

2018



Legislative Reference Bureau

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# CITY ATTORNEY

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## 2018 Proposed Plan and Executive Budget Review

Prepared by: Dana Zelazny, Legislative Fiscal Analyst  
Budget Hearing: 1:30 pm on Friday, October 6, 2017  
Last Updated: October 4, 2017

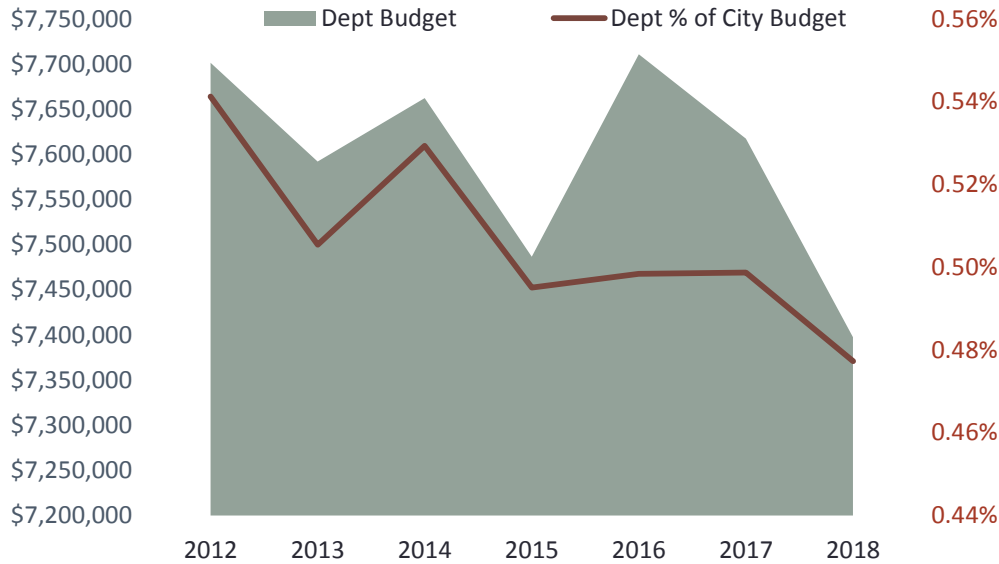
Version 1.2



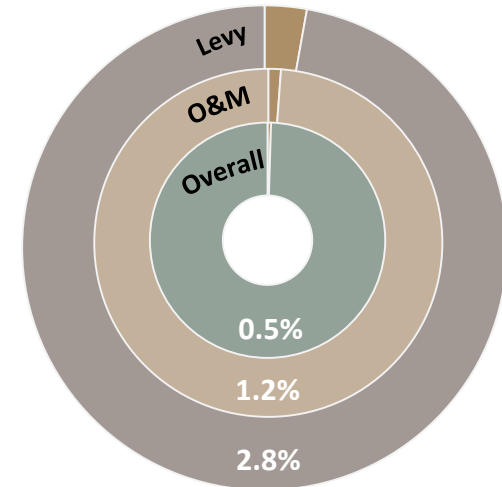
**\$7,397,582**  
Proposed 2018 Budget

**-\$219,923**  
Change in Proposed Budget

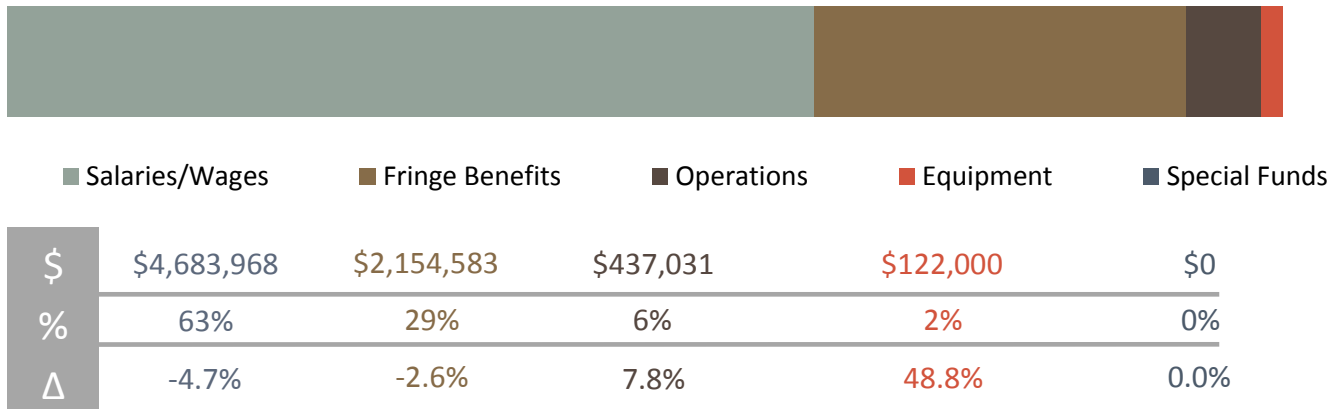
**-2.9%**  
% Change in Proposed Budget



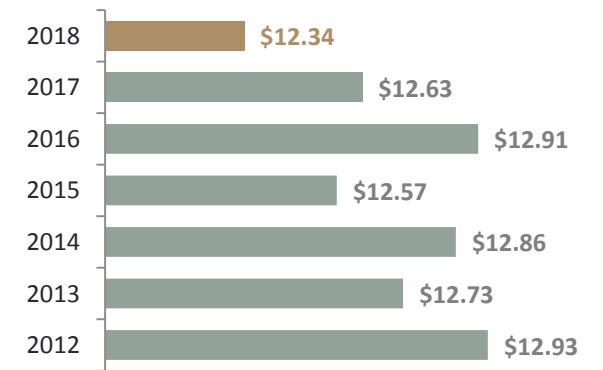
Departmental Budget Impact



Departmental Budget Appropriation Category



Budget per Capita



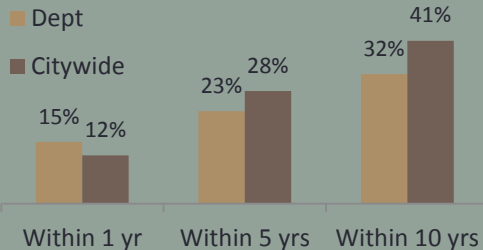
**-\$233,277**

Decrease in Salaries & Wages, down 4.7% from the amount allocated in 2017, primarily through retirement turnover.

