

CITY OF OMAHA LAW DEPARTMENT

MISSION STATEMENT

The Law Department serves the Mayor, the City Council and all City departments. It advises the Mayor and Council on legal matters and represents the City in litigation. The Law Department is responsible for drafting ordinances, contracts, franchises and other documents. In addition it conducts outside investigations and handles all matters of claims or complaints against the City and prosecutes all violations designated as misdemeanors or traffic infractions.

GOALS AND OBJECTIVES

1. To continue to provide outstanding service to the City of Omaha.
2. To improve productivity through the modernization and computerization of procedures and practices.
3. To continue reducing the number of pending cases.

EXPENDITURE SUMMARY BY ORGANIZATION

Department Law

Division Law Division No. 104000

| Organization Description and Major Object Summary | Comparative Budget Appropriations | | | |
|--|-----------------------------------|----------------------|---------------------|----------------------|
| | 2004 Expended | 2005 Appropriated | 2006 Recommended | 2006 Appropriated |

Civil Law 104011

Members of the Law Department advise the Mayor and the City Council on legal matters, represent the City in litigations, provide written legal opinions on official matters when requested to do so by the Mayor, City Council or other City officials; draft and review ordinances, contracts, resolutions and other documents for legal correctness; and perform such other duties as are assigned by the Mayor or the City Council.

| | | | | |
|-----------------------|--------------|-----------|-----------|-----------|
| Personal Services | \$ 1,261,979 | 1,313,276 | 1,356,393 | 1,356,393 |
| Non-Personal Services | 99,812 | 263,093 | 112,360 | 112,360 |
| Equipment | 3,452 | 4,000 | 3,000 | 3,000 |
| Organization Total | 1,365,243 | 1,580,369 | 1,471,753 | 1,471,753 |

Claims and Investigation 104012

The Law Department routinely handles all claims filed against the City, its employees or agents where there is potential liability. This activity includes locating and interviewing witnesses, taking photographs, seeking out evidence, taking statements, and generally providing support assistance in litigation. Other activities include conducting internal investigations and other special investigations as administratively assigned by the Mayor or City Council.

| | | | | |
|-----------------------|---------|---------|---------|---------|
| Personal Services | 245,197 | 249,627 | 253,714 | 253,714 |
| Non-Personal Services | 1,267 | --- | --- | --- |
| Organization Total | 246,464 | 249,627 | 253,714 | 253,714 |

Prosecution 104013

Members of the Law Department prosecute all violations designated as misdemeanors or traffic infractions. Additionally, they interview, investigate and issue private warrants, handle all appeals of municipal convictions to the District Court, enforce provisions of the City Code, advise the Police Department on search and seizure, and handle appeals on issues of law to the District and State Supreme Court.

Upon adoption of the 2006 Budget, the City Council increased Personal Services \$64,077 for an Attorney I in Prosecution.

| | | | | |
|-----------------------|--------------|-----------|-----------|-----------|
| Personal Services | 1,363,519 | 1,368,387 | 1,467,133 | 1,531,210 |
| Non-Personal Services | 172,313 | --- | --- | --- |
| Equipment | 178 | --- | --- | --- |
| Organization Total | 1,536,010 | 1,368,387 | 1,467,133 | 1,531,210 |
| Department Total | \$ 3,147,717 | 3,198,383 | 3,192,600 | 3,256,677 |

EXPENDITURE SUMMARY BY ORGANIZATION

Department Law

Division Law Division No. 104000

| Organization Description and Major Object Summary | Comparative Budget Appropriations | | | |
|--|-----------------------------------|----------------------|---------------------|----------------------|
| | 2004 Expended | 2005 Appropriated | 2006 Recommended | 2006 Appropriated |

| Performance Measures | 2004 Actual | 2005 Planned | 2006 Goal |
|--|----------------|-----------------|--------------|
| % of Log Book Assignments Answered Within 15 Days | 84% | 85% | 85% |
| % of Log Book Assignments Answered Within 30 Days | 94% | 100% | 100% |
| Maintain Current Case-to-Prosecutor Ratios at or Above Target Cities* | 3250 to 1 | 2500 to 1 | 2500 to 1 |
| % of Class I, Routine Claims, Answered Within 30 Days | 96% | 90% | 90% |
| % of Class II, Non-Routine Claims, Answered Within 60 Days | 99% | 90% | 90% |
| % of Medical Answered Within 20 Days of Receipt of Report | 100% | 100% | 100% |
| *Target Cities: Overland Park, KS; Milwaukee, WI and Minneapolis, MN | | | |

| Program Outputs | 2004 Actual | 2005 Planned | 2006 Goal |
|---|----------------|-----------------|--------------|
| Prosecution Complaints Handled | 32,505 | 33,000 | 35,150 |
| Claims by City - Non Litigated | 178 | 150 | 160 |
| Recovered in Claims by City | \$ 278,807 | 155,000 | 150,000 |
| Claims Against City - Non Litigated | 627 | 550 | 550 |
| Paid in Claims Against City | \$ 535,396 | 700,000 | 750,000 |
| Civil Active Cases | 416 | 350 | 350 |
| Civil Cases Closed | 36 | 75 | 75 |
| Civil New Lawsuits | 118 | 110 | 100 |
| Litigated Judgments Against City | \$ 273,979 | 1,000,000 | 750,000 |
| Litigation Settlements Paid by City | \$ 110,500 | 500,000 | 250,000 |
| Requests Made by Other City Departments | 317 | 400 | 400 |

