

2018 Budget Presentation

Legal Department

August 16, 2017



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CITY OF SOUTH BEND

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT



LEGAL DEPARTMENT

August 16, 2017

Legal Department Vision



The Legal Department provides quality legal representation to the City of South Bend's Mayor, departments, commissions and agencies with a dedicated and professionally-skilled staff, efficiently and cost effectively, in furtherance of the City's strategic goals, and preserving the legal and ethical integrity of the City.

- Integrity
- Competency
- Professionalism
- Civility

The Legal Department is composed of diverse and talented attorneys and staff members in an environment in which equality with regards to gender, race, and age are indicative of a strong commitment to the City's core values of Inclusion and Excellence.

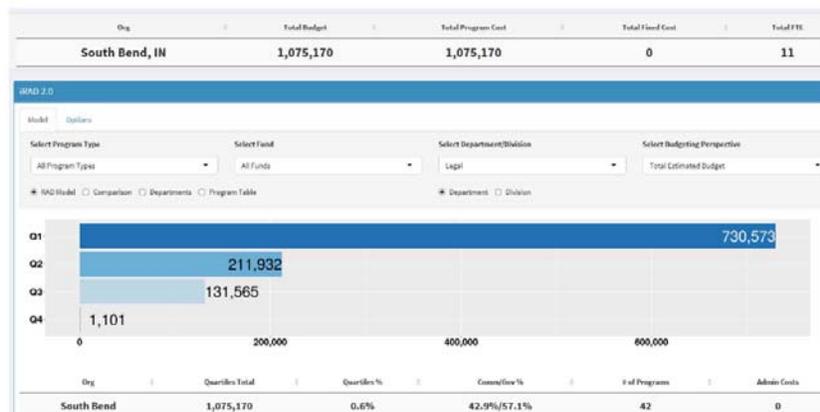
Legal Department Priority Based Budgeting



Legal Department Priority Based Budgeting



The Legal Department achieved a “healthy program distribution” result through the Priority Based Budgeting initiative, with most programs and dollars falling into Quartile 1, and with the lowest number of Quartile 4 dollars and programs of any City Department.



Legal Department 2018 Budget Highlights



Sustainable Budget

The changes made during last year's budget process are proving to be very effective and sustainable for the Legal Department. The Department has been able to efficiently and effectively achieve its goals and serve the City and its residents.

The Legal Department has no significant budget changes to report for the year 2018. Its budget has **decreased by \$35,418** due to reductions in allocations from other departments.

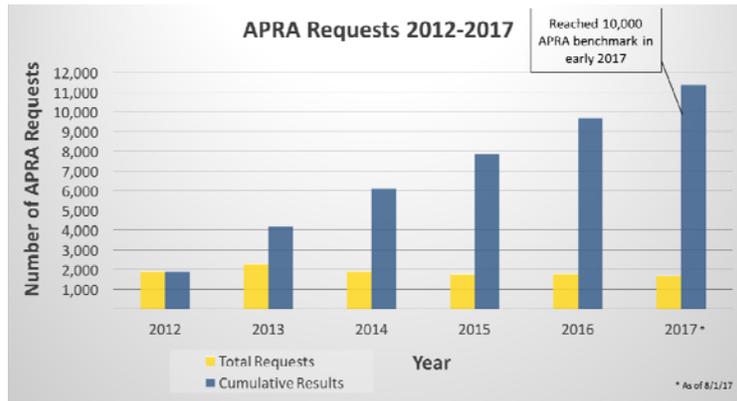
Legal Department 2017 Accomplishments



The Legal Department has fully embraced the City's established Vision, Mission, and Values statement and actively applies it to all areas of Municipal Law practice.



Legal Department Accomplishments APRA Benchmark: 10,000!



As of February 7, 2017, the Legal Department received and responded to an administration total of **10,000** APRA requests, without violation. This benchmark demonstrates City responsiveness and **transparency**.

