

## Attorney

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### Agency Budget by Fund

<b>Fund</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Actual</b>	<b>2022 Adopted</b>	<b>2023 C2C</b>	<b>2023 Request</b>
General	3,118,646	2,920,682	2,905,472	2,979,123	3,039,635	3,039,635
<b>Total</b>	<b>3,118,646</b>	<b>2,920,682</b>	<b>2,905,472</b>	<b>2,979,123</b>	<b>3,039,635</b>	<b>3,039,635</b>

### Agency Budget by Service

<b>Service</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Actual</b>	<b>2022 Adopted</b>	<b>2023 C2C</b>	<b>2023 Request</b>
Counsel And Representation	2,082,416	1,863,639	1,919,086	1,899,438	1,937,682	1,937,682
Legislative Services	123,608	153,280	121,628	143,709	121,404	121,404
Ordinance Enforcement	912,622	903,763	864,757	935,976	980,549	980,549
<b>Total</b>	<b>3,118,646</b>	<b>2,920,682</b>	<b>2,905,472</b>	<b>2,979,123</b>	<b>3,039,635</b>	<b>3,039,635</b>

### Agency Budget by Major-Revenue

<b>Major Revenue</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Actual</b>	<b>2022 Adopted</b>	<b>2023 C2C</b>	<b>2023 Request</b>
Misc Revenue	(1,927)		(3,097)			
Transfer In	(136,934)		-			
<b>Total</b>	<b>(138,861)</b>	<b>-</b>	<b>(3,097)</b>	<b>-</b>	<b>-</b>	<b>-</b>

### Agency Budget by Major-Expense

<b>Major Expense</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Actual</b>	<b>2022 Adopted</b>	<b>2023 C2C</b>	<b>2023 Request</b>
Salaries	2,422,072	2,260,602	2,315,773	2,286,981	2,297,679	2,297,679
Benefits	787,668	627,616	620,684	621,846	641,692	641,692
Supplies	24,636	22,011	12,775	18,539	18,539	18,539
Purchased Services	138,927	183,143	132,028	178,685	177,896	177,896
Inter Depart Charges	7,526	6,690	6,690	6,690	2,049	2,049
Inter Depart Billing	(123,322)	(179,380)	(179,380)	(133,618)	(98,221)	(98,221)
<b>Total</b>	<b>3,257,507</b>	<b>2,920,682</b>	<b>2,908,569</b>	<b>2,979,123</b>	<b>3,039,635</b>	<b>3,039,635</b>



## Office of the City Attorney

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PARALEGAL  
Ryan M. Riley

## MEMORANDUM

TO: Dave Schmiedicke, Finance Director  
FROM: Michael Haas, City Attorney  
DATE: July 22, 2022  
SUBJECT: **2023 Operating Budget Transmittal Memo**  
CC: Mayor; Deputy Mayors; Budget & Program Evaluation Staff

### Goals of Agency's Operating Budget

The OCA Budget consists of three services:

1. Prosecute violations of the City's laws and enforcing ordinances adopted by the Common Council. The 2023 goal will be to continue timely prosecution of ordinance violations in Madison Municipal, Dane County Circuit and the Appellate Courts.
2. Provide legislative counsel, drafting and revising the City's code of ordinances and advising the Common Council and City Boards, Committees and Commissions on the meaning of legislative enactments. The OCA will continue its efforts to use RESJI principles in ordinance drafting.
3. Provide legal counsel and representation to the City, drafting documents, advising City officials and employees on compliance with the law, representing the City in court, negotiating on the City's behalf and otherwise using legal procedures to support and defend the lawful decisions of City officials and agencies.

Our key goals in all three service areas are to increase City-wide efficiency and to work on Performance Excellence and Results Madison to find measures for client satisfaction with our services. In both our public-facing responsibilities and internal representation of City agencies, officials and bodies, our work touches on nearly every City-wide priority, initiative and goal by assisting City officials and agencies in achieving their program and policy goals.

