

Legal and Judicial Services Department

Departmental Programs

- **City Attorney**
- **City Prosecutor**
- **Municipal Court**

Department Description

The City Attorney, City Prosecutor and the Municipal Court comprise the service area identified as Legal and Judicial Services. The City Council oversees City Attorney services via a contract with an outside legal firm. The program reports directly to the City Council and is responsible for attending all City Council and Planning Commission meetings and for supplying the City Council and staff with legal opinions regarding existing or proposed City operations and activities. All ordinances, resolutions, contracts and activities having legal implications are reviewed and approved by the City Attorney to assure compliance with intent, Charter, State and Federal laws as well as the possibility of liability exposure or litigation.

The City Manager's Office oversees the City Prosecutor services via a contract. The City Prosecutor represents the City in Municipal Court and Appellate Courts. Prosecution services are provided for all misdemeanor criminal and traffic crimes and for any violation cases in which the defendant has retained counsel. The City Prosecutor represents the City in trials by court or by jury.

The Municipal Judges report to the City Council. The operations of the Municipal Court report to the Finance Director. The Municipal Court provides judicial services for the administration of justice, case and jury management, the appointment of attorneys for indigent defense, probation monitoring, providing interpreters, and the enforcement and collection of bail, fines, and fees. The Municipal Court has jurisdiction over misdemeanor criminal, traffic crimes and violations cited by the Springfield Police Department, Nuisance Code Enforcement, Animal Control and Parking Control Officers.

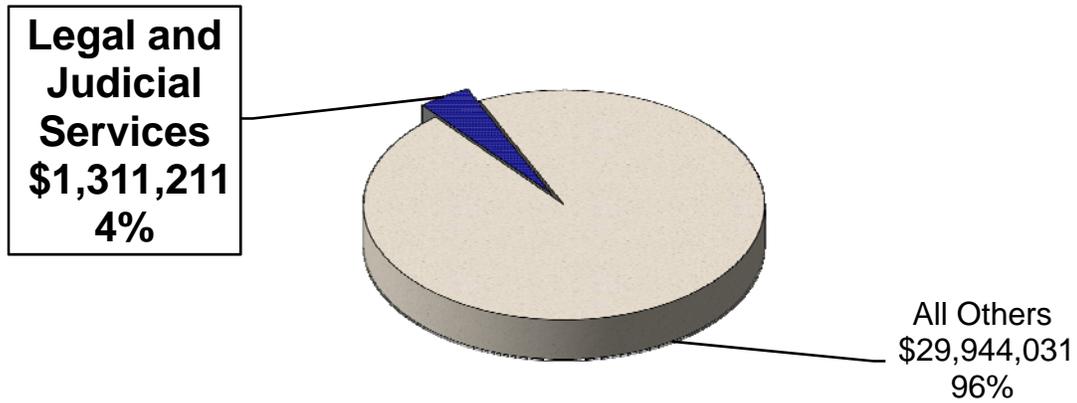
Mission

The City Attorney's Office strives to provide practical legal advice, effectively interpret laws, reviews and drafts City ordinances, resolutions and contracts and works to minimize the City's exposure to liability and legal expenses.