Legal Department Accomplishments 2017 Litigation Transparency Guide



Dear Residents and Friends of the City of South Bend,

Many of you have followed the local, state, and national media coverage of the *Franklin v. City of South Bend* case in 2016 and have understandably had many questions for me and for the City of South Bend. Your concerns and questions are important and deserve to be answered.

One of the main requests that I have received is for access to the court transcripts in the *Franklin* trial. Court transcripts contain the written version of everything that was said at the trial or hearings in a case. They also can be very costly to obtain, well beyond the budget of an average citizen who is simply looking for answers.

In keeping with the City's commitment to transparency and accountability, the City of South Bend has purchased the court transcripts in the *Franklin* matter and has made them available for download *at no cost to you* on this website. Please click on the links on this page to view and read the full record of the *Franklin v. City of South Bend* case. Our City Legal team has also provided copies of the Stipulation of Facts and Completed Verdict Forms so that you may educate yourself on the Court's decision in this matter.

I want to thank you for your interest in the City of South Bend and to invite you to take advantage of the other resources, links, and information publicly available to you, compiled here by our City Legal team. It is my hope that the information provided will empower you to be informed, educated, and involved with the City of South Bend.

Legal Department Accomplishments 2017 City-Wide Trainings



The Legal Department provided trainings to City Departments to **empower** City staff in the areas of APRA and Open Door Law, Procurement, and Claims Investigation.



LUKE BRITT
Public Access Counselor
State of Indiana



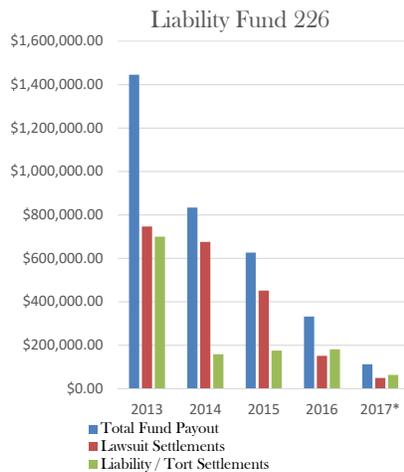
✓ Open Door Law and APRA Training

- Training was attended by **68 City Employees** with representation from **all City Departments**
- **5 Follow-Up APRA Trainings** were completed in 2017 with individual departments

✓ 2 Procurement Trainings provided

✓ 2 Claims Investigation Trainings

Legal Department Accomplishments Trends in Liability Fund



* 2017 results as of 8/1/17

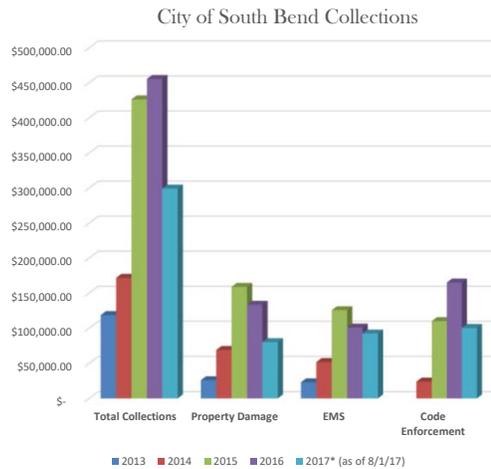
The annual total expenditure from Liability Fund 226 has decreased since 2013 due to:

- Safety, Incident Prevention, and Investigation trainings provided to lead supervisory and field personnel
- Proactive safety measures and incident alerts from City Departments
- Proactive claims resolution and defense
- Vigorous defense litigation strategy

Legal Department Accomplishments 2017 Collections Update



Collections have continued to increase year over year due to an efficient interdepartmental account referral system and intensified post-judgment collection focus.



Legal Department Accomplishments Trends in Subrogation Practice



Subrogation practice has yielded increases and positive results since implementation of Claims Administrator position in 2014.

