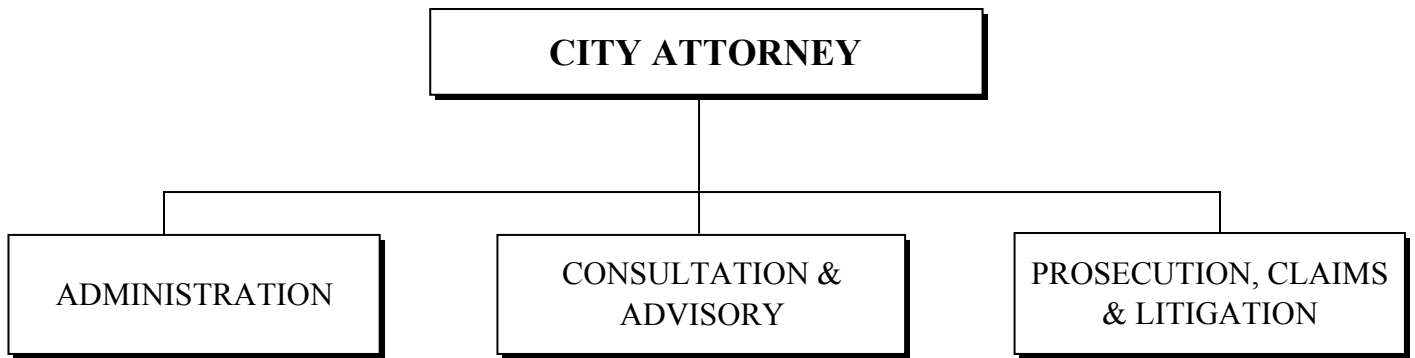


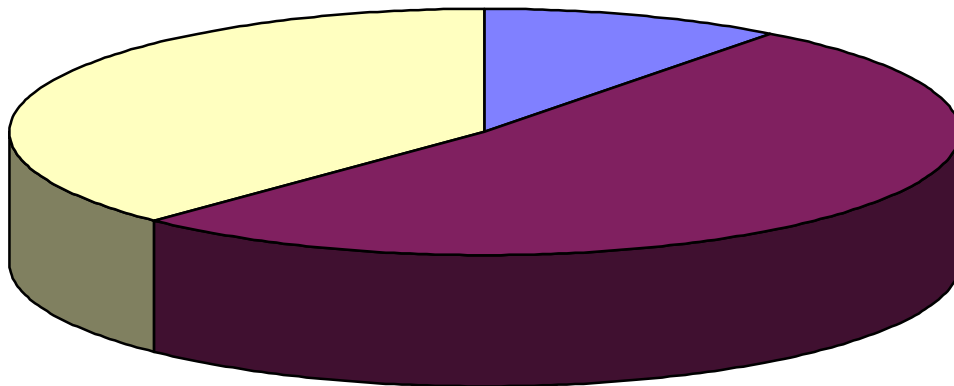
# CITY ATTORNEY



**2006 BUDGET**  
**\$1,677,543**

**Prosecution,  
Claims & Litigation**  
**38%**

**Administration**  
**10%**



**Consultation &  
Advisory**  
**52%**

**2006-07 APPROVED BUDGET  
CITY ATTORNEY**

	<b>2004 ACTUAL</b>	<b>2005 APPROVED</b>	<b>2006 APPROVED</b>	<b>2007 PROPOSED</b>
<b><u>BUDGET BY PROGRAM</u></b>				
CITY ATTORNEY				
City Attorney	\$ 1,436,654	\$ 1,299,567	\$ 0	\$ 0
Prosecution	212,890	336,978	0	0
	<u>1,649,544</u>	<u>1,636,545</u>	<u>0</u>	<u>0</u>
ADMINISTRATION				
Administration	0	0	173,903	176,836
	<u>0</u>	<u>0</u>	<u>173,903</u>	<u>176,836</u>
CONSULTATION & ADVISORY				
Consultation & Advisory	0	0	871,783	885,075
	<u>0</u>	<u>0</u>	<u>871,783</u>	<u>885,075</u>
PROSECUTION, CLAIMS AND LITIGATION				
Prosecution, Claims and Litigation	0	0	631,858	641,603
	<u>0</u>	<u>0</u>	<u>631,858</u>	<u>641,603</u>
 TOTAL	 <u>\$ 1,649,544</u>	 <u>\$ 1,636,545</u>	 <u>\$ 1,677,543</u>	 <u>\$ 1,703,514</u>
<b><u>BUDGET BY CATEGORY</u></b>				
Personnel Expenses	\$ 1,539,741	\$ 1,476,650	\$ 1,516,049	\$ 1,538,790
Operating Expenses	93,614	154,395	149,514	152,504
Interdepartmental Charges	15,934	5,500	11,980	12,220
Capital	255	0	0	0
TOTAL	<u>\$ 1,649,544</u>	<u>\$ 1,636,545</u>	<u>\$ 1,677,543</u>	<u>\$ 1,703,514</u>
<b><u>BUDGET BY FUND</u></b>				
General	\$ 1,649,544	\$ 1,636,545	\$ 1,677,543	\$ 1,703,514
TOTAL	<u>\$ 1,649,544</u>	<u>\$ 1,636,545</u>	<u>\$ 1,677,543</u>	<u>\$ 1,703,514</u>
<b><u>AUTHORIZED FTE's</u></b>				
Standard FTE's	<u>20.00</u>	<u>18.75</u>	<u>18.75</u>	<u>18.75</u>
TOTAL	<u>20.00</u>	<u>18.75</u>	<u>18.75</u>	<u>18.75</u>