**2**

Positions re-classified to increase docketing capabilities – a Legal Office Assistant to a Docketing Specialist, and a Docketing Specialist to a Docketing Specialist - Senior.

**Retirement Eligible**



**0**

Change in Positions

**0.0%**

% Change in Positions

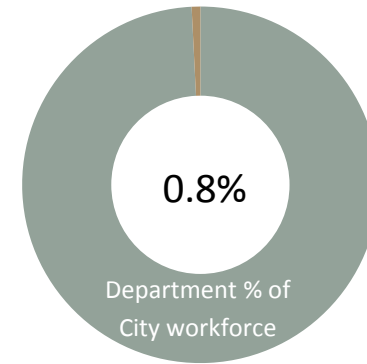
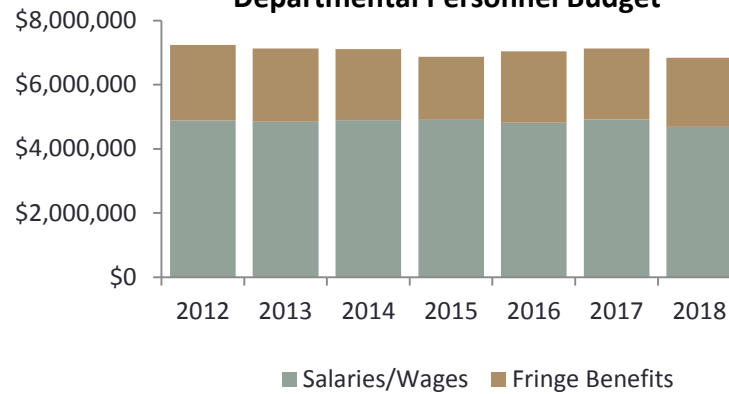
**7**

Current Vacancies

**4**

Voluntary Separations

**Departmental Personnel Budget**



**Staffing Vacancies**

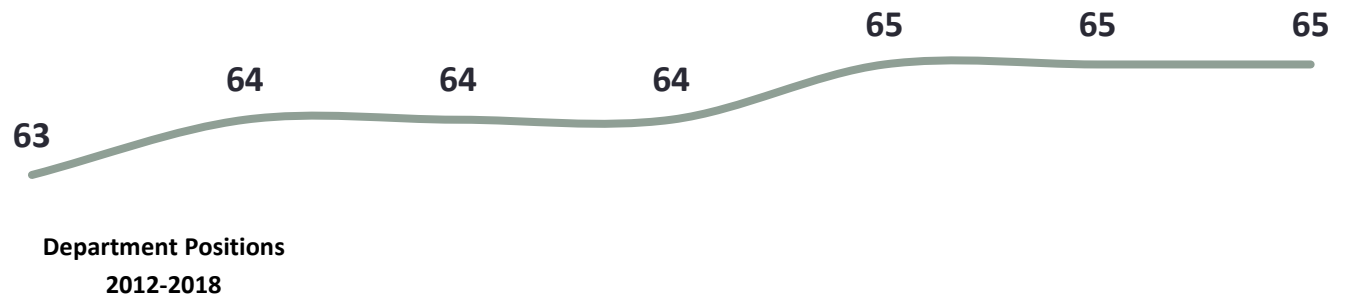
- 4 Assistant City Attorney V (offers pending)
- 1 Legal Office Assistant (offer pending)

Two additional Assistant City Attorney positions are purposely held vacant in exchange for two of the filled Deputy City Attorney positions.

**Staffing Update**

Staff retirement eligibility through the end of 2018 consists of the following positions:

- City Attorney
- 1 Deputy City Attorney
- 5 Assistant City Attorneys
- 3 Support staff



**\$7,360,152**

2016 expenditures from the Damages and Claims Fund to settle claims and pay judgements.