*2017 results as of 8/1/17

Legal Department 2017 Accomplishments



- ✓ Filed Plaintiff's action on behalf of the City of South Bend under innovative legal theory and recovered **\$425,000**.



- ✓ Responded individually to **65** claims relating to August 2016 Flood Event. Claims were received from *August 22, 2016 through February 15, 2017*.

Legal Department 2017 Accomplishments



- ✓ Signatory to several local government Amicus Briefs supporting national anti-discrimination and inclusion initiatives in collaboration with the City of Chicago and the City of New York.



- ✓ Received favorable verdict in the Tidwell Jury Trial, supporting SBFD emergency responders' actions in saving lives in South Bend.



- ✓ Provided the legal framework for the 2017 implementation of the City Municipal ID card program.

Legal Department 2017 Accomplishments



- ✓ Expanded Riverfront Development Permit Boundaries through ordinance amendments, resulting in economic development opportunities for the South Bend community.



- ✓ Completed preliminary agreements and negotiations for the South Shore Line project, resulting in a feasible plan for a 90-minute commute to Chicago from South Bend.

Fund 101 - General Fund Department 0501 - Legal Department

Expenditures by Type					2018 Proposed Budget	Forecast				Budget Variance 2017-2018	% Change
	2015	2016	2017	06/30/17		2019	2020	2021	2022		
	Actual	Actual	Amended Budget	Actual							
Personnel											
Salaries & Wages	675,920	689,144	705,738	326,770	723,139	737,602	752,354	767,401	782,749	17,401	2%
Fringe Benefits	215,746	248,712	260,865	125,472	285,516	291,141	299,773	308,693	317,912	24,651	9%
Total Personnel	891,666	937,856	966,603	452,242	1,008,655	1,028,743	1,052,127	1,076,094	1,100,661	42,052	4%
Supplies	5,735	1,184	5,977	2,908	3,450	3,450	3,450	3,450	3,450	(2,527)	-42%
Services & Charges											
Professional Services	3,374	172	48,355	45,477	2,550	2,550	2,550	2,550	2,550	(45,805)	-95%
Printing & Advertising	-	-	-	-	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-	-	-	-	-
Education & Training	8,475	4,173	8,000	767	8,000	8,000	8,000	8,000	8,000	-	0%
Travel	1,123	47	3,450	197	3,450	3,450	3,450	3,450	3,450	-	0%
Repairs & Maintenance	10	1,633	2,120	1,620	1,820	1,820	1,820	1,820	1,820	(300)	-14%
Other Interfund Allocations	6,746	8,707	101,944	50,976	75,858	77,375	78,923	80,501	82,111	(26,086)	-26%
Debt Service											
Principal	1,172	1,163	1,232	625	1,232	1,232	1,232	1,232	1,232	-	0%
Interest & Fees	99	108	40	11	40	40	40	40	40	-	0%
Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-
Insurance	3,348	2,988	2,246	1,122	2,294	2,340	2,387	2,434	2,483	48	2%
Transfers Out	-	-	-	-	-	-	-	-	-	-	-
Other Services & Charges	22,759	18,426	18,600	7,821	15,800	16,062	16,329	16,602	16,880	(2,800)	-15%
Total Services & Charges	47,106	37,417	185,987	108,616	111,044	112,869	114,731	116,629	118,566	(74,943)	-40%
Capital	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures	944,507	976,457	1,158,567	563,766	1,123,149	1,145,062	1,170,307	1,196,174	1,222,677	(35,418)	-3%
Revenue											
Charges for Services	-	-	-	-	-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-	-	-	-	-
Donations	-	-	-	-	-	-	-	-	-	-	-
Other Income	58,088	76,486	75,377	37,350	76,885	78,422	79,991	81,590	83,222	1,508	2%
Total Revenue	58,088	76,486	75,377	37,350	76,885	78,422	79,991	81,590	83,222	1,508	2%

Department Purpose:

The Legal Department provides quality legal representation to the City of South Bend's Mayor, departments, commissions and agencies with a dedicated and professionally-skilled staff, efficiently and cost effectively, in furtherance of the City's strategic goals, and preserving the legal and ethical integrity of the City.

