

**Department Mission Statement**

The Legal Department provides timely and effective legal services to staff, elected officials, and boards and commissions to enable them to accomplish the goals and objectives set by the Peoria City Council.

<b>Department Function</b>
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The Legal Department provides legal opinions and assistance to the City Manager, City staff, elected officials, and boards and commissions. The department drafts and/or reviews all proposed ordinances and resolutions, prosecutes violations of the City Code, researches questions of law, procedure and policy, and represents the City in all forms of litigation in court or before administrative agencies, including appeals. The department also prepares or reviews real estate matters, responds to questions from citizens or other governmental agencies, and provides personnel and labor related legal services in addition to drafting and reviewing all contracts.

**Fiscal 2002 Accomplishments**

- Successfully defended validity of option to purchase in Water Company Franchise Agreement.
- Successfully defended City and various City employees in seven Civil Rights Claims.
- Conducted monthly roll call training program on legal issues for Police Department.
- Outsourced collection of judgments of Administrative Hearing Officers in housing code cases.
- Targeted most cost-effective training, resources and internal mentoring consistent with budget constraints.
- Continued to refine Administrative Hearing Officer system for maximum cost-efficient operation.

**Desired Program Outcomes for 2003**

- Achieve judgments or settlements favorable to the City and its employees in all legal claims by or against the City.
- Increase effectiveness of ordinance violation prosecution by improving procedures for processing, filing and paying fines and fees along with increased emphasis on administrative hearings and pre-court payment program.
- Preserve current City residency rule in arbitration with Peoria Police Benevolent.

**Outcome Trends**

1. CITY SERVICES/SUPPORT -- Respond to requests from Council/Administration for legislative opinions, ordinances and resolutions within a reasonable timeframe.	Yes	Yes	Yes
2. LABOR/PERSONNEL LEGAL SERVICES -- Provide legal services to Joint Labor/Management Healthcare Committee and represent City in interest arbitration, EEOC/IDHR charges; support HR Department in negotiations of Collective Bargaining Agreements.	Yes	Yes	Yes
3. PROSECUTION OF ORDINANCE VIOLATIONS/COLLECTIONS -- Aggressively prosecute general ordinance violations; coordinate prosecution of housing court violations between Code Enforcement Department and Administrative Hearing Officer; assist elected officials and departments issuing liquor licenses and aggressively prosecute violations.	Yes	Yes	Yes
4. LITIGATION -- Successfully defend claims brought against the City; collect maximum practical amount on claims referred for collection.	Yes	Yes	Yes

**Activities Linked To Council Goals**

Inasmuch as the City Attorney's office provides legal services directly to City Council and all City departments, the many businesses and business activities of the office line to all aspects of City Council's Goals and the City's Comprehensive Plan.	Council Goal 1-5
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**Department Activities****1. City Services/Support -- Activity cost \$287,800**

The staff of the Legal Department provides legal support to the City Manager, staff, elected officials and boards and commissions. Staff attends 100% of Council Meetings, unless presence at closed session is not required. Staff responds to 100% of inquiries from staff and Council, 90% within 24 hours, 95% within one week, and the rest within a reasonable time period. Staff returns phone calls and e-mails from Council, Manager and staff within 24 hours 99% of the time.

**2. Labor and Personnel Legal Services -- Activity cost \$144,068**

Through this program, the Legal Department staff provides legal support to the Human Resources Department and other departments involved in labor relations,

and defense of discrimination, harassment or retaliation charges filed before the Equal Employment Opportunity Commission or the Illinois Department of Human Rights and Title VII suits filed by employees. Staff responds to questions in this area in a timely manner, 90% of the time within 24 hours. Staff responds to IDHR and EEOC charges and information requests by Agency investigators in a professional fashion and 90% within the standard 30-day time period or such other time prescribed by the investigator. 10% extensions of time are requested and granted. Department participates in Collective Bargaining, achieving timely and acceptable agreements when possible, and participating in arbitration when necessary. Staff participates as management member of Joint Labor/Management Healthcare Committee. Staff also participates in negotiation for and drafting of Joint Labor/Management Healthcare Agreement and drafts/reviews all healthcare provider agreements.

