

Legal

This page intentionally left blank.

LEGAL DEPARTMENT

Budget Highlights	FY 2018 Actual	FY 2019 Budget	FY 2020 Requested	% Change From FY 2019 Budget
<u>Expenses</u>				
Employee Expense	704,413	715,560	783,976	9.6 %
Supplies and Services	201,418	249,943	202,703	(18.9)%
Machinery and Equipment	1,697	500	9,717	1,843.4 %
Total	907,528	966,003	996,396	3.1 %
<u>Resources</u>				
Administrative Overhead Recharges	428,657	456,307	502,196	10.1 %
Section 8 -Legal Services	820	—	—	0.0 %
Cable TV -Legal Services	573	—	—	0.0 %
Reimbursements	27	—	—	0.0 %
County Revenue	4,400	3,000	3,000	0.0 %
Total	434,477	459,307	505,196	10.0 %
Property Tax Support	473,051	506,696	491,200	(15,496)
Percent Increase (Decrease)				(3.1)%
Personnel - Authorized FTE	4.62	4.62	5.62	

Improvement Package Summary

1 of 1

This improvement level decision package request is for the addition of a creation of a Civil Rights Specialist. This position would accept, review, and investigate complaints of discrimination in employment, public accommodations, housing, credit, education, and other areas within the city organization and community at-large and perform both internal and community education activities related to civil rights. This request supports the City Council Goal of a "Financially Responsible, High-Performance City Organization." Recurring costs include wages and benefits, monthly phone service and data service. Non-Recurring costs include computer, tablet, smartphone and desk phone.

Related Cost:	\$ 78,815	Tax Funds	Recurring	Recommend - Yes
Related Revenue:	\$ 39,744	Administrative Overhead	Recurring	
Related Cost:	\$ 7,825	Tax Funds	Non-Recurring	
Related Revenue:	\$ 3,946	Administrative Overhead	Non-Recurring	
Total Cost:	<u>\$ 42,950</u>			
Property Tax Impact:	\$ 0.0169	0.16%		
Activity:	Information Services			

Significant Line Items

Employee Expense

1. FY 2020 employee expense reflects a 1.5% wage package increase.
2. The Iowa Public Employee Retirement System (IPERS) City contribution of 9.44% is unchanged from FY 2019 The employee contribution of 6.29% is unchanged from FY 2019.
3. The City portion of health insurance expense decreased from \$1,193 in FY 2019 to \$921 in FY 2020 per month per contract which results in annual cost savings of -\$13,680 or -22.77%.
4. Overtime expense is unchanged from \$3,000 in FY 2019 to \$3,000 in FY 2020. FY 2018 Actual was \$1,770.
5. Sick Leave Payout increased from \$14,957 in FY 2019 to \$14,968 in FY 2020.

Supplies & Services

6. Subscriptions increased from \$14,948 in FY 2019 to \$15,695 in FY 2020 based on FY 2019 Budget plus 5%.
7. Damage Claims decreased from \$137,848 in FY 2019 to \$91,380 in FY 2020 based on a three year average of actual claims paid. The City reimburses Iowa Communities Assurance Pool (ICAAP) up to \$20,000 per claim.
8. Education and Training unchanged from \$13,500 in FY 2019 to \$13,500 in FY 2020 based on actual estimated cost of conferences.
9. Administrative Judge unchanged from \$14,724 in FY 2019 to \$14,724 in FY 2020. This line item represents the cost for human rights complaint investigations including the public hearing expense for an administrative law judge.
10. Rental of Space increased from \$23,737 in FY 2019 to \$24,688 in FY 2020. This line item includes parking for the City Attorney, Assistant City Attorney and Senior Counsel (\$2,304) and office rent (\$22,080).

