

## Legal

**Current Year Department Budgeted Expense Total: \$2,407,815**

**Change from Prior year: \$210,642:**

### **Overall Budget Justification:**

The FY21 budget for the City Attorney funds is \$2,407,815 which includes an increase of about \$175,688 in Personal Services. This includes a new prosecutor position as well as a 2.9% COLA adjustment. There was a \$9,705 increase in O&M due to regular monthly charges (IT, Telephone, Facilities, Parking). Additionally surface travel increased by \$1,000 to reimburse for expected travel to Helena, MT for testimony before various Senate and House committees the 2021 Legislative Session, Technical Training/Tuition increased by \$13,800 for anticipated additional tuition costs and bar dues increase of about \$300. There are no requests for new programming.

### **Budgeted Revenues:**

REVENUE BY FUND	CITY ATTORNEY DEPARTMENT REVENUE				
	ACTUAL FY 18	ACTUAL FY 19	BUDGET FY 20	ESTIMATE FY 20	PROPOSED FY 21
GENERAL FUND	\$ 2,270	\$ 2,546	\$ -	\$ -	\$ -
CITY ATTORNEY GRANTS	<u>296,119</u>	<u>299,571</u>	<u>305,374</u>	<u>303,060</u>	<u>315,066</u>
<b>TOTAL REVENUE</b>	<b><u>\$ 298,389</u></b>	<b><u>\$ 302,117</u></b>	<b><u>\$ 305,374</u></b>	<b><u>\$ 303,060</u></b>	<b><u>\$ 315,066</u></b>

**CITY ATTORNEY  
DEPARTMENT ALL FUNDS**

REVENUE BY CLASSIFICATION	ACTUAL FY 18	ACTUAL FY 19	BUDGET FY 20	ESTIMATE FY 20	PROPOSED FY 21
CHARGE FOR SERVICE	\$ 2,270	\$ 2,546	\$ -	\$ -	\$ -
FINES AND FORFEITURE	56,722	53,789	50,000	43,000	50,000
INTERGOVERNMENTAL	69,694	72,927	88,000	60,000	90,000
INVESTMENT EARNINGS	(4)	(49)	-	60	66
TRANSFER IN	<u>169,707</u>	<u>172,904</u>	<u>167,374</u>	<u>200,000</u>	<u>175,000</u>
<b>TOTAL REVENUE</b>	<b><u>\$ 298,389</u></b>	<b><u>\$ 302,117</u></b>	<b><u>\$ 305,374</u></b>	<b><u>\$ 303,060</u></b>	<b><u>\$ 315,066</u></b>

**Budgeted Expenditures:**

**CITY ATTORNEY  
DEPARTMENT EXPENSE**

EXPENSE BY FUND	ACTUAL FY 18	ACTUAL FY 19	BUDGET FY 20	ESTIMATE FY 20	PROPOSED FY 21
GENERAL FUND	\$ 1,757,290	\$ 2,045,840	\$ 1,891,799	\$ 1,895,000	\$ 2,092,530
CITY ATTORNEY GRANTS	<u>305,694</u>	<u>298,482</u>	<u>305,374</u>	<u>299,050</u>	<u>315,285</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 2,062,984</u></b>	<b><u>\$ 2,344,322</u></b>	<b><u>\$ 2,197,173</u></b>	<b><u>\$ 2,194,050</u></b>	<b><u>\$ 2,407,815</u></b>

**CITY ATTORNEY  
DEPARTMENT ALL FUNDS**

EXPENSE BY CLASSIFICATION	ACTUAL FY 18	ACTUAL FY 19	BUDGET FY 20	ESTIMATE FY 20	PROPOSED FY 21
PERSONAL SERVICES	\$ 1,458,356	\$ 1,548,209	\$ 1,607,953	\$ 1,554,050	\$ 1,783,641
OPERATIONS AND MAINTENANC	434,921	623,210	421,846	440,000	449,174
TRANSFERS	<u>169,707</u>	<u>172,903</u>	<u>167,374</u>	<u>200,000</u>	<u>175,000</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 2,062,984</u></b>	<b><u>\$ 2,344,322</u></b>	<b><u>\$ 2,197,173</u></b>	<b><u>\$ 2,194,050</u></b>	<b><u>\$ 2,407,815</u></b>