## **Racial Equity and Social Justice**

The OCA has a long history of hiring full-time summer law clerks from the State Bar Diversity Clerkship and the Wisconsin Public Interest Interview Programs, and the UW Law School's Prosecution Program. In the past, these law clerks have continued working part-time to assist with research and document drafting projects. These programs have been used to develop attorneys from diverse backgrounds who are interested in municipal law. Unfortunately, in the 2023 budget, we had to make difficult decisions to reduce these programs to meet our 1% reduction.

The OCA has also initiated the use of part-time law student clerks during the school year, hosting up to four students each semester. These internships provide practical experience to aspiring attorneys and introduce them to public service and the field of municipal law and allow our staff to give back to, and advance the diversity, of the legal profession.

Racial equity and social justice priorities are consistently incorporated into the work of our office. The OCA utilizes the Equitable Hiring Tool in every recruitment and hiring process and aggressively publicizes position openings to a wide range of organizations and outlets in order to diversify the legal profession. Our prosecution team prioritizes equity in its treatment of individuals involved in the court system and supports diversion programs and innovations such as the Homeless Restorative Justice Court. Our staff participates in and assists many RESJI efforts of other agencies and inter-agency initiatives.

Our budget submission recognizes that important City equity initiatives require dedication of resources and staff time. For example, the OCA is an active participant on the City's Contract Equity Team which addresses inequities in spending City contract funds through changes to procedures, documents and selection methods. OCA staff also assist the staff team implementing APM 2-52 to increase inclusiveness and eliminate practices that are unwelcoming or harmful to City employees based on gender equity, which involves revisions to ordinances, contract forms, and payroll and employee forms. These have become core tasks and our budget submission attempts to account for these new responsibilities.

## **Major Changes in the 2023 Operating Request**

There are no major changes to the OCA 2023 Cost to Continue Operating Request.

## **Summary of Reductions (Non-Enterprise Agencies)**

	<u>Savings</u>
1. Eliminate Print/Serv Account (54655)	\$1,344
<ul style="list-style-type: none"><li>This account was used to pay for old Municipal Court Forms. We have now gone to electronic files and forms, especially for matters in</li></ul>	

Municipal Court so these forms and account are no longer needed.

2.	Reduce Furniture from \$2,317 to \$1,000 (53130)	\$1,317
3.	Reduce Office Supplies from \$3,611 to \$2,611 (53110)	\$1,000
4.	Reduce Copy/Print from \$5,611 to \$3,000 (53120)	\$2,611
5.	Reduce Computer Hardware Supplies from \$3,000 to \$2,000. (53140)	\$1,000
6.	Reduce Legal Services from \$8,300 to \$4,300 (54620)	\$4,000
7.	Eliminate summer prosecution internship program (54810)	\$3,000
7.	Reduce Conference/Training from \$16,528 to \$12,528 (54520)	\$4,000
8.	Reduce hourly wages from \$24,000 to \$12,000	<u>\$12,000</u>
	<ul style="list-style-type: none"> <li>• This would mean eliminating one of the two long-standing law clerks internship programs with the UW-Madison and Marquette Law Schools or the State Bar Diversity Law Clerk Programs (51210)</li> </ul>	
	<b>Total</b>	<b>\$30,272</b>

**Town of Madison**

The OCA is requesting an increase in one Assistant City Attorney position from 75% to 100%. This would be an on-going request at a cost of approximately \$10,000. With the completion of the Town of Madison attachment, the OCA is anticipating a general increase in the volume of work but specifically in cases involving traffic and ordinance violation citations; building, health and fire code issues and enforcement; and property tax assessment challenges. This request will help ensure the delivery of effective and efficient legal services for the City and our client agencies.

**Optional Supplemental Request**

The OCA requests adding one new full-time Assistant City Attorney position. This is an on-going request at a cost of approximately \$95,000.