Machinery & Equipment

1. Purchase of equipment for FY 2020 includes (\$9,717):

Legal Services	
Smartphones (3)	\$ 1,642
Desk Phones (2)	\$ 500
Desk Chair (1)	\$ 4,250
Chair Mats (1)	\$ 100
Recommended Improvement Package	\$ 3,225
Total Equipment	\$ 9,717

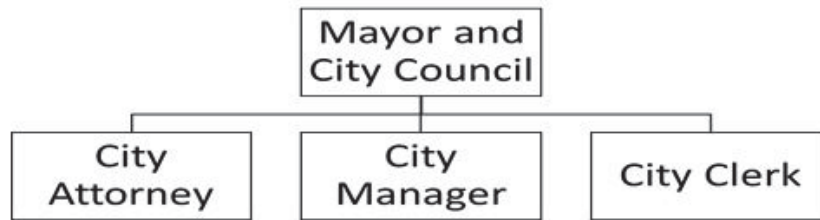
Revenue

11. Revenue received from Enterprise Funds for administrative overhead charges increased from \$456,307 in FY 2019 to \$502,196 in FY 2020.

This page intentionally left blank.

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.



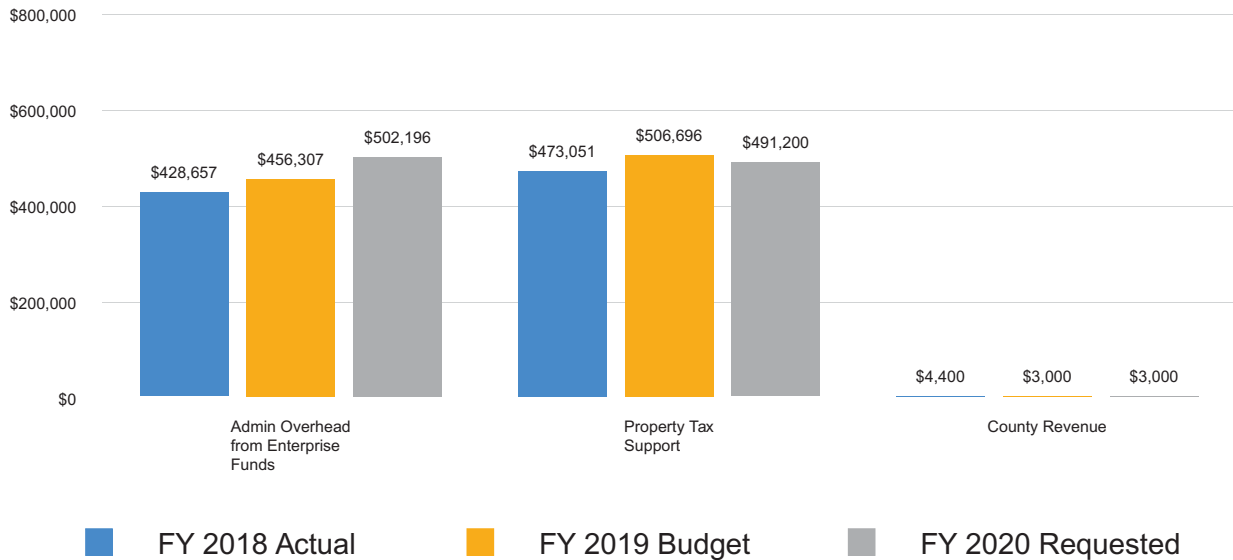
SUCCESS IS ABOUT PLANNING, PARTNERSHIPS, AND PEOPLE LEADING TO OUTCOMES



CITY ATTORNEY'S OFFICE

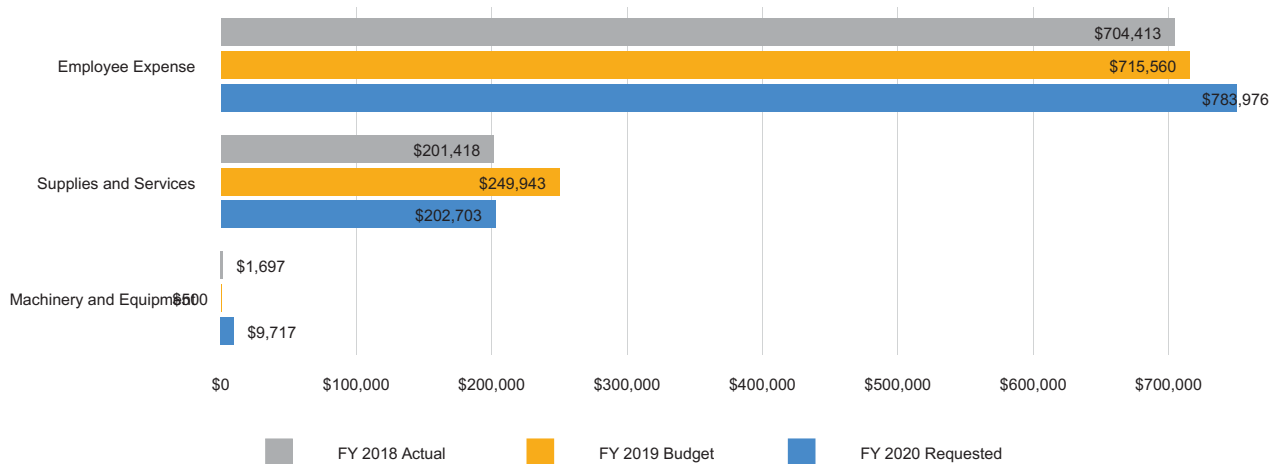
	FY 2018	FY 2019	FY 2020
Full-Time Equivalent	4.62	4.62	5.62