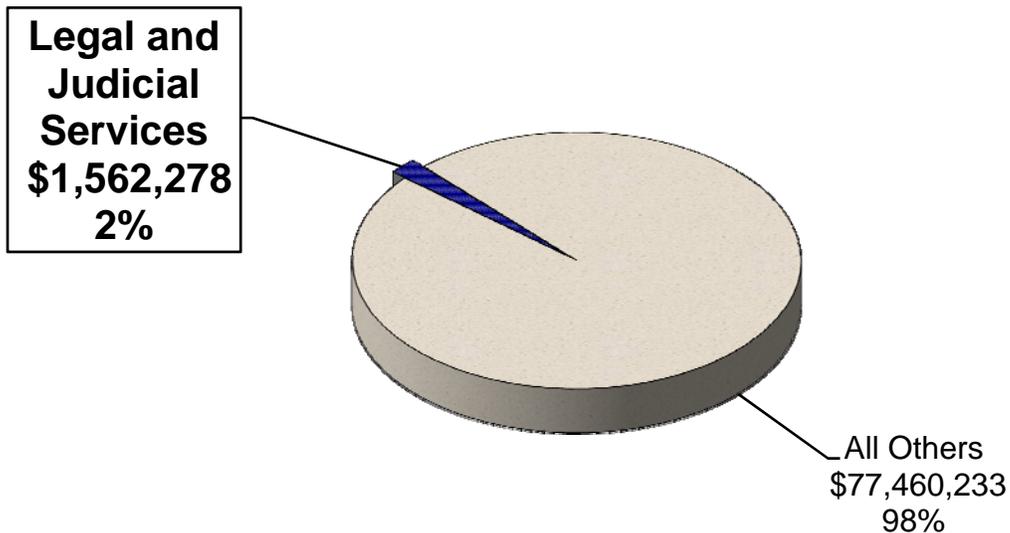
The City Prosecutor's Office strives to maintain public confidence in the ability of the legal judicial system to pursue prosecution of criminal conduct, to resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

Municipal Court strives to maintain public confidence in the ability of the legal judicial system to impartially resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

FY11 OPERATING BUDGET - General Fund **\$ 31,255,242**
Legal and Judicial Services: \$ 1,311,211



FY11 OPERATING BUDGET - All Funds **\$ 79,022,511**
Legal and Judicial Services: \$ 1,562,278



Legal and Judicial Services Department

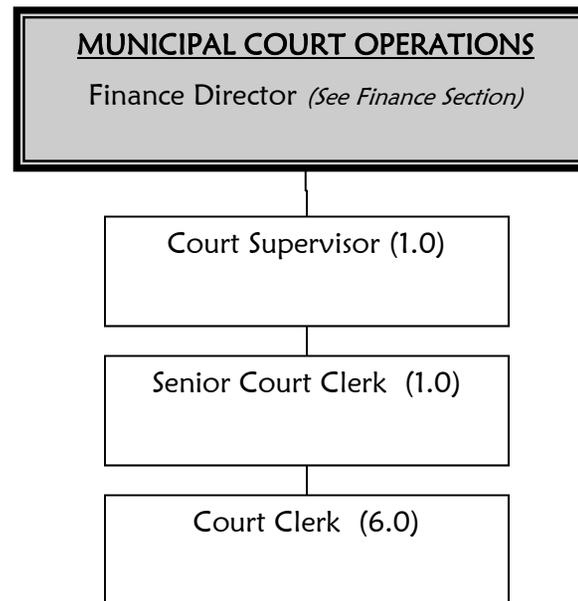
Financial Summary

| | Actual FY08 | Actual FY09 | Amended FY10* | Adopted FY11 |
|-------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Expenditures by Category: | | | | |
| Personal Services | \$ 486,579 | \$ 516,042 | \$ 600,541 | \$ 624,839 |
| Materials and Services | 969,875 | 1,055,534 | 975,929 | 937,439 |
| Capital Outlay | - | - | 5,024 | - |
| Total | <u>\$ 1,456,454</u> | <u>\$ 1,571,576</u> | <u>\$ 1,581,494</u> | <u>\$ 1,562,278</u> |
| Expenditures by Fund: | | | | |
| General | \$ 1,322,135 | \$ 1,396,210 | \$ 1,325,580 | \$ 1,311,211 |
| Police Local Option Levy | 132,478 | 171,655 | 243,580 | 247,067 |
| Vehicle and Equipment | 1,841 | 3,712 | 12,334 | 4,000 |
| Total | <u>\$ 1,456,454</u> | <u>\$ 1,571,576</u> | <u>\$ 1,581,494</u> | <u>\$ 1,562,278</u> |
| Expenditures by Sub-Program: | | | | |
| City Attorney | \$ 290,241 | \$ 317,396 | \$ 332,041 | \$ 341,604 |
| City Prosecutor | 241,294 | 248,533 | 241,169 | 245,619 |
| Municipal Court | 924,919 | 1,005,647 | 1,008,284 | 975,055 |
| Total | <u>\$ 1,456,454</u> | <u>\$ 1,571,576</u> | <u>\$ 1,581,494</u> | <u>\$ 1,562,278</u> |

