

Legal Department

August 19, 2015



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Legal Department



August 19, 2015



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

Legal Department Budget Summary



- Saved \$5,388 by relocating all employees to a city-owned parking lot a few blocks from the County-City Building
- Saved \$6000 by finding more cost-effective training options (webinars)
- Saved \$2,000 by eliminating the Legal Services line item
- Saved \$800 by reducing software update cost from \$2,000 to \$1,200
- Saved \$1,288 by reducing office supply budget from \$2,788 to \$1,500
- Saved \$600 by reducing postage budget from \$4200 to \$3600
- Saved \$1100 by reducing two travel budget items from \$1500 to \$400
- Requested personnel change: Convert the sole 32-hour assistant city attorney position to a 40-hour assistant city attorney position
 - Larger return on health/benefit expenditure
 - Greater opportunity to retain qualified, committed staff
 - The 32-hour-per-week attorneys have routinely worked more than 32 hours per week.

Legal Department 2015 Accomplishments



- Continued referring collections to outside firm with 2015 receipts as of August 11 reflecting a 25% increase over 2014 and an 81% increase over 2013 receipts
 - 2015 collections to date = \$214,536
 - 2014 total collections = \$171,828
 - 2013 total collections = \$118,965
- Took proactive steps to reduce excessive force claims by meeting regularly with Internal Affairs to identify potential problems and provide guidance on the handling of issues
- Aggressively defended police liability suits with several favorable results, including a verdict in favor of the City in a two-day excessive force jury trial
- Spearheaded successful defense of discrimination claims under the federal Fair Housing Act. The effort also resulted in the development of County-wide well-defined reasonable accommodation policies and procedures that protect City residents.
- In 2013, researched a new law establishing Medicaid Reimbursements. The Legal Department educated SBFD on the law and worked with them to prepare the requisite documents. The City was recently notified that it will receive a total of **\$2,472,740.45** for years 2011 and 2012. The Fire Department will also receive reimbursement for years 2013-2015, and the foreseeable future.

Legal Department 2015 Accomplishments Continued



- An Assistant City Attorney was appointed to the position of Magistrate Judge in the St. Joseph Superior Court
- Achieved full staffing with recruitment of five highly-skilled attorneys
- Continued development of relationships with Notre Dame and Valparaiso law schools with intern and extern programs
- Developed form for employees to request permission to work, consult or conduct business in addition to her or his City duties and integrated training into Human Resources employee orientation
- Processed 1044 public records requests through July, 2015

Legal Department 2015 Goals & Challenges What We Have Accomplished So Far



2015 Goals & Challenges	How We Are Proceeding to Meet Goals
Continue to build on foundation for an effective and efficient law practice	Fully staffed; clients express satisfaction with attorney performance; department is providing fresh approaches to training for professional and support staff
Continue implementation of practice management system and onboard all attorneys and staff during 2015.	Six of thirteen department members use practice management system (all are expected on board by year end)
Overhaul liability claims practice and create a subrogation practice	New claims attorney and claims administrator have organized the liability claims practice area and created the subrogation (damages to City) practice area, with damages receipts of \$68,947 in 2014 and \$87,947 in 2015, compared to \$25,929 in 2013.
Utilize staff, including an additional transactional attorney to deliver quality legal services in a timely manner.	Department is fully staffed and feedback from client departments is favorable with reduced need for outside counsel in most practice areas

Legal Department 2016 Goals & Challenges



- Retain professional staff to continue providing client departments with solid legal advice and education, while increasing efficiency, streamlining processes and reducing costs.

Meet the City Legal Team

**Cristal Brisco - Corporation Counsel**

J.D., University of Notre Dame Law School

B.A., Valparaiso University

- Mayor's Office
- Department administration
- Ethics Code
- Litigation and transactions
- Supervision of outsourced matters

**Aladean DeRose - City Attorney**

J.D., Indiana University Maurer School of Law

B.S., Georgetown University

- Century Center
- Human Rights Commission
- Ordinances
- Alcoholic Beverages Board

**Tasha Reed Outlaw - Assistant City Attorney**

J.D., Indiana University Maurer School of Law

B.A., University of Michigan

- Code Enforcement
- Business Licensing and Taxicab Violations
- Board of Safety
- Human Resources
- Morris/Palais and Community Campus Action Coalition

**Ben Dougherty - Assistant City Attorney**

J.D., University of Notre Dame Law School

B.A., University of Notre Dame

- Department of Community Investment
- Redevelopment Commission
- Redevelopment Authority
- Economic Development Board

