

# City Attorney

2021 Budget Overview

Finance & Personnel Committee

October 2, 2020

# 2021 Budget Summary

	<b>2020 Adopted Budget</b>	<b>2021 Proposed Budget</b>	<b>Amount Change</b>	<b>Percent Change</b>
FTEs – O&M	58.50	58.50	0.00	0.0%
FTEs - Other	2.50	2.50	0.00	0.0%
Salaries & Wages	\$4,546,876	\$4,672,521	\$125,645	2.8%
Fringe Benefits	2,046,094	2,149,360	103,266	5.0%
Operating Expenditures	341,927	341,927	0	0.0%
Equipment	36,000	36,000	0	0.0%
Special Funds	0	0	0	0.0%
<b>TOTAL</b>	<b>\$6,970,897</b>	<b>\$7,199,808</b>	<b>\$228,911</b>	<b>3.3%</b>

# Special Purpose Accounts

<b>Account</b>	<b>2020 Adopted Budget</b>	<b>2021 Proposed Budget</b>	<b>Amount Change</b>	<b>Percent Change</b>
Damages and Claims	\$1,225,000	\$1,225,000	\$0	0.0%
Insurance	922,000	922,000	0	0.0%
Outside Counsel / expert witness	450,000	150,000	-300,000	-66.7%
<b>TOTAL</b>	<b>\$2,597,000</b>	<b>\$2,297,000</b>	<b>-\$300,000</b>	<b>-11.6%</b>

# 2021 Revenues

<b>Category</b>	<b>2020 Adopted Budget</b>	<b>2021 Proposed Budget</b>	<b>Amount Change</b>	<b>Percent Change</b>
Charges for services	\$947,000	\$881,000	-\$66,000	-7.0%
<b>TOTAL</b>	\$947,000	\$881,000	-\$66,000	-7.0%

# Community Goals and Department Objectives

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1. Support the city's interests and policy initiatives
2. Develop and sustain legal strategies to promote respect for individual civil liberties
3. Reduce nuisances that detract from neighborhood quality of life

# Organizational Opportunities

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## **CAO Vacancies:**

- The CAO does not expect to have any vacancies as of November, 2020.

## **Current Recruitments:**

- ACA recruitment
  - Coordinated with Diversity Recruiter to recruit a diverse pool of candidates.
- Created and hired a Special Deputy City Attorney to serve as Chief of Staff.

# Organizational Opportunities

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## **Staff Retention Challenges and Successes:**

- In 2020 the CAO had one Deputy City Attorney resign, one retire, and one planning to retire in November.
- The CAO had two ACA resignations in January 2020. One left to pursue a promotional opportunity with MPS, the other left due to family relocation.
- The CAO had one Administrative Specialist Sr. retire and one Legal Office Assistant resign.
- The Milwaukee City Attorney's Office continues to be an employer of choice for public sector legal positions in Southeastern Wisconsin.

## **Diversity Clerkship:**

- Participation in State Bar program to introduce law students from diverse backgrounds to the practice of law.

# Staffing Challenges

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- Difficulties in the retention of attorneys due to market salary competition
- Suspension of all 2020 merit pay increases
- Equity and budgetary concerns prohibit hiring at higher salary levels
- In 2020, 2 Deputy City Attorneys and 2 Assistant City Attorneys left the office



# Highlights – Employment, Labor, & Benefits Section

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## **Employment, Labor & Benefits Group:**

- 201 pending discrimination cases at administrative agencies
- 12 pending discrimination cases in Federal Court
- 30 new discrimination complaints, 15 FPC appeals and 3 duty disability retirement appeals filed to date in 2019
- 7 WERC cases file in 2020
- 112 legal service assignments to date in 2019
- On-going telephone and in person consultations and assistance in HR matters

# Highlights – Employment, Labor, & Benefits Section

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## Issued Opinions Regarding:

- Changes in SOP 130: Foreign Nationals, Diplomatic Immunity and Immigration Enforcement
- Use of TIF funds regarding structure and other demolition
- Board of Health Creation of Advisory Committee or Task Force
- City Eviction Moratorium
- Legal Actions related to Fireworks
- Law Governing Wisconsin Center District
- Street Lighting Fee
- Referendum for Higher Wages and Student Loan Forgiveness for Frontline Workers
- Mayoral Authority to use Proclamation to end part or all of Proclamations that have been ratified by the Common Council

# Highlights – Employment, Labor, & Benefits Section

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## **COVID Response:**

- Extensive work advising on, and drafting documents for COVID matters:
  - Emergency Proclamations
  - Stay at Home Orders
  - City employment policies
  - Face Mask order
  - Enforcement of MHD orders
  - Emergency procurement
  - Federal Grants for MHD
  - CARES Act issues
  - Defending MHD orders in state and federal court