Explain Significant Revenue, Expenditure and Staffing Changes/Variations Below:

The Legal Department's budget has decreased in 2018 by \$35,418. This budget reduction is primarily due to decreases in allocations from other departments. Also, at the beginning of 2017, the Department renovated its reception area and conference room using funds that were transferred to the Professional Services line item and the Supplies line item. The large percentage decreases in these areas reflect a one-time use of funds in 2017 that were transferred to those accounts and spent on the Legal Department's 2017 Office Renovation project. There are no pending projects of this nature for 2018.

Department 101-0501 - Legal Department

Accomplishments, Goals, KPI's

2017 Accomplishments & Outcomes

- **10,000 APRA Requests** received and responded to since 2012 as of February 7, 2017, demonstrating City responsiveness and transparency.
- **Open Door Law and APRA Training** provided to representatives from all City Departments, including follow-up sessions.
- **Litigation Transparency Guide** produced and published online, allowing residents access to high-profile case documents.
- **Plaintiff's Action** filed under innovative legal theory, resulting in a gross amount of **\$425,000** in recovered funds.
- **Amicus Briefs** signed and supported by the City, demonstrating commitment to inclusion through support of antidiscrimination laws.
- **Riverfront Development Permit Boundaries** expanded through ordinance amendments, resulting in economic development opportunities.
- **Accident Investigation and Incident Prevention Trainings** provided to City Departments, with target result of minimizing field incidents.
- **South Shore Line Preliminary Agreements and Negotiations** completed, resulting in feasible South Shore Line project plan.
- **65 Claims** from the **2016 Flood Event** resolved individually with residents, at minimal cost and exposure to the City.
- **Tidwell Jury Trial** resulted in verdict in favor of the City, supporting SBFD emergency responders' actions in saving lives in South Bend.
- **Subrogation Practice** drew in over **\$70,000** of recovered City funds to date.
- **Municipal ID Card Legal Framework** developed for City-recognized ID card program implemented on January 3, 2017.

2018 Department Goals & Objectives and Linkage to City Results

- **Four-year Fire Agreement:** Work with the Fire Department to develop a four-year agreement to stabilize fiscal considerations and provide a level of budget predictability prior to 2020.
- **Fillable Online Forms:** Collaborate with Innovation and Technology to provide fillable online APRA and Liability Claim forms to simplify the process of filing such forms with the Legal Department.

Key Performance Indicators (KPI's)

Measure	Type	2018 Long Term Goal	2015 Actual	2016 Actual	2017 Target
Annual Total Collections	Outcome	\$452,000	\$426,000	\$455,000	\$443,000
<i>All collections results are dependent upon the volume of accounts referred, the collectability of accounts, and data reliability.</i>					
Average of Total Dollars Collected Over Accounts Referred per Year	Efficiency	Increased # of accounts referred and increased \$ per account	7,632 referred, \$43.05 per account	5,093 referred, \$35.08 per account	1,737 referred, \$108.15 per account (7/1/17)

Types: output, efficiency, effectiveness, quality, outcome, technology

2018 Significant Changes/Challenges/Opportunities

The Legal Department is functioning effectively and efficiently within its current budget. The Department remains committed to providing high quality legal representation to the City of South Bend's Mayor, departments, commissions, and agencies. To that end, the Legal Department will:

- Continue to support a department culture of proactive, energetic, client-focused planning and performance;
- Support City policy and legislative interests at the regional, state, and national levels; and
- Continue to demonstrate a diligent and resolute litigation strategy that supports the ability of the City to deliver good government and allows residents to live a safe, healthy, meaningful life in South Bend.