The OCA has not added an attorney position since 1999 when the City's population was approximately 210,000. The growth of the City and the higher volume and increased complexity of legal matters necessitates this request. The following examples illustrate the need for an additional full-time Assistant City Attorney position:

1. The OCA's five-member prosecution team is overtaxed for several reasons. A 2020 change in state law regarding operating while intoxicated cases has resulted in a significant increase in jury trials in Circuit Court rather than bench trials in municipal court. Preparation for and conducting jury trials is much more time-consuming and intense. On average, prosecutors spend 30 hours preparing for and conducting a jury trial as compared to 7 hours for court trials. The number of Circuit Court OWI cases handled by prosecutors rose from 7 in 2019 to 27 in 2021, and we are on pace to reach over 30 cases this year. The strategy to request jury trials appears to be a permanent trend among defense attorneys. Based on this data, prosecutors will dedicate approximately 530 more hours to OWI jury trials in 2022 than in 2019.

The Municipal Court and OCA's effort to offer phone and virtual options for pre-trial conferences and trials has prioritized equity and accessibility which has led to expanded Court hours. Prior to 2020, prosecutors spent 10 hours per week staffing court hours, not including trials. The current Court schedules and increased convenience of appearing in Court requires approximately 31 additional hours per week of staffing, excluding trials, and to complete paperwork outside of the Court sessions.

Finally, the City initiated a Homeless Restorative Justice Court in 2017 and prosecutors tasks related to this program have grown to 10 – 15 hours per month. This prosecution data by itself constitutes more than a full-time equivalent position increase in workload in recent years, and reflects the impact of the City's focus on racial equity and social justice in its court system.

2. As with every other area of City operations, the explosion of Information Technology initiatives and reliance on IT solutions and systems has impacted the work of the OCA. Contracts for computer software programs and other IT initiatives are becoming more numerous and complex, and need additional legal review and scrutiny. In 2017, the OCA reviewed 21 requests for new software pursuant to the requirements of APM 3-20. That number has steadily increased and is on pace to reach 65 requests in 2022, an increase of over 200%.

Collaboration with the IT Department and other City agencies is necessary to protect City data integrity and ensure cyber security, and ever-increasing demands for new technology to support City initiatives require legal review, as does the transition to cloud technologies. Shepherding and monitoring the RFP process, negotiations with vendors, and completing contracts for new and unique technology acquisitions is a very labor-intensive process.

3. Finally, the OCA has seen growth in the volume and complexity of other legal matters and anticipate those trends continuing. Lawsuits challenging property tax assessments have increased by more than 25% since 2019. Zoning and land use lawsuits have increased with the growth of the City and development of land. Complex TIF proposals and projects continue to require significant negotiation support and document drafting and review. City initiatives such as Bus Rapid

Transit require the development of new legal expertise to, for example, ensure compliance with federal grant and contracting requirements. Similarly, the CARES program and focus on improving mental health services has added substantial work for the OCA. Currently, the Fire Department is funding a full-time LTE attorney position to research and assist in the development of seven separate emergency mental health initiatives. As a result, the OCA is already operating with an additional full-time Attorney position, albeit on a limited term basis.

These examples illustrate tasks assumed by the OCA in recent years in addition to its baseline operations of ordinance enforcement, agency counsel and representation, and legislative work. The OCA respectfully proposes that it is time to add an additional Attorney position so that we have sufficient staff to effectively and efficiently represent the City in legal matters.

# 2023 Operating Budget

## Service Budget Proposal

**PART 1: IDENTIFYING INFORMATION**

SELECT YOUR AGENCY:

Attorney

SELECT YOUR AGENCY'S SERVICE:

Counsel And Representation

SERVICE NUMBER:

113

SERVICE DESCRIPTION:

This service assists City officials and agencies with implementing their policies in compliance with legal requirements by preparing, publishing, and distributing formal opinions and reports on legal issues affecting City policy. Specific functions of the service include (1) informing officials and agencies of current legal developments, (2) preparing and presenting formal and informal training sessions for City officials and staff, (3) answering informal legal questions from City officials, staff, and committees, (4) attending meetings of staff teams and public bodies to provide legal advice, and (5) assuring courts uphold the decisions of the Mayor and the Council and of authorized policy decisions made by City agencies that may result in potential liability. The goal of this service is to reduce the City's risk of legal liabilities.