# Highlights – Employment, Labor, & Benefits Section

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## **Contracts and Other Work:**

- Managed legal aspects of \$50 million federal security grant for DNC
- Procured comprehensive liability insurance to protect City from potential liability for the DNC
- Filed amicus brief in federal court seeking to delay April 7 primary election
- Obtained construction authority from Public Service Commission for infrastructure to sell water
- Revised standard terms and conditions for purchasing contracts

# Highlights – Real Estate, Education, & Housing Section

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## **Assisted in creating and amending several TIDs:**

- Grand Avenue (37), Cathedral Place (49), 5<sup>th</sup> Ward/First Place (68), W. McKinley & W. Juneau (84), The Ikon (98), Joy Farms (99), Zillman Park (100) Schuster Bldg. (102), Phillis Wheatley (103), 37<sup>th</sup> St. School (104), Community in the Corridor (105) and McKinley School (106)

## **Assisted on development projects:**

- Completion of the Good Hope Library Branch, negotiation of leases with DeLong and Michels at the Port of Milwaukee, Journal-Sentinel Building redevelopment, continuation of the Couture project

# Highlights – Real Estate, Education, & Housing Section

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- Assisted the City Clerk with virtual meeting capabilities in compliance with open meetings requirements during the COVID shutdown.
- Assisted MPS with the application of various health orders related to COVID-19 and terminating agreements between MPS and MPD as a result of protests following the death of George Floyd.
- Successfully defended the Board of Zoning Appeals in 3 appeals to Circuit Court and 1 appeal in the Wisconsin Court of Appeals.
- Filed 182 eviction cases for City and HACM-owned properties between July 1, 2019 and June 30, 2020 – not while various moratoria related to COVID-19 were in effect (evictions by HACM often remove tenants involved in criminal conduct and make housing available to others on HACM's waiting list).
- Provided approx. 28 public records / open meetings training sessions to various city departments and officials.

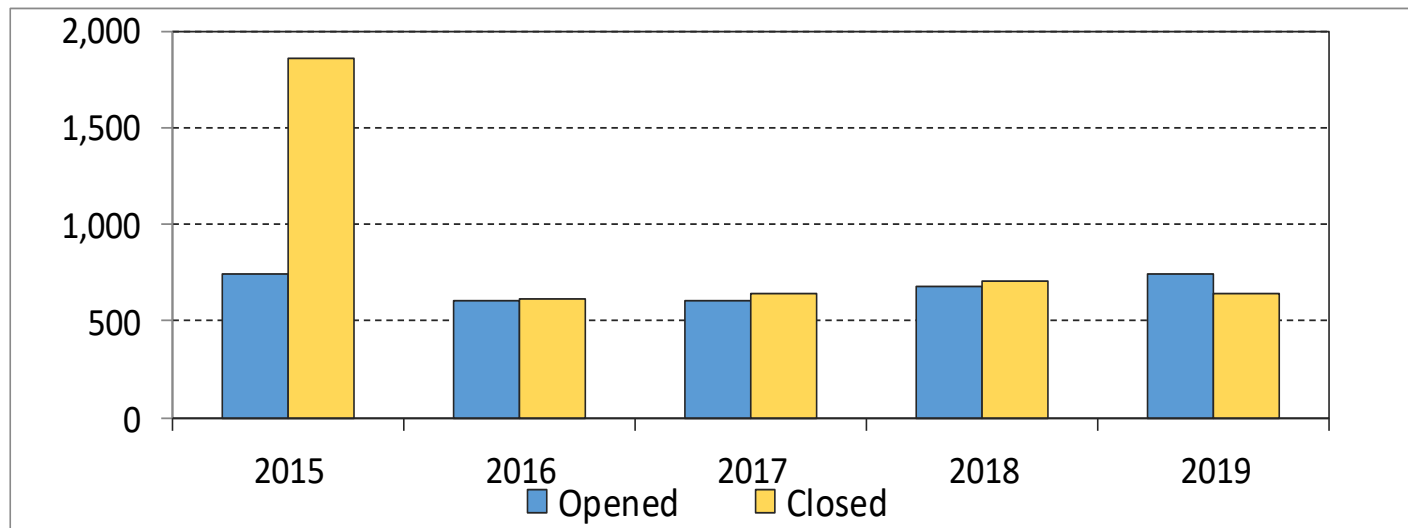
# Highlights – Litigation & Risk Management Section

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## Claims:

- Staffed by two adjusters and an administrative assistant
- Process all claims filed with city for investigation, analysis and any settlement
- City attorney may settle claims not involving a motor vehicle accident in an amount up to \$5,000
- City attorney may settle motor vehicle claims up to the statutory limit of \$250,000 but larger claims are submitted to Common Council for approval
- All of the adjusters' determinations reviewed by Deputy or Assistant City Attorney and ultimately by City Attorney

# Handling of Claims



Claims	2015	2016	2017	2018	2019	2020 (as of 09/20)
Total claims opened	743	607	608	682	741	424
Total claims closed	1859	614	645	709	645	377
Total claims opened & closed within same year	530	401	417	454	451	207
Percentage opened & closed within same year	71.3%	66.1%	68.6%	66.6%	60.9%	48.8%



# Highlights – Litigation & Risk Management Section

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## **Matters in Litigation other than mortgage foreclosure actions:**

- 203 in 2018, 184 in 2019, 147 in 2020 through September 22nd
- 110 cases closed in 2018 without payment
- 171 cases closed in 2019 without payment
- 125 cases closed without payment in 2020 through September 22nd

# Highlights – Litigation & Risk Management Section

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## **Mortgage Foreclosure Actions:**

- 270 cases opened in 2018, 222 opened in 2019, 157 opened in 2020 through September 22nd
- 384 cases closed in 2018, 280 closed in 2019, 147 closed in 2020 through September 22nd
- 165 remained pending at end of 2018, 196 remained pending in 2019, and 171 remain pending in 2020 through September 22nd

# Highlights – Litigation & Risk Management Section

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## Property Assessment Litigation:

- 37 cases pending as of August 19, 2020, with potential exposure of \$14.25M
- Only two judgments against the City in the past 7 years (the adverse judgment in one of them is being appealed).
- In 2020 (as of Sept. 9) three cases have gone to trial and are awaiting decisions with a potential exposure of approximately \$1.85M.

# Highlights – Litigation & Risk Management Section

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## Significant Property Assessment Lawsuits:

- *US Bank v. City of Milwaukee*
  - 2016-2018 assessment of an office tower dismissed by taxpayer
  - Potential exposure \$4,000,000
- *Wisconsin & Milwaukee Hotel LLC v. City of Milwaukee*
  - 2016 assessment of the downtown Marriott Hotel; summary judgment in favor of the City
  - Potential exposure of \$780,000
- *Wal-Mart Real Estate Trust v. City of Milwaukee*
  - 2018 assessment of 3 Wal-Marts and 1 Sam's Club dismissed by taxpayer
  - Potential exposure of \$430,000
- *Milwaukee Block 10 et al. v. City of Milwaukee*
  - 2015-2016 assessments of the downtown Aloft Hotel sustained by the circuit court and court of appeals in the City's favor
  - Potential exposure of \$287,000

# Highlights – Neighborhood Revitalization & Ordinance Enforcement Section

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## State and Federal Litigation:

- Continuation of Exploitative Landlord Cases - Receiverships & property management paid for by income generated by properties.
- Nuisance Related Litigation – Fighting the opioid epidemic and to defending the confiscation of numerous reptiles in the Dragonwood Conservancy case.
- Serial Bankruptcy Filing Landlord Cases - City continues to object to automatic stays and plans, real estate valuations and adversarial proceedings.
- Northridge Mall Raze Litigation – City won in circuit court and is currently litigating the appeal filed by the property owner.
- Acquired approximately 250 properties via in rem tax foreclosure.

# Highlights – Neighborhood Revitalization & Ordinance Enforcement Section

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## Legal Services and Outreach:

- The Elections Team worked closely with the City's Elections Commission to ensure safe and secure voting opportunities during the COVID pandemic in the April spring election, the fall primary and the upcoming Presidential election.
- Neighborhood Revitalization Prostitution Initiative – ongoing collaboration with Alderpersons, community organizations, MPD, DA community prosecutors and others to tackle quality of life issues caused by street prostitution.
- Review and dismissal of numerous curfew citations issued during the protests in late May / early June 2020 following the death of George Floyd.
- Investigated applicants for In Rem Vacation files heard by Jud/Leg.
  - 123 files in 2019
  - 90 so far in 2020 (through Sept. 14)

# Highlights – Neighborhood Revitalization & Ordinance Enforcement Section

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## **Building & Zoning Code Prosecutions:**

- 2019: 2,263 B&Z cases
- 2018: 1,540 B&Z cases

## **Municipal Court Prosecutions:**

- 2019: 1,349 trials, 10,340 pretrial conferences
- 2018: 1,582 trials, 11,373 pretrial conferences
- 2017: 1,513 trials, 10,101 pretrial conferences

## **Department Trainings:**

- Milwaukee Police Department – Training of the Major Incident Response Team (MIRT) on constitutional issues related to protests.