### **3. Prosecution of Ordinance Violations and Collections - Activity cost \$291,735**

This program monitors the filing, payment arrangements and overall prosecution of ordinance violations, and the administrative resolution of housing, liquor and other licensing matters. Attorney and Paralegal attend Ordinance Court weekly and housing hearing officer as needed. 99% of Orders generated in Circuit Court are sent out within 3 working days. 80% of Hearing Officer judgements are referred for collection within 30 days of becoming final. Collection notices are sent out on unpaid environmental work orders within 10 days in 85% of cases, and liens filed on the property where appropriate within 15 days 90% of the time. Liens for sidewalk work are filed within 5 days 95% of the time. Our standard is for demolitions to be filed within 21 days of receipt by the Legal Department 100% of the time (unless withdrawn). Requests for collection are prioritized and responded to in a timely fashion.

### **4. Litigation -- Activity cost \$271,990**

Through this program, the Legal Department provides legal support of all claims and defense of claims and lawsuits on behalf of or against the City of Peoria. The Department answers or files responsive pleadings in a timely fashion in 100% of the litigation against the City (30 days in State court; 20 days when summoned in Federal Court; 60 days when notified by mail in Federal Court; other as provided by statute). When cases are assigned to outside counsel, Corporation Counsel supervises and interacts with outside counsel to achieve favorable results. The Department attempts to dispose of as many lawsuits annually as are filed against the City annually, while maintaining quality results or settlements.

#### **Service Level Trend Tables**

	FY 2001	FY 2002	FY2003
<b>1. CITY SERVICES/SUPPORT</b>			
Legislation written/reviewed; ordinances, resolutions, etc.	220	220	230
drafted/reviewed at request of Council/Administration			

**LEGAL****DIVISION – N/A**

Legal opinions on various subjects requested by Council/Administration	1,200	1,200	1,300
<b>2. LABOR/PERSONNEL LEGAL SERVICES</b>			
Labor/Employment Agreements Negotiated	1	3	1
Labor Arbitrations/Interest Arbitration w/Police Benevolent	0	0	1
Unfair Labor Practice charge filed by Police Benevolent	1	0	1
EEOC/IDHR Charges filed by Employees	2	2	3
<b>3. PROSECUTION OF ORDINANCE VIOLATIONS/COLLECTIONS</b>			
General Ordinance Violations (alcohol, curfew, animal, etc.)	4,845	4,335	4,850
a. Filed in Court	3,908 (81%)	3,614 (83%)	4,000 (82%)
b. Paid prior to Filing	937 (19%)	721 (17%)	850 (18%)
Housing Violations			
a. Hearing Officer - filed	1,394	1,238	1,134
b. Hearing Officer - closed (*closed from prior years)	1,330*	1,387*	1,290*
b.1. Repairs made	941 (71%)	970 (70%)	900 (70%)
b.2. Order entered	389 (29%)	417 (30%)	390 (31%)
c. Enforcement of Order (outside collections)	142	322	300
d. Net collections	\$18,139	\$25,624	\$35,000
Demolitions			
a. Opened	14	17	22
b. Closed	15	20	17
<b>4. LITIGATION</b>			
Lawsuits Against City Filed	13	19	18
Lawsuits Against City Closed	27	21	25
Collection Actions (other than ordinance violations)			
Small Claims filed	77	76	100
Small Claims closed	47 (61%)	46 (61%)	75 (75%)
Liens on Real Estate Filed	712	527	630
Liens on Real Estate Cbsed	279 (39%)	294 (36%)	300 (48%)
Liens Paid	249 (35%)	246 (47%)	265 (42%)
Other	30	48	35

**Department by Major Object**

	<b>Personnel Services</b>	<b>Employee Benefits</b>	<b>Contractual</b>	<b>Supplies</b>	<b>Total</b>
Legal	\$516,272	\$254,527	\$218,794	\$6,000	\$995,593