Are any updates required for the "Service Description"?

No.

Activities performed by this Service

Activity	% of Effort	Description
Field general legal inquiries and provided legal advice	20	Give legal advice to Department/Division Heads, supervisor and employees.
City Training	5	Provide training to employees on various topics such as public records, open meetings, how to conduct employee investigations
Assistant in the drafting of contracts; review and sign most contracts	20	Work with agencies to assist in the drafting of contracts, continuous review of City contracting policies.
Labor Law/EEO/AA	5	Attend all aspects of any complaint filed against the City with EOC, ERD or Affirmative Action. Advise departments regarding the discipline process.
Public Records for Agencies	10	Work closely with agency records coordinators regarding open records requests.
Liase with Common Council and Mayor's Office	20	Attend Common Council Meetings and Boards, committees, and subcommittees as needed.
Serve as Litigator for City cases	15	Attend to all aspects of lawsuits involving the City of Madison
Oversee outside counsel for litigation sent to insurance carriers	5	Review documents filed by outside counsel; attend meetings regarding litigation matters and assist with strategy.

Insert item

Citywide Element

<https://imagineadisonwi.com/document/comprehensive-plan-adopted>

Effective Government

Describe how this service advances the Citywide Element:

To make sure the City of Madison complies with all laws, reduces its legal liabilities and uses the law to advance the goals and vision of the City.

## Part 2: Base Budget Proposal

### BUDGET INFORMATION

	2020 Actual	2021 Adopted	2021 Actual	2022 Adopted	2023 C2C	2023 Request
<i>Budget by Fund</i>						
General-Net	\$2,082,416	\$1,863,639	\$1,919,086	\$1,899,438	\$1,937,682	\$1,937,682
Other-Expenditures	\$0	\$0	\$0	\$0	\$0	
<b>Total</b>	<b>\$2,082,416</b>	<b>\$1,863,639</b>	<b>\$1,919,086</b>	<b>\$1,899,438</b>	<b>\$1,937,682</b>	<b>\$1,937,682</b>
<i>Budget by Major</i>						
Revenue	(\$20,801)	\$0	\$0	\$0		
Personnel	\$2,130,673	\$1,932,433	\$2,012,108	\$1,923,813	\$1,928,213	\$1,928,213
Non-Personnel	\$93,359	\$108,356	\$84,129	\$107,013	\$107,013	\$107,013
Agency Billings	(\$120,814)	(\$177,150)	(\$177,151)	(\$131,388)	(\$97,545)	(\$97,545)
<b>Total</b>	<b>\$2,082,417</b>	<b>\$1,863,639</b>	<b>\$1,919,086</b>	<b>\$1,899,438</b>	<b>\$1,937,681</b>	<b>\$1,937,681</b>

## Part 3: Service Budget Changes

*General Fund agencies may propose changes that are net neutral to their budget. Non-general fund supported agencies may propose changes that they can support with revenue.*

### Proposed Changes

Fund	Major	Org	Object	\$ Change	Description
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>TOTAL</b>				\$0.00	

Insert item

What are the service level impacts of the proposed funding changes?

There are no changes to the OCA base budget.

Explain the assumptions behind the changes.

n/a

What is the justification behind the proposed change?

n/a

Are you proposing any personnel allocation changes?