**2006-07 BUDGET  
OFFICE OF THE CITY ATTORNEY**

**MISSION STATEMENT**

We work for Boulder to deliver the highest quality municipal legal service. Impeccable quality is our highest value. We achieve this by providing responsive, creative, and timely advice. We back our advice with cost-effective litigation services when necessary.

**BUSINESS PLAN NARRATIVE**

Like most of the City's other operating departments, the City Attorney's Office has been adapting to resource limitations and staffing reductions. Facing the demands presented by this combination of reduced resources and our status as an internal service provider has resulted in a significant reorganization of the office, both structurally and philosophically. This reorganization has been reflected in our identification of essential, desirable and discretionary services, and may be further reflected in 2006 staffing changes.

The city attorney presented Council with an "Organizational Review and Management Analysis of the City Attorney's Office" in January 2005. This report described our actions to address service deficiencies the city attorney perceived in our department's work for Human Resources and Housing and Human Services.

The January 2005 analysis also reflected our philosophy that tight budgets demand a shift to higher value services. This shift resulted in the formation of a new Litigation Division. We found that by bringing most routine litigation in-house, we can affect a dramatic cost-savings for the City. As an additional benefit, this litigation group will serve as a training ground and promotional unit for attorneys in our Prosecution Division. By involving our prosecutors in civil litigation, we can offer them a more fulfilling career path and save substantial city funds. With the city manager's support, we hope to conclude an ongoing trial staffing program in time to make recommendations to Council for permanent staffing in late 2005 or early 2006. If the litigation program continues to return the savings we have noted thus far for 2005, it is reasonable to assume that we will seek a supplemental appropriation to make the program permanent.

The 2006-2007 budget also reflects "Collaborative Legal Budgeting." Through a series of structured interviews with the operating departments, combined with an analytical review of historical time records and projections about future "key plans" of the departments, we have made allocations of resource needs. Essentially, we are providing a detailed inventory of our "assets" and how we intend to use them to help the City meet its goals.

Finally, the 2006-2007 budget reflects our increased focus on training and development for staff, as well as dramatically increased communications with the Council and public. The CAO philosophy emphasizes personal development so that the value each employee provides to the City can be maximized. The CAO philosophy also emphasizes our commitment to open government by providing a very transparent view for the public, Council and operating departments in to the workings of a 21<sup>st</sup> century law office.

## **GUIDING PRINCIPLES OR INVESTMENT STRATEGY**

### **Essential Services**

- A. Administration:**  
Supporting legally-required continuing legal education for staff attorneys is essential. File maintenance, timekeeping and reporting, and updating the municipal code is also essential.
- B. Advisory Services:**  
Support for the City Council and the City's advisory boards and commissions is essential, as is compliance with the Colorado Open Records Act, elections law, Council agenda support, bond finance and tax matters, water rights defense, and providing conflict of interest advice. In addition, support for operating departments is essential when that support is part of their efforts to meet their own essential functions or the City Council's goals.
- C. Litigation Services:**  
The CAO is legally obligated to defend the City in civil litigation and to prosecute criminal matters within the Boulder Municipal Court's jurisdiction.

### **Desirable Services**

- A. Administration:**  
Providing intra-departmental coordination and training is desirable.
- B. Advisory Services:**  
Support for operating departments is desirable when that support is part of their efforts to provide desirable services. Other desirable services include legal maintenance of the City's extensive real estate and affordable housing portfolio, providing responsive support to public inquiries, and supporting the City's legislative agenda.
- C. Litigation Services:**  
Providing proactive litigation services to challenge the actions of other persons and entities when those actions are contrary to the City's interests

is desirable. Pre-prosecution counseling and informal dispute resolution is also desirable. Work done on behalf of the Office of Environmental Affairs is desirable and includes Friends of the Earth v. Peter Watson (in the United States District Court for the District of Northern California, Docket No. C 02-4106 JSW), implementation of Amendment 37 (renewable requirements), and Xcel Energy cases pending before the Colorado Public Utilities Commission (Docket Nos. 04S-164E, Xcel Rate Case Phase II; 04A-215E, Xcel 2003 Least-Cost Resource Plan; and 04A-216E, Xcel Renewable Energy RFP).