DIVISION SUMMARY OF PERSONAL SERVICES

Department Law

Division Law Division No. 104000

| Class Title | Pay Range | Comparative Budget Appropriations | | | | | |
|------------------------------|--------------|-----------------------------------|---------------|---------------------|----------------------|-----------|------------------|
| | | 2004 Actual | 2005 Auth. | 2006 Recommended | 2006 Appropriated | | |
| City Attorney | 39AEC | 1 | 1 | 1 | 127,324 | 1 | 127,324 |
| Deputy City Attorney | ATT3 | 5 | 5 | 5 | 567,702 | 5 | 567,702 |
| Senior Attorney | ATT2 | 9 | 9 | 9 | 782,823 | 9 | 782,823 |
| Attorney | ATT1 | 6 | 6 | 7 | 392,418 | 8 | 440,413 |
| Executive Secretary - Law | 11AEC | 1 | 1 | 1 | 46,596 | 1 | 46,596 |
| Paralegal Assistant | 9AEC | 1 | 1 | 1 | 41,218 | 1 | 41,218 |
| Legal Investigator | 18.2MC | 1 | 1 | 1 | 61,790 | 1 | 61,790 |
| Administrative Secretary III | 14FC | 5 | 5 | 5 | 198,266 | 5 | 198,266 |
| Senior Administrative Clerk | 11FC | 1 | 1 | 1 | 37,544 | 1 | 37,544 |
| Administrative Clerk | 9FC | 6 | 7 | 7 | 210,849 | 7 | 210,849 |
| Provision for longevity | | | | | 19,988 | | 19,988 |
| Reimbursements | | | | | (139,091) | | (139,091) |
| | | <u>36</u> | <u>37</u> | <u>38</u> | <u>2,347,427</u> | <u>39</u> | <u>2,395,422</u> |

Explanatory Comments:

Two positions, funded for six months in 2005, are fully funded in 2006. An additional grant-funded position is also included.

The Law Department receives a reimbursement for 80% of an Administrative Clerk's salary and benefits by the Juvenile Accountability Grant from the State of Nebraska. The Law Department also receives grants from the Omaha Safety Council and Omaha Housing Authority.

Upon adoption of the 2006 Budget, the City Council increased Personal Services \$47,995 for an Attorney I in Prosecution.

DIVISION SUMMARY OF MAJOR OBJECT EXPENDITURES

Department Law

Division Law Division No. 104000

| Major Object Expenditures | Comparative Budget Appropriations | | | |
|------------------------------------|-----------------------------------|----------------------|---------------------|----------------------|
| | 2004 Expended | 2005 Appropriated | 2006 Recommended | 2006 Appropriated |
| Personal Services: | | | | |
| Classified Regular | \$ 2,273,108 | 2,348,877 | 2,466,530 | 2,514,525 |
| Part-Time and Seasonal | 9,807 | --- | --- | --- |
| Overtime | 6,083 | --- | --- | --- |
| Longevity | 17,509 | 19,485 | 19,988 | 19,988 |
| Reimbursements | (92,117) | (120,322) | (139,091) | (139,091) |
| Total Personal Services | 2,214,390 | 2,248,040 | 2,347,427 | 2,395,422 |
| Employee Benefits: | | | | |
| FICA | 162,821 | 170,348 | 177,756 | 181,321 |
| Pension | 207,373 | 192,917 | 199,543 | 203,282 |
| Insurance | 291,684 | 338,990 | 382,964 | 393,064 |
| Reimbursements | (5,573) | (19,005) | (30,450) | (31,750) |
| Total Employee Benefits | 656,305 | 683,250 | 729,813 | 745,896 |
| Total Employee Compensation | 2,870,695 | 2,931,290 | 3,077,240 | 3,141,317 |
| Non-Personal Services: | | | | |
| Purchased Services | 41,826 | 51,465 | 61,960 | 61,960 |
| DOTComm Services | 176,798 | 161,228 | --- | --- |
| Supplies | 54,768 | 50,400 | 50,400 | 50,400 |
| Equipment | 3,630 | 4,000 | 3,000 | 3,000 |
| Other | --- | --- | --- | --- |
| Reimbursements | --- | --- | --- | --- |
| Total Non-Personal Services | 277,022 | 267,093 | 115,360 | 115,360 |
| Capital: | | | | |
| Total Capital | --- | --- | --- | --- |
| Division Total | \$ 3,147,717 | 3,198,383 | 3,192,600 | 3,256,677 |

Upon adoption of the 2006 Budget, the City Council increased Personal Services \$64,077 for an Attorney I in Prosecution.

| Source of Funds: | | | | |
|-------------------------------------|--------------|-----------|-----------|-----------|
| General (Ref. B-1) | \$ 3,112,717 | 3,173,383 | 3,167,600 | 3,231,677 |
| Convention Center Hotel (Ref. B-63) | 35,000 | 25,000 | 25,000 | 25,000 |