**Stephanie Steele - Assistant City Attorney**

J.D., Sandra Day O'Connor College of Law at Arizona State University

B.A., University of Michigan

- Police
- Fire
- Chronic Nuisance
- Animal Care and Control

	<p>Michael Schmidt – Assistant City Attorney J.D., University of Notre Dame Law School M.B.A., Seattle University • B.B.A., University of Notre Dame</p> <ul style="list-style-type: none">• Public Works• Parks and Recreation• Board of Public Works• Board of Parks Commissioners• Controller
	<p>Elliot Anderson – Assistant City Attorney J.D., Indiana University Maurer School of Law B.A., University of Iowa</p> <ul style="list-style-type: none">• Liability Claims• Collections• Litigation• Ticket Appeals
	<p>Andrea Huntington – Assistant City Attorney J.D., Chicago-Kent College of Law B.A., Temple University</p> <ul style="list-style-type: none">• APRA• Vacant and Abandoned Initiative• Diversity Utilization Board• Small Claims Litigation

Legal Department Key Performance Indicators



Identification of meaningful KPIs continues to be a challenge for municipal legal departments.

Administrative staff skills training was identified as a priority in 2014 and support staff engaged in basic skills training.

Going forward, utilizing the same platform (webinars) as we are utilizing for attorneys, support staff will receive additional relevant training in the areas of customer service and office administration, including specialized training for legal assistants.

Legal Department - 101-0501

Fund Summary - Operating and Capital Budget

Description	2013 Actual	2014 Actual	2015 Amended Budget	30-Jun Actual	2016 Proposed Budget	Forecast				Budget Variance 2015-2016	% Change
						2017	2018	2019	2020		
EXPENDITURES BY TYPE											
Personnel											
Salaries & Wages	609,358	667,490	705,958	324,457	731,279	745,905	760,823	776,039	791,560	25,321	3.6%
Fringe Benefits	210,642	234,527	242,055	103,477	253,352	266,020	279,321	293,287	307,951	11,297	4.7%
Total Personnel	820,000	902,017	948,013	427,934	984,631	1,011,924	1,040,143	1,069,326	1,099,511	36,618	3.9%
Supplies	21,510	3,567	6,832	3,604	3,450	3,519	3,589	3,661	3,734	(3,382)	-49.5%
Services & Charges											
Professional Services	7,796	3,151	12,642	26	2,550	2,601	2,653	2,706	2,760	(10,092)	-79.8%
Printing & Advertising	-	-	-	-	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-	-	-	-	-
Education & Training	3,238	2,980	10,000	1,223	4,000	4,000	4,000	4,000	4,000	(6,000)	-60.0%
Travel	1,713	765	3,500	977	2,400	2,400	2,400	2,400	2,400	(1,100)	-31.4%
Repairs & Maintenance	4,056	1,735	500	10	2,120	2,162	2,206	2,250	2,250	1,620	324.0%
Interfund Allocations	12,492	9,130	10,112	5,047	11,687	11,921	12,160	12,403	12,651	1,575	15.6%
Administration	-	-	-	-	-	-	-	-	-	-	-
IT	-	-	-	-	4,999	5,099	5,201	5,305	5,411	-	-
Payments in Lieu of Taxes (PILOT)	-	-	-	-	-	-	-	-	-	-	-
Central Stores	-	-	-	-	608	620	632	645	658	-	-
Print Shop	-	-	-	-	1,956	1,995	2,035	2,076	2,117	-	-
GIS	-	-	-	-	1,135	1,158	1,181	1,205	1,229	-	-
Liability Insurance	-	-	-	-	2,989	3,049	3,110	3,172	3,236	-	-
Telephone	-	-	-	-	-	-	-	-	-	-	-
Unemployment Insurance	-	-	-	-	-	-	-	-	-	-	-
311 Call Center	-	-	-	-	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-	-	-	-	-
Debt Service:											
Principal	2,524	1,031	1,100	569	1,163	1,233	-	-	-	63	5.7%
Interest & Fees	49	240	200	66	109	39	-	-	-	(91)	-45.5%
Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-
Payment In Lieu of Taxes	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-	-	-	-
Other Services & Charges	22,412	21,338	25,700	12,730	24,400	24,400	24,400	24,400	24,400	(1,300)	-5.1%
Total Services & Charges	54,280	40,370	63,754	20,648	48,429	48,757	47,818	48,159	48,461	(15,325)	-24.0%
Capital	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures by Type	895,790	945,954	1,018,599	452,186	1,036,510	1,064,200	1,091,551	1,121,146	1,151,706	17,911	1.8%

Explain Significant Revenue and Expenditure Changes Below:

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Legal Department - 101-0501

Fund Summary - Description, Accomplishments, Goals, KPI's

Fund Description & 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.