### **Discretionary Services**

- A. Administration:**  
Administrative time reporting to operating departments is discretionary.
- B. Advisory Services:**  
All other advisory services are discretionary.
- C. Litigation Services:**  
All other litigation is discretionary, such as Amicus Curiae (friend of the court) participation in significant cases.

### **CITY COUNCIL GOALS**

The City Attorney has a special support relationship to all of Council's goals and projects. This is because almost all significant Council activities require legal work or legal advice. The following pending legal work is illustrative of the support given in each of the activities set forth in the Council goals:

#### **Transportation**

The City Attorney is providing legal support on a number of transportation related projects including the development of the Boulder Transit Village multi-modal transportation center in Boulder.

#### **Affordable Housing**

The City Attorney continues to advise on legal issues relating to the provision of affordable housing, inclusionary zoning, and related matters.

#### **Environmental Sustainability**

A member of the City Attorney's Office usually sits with the Council subcommittee for environmental sustainability. The City Attorney has continued to advise upon and draft legislation relating to water and resource conservation issues, issues related to the

protection of local wildlife, and issues related to groundwater contamination and pest management practices.

### **Economic Sustainability**

The City Attorney continues to advise the City Manager, other City officials, and the Boulder Urban Renewal Authority regarding legal and negotiating options concerning the development of 29<sup>th</sup> Street.

### **Community Sustainability**

The City Attorney's Office has not been called upon to support this goal as yet.

## **CHANGES TO BUDGET BETWEEN 2005 AND 2006 APPROVED BUDGETS**

There were no changes to the Office of the City Attorney's base budget between the 2005 and 2006 approved budgets.

## **PERFORMANCE MEASURES**

	<b>Actuals 2004</b>	<b>Target 2005</b>	<b>Target 2006</b>	<b>Target 2007</b>
1. Criminal Prosecution: Increase the number of Municipal Court matters submitted for alternative dispute resolution and restorative justice resolution.	One hundred thirty formal referrals and continued work with Court on utilizing a variety of community based restorative justice.	Eighty formal referrals and continued work with Court on utilizing a variety of models of community based restorative justice.	See new performance measure below.	See new performance measure below.

	<b>Actuals 2004</b>	<b>Target 2005</b>	<b>Target 2006</b>	<b>Target 2007</b>
2. Risk Management: Strive to ensure that the City's insurance premiums and claim payouts are low compared to other front range cities.	This information has been requested, but was not available at the time of printing.	Continue to have the City's insurance premiums and claim payouts low compared to other front range cities.	See new performance measure below.	See new performance measure below.
3. Strive to ensure that the City's payouts and attorney's fees are paid out at no greater than historical (adjusted) levels.	This information has been requested, but was not available at the time of printing.	Continue to control the number of claims through effective risk management practices so that they never again approach the high levels that existed before the current risk management program was put into effect.	See new performance measure below.	See new performance measure below.
4. Criminal Prosecution: Maintain the number of Municipal Court matters submitted for alternative dispute resolution and restorative justice resolution.	N/A	N/A	One hundred thirty formal referrals and continue to work with municipal court to utilize a variety of community-based justice models and agencies.	One hundred thirty formal referrals and continue to work with municipal court to utilize a variety of community-based justice models and agencies.

	<b>Actuals 2004</b>	<b>Target 2005</b>	<b>Target 2006</b>	<b>Target 2007</b>
5. Risk Management: Continue recent efforts to improve systems and efficiencies regarding claims management.	N/A	N/A	Send claimant feedback forms to 100% of claimants. Provide three-week turn around time for resolution of claims (either denial or settlement).	Send claimant feedback forms to 100% of claimants. Provide three-week turn around time for resolution of claims (either denial or settlement).
6. Outside Lawyers: Standardize the procedures and oversight mechanism for managing the work performed by outside lawyers.	N/A	N/A	Institute formal procedures for outside counsel contract review/renewal and actively monitor 100% outside counsel invoices by CAO staff. Provide increased accountability for budgeting outside counsel funds.	Institute formal procedures for outside counsel contract review/renewal and actively monitor 100% outside counsel invoices by CAO staff. Provide increased accountability for budgeting outside counsel funds.