No

## Part 4: Racial Equity and Social Justice

*We are continuing our efforts to articulate and prioritize racial equity and social justice in the City's budget and operations. Prioritize equity over equality. "Equity" is often conflated with the term "equality" (meaning sameness). Equity implies that an individual may need to experience or receive something different (not equal) in order to achieve fairness and access.*

*We encourage you to focus on how this service impacts marginalized populations and addresses the greatest needs, instead of discussing how the service will benefit everyone equally.*



1. What specific inequities does this service intend to address? How and for whom?

The Office of the City Attorney primarily serves internal City clients and customers and does not directly represent members of the public. The budget proposal to eliminate compensation for law school clerks and interns, and to reduce opportunities for staff training, will impact the ability of agency staff to handle increasing workload and initiatives of all City agencies in a timely manner. It also further limits the ability of the City Attorney's Office to impact the development of a more diverse pool of attorneys who may be qualified and interested in the field of municipal law. Maintaining our current staffing levels helps support the City equity initiatives which OCA staff assist. Whether it is work related to the RESJI Strategy Team or REJI Core Team, the Contract Equity Team or APM 2-52 Team, or working through legal issues related to other agency programs or policy proposals, OCA is devoting significant attention to incorporating an equity focus into its daily tasks.

2. What data helped shape your proposal? Data includes qualitative and quantitative information such as community input, demographics, qualified census tracts, environmental justice areas, and other sources. Additionally, include specific recommendations from a Racial Equity and Social Justice Analysis, if available.

No data is available or was utilized to measure the impact of the proposed reductions.

3. Is the proposed budget or budget change related to a recommendation from a Neighborhood Resource Team (NRT)? If yes, please identify the NRT and recommendation. Be as specific as possible.

No.

**Part 5: Proposed Budget Reduction**

**Agencies are asked to provide a 1% reduction to their general, library, and internal service (e.g. fleet) fund budgets to address the City's structural deficit.**

**Enterprise Agencies: Enterprise agencies are not required to propose reductions, as long as there are sufficient revenues to cover proposed expenses. Enterprise agencies may skip this section and move to Part 6.**

What is 1% of the agency's net budget (general, library, and fleet funds only)?

\$30,396

What is the proposed reduction to this service's budget?

\$15,390

Explain how you would change the activities and the level of service as a result of implementing the funding decrease to this service. List changes by service activity identified above. Add a separate line for each reduction.

If you are proposing revenue increases or other types of changes to meet your net budget reduction, contact your budget analyst to discuss how to enter the information in the form.

Activity	\$Amount	Description
11300-53130 Furniture	\$1,317	Reduce Furniture account from \$2,317 to \$1,000
11300-54620 Legal Services	\$4,000	Reduce Legal Services from \$8,300 to \$4,300
11300-54520 Conference/Training	\$4,000	Reduce Conference/Training from \$16,528 to \$12,528
11300-51210 Hourly Wages	\$6,073	Reduce hourly wages from \$9,446 to \$3,373.
<b>Total</b>	<b>\$15,390</b>	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding decrease to this service.

Name	\$ Amount	Description
Personnel	\$6,073	
Non-Personnel	\$9,317	
Agency Billings		
<b>Total</b>	<b>\$15,390</b>	

Is the City mandated to perform the activities of this service? If so, explain the mandate and mandated service level. If not, are there other local organizations also involved in performing these activities?

No.

Has this reduction been proposed in prior years? Yes

Does the proposed reduction result in eliminating permanent positions? No

Does the proposed reduction impact other agencies (e.g. administrative or internal service agencies such as IT, Finance, HR, Fleet)?

No

Describe why the proposed reduction was chosen.

This is the only way to reduce our budget without cutting permanent staff hours.

Explain the impacts of the proposed reduction on the end user of the service. How can impacts of this reduction be mitigated?

Reducing the conference and training account means attorneys may not be able to travel for proper training opportunities. Reducing hourly wages means the possibility of eliminating either the Public Interest Intern Program through the UW Madison Law School or State Bar Diversity Program. This in turn will add to the workload of attorneys, support staff and paralegal in our office.