2015 Accomplishments & Outcomes

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- Processed 1044 public records requests through July, 2015

2016 Department Goals & Objectives & Linkage to City Goals

- Retain professional staff to continue providing client departments with solid legal advice and education, while increasing efficiency, streamlining processes and reducing costs. Consequently, City departments will be even better equipped to provide quality City services to spur economic development.

Key Performance Indicators (KPI's)

Measure	City Goal	Type	2017 Long Term Goal	2014 Actual	2015 Estimated	2016 Target
<ul style="list-style-type: none"> - Identification of meaningful KPIs continues to be a challenge for municipal legal departments. - Administrative staff skills training was identified as a priority in 2014 and support staff engaged in basic skills training. - Going forward, utilizing the same platform (webinars) as we are utilizing for attorneys, support staff will receive additional relevant training in the areas of customer service and office administration, including specialized training for legal assistants. 						

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

2016 Significant Changes/Challenges/Opportunities (with a focus on solutions)

- The Legal Department will retain professional staff to continue providing client departments with solid legal advice and education, while increasing efficiency, streamlining processes and reducing costs
- The Legal Department will continue to transform the current excessive force litigation climate by meeting regularly with police internal affairs personnel and by aggressively defending cases at trial.

Legal Department - 101-0501

Fund Summary - Full-Time Employees

<i>Report ONLY Full-Time positions</i>									
Position	2014	2015	6/30/2015 Actual	2016	Forecast				
	Actual	Amended Budget		Proposed Budget	2017	2018	2019	2020	
Staffing (Full-Time Employees)									
Non-Bargaining									
Corporation Counsel	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Assistant City Attorney	3.0	4.0	4.0	6.0	6.0	6.0	6.0	6.0	6.0
Administrative Assistant I	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Executive Assistant	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
<u>Part Time with Benefits</u>									
City Attorney	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Assistant City Attorney	1.0	2.0	1.0	-	-	-	-	-	-
Total Non-Bargaining	9.0	11.0	10.0	11.0	11.0	11.0	11.0	11.0	11.0
Bargaining									
	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-
Total Bargaining	-	-	-	-	-	-	-	-	-
Total Full-Time Employees	9.0	11.0	10.0	11.0	11.0	11.0	11.0	11.0	11.0

Explain Significant Staffing Changes Below:

Convert the sole 32-hour assistant city attorney position to a 40-hour assistant city attorney position. Although this change will add \$18,000 to the budget, the benefits are:

- Larger return on health/benefit expenditure
- Greater opportunity to retain qualified, committed staff
- The 32-hour-per-week attorneys have routinely worked more than 32 hours per week.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2013 ACTUAL	2014 ACTUAL	2015 ORIGINAL BUDGET	2015 AMENDED BUDGET	2015 Y-T-D ACTUAL	6/30/15 YTD Actual	2016 PROPOSED BUDGET
GENERAL FUND								
101-0501-415.10-01	REGULAR SALARIES	609,358	663,490	515,141	685,678	411,011	321,457	731,278
LEVEL	TEXT		TEXT AMT					
01	6 ASST FULL TIME ATTORNEY (6 X 74,158)		444,948					
	1 EXECUTIVE ASSISTANT		46,818					
	2 ADMINISTRATIVE ASSISTANTS (2 X 38,951)		77,902					
	1 CORPORATE COUNSEL		100,285					
	TOTAL FTE'S = 9.0							
	1 PART TIME CITY ATTORNEY		61,325					
			731,278					
101-0501-415.10-05	TEMPORARY SERVICES	0	0	20,280	20,280	6,200	3,000	0
101-0501-415.10-09	PERMANENT PART TIME	0	0	177,737	0	0	0	0
101-0501-415.10-10	HIRING BONUS	0	4,000	0	0	0	0	0
101-0501-415.11-01	FICA - REGULAR	45,191	49,551	53,005	53,005	30,726	23,885	55,943
LEVEL	TEXT		TEXT AMT					
01	REGULAR SALARIES \$731,278 X 7.65%		55,943					
			55,943					
101-0501-415.11-04	PERF - REGULAR	60,936	74,759	77,602	77,602	46,033	36,003	81,904
LEVEL	TEXT		TEXT AMT					
01	REGULAR SALARIES \$731,278 X 11.20%		81,904					
			81,904					
101-0501-415.11-07	UNEMPLOYMENT COMP	5,175	1,779	3,464	3,464	1,010	866	1,829
LEVEL	TEXT		TEXT AMT					
01	SALARIES \$731,278 X 0.25%		1,829					
			1,829					
101-0501-415.11-08	GROUP INSURANCE - HEALTH	90,596	98,416	100,024	100,024	46,444	37,721	108,096
LEVEL	TEXT		TEXT AMT					
01	LONG-TERM DISABILITY:							
	11 EMP X \$96		1,056					
	HEALTH INSURANCE COVERAGE:							
	7 EMP X \$14,400		100,800					
	HEALTH INSURANCE REBATE							
	4 EMP X \$1,560		6,240					
			108,096					
101-0501-415.11-09	GROUP INSURANCE - LIFE	1,398	1,115	1,200	1,200	675	545	1,320
LEVEL	TEXT		TEXT AMT					
01	11 EMP X \$120		1,320					

