

City Attorney

Department Description

The best description for the City Attorney's Office may be found in the words of the Columbus City Charter.

Section 67. Powers and Duties. [The city attorney]...shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. [The city attorney]...shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall certify in writing his approval of the form and correctness thereof. He may appoint such assistants, secretaries and clerks as council may authorize.

Section 68. Prosecuting attorney. The city attorney shall be the prosecuting attorney of municipal court. He may detail such of his assistants as he may deem proper to assist in such work. He shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

Section 69. Representing city. The city attorney shall prosecute or defend for and in behalf of the city all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies relating to city affairs as he shall, by resolution or ordinance of council, be directed to prosecute or defend.

Section 70. Rendering Opinions. The council, the director of any department, or any officer, board, or commission not included within a department, may by request in writing, require the opinion of the city attorney upon any question of law involving their respective powers and duties.

Table of Organization

To fulfill the obligations placed on this office by the Charter, Columbus City Council has authorized (Ordinance # 1241-2007) up to 134 full time positions from "general fund" and "other city" sanctioned sources, in addition to 14 full time positions from "grant" sanctioned sources, for a possible total of 148 full time positions. For purposes of the 2007 budget, 131 full-time positions have been filled and funded. Of the 131 positions 61 are occupied by attorneys.

The same authorized strength ordinance authorizes the office up to 46 part-time positions from the "general fund" sanctioned source and 1 part-time position from the "grant" sanctioned source. For purposes of the 2007 budget, 36 part time positions have been filled and funded.

The table of organization places these positions in various organizational units. There are four divisions within the office: Civil, Claims, Prosecutor and Real Estate. There is also a Police Legal Advisor unit.

Within the Civil Division there are three sections: Business and Regulations, Labor and Employment, and Litigation. Within the civil realm there is also a team of attorneys and support staff that was created in 2007 and referred to as the Zone Initiative. This initiative provides close cooperation among police, code enforcement and neighborhood groups with the goal of resolving persistent public safety issues more quickly.

Within the Prosecutor Division there is an appellate unit, a domestic violence/stalking unit and an intake/mediation/check-resolution unit.

Department Mission

To carry out the duties and responsibilities prescribed by the Columbus City Charter and Columbus City Codes in a professional and competent manner so that the office's clients and the public are well and fairly served.

Department Goals and Objectives

To handle every matter so that at the conclusion the result will be just and fair both to the City of Columbus and to any other parties involved.

To carry out the duties and responsibilities as prescribed by the Columbus City Charter and the Columbus City Codes.

Strategic Priorities for 2008

Every day the City Attorney's office is engaged in the delivery of legal services, whether it is approving contracts as to form and correctness, defending the City against law suits, assuring that enacted legislation fits properly into the City Code, evaluating whether criminal charges should be filed, prosecuting traffic and criminal cases, providing oral and written opinions or conducting police recruit and in-service training.

Consequently the strategic priorities and budget issues will mirror each other and will reappear each budget year. That is, securing adequate resources so that the right people are in the right place doing the right things so that the law firm representing the City of Columbus is able to carry out the responsibilities assigned to it by the Charter. In short, proper staffing levels and adequate compensation are two major priorities and budget issues.

In 2007 the Zone Initiative (first referred to as the Nuisance Abatement Action Team) was staffed and put in place. Its effectiveness in shortening the lines of communication from where the problem is to where the resolution occurs has been evident in positive comments from patrol officers.

In 2008 the office seeks to create a Diversion/Intake/Mediation/Check Resolution unit in the Prosecutor Division. Presently, while there is an intake unit, a mediation program and a check resolution effort, there is no diversion program since the grant funding for the original effort expired two years ago. This reconstituted unit should result in providing earlier and better analysis of whether criminal charges should or should not be filed, or whether disputes can be resolved through other than judicial action.

2008 Budget Notes

- Costs for both outside counsel and legal settlements for general fund agencies are budgeted in Finance and Management's citywide account.
- A total of \$120,000 is budgeted for subscriptions to various legal research services and publications in 2008.

