

FINANCE & PERSONNEL COMMITTEE CONTINGENT FUND REQUEST INFORMATION FORM

DEPT.: Assessor CONTACT PERSON & PHONE NO.: Jacob Miller, 286-5588

A. REASON FOR REQUEST (Refer to File 921360 for definitions)

CHECK ONE: EMERGENCY CIRCUMSTANCES
 OBLIGATORY CIRCUMSTANCES
 FISCAL ADVANTAGE/COMPLIANCE WITH FISCAL MANAGEMENT PRINCIPALS

B. SUPPORTING INFORMATION

1. State the action requested, including the dollar amount and specific departmental accounts(s) to which the Contingent Fund appropriation would be made.

Request \$50,000 from the Common Council Contingent Fund to the Operating Expenses account (class 006300) for the Office of Assessor (Department 2300).

2. State the purpose of the action requested which includes the program, service or activity to be supported by the funding, as well as the objective(s) to be accomplished.

The purpose is reimbursement for legal expenses related to litigation in remissions cases. This legal assistance was instrumental in victories for the Assessor's Office which resulted in significantly reduced remissions expenses in 2009. It also complements a recommended course of action from the Common Council regarding litigation actions by the City in remissions cases.

3. Describe the circumstances which prompt the request.

The charge for legal services is approximately \$89,000, above the expected amount in the 2009 budget, and above the remaining amount in the Assessor Office's Operating Expenditures account.

4. What are the consequences of not providing the program, service, or activity which is funded by this request?

The lawyers providing the legal services for the Assessor's Office will not be paid, and will go against the Common Council's stated directive.

5. Explain why funds authorized in the Budget are insufficient to provide for the program, service, or activity in question.

There are \$44,000 remaining in Operating Expenditures for the Assessor's Office as of early December, and reductions in the 2009 budget in Assessor Operating Expenditures combined with the increased needs for litigation expenses have led to there not being enough funds in this account to fully pay for the services provided.

5a. Are there any unexpended funds in the departmental control account for which this appropriation is requested, that could be used to fund this request?

Part of the remaining Operating Expenditures balance will be used to pay for these expenses, and it is anticipated that a small transfer will be made from the Assessor's Office's Salary Account will also be utilized to help pay for this.

5b. What are the consequences of using budgeted operating funds for this request?

Using all remaining Operating Expenditures for this account will mean that the provider of legal services will not receive timely compensation for services rendered, and will hinder the ability of the Assessor's Office to pay regular, end-of-year expenses.

6. State why funding was not included in the Budget.

\$100,000 in funding was included in the Professional Services sub-account for 2009. However, there were more cases with high remissions potential litigated than anticipated in Fall 2008, when the 2009 budget was developed. This, along with the directive of the Common Council to fight for more favorable terms in these cases, led to increased litigation expenses.

7. Will the conditions prompting the request be limited to the current year, or will they continue into the following year?

It will be limited to this year, as the Professional Services sub-account was increased by \$180,000 in the 2010 Budget, and the Remission of Taxes Special Purpose Account decreased by \$250,000, to reflect the new emphasis on litigating remissions cases.

8. Has your department made a similar Contingent Fund request in previous years? YES NO

*If yes, what is the most recent year the request was made?

9. Will this funding be used to implement provisions of a collective bargaining agreement? YES NO

10. Will the funding being requested provide a level of service authorized by the Budget? YES NO

*If yes, why can't your department accomplish the authorized service level with the authorized funding level?

11. Will the requested funding provide a level of service higher than that authorized by the Budget? YES NO

*If yes, why is a higher service level necessary?

Increased dedication to combating remissions cases than anticipated at the start of 2009, based on needs and wishes of members of the Common Council.

*What is the estimated amount of additional service units to be provided if the entire Contingent Fund request is approved?

Increased Professional Services payments of approximately \$70,000 compared to budgeted figures.

12. What performance measures and sub-measures are affected by this request, and what are the anticipated changes if the entire Contingent Fund request is approved?

Expected payments from the Remission of Taxes Fund will decrease in future years based on exhibition of willingness to litigate remissions cases.

13. What reductions to performance measures are expected if the request is not approved?

Possible increased usage of the Remission of Taxes fund and reduced ability to hire outside counsel in specialized cases.

14. Is any grant funding associated with the program service, or activity pertaining to the request? YES NO

*If yes, name the grant and current year amount.

15. Will the program, service, or activity affect any electronic data processing system? YES NO

The following questions only apply to Contingent Fund requests which transfer appropriations into capital purpose accounts:

16. Does this request transfer an appropriation into a capital purpose subaccount? YES NO

*If yes, are similar projects planned and funding available in a capital purpose (parent) account for the current year?

17. Why is the project for which Contingent Funds are requested more important than other similar projects?

18. Does this request fund a project outside the normal order of planned projects of a kind which are funded through a capital purpose (parent) account for the current year? YES NO

*If yes, what is the consequence of deferring the lowest priority planned project until next year?

19. Was this project included in the Department's Budget request? YES NO

*If not, why not?

**If you have any questions about the completion of this form, you may call the
Fiscal Research Manager at extension 8686.**

**C. THANK YOU FOR YOUR COOPERATION. PLEASE SEND COPIES OF YOUR RESPONSE
TO:**

Staff Assistant, Finance & Personnel Committee, Room 205, City Hall (6 COPIES)
Special Assistant, Finance & Personnel Committee, Room 205, City Hall (1 COPY)
Fiscal Research Manager, LRB-Common Council, Room B-11, City Hall (2 COPIES)
Budget & Management Director, DOA, Room 307, City Hall (2 COPIES)