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2013 ACTUAL	2014 ACTUAL	2015 ORIGINAL BUDGET	2015 AMENDED BUDGET	2015 Y-T-D ACTUAL	6/30/15 YTD Actual	2016 PROPOSED BUDGET
			1,320					
101-0501-415.11-12	AUTO ALLOWANCE	1,600	3,500	2,400	2,400	2,100	1,800	3,600
LEVEL	TEXT		TEXT AMT					
01	DEPARTMENT HEAD \$300.00 X 12 MONTHS		3,600					
			3,600					
101-0501-415.11-22	PARKING ALLOWANCE	5,466	4,987	3,700	3,700	3,011	2,447	0
LEVEL	TEXT		TEXT AMT					
01	11 EMPLOYEES - MOVE TO CITY OWNED LOT FOR 2016							
101-0501-415.11-24	CELL PHONE ALLOWANCE	280	420	660	660	245	210	660
LEVEL	TEXT		TEXT AMT					
01	CITY ATTORNEY MONTHLY CELL ALLOWANCE \$55 X 12 MONT		660					
			660					
* PERSONNEL SERVICES		820,000	902,017	955,213	948,013	547,455	427,934	984,630
101-0501-415.21-02	PRINT SHOP	2,765	1,534	2,344	2,344	1,114	960	250
LEVEL	TEXT		TEXT AMT					
01	PRINT SHOP		250					
			250					
101-0501-415.21-03	CENRAL STORES - OFFICE	918	1,138	700	700	145	145	700
LEVEL	TEXT		TEXT AMT					
01	2016 ESTIMATE		700					
			700					
101-0501-415.21-04	OTHER - OFFICE SUPPLIES	4,816	895	500	2,788	2,499	2,499	1,500
LEVEL	TEXT		TEXT AMT					
01	OFFICE SUPPLIES OTHER THAN THOSE OBTAINED FROM CENRAL SERVICES		1,500					
			1,500					
101-0501-415.21-05	SMALL OFFICE EQUIPMENT	6,248	0	1,000	1,000	0	0	1,000
LEVEL	TEXT		TEXT AMT					
01	OFFICE EQUIPMENT - UNANTICIPATED UPDATES TO EQUIP. INCLUDES CHAIRS, FILE CABINETS, ETC.		1,000					
			1,000					
101-0501-415.22-60	COMPUTER SUPPLIES	6,763	0	0	0	0	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2013 ACTUAL	2014 ACTUAL	2015 ORIGINAL BUDGET	2015 AMENDED BUDGET	2015 Y-T-D ACTUAL	6/30/15 YTD Actual	2016 PROPOSED BUDGET
*	SUPPLIES	21,510	3,567	4,544	6,832	3,758	3,604	3,450
101-0501-415.31-01	LEGAL SERVICES	2,933	2,350	2,000	2,000	2,324	0	0
101-0501-415.31-06	OTHER PROFESSIONAL SVCS	4,863	801	2,550	10,642	918	26	2,550
LEVEL	TEXT		TEXT AMT					
01	IN.GOV/CIVICNET		400					
	PACER - DISTRICT COURT ON-LINE SERVICES		150					
	OTHER		2,000					
			2,550					
101-0501-415.31-71	CENIRAL STORES ALLOCATION	1,788	456	560	560	324	278	608
LEVEL	TEXT		TEXT AMT					
01	2016 FIXED COST ALLOCATION #4 CENIRAL STORES		608					
			608					
101-0501-415.31-72	GIS ALLOCATION	1,008	1,030	1,100	1,100	631	541	1,136
LEVEL	TEXT		TEXT AMT					
01	2016 FIXED COST ALLOCATION #6 GIS ADM FEE		1,136					
			1,136					
101-0501-415.31-73	PRINT SHOP ALLOCATION	0	0	0	0	0	0	1,956
LEVEL	TEXT		TEXT AMT					
01	2016 PRINT SHOP ALLOCATION #5		1,956					
			1,956					
101-0501-415.32-02	POSTAGE / FREIGHT	4,621	3,199	4,200	4,200	1,942	1,714	3,600
LEVEL	TEXT		TEXT AMT					
01	POSTAGE CHARGED BY ADMINISTRATION & FINANCE AVERAGING ~\$300/MONTH		3,600					
			3,600					
101-0501-415.32-21	TRAVEL - MILEAGE	365	157	750	750	452	452	750
LEVEL	TEXT		TEXT AMT					
01	2016 ESTIMATE		750					
			750					
101-0501-415.32-23	TRAVEL - HOTEL	983	508	1,250	1,250	324	324	1,250
LEVEL	TEXT		TEXT AMT					

