	3,108	3,243	4,202	4,308
100	62110	COPYING/REPRODUCTION	4,276	1,672	2,993	1,672
100	62170	SUBSCRIPTIONS-BOOKS-MAPS	13,909	15,755	16,228	17,574
100	62190	DUES & MEMBERSHIPS	2,625	2,540	2,964	2,932
100	62206	PROPERTY INSURANCE	151	166	178	173
100	62208	GENERAL LIABILITY INSURAN	2,679	2,675	2,671	2,802
100	62211	PROPERTY TAX	4,833	4,721	4,910	8,218
100	62221	DAMAGE CLAIMS	151,485	174,204	84,392	108,838
100	62230	COURT COSTS & RECORD FEES	1,108	109	1,130	112
100	62310	TRAVEL-CONFERENCES	7,574	6,150	8,022	8,377
100	62320	TRAVEL-CITY BUSINESS	939	827	1,000	1,000
100	62340	MILEAGE/LOCAL TRANSP	257	290	268	304
100	62360	EDUCATION & TRAINING	5,538	11,170	10,000	11,421
100	62411	UTILITY EXP-ELECTRICITY	1,768	1,514	1,811	1,636
100	62412	UTILITY EXP-GAS	562	518	395	539
100	62421	TELEPHONE	4,430	4,267	4,430	3,430
100	62424	RADIO/PAGER FEE	274	280	286	292
100	62433	CUSTODIAL SERVICES	3,767	4,299	4,696	4,700
100	62436	RENTAL OF SPACE	21,210	21,445	21,446	22,098
100	62663	SOFTWARE LICENSE EXP	0	45	0	0
100	62667	INTERNET SERVICES	0	710	1,440	360
100	62713	LEGAL SERVICES	3,898	9,367	0	0
100	62714	ADMINISTRATIVE JUDGE	2,194	14,724	13,966	45,018
100	62756	SPIRIT RELATED EXPENSE	0	0	250	250
<b>62 - SUPPLIES AND SERVICES</b>			<b>238,591</b>	<b>282,998</b>	<b>189,928</b>	<b>249,206</b>
100	71120	PERIPHERALS, COMPUTER	0	1,810	0	0
100	71129	SCANNER	0	0	688	0
100	71211	DESKS/CHAIRS	0	211	0	0
100	72418	TELEPHONE RELATED	0	1,700	0	0
<b>71 - EQUIPMENT</b>			<b>0</b>	<b>3,720</b>	<b>688</b>	<b>0</b>

**Recommended Operating Expenditure Budget - Department Total**  
**76 - LEGAL SERVICES**

Fund	Account	Account Title	FY14 Actual Expense	FY15 Actual Expense	FY16 Adopted Budget	FY 17 Recomm'd Budget
<b>76 - LEGAL SERVICES TOTAL</b>			<b>868,373</b>	<b>932,478</b>	<b>839,868</b>	<b>930,502</b>

## Recommended Expenditure Budget Report by Activity & Funding Source 76 - LEGAL SERVICES

### LEGAL SERVICES - 76100

#### FUNDING SOURCE: GENERAL

Account	FY14 Actual Expense	FY15 Actual Expense	FY16 Adopted Budget	FY17 Recomm'd Budget
EQUIPMENT	0	3,720	688	0
SUPPLIES AND SERVICES	238,591	282,998	189,928	249,206
WAGES AND BENEFITS	629,781	645,759	649,252	681,296
<b>LEGAL SERVICES</b>	<b>868,373</b>	<b>932,478</b>	<b>839,868</b>	<b>930,502</b>
<b>LEGAL SERVICES TOTAL</b>	<b>\$868,372.66</b>	<b>\$932,477.87</b>	<b>\$839,868.00</b>	<b>\$930,502.00</b>

**CITY OF DUBUQUE, IOWA  
DEPARTMENT DETAIL - PERSONNEL COMPLEMENT**

**76 LEGAL DEPARTMENT**

FD	JC	WP-GR	JOB CLASS	FY 2015		FY 2016		FY 2017	
				FTE	BUDGET	FTE	BUDGET	FTE	BUDGET
<b>61010 Full Time Employee Expense</b>									
100	0430	GE-29	PARALEGAL	1.00	57,704	1.00	57,897	1.00	59,130
100	0600	GE-42	ASSISTANT CITY ATTORNEY	2.00	218,153	2.00	224,636	2.00	229,486
100	0625	Contract	CITY ATTORNEY	1.00	170,371	1.00	167,264	1.00	170,791
100	0225	GE-25	LEGAL ASSISTANT II	1.00	50,430	1.00	50,595	1.00	51,689
			TOTAL FULL TIME EMPLOYEES	5.00	496,658	5.00	500,392	5.00	511,096
			<b>TOTAL LEGAL DEPARTMENT</b>	<b>5.00</b>	<b>496,658</b>	<b>5.00</b>	<b>500,392</b>	<b>5.00</b>	<b>511,096</b>



**CITY OF DUBUQUE, IOWA  
ACTIVITY PERSONNEL COMPLEMENT SUMMARY**

Run Date: 01/22/16

ACCT	FD	JC	WP-GR	POSITION CLASS	FY 2015		FY 2016		FY 2017		
					FTE	BUDGET	FTE	BUDGET	FTE	BUDGET	
<b>Legal Services-FT</b>											
10076100	61010	100	0625	GE-45	CITY ATTORNEY	1.00	170,371	1.00	167,264	1.00	170,791
10076100	61010	100	0600	GE-42	ASSISTANT CITY ATTORNEY	2.00	218,153	2.00	224,636	2.00	229,486
10076100	61010	100	0430	GE-29	PARALEGAL	1.00	57,704	1.00	57,897	1.00	59,130
10076100	61010	100		GE-25	SECRETARY	1.00	50,430	1.00	50,595	1.00	51,689
Total						5.00	496,658	5.00	500,392	5.00	511,096
<b>TOTAL LEGAL DEPARTMENT</b>						<b>5.00</b>	<b>496,658</b>	<b>5.00</b>	<b>500,392</b>	<b>5.00</b>	<b>511,096</b>