Resources and Property Tax Support



The City Attorney's Office is supported by 5.62 full-time equivalent employees. Overall, the department's expenses are expected to increase by 3.1% in FY 2020 compared to FY 2019.

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 2020
PARALEGAL	2.00
ASSISTANT CITY ATTORNEY	1.00
CITY ATTORNEY	1.00
SENIOR COUNSEL	0.62
CIVIL RIGHTS SPECIALIST	1.00
Total FT Equivalent Employees	5.62

Highlights of the Past Year

- **Key West Drive and Twin Ridge Areas** - Water and utility extensions coordinated with purchase of water system and county road improvements. Increased water pressure and quality to residents in these areas and expanded water service further beyond city limits south and toward the Airport
- **Southwest Arterial Project Property Acquisitions** - Condemnation appeals in District Court and Supreme Court.

CITY ATTORNEY'S OFFICE

- **Bee Branch Project Property Acquisitions** - Continuing environmental issues for Morrison Brothers Property and Blum Properties for the Bee Branch Project.
- **Bee Branch Railroad Project** - Finalize construction documents and negotiation documents for the railroad acquisition for the Bee Branch Project.
- **Flexsteel, Inc.** - Monitoring Development Agreement with Flexsteel, Inc. and Redevelopment Project Agreement with Flexsteel, Inc. and Dubuque Initiatives.
- **Property Tax Appeals** - Disposed of eight property tax appeals on behalf of the Board of Review.
- **Water and Other Utility Extensions** - Obtained easements and properties necessary to run utilities beyond city limits out to the airport; secure new and future utility customers outside of city limits through the annexation process
- **3000 Jackson Street** - Worked with City staff and new owners to create a development agreement and pathway toward demolition, stabilization, safety, and repair of this historically significant building.
- **Land Exchange for Timber-Hyrst Park** - Facilitated property transactions with property owners near City owned land for future development of a park.
- **The Miracle League of Dubuque** - Negotiation and execution of partnership agreement and Lease for Miracle League Complex on City park land.
- **Chaplain Schmitt Island** - Negotiation and execution of agreement with the Dubuque Racing Association for improvements and beautification of Chaplain Schmitt Island honoring veterans of all wars.
- **Controlled Livestock Grazing** - Drafted ordinance amendments and assisted with program development of controlled livestock grazing within the City.
- **Maquoketa Drive Investigation** - Worked with the Police Department, other City departments, and the County Attorney's Office to investigate and prosecute alleged water theft from a bulk water account in the City.
- **Water and Sewer Service to Table Mound, Kerrigan Heights, and Rockdale Road Customers** - Negotiation and execution of memorandum of understanding contemplating improvements to the existing private water distribution and sewer collection systems serving Table Mound Mobile Home Park, Kerrigan Heights, and Rockdale Road customers in

preparation for this private system's future connection to City water distribution and sewer collection systems.