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2013 ACTUAL	2014 ACTUAL	2015 ORIGINAL BUDGET	2015 AMENDED BUDGET	2015 Y-T-D ACTUAL	6/30/15 YTD Actual	2016 PROPOSED BUDGET
01	2016 ESTIMATE		1,250 1,250					
	101-0501-415.32-24 TRAVEL - MEALS	222	45	1,000	1,000	152	152	200
LEVEL	TEXT		TEXT AMT					
01	2016 ESTIMATE		200 200					
	101-0501-415.32-25 TRAVEL - OTHER	143	55	500	500	74	49	200
LEVEL	TEXT		TEXT AMT					
01	2016 ESTIMATE		200 200					
	101-0501-415.34-02 LIABILITY INSURANCE	5,340	2,868	3,344	3,344	1,953	1,674	2,989
LEVEL	TEXT		TEXT AMT					
01	2016 FIXED COST ALLOCATION #7 LIABILITY INSURANCE		2,989 2,989					
	101-0501-415.36-02 OFFICE EQUIPMENT	4,056	1,735	500	500	10	10	2,120
LEVEL	TEXT		TEXT AMT					
01	FOR REPAIRS TO OFFICE EQUIPMENT COPIER ANNUAL MAINTENANCE COST		500 1,620 2,120					
	101-0501-415.36-04 COMPUTER EQUIPMENT	4,356	4,776	5,108	5,108	2,980	2,554	4,999
LEVEL	TEXT		TEXT AMT					
01	2016 FIXED COST ALLOCATION #2 INFORMATION TECHNOLOGY		4,999 4,999					
	101-0501-415.37-11 CAPITAL LEASE PRINCIPAL	2,524	1,031	1,100	1,100	569	569	1,163
LEVEL	TEXT		TEXT AMT					
01	RICOH COPIER LEASE 2016 NO NEW LEASES EXPECTED IN 2016		1,163 1,163					
	101-0501-415.37-12 CAPITAL LEASE INTEREST	49	240	200	200	66	66	109
LEVEL	TEXT		TEXT AMT					
01	RICOH COPIER INTEREST NO NEW LEASES EXPECTED IN 2016		109					

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			109					
101-0501-415.39-10	SUBSCRIPTIONS	16,076	17,614	11,000	21,000	12,116	10,541	20,300
LEVEL	TEXT		TEXT AMT					
01	THOMSON WEST \$1,575/MONTH		18,900					
	SOFTWARE UPDATES - PRACTIC MASTER		1,200					
	ADDITIONAL LIBRARY CHARGES		200					
			20,300					
101-0501-415.39-11	DUES & MEMBERSHIPS	1,715	525	500	500	475	475	500
LEVEL	TEXT		TEXT AMT					
01	INDIANA MUNICIPAL LAWYERS ASSOCIATION/OTHER		500					
			500					
101-0501-415.39-70	EDUCATION & TRAINING	3,238	2,980	10,000	10,000	5,342	1,223	4,000
LEVEL	TEXT		TEXT AMT					
01	TRAINING FOR SUPPORT STAFF		2,000					
	CONT. LEGAL EDUCATION - 8 ATTORNEYS		1,000					
	INDIANA ASSOC. OF CITIES AND TOWNS		1,000					
			4,000					
* OTHER SERVICES & CHARGES		54,280	40,370	45,662	63,754	30,652	20,648	48,430
** CITY ATTORNEY		895,790	945,954	1,005,419	1,018,599	581,865	452,186	1,036,510
*** GENERAL FUND		895,790	945,954	1,005,419	1,018,599	581,865	452,186	1,036,510
		895,790	945,954	1,005,419	1,018,599	581,865	452,186	1,036,510