* Amended as of June 7, 2010

Legal and Judicial Services

Total FTE: 8.0*



* Note: 0.55 FTE for Municipal Court Judges report directly to the City Council and do not appear on any departmental organization chart, although the positions are funded through Legal and Judicial Services.

Legal and Judicial Services Department

FTE Summary by Fund

| Number of Full-Time Equivalents | Actual FY08 | Actual FY09 | Adopted FY10 | Adopted FY11 |
|------------------------------------|----------------|----------------|-----------------|-----------------|
| General | 5.54 | 6.54 | 6.54 | 6.54 |
| Police Local Option Levy | 2.01 | 2.01 | 2.01 | 2.01 |
| Total Full-Time Equivalents | 7.55 | 8.55 | 8.55 | 8.55 |

Position Summary

| Job Title/Classification: | Actual FY08 | Actual FY09 | Adopted FY10 | Adopted FY11 |
|------------------------------------|----------------|----------------|-----------------|-----------------|
| Court Clerk | 5.00 | 6.00 | 6.00 | 6.00 |
| Court Clerk, Senior | 1.00 | 1.00 | 1.00 | 1.00 |
| Court Supervisor | 1.00 | 1.00 | 1.00 | 1.00 |
| Judge* | 0.55 | 0.55 | 0.55 | 0.55 |
| Judge Pro-Tem | 0.00 | 0.00 | 0.00 | 0.00 |
| Total Full-Time Equivalents | 7.55 | 8.55 | 8.55 | 8.55 |

***NOTE:** 0.55 FTE for Municipal Court Judges report directly to the City Council and do not appear on any departmental organization chart; although the positions are funded through Legal and Judicial Services.

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Legal and Judicial Services Department

Program: City Attorney

Program Description:

The City Council contracts with the firm of Leahy, Van Vactor, and Cox, LLP for legal services. The City Attorney's Office is responsible for attending all City Council and Planning Commission meetings and for supplying the City Council and staff with legal opinions regarding existing or proposed City operations and activities. All ordinances, resolutions, contracts and activities having legal implications are reviewed and approved to assure compliance with intent, charter, state and Federal laws, as well as the possibility of liability exposure or litigation.

Budget Highlights:

Provide general counsel to City Council, Planning Commission and staff regarding planning and development proposals, economic development initiatives, contract development and review, code enforcement, Justice Center, Fire Station construction, Glenwood Development, Gateway Area, Human Resources, BOLI Issues, Environmental Services, Municipal Court, risk consultation, OLCC issues, public records, public meetings, ethics, and general counsel to Council and staff.

Service Level Changes:

No FY11 changes to the program. Actual recorded hours based on tracking for FY09 were 2,893. Our contracted hours for FY10 were increased from 2,024 to 2,124. Our proposed hours for FY11 are still scheduled to be 2,124.

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Legal and Judicial Services Department

Program: City Prosecutor

Program Description:

The City contracts for Prosecution Services with David Logan. The City Prosecutor represents the City in Municipal Court and Appellate courts. Prosecution services are provided for all misdemeanor criminal and traffic crimes and for any violation cases in which the defendant has retained counsel. Services provided include screening of reports filed, negotiations for settlement of cases and for representation of the City in trials by court or by jury. The City Prosecutor also recommends revisions to the Municipal Code to conform with case law and state statutes, provides legal advice and training for the Police Department and maintains the criminal law library.

