

# LEGAL SERVICES DEPARTMENT MID-YEAR REVIEW

All figures through June 30, 2021

## **Significant 2021 Events:**

The Legal Services Department has been engaged in a number of matters through the first half of 2021. Below are some of the highlights for the first half of the year:

### **City Attorney's Office**

- As of May 29, represented the City in traffic and ordinance related matters in 2021 including 2,351 scheduled initial court appearances, 57 scheduled jury and court trials and 1,092 scheduled pre-trials/jury trial conferences or motion hearings. Court appearances in 2021 are significantly different due to COVID-19. It has taken hours of cooperation with the County to put together a hybrid system of in-person and virtual appearances. While the total number of matters to date is lower than previous years, the amount of preparation for court has increased.
- Actively engaged in litigation including defense of a variety of lawsuits including, but not limited to, employment matters, land use, property damage, foreclosures, and pandemic-related litigation.
- Provided defense litigation as well as worked with outside counsel on pending state and federal matters involving Appleton police officers.
- In the first six months of 2021, the Attorney's Office has processed more than 225 agreements/contracts.
- Drafted or assisted in amending or creating a number of ordinances, including an update to the Floodplain ordinance, updates to the bicycle/electric scooter ordinance, creation of the Accessory Dwelling Units section to the Zoning Code and multiple pandemic-related temporary ordinances.
- Devoted significant staff resources developing an agreement for the BIRD Scooter pilot program.

### **City Clerk's Office:**

- Maintained in-person staff for all of 2021
- Maintained use of electronic poll books, participated in feedback sessions with the WEC to enhance software
- Streamlined end of night and election reconciliation procedures
- Safely and successfully administered 2 elections and sent out nearly 10,000 absentee ballots
- Conducted a recount in the District 13 aldermanic race and found the same results as certified by the Municipal Board of Canvassers.
- Sent out over 1,500 30-day notice letters related to the record number of absentee requests received in 2020-2021
- Responded to a considerable number of extensive records requests related to elections
- Printed over 80,000 documents for the COVID-19 vaccine clinic and printed over 300 volunteer badges

## **Performance Data:**

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Administration</u>	<u>Client Benefits/Impacts</u>					
	Timely legal information is provided upon which Alderpersons and staff members can make decisions. Meet time frame of requester.	100%	100%	100%	100%	100%
	Contracts are reviewed in a timely manner to allow performance to proceed. # of performances delayed due to review not being completed.	0	0	0	0	0
	<u>Outputs</u>					
	Opinions issued (revised measure)	44	16	10	15	45
	Ordinances reviewed.	109	131	100	34	100
	# of real estate transactions.	17	11	20	10	15
	Staff training; # of hours of staff training	70	75	75	12	25

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Litigation</u>	<u>Client Benefits/Impacts</u>					
	Active consultation with City depts. re: potential claims filed will mitigate damages and identify areas of risk # of claims filed against the City.	70	27	<100	10	<100
	Total # of lawsuits filed against the City	8	9	4	0	4
	<u>Outcome</u>					
	Minimize cost of settlements. Total amount demanded	\$417,178	\$215,010	\$107,018	\$8,308	\$85,725
	\$ value of settlements and judgments paid	\$2,283	\$12,843	\$0	\$7,216	\$57,471
	<u>Outputs</u>					
	# of lawsuits filed after claim denied	5	4	1	0	1
# of non-claim related lawsuits filed against the City	3	5	3	4	3	

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Recordkeeping</u>	<u>Client Benefits/Impacts</u>					
	Retrieval of information. % of same day responses	98%	99%	95%	100%	99%
	1 week retrieval for detailed requests	2%	5%	5%	0%	5%
	<u>Outcome</u>					
	Legal requirements are met # of legal challenges sustained	0	0	0	0	0
	<u>Outputs</u>					
	# of requests for information	98	22	80	63	75
	# of publication notices	195	181	200	92	140
# of ordinances adopted	123	131	100	34	65	

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Licensing</u>	<u>Client Benefits/Impacts</u>					
	# Licenses sent for Committee/Council approval	New	423	870	224	300
	# of licenses issued within time specified on application	New	100%	100%	100%	99%
	<u>Outcome</u>					
	Statutory and ordinance compliance of all licenses issued. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	License applications processed.					
	# of beer/liquor licenses issued	211	209	215	209	212
# of operator licenses issued	911	911	750	468	500	
# of general licenses issued	448	448	475	300	475	

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Elections</u>	<u>Client Benefits/Impacts</u>					
	# of voter status changes	7,287	14,003	2,000	2,760	1,500
	# of voter registrations processed	6,794	13,153	1,000	327	725
	# of absentee ballots issued	10,224	52,903	8,000	9,589	9,589
	<u>Outcome</u>					
	Fair and accurate election process. # of legal challenges	0	0	0	0	0
	<u>Outputs</u>					
	# of election votes cast	54,776	83,113	15,000	15,216	62,000
	Avg # of registered voters per election	37,825	42,715	44,000	44,982	42,500
	# of election administered	6	4	2	2	4
% of staff trained at each election	98%	80%	90%	50%	100%	

<u>Program</u>	<u>Criteria</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Target 2021</u>	<u>Actual 2021</u>	<u>Projected 2021</u>
<u>Mail/Copy Services</u>	<u>Client Benefits/Impacts</u>					
	Accurate photocopy services. Remake of request	0%	0%	0%	0%	0%
	<u>Strategic Outcomes</u>					
	Reduce costs					
	# of piece of mail returned to departments for reconciliation	New PM – no data	26	50	15	25
	<u>Outputs</u>					
	# of pieces of outgoing mail	111,231	167,483	120,000	46,585	140,000
	# of packages handled	131	29	125	22	30
# of copies made in mail center	745,807	500,621	600,000	263,774	500,000	

**Areas of Primary Concentration for the remainder of 2021:**

We will continue working with other departments in the City to ensure that City projects run smoothly and there is no delay in project completions.

The City Attorney's Office will continue to vigorously defend the City of Appleton in actions filed against the City of Appleton.

We will continue to assist, guide and advise City staff from all departments as well as elected officials on legal matters in a timely fashion.

Continue to work with various departments on large mailings and copy jobs to enhance accuracy and efficiency.

Continue to develop and implement new filing systems for City records and documents.

Update and enhance contingency plans for elections and related materials.

### **Budget Performance Summary**

<b>ORG</b>	<b>ACCOUNT DESCRIPTION</b>	<b>ORIGINAL APPROP</b>	<b>REVISED BUDGET</b>	<b>YTD EXPENSE D</b>	<b>% USED</b>
14510	Administration	\$373,833	\$384,833	\$169,369	44.00%
14521	Litigation	\$185,413	\$185,413	\$76,348	41.20%
14530	Recordkeeping	\$117,310	\$117,310	\$33,960	28.90%
14540	Licensing	\$69,451	\$69,451	\$31,989	46.10%
14550	Elections	\$130,687	\$130,687	\$67,784	51.90%
14560	Mail/Copy Services	\$151,817	\$151,817	\$106,282	70.00%
	<b>Revenue Total</b>	\$0	\$0	\$0	\$0
	<b>Expense Total</b>	\$1,028,511	\$1,039,511	\$485,732	46.70%
	<b>Grand Total</b>	\$1,028,511	\$1,039,511	\$485,732	46.70%

City Law A20-0284