- **Maquoketa Valley Electric Cooperative Franchise Agreement**
- **Black Hills Energy Franchise Agreement**
- **Dupaco Development Agreement**
- **Fiber Lease Agreements: Alliant, AT&T, Aueron, Comelec, CS, ImOn, Mediacom, Extenet, ICN, Nvidia, Unite, USCC, Verizon, Win, and Windstream**
- **Dubuque Metropolitan Area Solid Waste Agreements and Real Estate Purchase Transactions**
- **Medline Development Agreement**
- **Prairie Farms Development Agreement**
- **Twilight-Scales Mound Packet Co Docking License Agreement**
- **Kerper Sanitary Sewer Agreements**
- **DRA/IGA Agreement**

On-Going & Future Initiatives

- **South Pointe** - Working with Developer for a residential development on Rockdale Road; urban renewal identified as a mechanism for facilitating public improvements while stimulating private development and the provision of funds for low and moderate income housing through the City.
- **Housing TIFs** - On-going work with multiple developers to explore the use of Housing TIF to facilitate housing development.
- **English Ridge URA Amendment and North Cascade Road URA Amendment** - Added property to urban renewal area for purposes of facilitating additional public improvements which were not contemplated at the time of original adoption to facilitate construction and funding of CIWA water purchase.
- **CIWA** - Settlement Agreement signed January 2017. Addition of pump station and extension of water lines to expand service further beyond city limits and to areas in the Highway 20 and Southwest Arterial corridors. Assist with connection of new and expanded service areas to existing City water distribution system.

- **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.
- **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. Forty hours of training provided to City staff as well as required Board/Commission members and City Council.
- **Enhanced Neighborhood Support** - Collaborate with departments to enforce City Code violations and to ensure compliance with judgments and court orders.
- **Source of Income** - On-going committee work and research as part of the two-year process to provide further direction to City Council.
- **Departmental and Legal Code Enforcement** - Collaboration with departments to develop work flow processes and procedures resulting in more consistent, uniform code enforcement and data gathering and tracking for properties throughout the City.
- **Rent to Own** - Meeting with State representative to discuss data gathering and evaluate whether state regulation is necessary.
- **Interstate Transmission Company Franchise Agreement**
- **Gavilon Lease Agreements**
- **Continued Monitoring ICAP Litigation**

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.

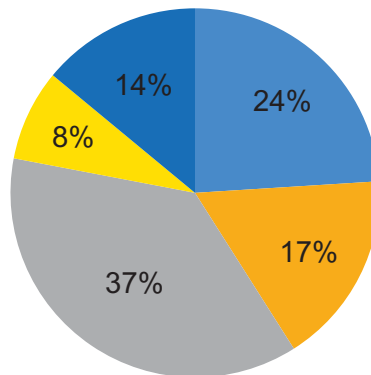







Goal: Financially Responsible, High Performance City Organization

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.

CITY ATTORNEY'S OFFICE

- **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.



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 Crenna Brumwell, Assistant City Attorney Maureen Quann, and Senior Counsel Barry Lindahl attended a total of 140 hours of continuing legal education during 2017.

CITY ATTORNEY’S OFFICE

CITY STAFF INVOLVEMENT IN THE COMMUNITY		
<i>Barry Lindahl</i>	<i>Crenna Brumwell</i>	<i>Maureen Quann</i>
Adjunct Lecturer at the University of Iowa College of Law	Board Member, Foster Grandparent Program, part of United Way	Serves on the Dubuque Museum of Art Special Events Committee
	Board member for Mentor Dubuque	Member of the Riverview Center Board of Directors
	City’s Prescott School Partnership	Trustee on the Clarke University Board of Trustees
	Every Child/Every Promise	



Goal: Great Place to Live



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.

This page intentionally left blank.

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

Fund	Account	Account Title	FY17 Actual Revenue	FY18 Actual Revenue	FY19 Adopted Budget	FY20 Recomm'd Budget
100	46205	COUNTY SHARE	6,942	4,400	3,000	3,000
46	LOCAL GRANT AND REIMBURSE - Total		6,942	4,400	3,000	3,000
100	53201	REFUNDS	0	776	0	0
100	53620	REIMBURSEMENTS-GENERAL	699	529	0	0
53	MISCELLANEOUS - Total		699	1,305	0	0
100	59280	FR SECTION 8 HOUSING	820	820	0	0
100	59290	FR CABLE TV	573	573	0	0
100	59610	FR WPC OPERATING	104,743	157,415	159,985	165,986
100	59620	FR STORMWATER OPERATING	33,368	36,268	37,468	45,895
100	59630	FR PARKING OPERATING	17,215	18,111	18,318	21,553
100	59640	FR WATER UTILITY	0	9,627	28,797	35,970
100	59670	FR REFUSE COLLECTION	129,671	128,529	131,747	149,802
100	59940	FR DMASWA	53,269	78,707	79,992	82,990
59	TRANSFER IN AND INTERNAL - Total		339,659	430,050	456,307	502,196
LEGAL SERVICES - Total			347,300	435,755	459,307	505,196

