

# Memorandum

## City of Lawrence

### Legal Services Department

**TO:** David L. Corliss, City Manager  
 Cynthia Boecker, Assistant City Manager  
 Casey Toomay, Budget Manager

**FROM:** Toni Wheeler, Director of Legal Department

**CC:** Diane Stoddard, Assistant City Manager  
 Jonathan Douglas, Assistant to the City Manager

**Date:** April 17, 2009

**RE:** 2010 Budget Request

Please find the 2010 Budget Request for the Legal Department with the two scenarios requested by the City Manager—one maintaining 2009 budget levels for all categories of expenditures other than personal services, and one that assumes a 5% decrease in total expenditures other than personal services. Following a brief description of the department, this memorandum will highlight the impact on the Legal Department of maintaining 2009 expenditures levels and reducing expenditures by 5%.

The Legal Department is comprised of three divisions: Municipal Court (1090 account), Human Relations (1085 account), and the In-house Legal Division and City Prosecutors (1080 account).

#### Municipal Court

Municipal Court adjudicates misdemeanor offenses, traffic infractions, and parking violations. A few statistics from the 2008 Municipal Court Annual Report will help shed light on Municipal Court operations:

Meter tickets issued*	92,355
Citations issued*	35,543
Court fine notices mailed	Over 75,000
Criminal & traffic payments posted	Over 63,000
Citizen telephone calls received	Over 40,000
City revenue collected	\$2,777,526.00
<b>Municipal Court Staffing</b>	
Municipal court judge	1
Municipal court manager	1
Probation officer	1
Court clerks	7
Part-time court security officers	2

*\*Lawrence Police Department personnel issued the meter tickets and most citations processed by Municipal Court staff.*

Recently, we learned just how efficient our court operations are in comparison to other municipal courts in Kansas. While collecting data on court fines and fees from other jurisdictions, Court Manager, Vicki Stanwix, received information on other courts' staffing levels. The Commission may be interested to know that the Topeka Municipal Court has twice the number of municipal court employees as our court. The Topeka Municipal Court also has no responsibility for processing and collecting parking meter revenue--a separate City agency processes Topeka's meter ticket citations. With half the number of municipal court employees than the City of Topeka has, the Lawrence Municipal Court employees processed approximately 5000 more traffic and criminal cases and collected over one-half million dollars more in revenue for these offenses for the City in 2008 than our counterparts in Topeka. Additionally, our seven (7) court clerks processed 92,355 meter citations with revenue totaling over \$415,000, while the City of Topeka's parking control agency has 16 employees dedicated to parking meter enforcement efforts. All totaled, our Municipal Court brought in \$1 million more in revenue than the City of Topeka's Municipal Court. I credit the Court Manager, and our dedicated court clerks for working diligently with the resources allotted to them.

#### Human Relations

The Human Relations Division enforces Chapter 10 of the City Code which prohibits discrimination in employment, housing, and public accommodations on the basis of race, sex, religion, color, national origin, age, ancestry, familial status, disability, or sexual orientation. The division consists of two investigators and a human relations specialist. In 2008, division staff, with assistance from the department's attorneys, investigated 25 complaints alleging unlawful discrimination. The division also provides outreach and educational activities in the community.

#### In-house Legal Division and the City Prosecutors

This division prepares and reviews ordinances and resolutions, negotiates and drafts contracts, leases, and policies, purchases real property interests for City facilities and projects, conducts legal research and provides legal guidance to City staff and the City Commission. The City Attorney defends the City in litigation and claims. The prosecutors prosecute offenses in Municipal Court and represent the City on appeals of municipal court matters to District Court.

With this brief explanation of what the Legal Department does, the remainder of the memorandum will focus on the impact on the Department of maintaining 2009 expenditure levels and reducing expenditure levels by five percent (5%).

### **Maintaining 2009 Expenditure Levels**

As a department funded by the City's general fund, the Legal Department's budget has been reduced in previous years to respond to declining City revenues. The 2009 Legal Department budget is lean and covers essential expenditures. While the Department is committed to delivering excellent legal services with the resources allotted, I have some concerns about maintaining 2009 expenditure levels in 2010, particularly in Municipal Court.

#### Municipal Court and City Prosecutors' Office

Legal staff is pleased that the Lawrence Police Department may have the opportunity to return to full staffing levels by early 2010. With LPD staffing levels returning to previous years' levels, it is anticipated that the number of citations issued and adjudicated in Municipal Court will increase significantly. This translates into a higher case volume in Municipal Court, and a greater demand for general office supplies, printing costs, overtime, and legal costs for court-appointed attorneys

for indigent defendants. Current staffing levels in Municipal Court may not be adequate to respond to a significant increase in court case load. (In early 2007, one court clerk position was eliminated in response to the City's difficult budget condition.) Similarly, the Prosecutors' Office will have a higher case load and more demands on support staff time (overtime) and office supplies and equipment. Additionally, the Information Services Interim Director has also advised that the court's network switches should be replaced in 2010, at an estimated cost of \$7,000. We hope this can be paid with Equipment Reserve funds, as we cannot absorb this expense with expenditures at the 2009 expenditure level.

### **Five Percent Reduction Over 2009 Budget Levels**

In order to decrease expenditures by five percent (5%) over 2009 expenditure levels, significant reductions in a number of items in the Human Relations Division budget are proposed. Also, the Department's already modest budget authority for travel, conferences and seminars will be substantially reduced or eliminated in all divisions. Only state mandated continuing legal education for attorneys will be available under this scenario. Training and seminars sponsored by our staff's professional associations often provide information and resources to improve or enhance operations or legal services. Eliminating conferences and seminars is preferable, however, to reducing other vital expenditures such as books, electronic legal research service contracts (Westlaw), or computers.

Thank you for considering the Department's comments on the 2010 budget. The Legal Department looks forward to providing the City with excellent legal services in 2010.