Department 101-0501 - Legal Department

Staffing (Full-Time Employees only)

Position (* New title or additional position)	2017			2018 Proposed Budget	Forecast			
	2016 Actual	Amended Budget	06/30/17 Actual		2019	2020	2021	2022
Non-Bargaining								
Full-Time Attorney	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
Executive Assistant	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Administrative Assistant	2.0	2.0	1.0	2.0	2.0	2.0	2.0	2.0
Corporate Counsel	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Total Non-Bargaining	10.0	10.0	9.0	10.0	10.0	10.0	10.0	10.0
Bargaining								
Total Bargaining	-	-	-	-	-	-	-	-
Total Full-Time Employees	10.0	10.0	9.0	10.0	10.0	10.0	10.0	10.0

Explain Significant Staffing Changes Below:

101-0501 Legal Department

City of South Bend

Expenditures

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2015 Actual	2016 Actual	2017 Original Budget	2017 Amended Budget	2017 YTD Actual	6/30/17 YTD Actual	2018 Proposed Expenditures
101-0501-415.10-01	REGULAR WAGES	666,520	688,144	705,738	705,738	377,920	326,770	723,139
LEVEL	TEXT		TEXT AMT					
02	6 ASST FULL TIME ATTORNEY (6 X 87,533)		525,198					
	1 EXECUTIVE ASSISTANT		54,647					
	2 ADMINISTRATIVE ASSISTANTS (2 X 40,524)		81,048					
	1 CORPORATE COUNSEL		124,633					
	TOTAL FTE'S = 10 (50% OF CLAIMS ATINY SEE BELOW)							
	1 PART TIME CITY ATTORNEY		66,380					
	LESS 50% OF CLAIMS ATTORNEY TO BE PAID FROM 226		43,767-					
	LESS SALARY CAP TO ACTUAL ADJUSTMENT (CB CONFIRM)		85,000-					
			723,139					
101-0501-415.10-05	TEMPORARY SERVICES	9,400	0	0	0	0	0	0
101-0501-415.10-10	HIRING BONUS	0	1,000	0	0	0	0	0
101-0501-415.11-01	FICA - REGULAR	50,013	50,902	53,989	53,989	28,123	24,323	55,320
LEVEL	TEXT		TEXT AMT					
02	REGULAR SALARIES \$723,139 X 7.65%		55,320					
			55,320					
101-0501-415.11-04	PERF - REGULAR	74,650	77,086	79,043	79,043	42,327	36,598	80,992
LEVEL	TEXT		TEXT AMT					
02	REGULAR SALARIES \$723,139 X 11.20%		80,992					
			80,992					
101-0501-415.11-07	UNEMPLOYMENT COMP	1,732	980	1,765	0	0	0	0
101-0501-415.11-08	HEALTH INSURANCE	80,097	114,408	122,313	122,313	71,289	61,899	141,876
LEVEL	TEXT		TEXT AMT					
02	LONG-TERM DISABILITY:							
	11 EMP X \$96		1,056					
	HEALTH INSURANCE COVERAGE:							
	9 EMP X \$16,200		145,800					
	HEALTH INSURANCE REBATE							
	2 EMP X \$1,560		3,120					
	LESS: 50% INSURANCE FOR CLAIMS ATTORNEY PAID THROUGH FUND 226		8,100-					
			141,876					
101-0501-415.11-09	LIFE INSURANCE	1,115	1,160	1,260	1,260	603	523	1,260
LEVEL	TEXT		TEXT AMT					
02	10.5 EMP X \$120		1,260					
			1,260					
101-0501-415.11-12	AUTO ALLOWANCE	3,600	3,600	3,600	3,600	2,100	1,800	3,600