Budget Highlights:

There are no significant changes in the City Prosecutor's budget for next year without major changes expected in the current contractual arrangement.

Service Level Changes: None at this time. The possible impacts upon the City Prosecutor's Office as a result of the municipal jail opening during this fiscal year are still under consideration. Caseloads and any change in trial patterns will be watched closely during the first part of the fiscal year.

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Legal and Judicial Services Department

Program: Municipal Court

Program Description:

The Municipal Court has jurisdiction over misdemeanor criminal, traffic crimes and violations cited by the Springfield Police Department, Nuisance Code Enforcement, and Parking Control officers. The Court provides judicial services for the administration of justice, case and jury management, appointments of attorneys for indigent defense and interpreters, probation monitoring and enforcement and collection of bail, fines, and fees. The Court strives to maintain public confidence in the ability of the legal judicial system to resolve legal contests in a timely manner and to compel compliance with the laws that protect the safety and quality of life in the community.

Budget Highlights:

Since adoption of State statutes in November of 1997, case filings at the Municipal rather than state level has ensured prosecution of misdemeanor crimes committed in the City of Springfield.

The opening of the Springfield Municipal Jail on January 29, 2010, is anticipated to increase the ability of the court to hold offenders accountable and to increase the ability of the Court to compel compliance with criminal penalties, including monetary penalties. Increased expenditures are anticipated for increased judicial services, for appointment of counsel for indigent representation, and interpreter services.

Caseload filings are currently estimated at 12,555 for FY10, with a total of \$1,374,844 estimated in total fines imposed. Revenue collection for this fiscal year is currently estimated at \$1,407,360. (If collections continue to increase as a result of jail opening, the revenue projection for the fiscal year will be higher than currently estimated).

Two new collections programs were implemented in FY10. An amnesty – or “economic recovery program” is currently being offered to individuals with cases in collections; payment in full results in a significant repayment discount. The program thus far represents \$128,610 of the revenue collected to date. The program ends on July 4, 2010. The second program, re-suspension of driving privileges, for individuals who have not brought payments current, represents \$382,530 of revenue collected to date. This will be an on-going program to compel compliance with monetary penalties imposed.

Service Level Changes: No service level change for FY11.

Program Performance Indicator:

| Council Goals | Key Processes | Measurement Methods | FY10 Baseline | FY11 Target |
|--|---|---|---------------|-------------|
| Preserve Public Safety | Adjudication Services: Provide timely and expeditious case processing | % of Violation cases meeting National Trial Court Standard 2.1.2 for consistent trend of 1:1 ration of cases filed to disposed | 97% | 100% |
| | | % of Misdemeanor cases meeting National Trial Court Standard 2.1.2 for consistent trend of 1:1 ratio of cases filed to disposed | 88% | 100% |
| | | % of Misdemeanor cases meeting standard for 100% disposition within 90 days (measurement includes FTA days) | 32% | 95% |
| | | % of Misdemeanor Custody Trials Dismissed for "Lack of Speedy Trial" (settings in excess of statutory 60 days) | 0% | 0% |
| | | Trial Date Certainty: % of cases meeting National Trial Court Standard 2.1.4 for disposition at first trial | N/A | 95% |
| | Probation Monitoring and Enforcement Services: Provide action to enforce court orders to avoid patterns of systematic failure to fulfill criminal sentences | Overall Compliance Rate for collection of Victim Restitution payments | N/A | 100% |
| Financially Sound and Stable Government | Financial Services - Accounts Receivables: Provide and ensure timely and accurate receipting of funds | % of days with 100% accuracy in balancing | 99% | 100% |
| | Financial Services - Accounts Payables: Provide and ensure timely payment of goods and services received | % of non-payment delinquent penalties | 0% | 0% |
| | Financial Services - Financial Reporting: Provide and ensure timely and accurate reporting and disbursement of funds | % of days with timely reporting of cash receipting and distribution of funds | 100% | 100% |