Budget and Program Summary

DEPARTMENT FINANCIAL SUMMARY					
DIVISION SUMMARY	2005 Actual	2006 Actual	2007 Original Appropriation	2007 Estimated Expenditures	2008 Proposed
City Attorney	\$ 9,073,240	\$ 9,710,456	\$ 10,358,555	\$ 10,373,346	\$ 10,370,529
Real Estate	332,859	344,297	371,339	358,260	390,405
Land Acquisition	680,540	728,379	803,847	710,658	864,143
TOTAL	\$ 10,086,639	\$ 10,783,132	\$ 11,533,741	\$ 11,442,264	\$ 11,625,077

NOTE: For the general fund, 2008 budget figures, unlike in preceding years, do not include technology expenditures, which are budgeted in Finance and Management. For an adjusted historical comparison, see page 26-9.

DIVISION SUMMARY BY CHARACTER					
CITY ATTORNEY GENERAL FUND EXPENDITURES SUMMARY	2005 Actual	2006 Actual	2007 Original Appropriation	2007 Estimated Expenditures	2008 Proposed
Personnel	\$ 8,246,753	\$ 8,800,554	\$ 9,672,803	\$ 9,481,307	\$ 9,805,534
Materials & Supplies	163,330	124,713	124,750	124,642	146,750
Services	496,423	678,082	561,002	685,402	418,245
Other Disbursements	18,393	-	-	34,590	-
Capital	8,516	-	-	-	-
Transfers	139,825	107,107	-	47,405	-
TOTAL	\$ 9,073,240	\$ 9,710,456	\$ 10,358,555	\$ 10,373,346	\$ 10,370,529
REAL ESTATE GENERAL FUND EXPENDITURES SUMMARY	2005 Actual	2006 Actual	2007 Original Appropriation	2007 Estimated Expenditures	2008 Proposed
Personnel	\$ 322,142	\$ 344,113	\$ 371,339	\$ 358,260	\$ 390,405
Materials & Supplies	2,515	-	-	-	-
Services	8,202	184	-	-	-
TOTAL	\$ 332,859	\$ 344,297	\$ 371,339	\$ 358,260	\$ 390,405

DIVISION SUMMARY BY CHARACTER					
LAND ACQUISITION LAND ACQUISITION FUND EXPENDITURES SUMMARY	2005 Actual	2006 Actual	2007 Original Appropriation	2007 Estimated Expenditures	2008 Proposed
Personnel	\$ 628,628	\$ 665,833	\$ 701,748	\$ 647,543	\$ 777,055
Materials & Supplies	1,652	9,111	10,150	7,494	17,300
Services	50,260	53,435	91,949	55,621	69,788
TOTAL	\$ 680,540	\$ 728,379	\$ 803,847	\$ 710,658	\$ 864,143

DEPARTMENT SUMMARY BY FUND					
FUND SUMMARY	2005 Actual	2006 Actual	2007 Original Appropriation	2007 Estimated Expenditures	2008 Proposed
General	\$ 9,406,099	\$ 10,054,753	\$ 10,729,894	\$ 10,731,606	\$ 10,760,934
Land Acquisition	680,540	728,379	803,847	710,658	864,143
TOTAL	\$ 10,086,639	\$ 10,783,132	\$ 11,533,741	\$ 11,442,264	\$ 11,625,077

DEPARTMENT PERSONNEL SUMMARY					
DIVISION	FT/PT*	2005 Actual	2006 Actual	2007 Authorized	2008 Authorized
City Attorney	FT	103	104	119	119
	PT	46	29	46	46
Real Estate	FT	7	6	7	7
Land Acquisition	FT	4	5	7	7
	PT	0	0	1	1
TOTAL		160	144	180	180

*FT=Full-Time PT=Part-Time

**2008 Operating Budget
City Attorney**

Program	Mission	<u>Financial History by Program</u>				<u>Personnel by Program</u>			
		2005 Budget	2006 Budget	2007 Budget	2008 Proposed	2005 FTEs	2006 FTEs	2007 FTEs	2008 FTEs
Administration	To provides management and support through the offices of the City Attorney.	\$1,520,143	\$1,137,633	\$1,360,391	\$958,089	8	7	9	5
Civil Prosecution	To provide support personnel to assist attorneys in the civil division by preparing legal documents, maintaining the case database, scheduling depositions and appointments and other duties that maintain the organized flow of legal documents.	274,067	290,467	345,050	452,014	5	6	5	7
Civil Part-Time	To provide law student interns who perform legal research for the attorneys in the civil division.	132,827	103,758	159,239	139,112	-	-	-	-