101-0501 Legal Department

City of South Bend

Expenditures

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2015 Actual	2016 Actual	2017 Original Budget	2017 Amended Budget	2017 YTD Actual	6/30/17 YTD Actual	2018 Proposed Expenditures
LEVEL	TEXT		TEXT AMT					
02	\$300.00 X 12 MONTHS		3,600 3,600					
	101-0501-415.11-22 PARKING ALLOWANCE	4,039	84-	0	0	0	0	0
	101-0501-415.11-24 CELL PHONE ALLOWANCE	500	660	660	660	385	330	660
LEVEL	TEXT		TEXT AMT					
02	MONTHLY CELL ALLOWANCE \$55 X 12 MONTH		660 660					
	101-0501-415.11-29 PARENTAL LEAVE	0	0	0	0	0	0	1,808
LEVEL	TEXT		TEXT AMT					
02	REGULAR SALARIES \$723,139 X 0.25%		1,808 1,808					
	* PERSONNEL SERVICES	891,666	937,856	968,368	966,603	522,747	452,242	1,008,655
	101-0501-415.21-02 PRINT SHOP	1,921	0	250	250	0	0	250
LEVEL	TEXT		TEXT AMT					
02	PRINT SHOP		250 250					
	101-0501-415.21-03 C.S. OFFICE SUPPLIES	615	335	700	700	202	188	700
LEVEL	TEXT		TEXT AMT					
02	2017 ESTIMATE		700 700					
	101-0501-415.21-04 OTHER OFFICE SUPPLIES	2,884	849	1,500	1,500	317	193	1,500
LEVEL	TEXT		TEXT AMT					
02	OFFICE SUPPLIES OTHER THAN THOSE OBTAINED FROM CENTRAL SERVICES		1,500 1,500					
	101-0501-415.21-05 SMALL OFFICE EQUIPMENT	315	0	1,000	3,527	2,527	2,527	1,000
LEVEL	TEXT		TEXT AMT					
02	OFFICE EQUIPMENT - UNANTICIPATED UPDATES TO EQUIP. INCLUDES CHAIRS, FILE CABINETS, ETC.		1,000 1,000					

101-0501 Legal Department

City of South Bend

Expenditures

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2015 Actual	2016 Actual	2017 Original Budget	2017 Amended Budget	2017 YTD Actual	6/30/17 YTD Actual	2018 Proposed Expenditures
* SUPPLIES		5,735	1,184	3,450	5,977	3,046	2,908	3,450
101-0501-415.31-01	LEGAL SERVICES	2,324	0	0	0	0	0	0
101-0501-415.31-06	OTHER PROFESSIONAL SVCS	1,050	172	2,550	48,355	45,477	45,477	2,550
LEVEL	TEXT		TEXT AMT					
02	IN.GOV/CIVICNET		400					
	PACER - DISTRICT COURT ON-LINE SERVICES		150					
	COURT FILINGS		2,000					
			2,550					
101-0501-415.31-71	CENTRAL STORES ALLOCATION	556	612	585	585	343	294	1,035
LEVEL	TEXT		TEXT AMT					
02	2018 FIXED COST ALLOCATION #3		1,035					
	CENTRAL STORES		1,035					
101-0501-415.31-72	GIS ALLOCATION	1,081	1,135	0	0	0	0	0
101-0501-415.31-73	PRINT SHOP ALLOCATION	0	1,956	2,024	2,024	1,183	1,014	1,008
LEVEL	TEXT		TEXT AMT					
02	2018 PRINT SHOP ALLOCATION #5		1,008					
			1,008					
101-0501-415.31-76	IT ALLOCATION	0	0	0	0	0	0	73,815
LEVEL	TEXT		TEXT AMT					
02	2018 FIXED COST ALLOCATION #7		73,815					
			73,815					
101-0501-415.32-02	POSTAGE	2,811	2,036	3,600	3,600	975	752	2,000
LEVEL	TEXT		TEXT AMT					
02	POSTAGE CHARGED BY ADMINISTRATION & FINANCE		2,000					
	AVERAGING ~\$125/MONTH		2,000					
101-0501-415.32-21	TRAVEL - MILEAGE	461	0	750	750	29	0	750
LEVEL	TEXT		TEXT AMT					
02	2017 ESTIMATE		750					
			750					
101-0501-415.32-23	TRAVEL - HOTEL	324	0	2,000	2,000	197	197	2,000
LEVEL	TEXT		TEXT AMT					
02	2017 ESTIMATE		2,000					