Recommended Operating Expenditure Budget - Department Total 76 - LEGAL SERVICES

Fund	Account	Account Title	FY17 Actual Expense	FY18 Actual Expense	FY19 Adopted Budget	FY 20 Recomm'd Budget
100	61010	FULL-TIME EMPLOYEES	418,730	417,673	430,905	498,119
100	61020	PART-TIME EMPLOYEES	74,511	111,108	109,734	112,234
100	61050	OVERTIME PAY	3,012	1,770	3,000	3,000
100	61091	SICK LEAVE PAYOFF	10,938	14,968	14,957	14,968
100	61092	VACATION PAYOFF	8,565	—	—	—
100	61310	IPERS	44,315	47,485	51,893	58,483
100	61320	SOCIAL SECURITY	35,969	39,590	39,856	45,656
100	61410	HEALTH INSURANCE	63,600	63,600	57,240	43,560
100	61415	WORKMENS' COMPENSATION	1,910	1,974	1,627	1,511
100	61416	LIFE INSURANCE	269	257	275	281
100	61655	CAR ALLOWANCE	6,004	5,988	6,073	6,164
61 - WAGES AND BENEFITS			667,823	704,413	715,560	783,976
100	62010	OFFICE SUPPLIES	1,565	1,063	1,565	500
100	62030	POSTAGE AND SHIPPING	977	639	977	658
100	62031	PROCESSING MATERIALS	380	175	300	175
100	62050	OFFICE EQUIPMENT MAINT	225	226	232	226
100	62061	DP EQUIP. MAINT CONTRACTS	4,308	4,399	4,326	4,497
100	62062	JANITORIAL SUPPLIES	—	—	—	50
100	62110	COPYING/REPRODUCTION	3,418	1,958	3,418	2,615
100	62130	LEGAL NOTICES & ADS	22	—	—	—
100	62170	SUBSCRIPTIONS-BOOKS-MAPS	14,237	14,042	14,948	15,695
100	62190	DUES & MEMBERSHIPS	3,080	2,851	3,080	2,908
100	62206	PROPERTY INSURANCE	141	132	—	—
100	62208	GENERAL LIABILITY INSURAN	2,775	2,293	1,951	2,079
100	62211	PROPERTY TAX	6,668	6,484	6,668	7,236
100	62221	DAMAGE CLAIMS	35,409	108,231	137,848	91,380
100	62230	COURT COSTS & RECORD FEES	1,491	45	1,491	45
100	62310	TRAVEL-CONFERENCES	5,943	4,808	8,950	8,950
100	62320	TRAVEL-CITY BUSINESS	898	991	1,000	1,000
100	62340	MILEAGE/LOCAL TRANSP	246	257	300	288
100	62360	EDUCATION & TRAINING	13,987	12,581	13,500	13,500
100	62411	UTILITY EXP-ELECTRICITY	1,608	1,586	1,809	1,586
100	62412	UTILITY EXP-GAS	456	506	479	506
100	62421	TELEPHONE	3,587	3,574	3,587	4,198
100	62424	RADIO/PAGER FEE	293	301	309	313
100	62433	CUSTODIAL SERVICES	3,975	4,004	4,082	4,160
100	62436	RENTAL OF SPACE	22,338	23,316	23,737	24,688
100	62663	SOFTWARE LICENSE EXP	51	47	51	50
100	62667	DATA SERVICES	361	456	361	576
100	62713	LEGAL SERVICES	87,758	5,489	—	—
100	62714	ADMINISTRATIVE JUDGE	28,711	963	14,724	14,724
100	62756	EMPLOYEE RECOGNITION	—	—	250	100
62 - SUPPLIES AND SERVICES			244,908	201,417	249,943	202,703
100	71120	PERIPHERALS, COMPUTER	—	—	—	950
100	71123	SOFTWARE	—	311	—	—
100	71124	COMPUTER	—	—	—	2,275
100	71211	DESKS/CHAIRS	—	—	—	4,350
100	72418	TELEPHONE RELATED	566	1,386	500	2,142
71 - EQUIPMENT			566	1,697	500	9,717
76 - LEGAL SERVICES TOTAL			913,297	907,527	966,003	996,396