**Part 6: Optional Supplemental Request**

**Town of Madison: Agencies requesting additional funding for Town of Madison (ToM) services should enter funding requests below. Enter ToM requests in the most relevant service. You can enter multiple rows for ToM activities as needed. Include "Town of Madison" or "ToM" in the activity name.**

**Supplemental Request: Agencies may submit one (1) supplemental request in their 2023 budget request. Please include the request in the most relevant service. Requests should only be submitted if agencies identify a critical need. Agencies should first consider reallocating base resources within and among services before proposing budget increases.**

What is the proposed funding increase? Explain how you would change the activities and the level of service as a result of implementing the funding increase to this service. List changes by service activity identified above.

Activity	\$Amount	Description
11300-51110	38000	Add 1 new full-time Assistant City Attorney position among three services – 40% Ordinance Enforcement, 20% Legislative and 40% Legal Counseling and Representation..
<b>Total</b>	<b>38,000</b>	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding increase to this service.

Name	\$Amount	Description
Personnel	38,000	
Non-Personnel		
Agency Billings		
<b>Total</b>	<b>38,000</b>	

How will this increase be funded (e.g., General Fund, Library Fund, Capital Fund, Enterprise Fund, Grant Fund, etc.)? Please list the most applicable funding source(s). Follow up with your budget analyst if you are uncertain.

General Fund.

What are the implications of this service increase over the next five years? Identify if this increase is ongoing and if additional increases to funding or personnel would be needed to support this increase.

This is an on-going increase. Additional increase in other accounts shouldn't be necessary for this supplemental request.

Does the proposed increase affect workload for any administrative or internal service agencies (e.g., IT, Finance, HR, Fleet)?

No

Describe why the proposed increase is critical.

As described in the OCA budget memo, the attorney workload has increased dramatically in the last five years due to various circumstances. Contracts for computer software programs and other IT initiatives are becoming more numerous and complex, which in turn need additional legal review and scrutiny. In 2017, the OCA reviewed 21 requests for new software pursuant to the requirements of APM 3-20. That number has steadily increased and is on pace to reach 65 requests in 2022, an increase of over 200%. Lawsuits challenging property tax assessments have increased by more than 25% since 2019. Zoning and land use lawsuits have increased with the growth of the City and development of land. Complex TIF proposals and projects continue to require significant negotiation support and document drafting and review. Similarly, the CARES program and focus on improving mental health services has added substantial work for the OCA. Currently, the Fire Department is funding a full-time LTE attorney position to research and assist in the development of seven separate emergency mental health initiatives. As a result, the OCA is already operating with an additional full-time Attorney position, albeit on a limited term basis.

Save/Submit

Ver.5 07/2022

# 2023 Operating Budget

## Service Budget Proposal

**PART 1: IDENTIFYING INFORMATION**

SELECT YOUR AGENCY:

Attorney

SELECT YOUR AGENCY'S SERVICE:

Legislative Services

SERVICE NUMBER:

112

SERVICE DESCRIPTION:

This service ensures that Madison ordinances accurately express Mayoral and Common Council policies, ensures public access to ordinances, advises City officials on legal issues with existing or proposed legislation, and provides parliamentary and procedural advice to the Common Council and other City bodies. The goal of this service is to reduce the City's risk of legal liabilities and improve accessibility to online ordinances.

Are any updates required for the "Service Description"?

No.

Activities performed by this Service

Activity	% of Effort	Description
Write and review ordinance amendments	50	Work with City agencies regarding drafting ordinance amendments.
Maintain Madison Code of Ordinances	5	Send adopted ordinances to Municode for codification.
Data Entry in Legistar (ordinances, resolutions, agendas, minutes)	30	Enter Legislative data into Legistar for Common Council and/or Committee approval
Procedure (Robert's Rules, Committee Rules, etc.)	10	Train City officials and staff on Robert's Rules, open government laws and ethics code
Research and Analysis	5	Research Ordinance History and Drafter's Analysis

Insert item

Citywide Element

<https://imaginemadisonwi.com/document/comprehensive-plan-adopted>

Effective Government

Describe how this service advances the Citywide Element:

Making sure City staff and official are trained properly on how to properly conduct a governmental body meeting. Send updated ordinance to Municode in a timely fashion so private citizens and City staff can find and research the most recent City ordinances.