101-0501 Legal Department

City of South Bend

Expenditures

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2015 Actual	2016 Actual	2017 Original Budget	2017 Amended Budget	2017 YTD Actual	6/30/17 YTD Actual	2018 Proposed Expenditures
	HOTEL COSTS FOR MUNICIPAL LAW SEMINARS		2,000					
101-0501-415.32-24	TRAVEL - MEALS	185	0	500	500	0	0	500
LEVEL	TEXT		TEXT AMT					
02	2017 ESTIMATE		500					
	MEALS FOR IMLA/IACT MUNICIPAL LAW SEMINARS		500					
101-0501-415.32-25	TRAVEL - OTHER	153	47	200	200	0	0	200
LEVEL	TEXT		TEXT AMT					
02	2017 ESTIMATE		200					
			200					
101-0501-415.34-02	LIABILITY INSURANCE	3,348	2,988	2,246	2,246	1,309	1,122	2,294
LEVEL	TEXT		TEXT AMT					
02	2018 FIXED COST ALLOCATION #5		2,294					
	LIABILITY INSURANCE		2,294					
101-0501-415.36-02	OFFICE EQUIP R&M	10	1,633	2,120	2,120	1,620	1,620	1,820
LEVEL	TEXT		TEXT AMT					
02	FOR REPAIRS TO OFFICE EQUIPMENT		200					
	COPIER ANNUAL MAINTENANCE COST		1,620					
			1,820					
101-0501-415.36-04	COMPUTER EQUIP R&M	5,109	5,004	99,335	99,335	57,946	49,668	0
LEVEL	TEXT		TEXT AMT					
02			0					
			0					
101-0501-415.37-11	CAPITAL LEASE PRINCIPAL	1,172	1,163	1,232	1,232	940	625	1,232
LEVEL	TEXT		TEXT AMT					
02	RICOH COPIER LEASE		1,232					
			1,232					
101-0501-415.37-12	CAPITAL LEASE INTEREST	99	108	40	40	14	11	40
LEVEL	TEXT		TEXT AMT					
02	RICOH COPIER INTEREST		40					
			40					

101-0501 Legal Department

City of South Bend

Expenditures

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2015 Actual	2016 Actual	2017 Original Budget	2017 Amended Budget	2017 YTD Actual	6/30/17 YTD Actual	2018 Proposed Expenditures
101-0501-415.39-10	SUBSCRIPTIONS	19,469	15,690	14,300	14,300	7,663	6,570	13,100
LEVEL	TEXT		TEXT AMT					
02	THOMSON WEST \$1,091/MONTH		13,100					
			13,100					
101-0501-415.39-11	DUES & MEMBERSHIPS	475	700	700	700	500	500	700
LEVEL	TEXT		TEXT AMT					
02	MUNICIPAL LAW TRAINING		700					
			700					
101-0501-415.39-70	EDUCATION & TRAINING	8,475	4,173	8,000	8,000	5,071	767	8,000
LEVEL	TEXT		TEXT AMT					
02	NBI TRAINING PACKAGE		4,000					
	OTHER TRAINING FOR 8 ATTORNEYS AND SUPPORT STAFF		4,000					
			8,000					
101-0501-415.39-89	MISC CHARGES & SVCS	4	0	0	0	0	0	0
*	OTHER SERVICES & CHARGES	47,106	37,417	140,182	185,987	123,267	108,616	111,044
**	LEGAL DEPARTMENT	944,507	976,457	1,112,000	1,158,567	649,060	563,766	1,123,149