**\$322,931**

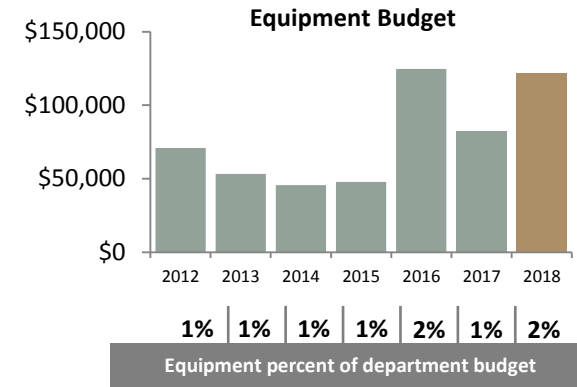
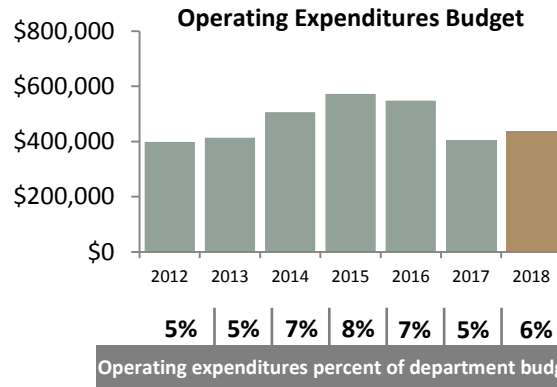
2016 expenditures from the Outside Counsel/Expert Witness Fund to retain outside counsel. Expenditures through 9/28/2017 are \$263,486.

**\$20,000**

Equipment purchases for office furniture, unchanged from the amount appropriated in 2017.

**\$40,000**

Cost to upgrade the Microsoft Office Suite to allow for integration with recently updated client and matter management software.



**Revenue**

Top 4 areas of Reimbursement Services estimated:

- Services to RACM \$274,800
- Services to HACM \$154,000
- Services to Water Works \$137,400
- Services to ERS Fund \$113,000

**Grants**

This department receives no grant funding.

**Special Purpose Accounts**

- Collection Contract Fund \$1,125,000
- Damages & Claims Fund \$1,225,000
- Insurance Fund\* \$ 685,000
- Outside Counsel/Expert Witness Fund \$ 850,000

\*Increase of \$30,000 from 2017

**Capital Requests**

This department has no capital requests.

In previous years, the department has submitted capital requests of up to \$3.5 million to complete remodeling of City Hall's 8<sup>th</sup> floor for the City Attorney's use. In 2016, a resolution authorizing \$3.5 million of 2016 contingent borrowing and expenditure authority for this project was introduced, but has not yet been taken up by the Finance and Personnel committee.

# 16,103

Number of citations reviewed in the Ordinance Enforcement Division prior to filing in 2016.

# 3,043

Number of Municipal Court cases resolved by the department through pre-trial evaluations in 2016.

# 736

Number of contracts the department reviewed in 2016.

# 409

Number of State and Federal Court cases pending in 2016.

### Diversity Clerkship Program

In 2017, the City Attorney used the DER Auxiliary Resource Program to hire a part-time Graduate Intern through the State Bar of Wisconsin Diversity Clerkship program. The department plans to do so again in 2018.

This program provides first-year law school students from diverse backgrounds experience with public sector legal organizations.

### Automated Claims Processing

The City Attorney is collaborating with the City Clerk's Office to automate and improve the claims review process through the use of GovQA, a customer service system and work management tool currently used by the City Clerk's Office. Currently, claims are received by the City Clerk and transmitted via interoffice mail to the City Attorney's Office.

### Landlord Fines – Piercing the Veil of LLCs

A small group of Milwaukee property owners has become well-known for accumulating significant property code violations fines, while making token payments and receiving repeated payment extensions from the Municipal Court. Some of these property owners, frequently residential landlords, continue to purchase foreclosed properties at Sheriff's sales for cash despite alleging financial hardships when requesting extensions and reduced payments from the Municipal Court for code violations. When these owners subsequently fail to pay property taxes, the City typically seizes the homes after 3 years. Since code violations have not been remediated, the properties are often severely dilapidated.

The Municipal Court has a walk-in policy that allows property owners to make hardship requests and receive payment extensions for code violation fines without advance notice to the City Attorney to represent the City's interests. The City Attorney's Office continues to assist the Municipal Court to properly exercise discretion relative to payment extensions, and continues to file nuisance abatement cases in Circuit Court in order to seek injunctive relief requiring property owners to repair or raze buildings. 8-9 members of the City Attorney's Ordinance Enforcement Division are located in the Police Administration Building and review and prosecute municipal citations, including building and zoning code issues.

Some properties in Milwaukee are owned by legal entities, like LLCs, rather than by individuals. When addressing building code violations or collecting delinquent taxes, it may be difficult, as a practical matter, to identify the members and ownership interests of an LLC. State law also imposes hurdles to "piercing the veil" of corporate entities so that the City can pursue judgements against the individuals behind the corporate entity.