Recommended Expenditure Budget Report by Activity & Funding Source

76 - LEGAL SERVICES

LEGAL SERVICES - 76100

FUNDING SOURCE: GENERAL

Account	FY18 Actual Expense	FY19 Adopted Budget	FY20 Recomm'd Budget
EQUIPMENT	1,697	500	9,717
SUPPLIES AND SERVICES	201,418	249,943	202,703
WAGES AND BENEFITS	704,413	715,560	783,976
LEGAL SERVICES	907,528	966,003	996,396
LEGAL SERVICES TOTAL \$	907,527.63 \$	966,003.00 \$	996,396.00

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

76 LEGAL DEPARTMENT

FD	JC	WP-GR	JOB CLASS	FY 2018		FY 2019		FY 2020	
				FTE	BUDGET	FTE	BUDGET	FTE	BUDGET
61010 Full Time Employee Expense									
100	430	GE-29	PARALEGAL	2.00	\$117,686	2.00	\$120,201	2.00	\$123,491
100	600	GE-42	ASSISTANT CITY ATTORNEY	1.00	\$135,919	1.00	\$139,787	1.00	\$142,980
100	625	Contract	CITY ATTORNEY	1.00	\$139,469	1.00	\$170,917	1.00	\$174,721
100	625	GE-32	CIVIL RIGHTS SPECIALIST	0.00	\$ —	0.00	\$ —	1.00	\$ 56,927
100	225	GE-25	LEGAL ASSISTANT II	0.00	\$ —	0.00	\$ —	0.00	\$ —
TOTAL FULL TIME EMPLOYEES				4.00	\$393,074	4.00	\$430,905	5.00	\$498,119
61020 Part Time Employee Expense									
100	4477	Contract	SENIOR COUNSEL	0.62	\$108,106	0.62	\$109,734	0.62	\$112,234
TOTAL PART TIME EMPLOYEES				0.62	\$108,106	0.62	\$109,734	0.62	\$112,234
TOTAL LEGAL DEPARTMENT				4.62	\$501,180	4.62	\$540,639	5.62	\$610,353

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

ACCT	FD	JC	WP-GR	POSITION CLASS	FY 2018		FY 2019		FY 2020		
					FTE	BUDGET	FTE	BUDGET	FTE	BUDGET	
Legal Services-FT											
10076100	61010	100	625	CONT	CITY ATTORNEY	1.00	\$ 139,469	1.00	\$ 170,917	1.00	\$ 174,721
10076100	61010	100	600	GE-42	ASSISTANT CITY ATTORNEY	1.00	\$ 135,919	1.00	\$ 139,787	1.00	\$ 142,980
10076100	61010	100	3600	GE-29	PARALEGAL	2.00	\$ 117,686	2.00	\$ 120,201	2.00	\$ 123,491
10076100	61010	100		GE-32	CIVIL RIGHTS SPECIALIST	0.00	\$ —	0.00	\$ —	1.00	\$ 56,927
10076100	61010	100	4440	GE-25	LEGAL ASSISTANT	0.00	\$ —	0.00	\$ —	0.00	\$ —
					Total	4.00	\$ 393,074	4.00	\$ 430,905	5.00	\$ 498,119
Legal Services - PT											
10076100	61020	100	4477	CONT	SENIOR COUNSEL	0.62	\$ 108,106	0.62	\$ 109,734	0.62	\$ 112,234
					Total	0.62	\$ 108,106	0.62	\$ 109,734	0.62	\$ 112,234
TOTAL LEGAL DEPARTMENT						4.62	\$ 501,180	4.62	\$ 540,639	5.62	\$ 610,353

This page intentionally left blank.