**New or Expanded Programs:**

None proposed for FY 2021

**Staffing:**

**CITY ATTORNEY  
STAFFING AUTHORIZATION**

<b>CITY ATTORNEY POSITION</b>	<b>ACTUAL FY 18</b>	<b>ACTUAL FY 19</b>	<b>BUDGET FY 20</b>	<b>APPROVED FY 21</b>
CITY ATTORNEY	1.0	1.0	1.0	1.0
ASSISTANT CITY ATTORNEY	1.0	1.0	1.0	1.0
DEPUTY CITY ATTORNEY	3.8	3.8	3.8	4.8
CIVIL DEPUTY CITY ATTORNEY	1.0	1.0	1.0	1.0
VICTIM WITNESS SPECIALIST	1.0	-	-	-
LEGAL SECRETARY	1.0	1.0	1.0	1.0
ADMINISTRATIVE SUPPORT II	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
<b>TOTAL</b>	<b><u>10.8</u></b>	<b><u>9.8</u></b>	<b><u>9.8</u></b>	<b><u>10.8</u></b>
<b>LEGAL GRANT POSITION</b>				
VICTIM WITNESS SPECIALIST	1.5	3.0	3.0	3.0
VICTIM WITNESS PRG COORDINATOR	0.8	-	-	-
ADMINISTRATIVE ASSISTANT	-	0.5	0.5	0.5
ATTORNEY-DOMESTIC VIOLENCE	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
<b>TOTAL</b>	<b><u>3.3</u></b>	<b><u>4.5</u></b>	<b><u>4.5</u></b>	<b><u>4.5</u></b>
<b>TOTAL CITY ATTORNEY</b>	<b><u>14.1</u></b>	<b><u>14.3</u></b>	<b><u>14.3</u></b>	<b><u>15.3</u></b>

**Department Goals for FY 2021:**

**Goal:** Provide a specific contact person for civil advice and litigation support to each City department on MMIA and non-MMIA cases.

**Action(s):** Designate one of four civil attorneys to provide civil advice to each department.

**Outcome(s):**

- Expedient and more comprehensive handling of individual, department legal issue inquiries.

**Goal:** Provide quarterly, litigation strategy reports to the Mayor/City Council and City Administrator on MMIA and non-MMIA cases.

Action(s): Schedule regular (typically quarterly) report dates in advance for the entire FY 20.

Outcome(s):

- Regular, consistent communication of pending litigation to the Mayor, City Council, and City Administrator, and more proactive risk management.

**Goal:** Provide monthly status/progress reports to the City Administrator on current litigation and pending projects requiring City Attorney participation or input.

Action(s): Review open civil litigation files, prepare written status notes, and assign civil division staff attorneys to assist as needed.

Outcome(s):

- City Administrator is better and more consistently informed of current, important developments in litigation involving the City as a party and is briefed on other major legal research related to City projects.

**Goal:** Assist City Administration and City Departments in reviewing/revising City insurance requirements for contractors in construction and professional consulting projects during FY 21.

Action(s): Consult with the City's insurance advisor on liability and property damage insurance issues and recommend coverage types and minimum amounts to City Administrator.

Outcome(s):

- Updated and consistent insurance and risk management requirements maximizing the protection of the City in substantial public works, parks, and other public infrastructure improvement projects.

**Goal:** Provide research, drafts, and other assistance in the update to the existing City ordinances based on the Municipal Code Corporation (Municode) review of the City Code. Complete a tentative internal staff review phase by end of calendar year 2020.

Action(s):

- Assist Mayor, Council, City Administrator, and Department heads, as requested, in reviewing recommended code changes from Municode review.

- Provide assistance to individual departments with drafting, amending, or repealing these ordinances and others identified by Municode or City Attorney staff as in need of revision.

Outcome(s):

- Proactive preparation in modernizing and enhancing the enforcement of specific ordinances.

**Goal:** Support and provide legal research, advice, and document preparation as needed/requested in support of a potential **Public Safety Mill Levy** during calendar year 2020.

Action(s):

- Provide information and advice on ordinances/resolutions necessary to comply with State statutes in the amendment of the City Charter and the required ballot language for the required voter approval..
- Identify public safety resource needs and support specific funding alternatives in cooperation with Planning, Municipal Court, Billings Police, and Billings Fire Department.
- Provide legal research/advice to City Administrator and Department Heads on record keeping required by the Montana Commission on Political Practices concerning mill levy staff time and work.

Outcome(s):

- Better informed City Council and citizens concerning public safety and potential funding alternatives.

**Goal:** Continue to **Support the Community Innovations** effort to address and remedy transient and homeless, chemically dependent persons, and support the sober housing component.

Action(s):

- Provide legal research and information to assist in facilitating a sobering center and treatment programs based on the San Diego, California Serial Inebriate Program.
- Assist Municipal Court, local treatment providers, cultural coalitions, business associations, and law enforcement to comprehensively address various issues through the MAAP program and other local resources.

Outcome(s)

- More effective treatment of those needing such, and reduction in public safety concerns for this population.
- Reduction of crimes committed by, or against, chemically dependent transients.

**Goal: Assist in Enacting a Spa/Massage Business License Ordinance**

Action(s):

- Provide legal research/editing of current second draft of the proposed ordinance in progress.
- Assist in outreach to affected local stakeholders for comment on draft and impacts.

Outcome(s)

- Sustainable/defensible final draft that will impact quality of life, health and safety of citizens and discourage human trafficking and related crimes.

**Goal: Successful 2021 Legislative Session**

Action(s):

- Assist the Billings' City Council, City Administrator, City Lobbyist, and Department Heads in the review and analysis of proposed legislation during the 2021 Montana Legislature.
- Testify before legislative committees and submit written support or opposition as needed/directed on proposed bills.
- Implementation of laws adopted by the 2021 Montana Legislature by reviewing, summarizing, and reporting on new adopted legislation affecting City operations, and assisting in implementation as requested/needed.

Outcome(s):

- Maximize accurate communication of legislation impacts and confirm Council's position on such.
- Informed/prepared transition into new laws.