**2008 Operating Budget
City Attorney**

Program	Mission	<u>Financial History by Program</u>				<u>Personnel by Program</u>			
		2005 Budget	2006 Budget	2007 Budget	2008 Proposed	2005 FTEs	2006 FTEs	2007 FTEs	2008 FTEs
Appellate	To appeal misdemeanor prosecutions to the Franklin County Court of Appeals, and defend misdemeanor criminal appeals filed against the city.	266,961	362,336	441,720	425,441	2	3	3	3
Intake	To assist citizens requesting the filing of criminal misdemeanor complaints by assisting, advising and making appropriate referrals.	597,374	614,193	643,775	665,714	2	2	2	4
Victim-Witness Assistance	To prosecute domestic violence offenders and assist victims by providing them with immediate resources, and to educate and train all city and county law enforcement officers on the issue of domestic violence.	783,023	983,407	970,730	1,099,065	10	14	16	16

**2008 Operating Budget
City Attorney**

Program	Mission	<u>Financial History by Program</u>				<u>Personnel by Program</u>			
		2005 Budget	2006 Budget	2007 Budget	2008 Proposed	2005 FTEs	2006 FTEs	2007 FTEs	2008 FTEs
Business	To assist in the legal review and implementation of vital city development projects, give legal assistance to city officials with respect to city services, legislation, contracts, zoning, and relations with the suburbs, to assist city agencies in complying with state and federal environmental laws, and to take legal action against industrial facilities that fail to comply with water pollution laws and other environmental requirements.	822,520	927,969	963,334	877,280	8	9	9	8
Litigation	To defend the city and its employees in contract disputes, claims for personal injury or property damage, constitutional violations, wrongful death, tax disputes, and claims requesting money damages; as well as provide legal education, training, advice, and counsel.	671,076	719,439	726,541	799,177	6	6	6	6
Labor	To handle all labor and employment-related litigation, render legal advice to city officials on labor and employment matters, defend the city in employment litigation filed in federal and state courts, and counsel various city departments on day-to-day personnel matters.	562,772	564,570	572,672	549,840	5	5	5	5

**2008 Operating Budget
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Program	Mission	<u>Financial History by Program</u>				<u>Personnel by Program</u>			
		2005 Budget	2006 Budget	2007 Budget	2008 Proposed	2005 FTEs	2006 FTEs	2007 FTEs	2008 FTEs
Police Legal Bureau	To advise the Division of Police on legal and policy matters, serve as liaison for civil and criminal litigation involving police, and provide training on legal topics associated with law enforcement.	270,008	323,668	337,311	343,824	3	4	4	4
Claims	To handle pre-litigation claims against the city as well as the collection of funds owed to the city.	472,521	602,767	574,070	554,517	7	7	7	6
Legal Assistance	To provide clerical support to the prosecutors in the Franklin County Municipal Court, send out subpoenas and ensure that all case files have necessary paperwork for each prosecutor's daily docket.	840,661	876,789	849,143	888,719	16	15	15	15
Dispute Resolution	To solve problems and conflicts outside of the judicial process through the use of trained mediators, to bring students, parents, and educators together to develop a specific plan to keep children in school, and to assist in the collection of money lost to merchants due to the passing of bad checks.	77,194	55,128	57,897	-	1	1	1	-
Zone Initiative	To handle cases relating to housing, building, health and zoning code violations as well as nuisance abatement actions.	364,737	322,457	135,956	539,800	5	3	2	7

**2008 Operating Budget
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Program	Mission	<u>Financial History by Program</u>				<u>Personnel by Program</u>			
		2005 Budget	2006 Budget	2007 Budget	2008 Proposed	2005 FTEs	2006 FTEs	2007 FTEs	2008 FTEs
Criminal Prosecution	To provide attorneys in the prosecution of misdemeanor traffic and criminal cases including domestic violence, DUI and assault cases.	1,934,082	2,163,495	2,220,726	2,077,937	23	26	26	24
Real Estate Administration	To provide management and support for acquisition of all real property needed by city departments and legal assistance in all real estate matters.	342,368	369,827	371,339	390,405	4	4	4	4
Land Acquisition	To provide management and support for acquisition of all real property needed by city departments and legal assistance in all real estate matters.	782,895	792,424	803,847	864,143	7	7	7	7
		\$10,715,229	\$11,210,327	\$11,533,741	\$11,625,077	112	119	121	121

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Some program data will not match department summary data due to differences in data being reported (i.e., budgeted versus actual). This is compounded in cases of departmental reorganizations during the timeframe.