**Part 2: Base Budget Proposal**

**BUDGET INFORMATION**

	2020 Actual	2021 Adopted	2021 Actual	2022 Adopted	2023 C2C	2023 Request
<i>Budget by Fund</i>						
General-Net	\$123,608	\$153,280	\$121,628	\$143,709	\$121,404	\$121,404
Other-Expenditures	\$0	\$0	\$0	\$0	\$0	23

<b>Total</b>	\$123,608	\$153,280	\$121,628	\$143,709	\$121,404	\$121,404
<b>Budget by Major</b>						
Revenue	\$0	\$0	\$0	\$0	\$0	
Personnel	\$97,010	\$122,730	\$100,833	\$114,273	\$93,522	\$93,522
Non-Personnel	\$24,088	\$28,320	\$18,565	\$27,206	\$27,206	\$27,206
Agency Billings	\$2,509	\$2,230	\$2,230	\$2,230	\$676	\$676
<b>Total</b>	\$123,607	\$153,280	\$121,628	\$143,709	\$121,404	\$121,404

### Part 3: Service Budget Changes

**General Fund agencies may propose changes that are net neutral to their budget. Non-general fund supported agencies may propose changes that they can support with revenue.**

#### Proposed Changes

Fund	Major	Org	Object	\$ Change	Description
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>TOTAL</b>				\$0.00	

Insert item

What are the service level impacts of the proposed funding changes?

There are no changes to the Attorney's base budget.

Explain the assumptions behind the changes.

n/a

What is the justification behind the proposed change?

n/a

Are you proposing any personnel allocation changes?

No

### Part 4: Racial Equity and Social Justice

**We are continuing our efforts to articulate and prioritize racial equity and social justice in the City's budget and operations. Prioritize equity over equality. "Equity" is often conflated with the term "equality" (meaning sameness). Equity implies that an individual may need to experience or receive something different (not equal) in order to achieve fairness and access.**

**We encourage you to focus on how this service impacts marginalized populations and addresses the greatest needs, instead of discussing how the service will benefit everyone equally.**

1. What specific inequities does this service intend to address? How and for whom?

The Office of the City Attorney primarily serves internal City clients and customers and does not directly represent members of the public. The budget reduction proposal to decrease printed copies of Madison General Ordinances and standard forms reflects greater use of electronic ordinances and forms. This benefits City agencies and staff as well as many City residents who can access such materials online but it may adversely impact those who rely on paper forms or do not have access to a computer. The customers of libraries, building inspection, police, and Public Health Madison Dane County are City agencies that may be affected by this continuing increased reliance on electronic documents and reduction in paper forms and ordinances, although we do not have specific information or data that indicates an impact on BIPOC or marginalized populations. Paper copies of the Madison General Ordinances continue to be available at the Madison Public Libraries for those who do not have access to computers. The Attorney's Office will continue to have open communication with all City agencies regarding any impacts on our service going forward.

2. What data helped shape your proposal? Data includes qualitative and quantitative information such as community input, demographics, qualified census tracts, environmental justice areas, and other sources. Additionally, include specific recommendations from a Racial Equity and Social Justice Analysis, if available.

No relevant data is available pertaining to the elimination of printed copies of ordinances and standard forms.

3. Is the proposed budget or budget change related to a recommendation from a Neighborhood Resource Team (NRT)? If yes, please identify the NRT and recommendation. Be as specific as possible.

No.

**Part 5: Proposed Budget Reduction**

**Agencies are asked to provide a 1% reduction to their general, library, and internal service (e.g. fleet) fund budgets to address the City's structural deficit.**

**Enterprise Agencies: Enterprise agencies are not required to propose reductions, as long as there are sufficient revenues to cover proposed expenses. Enterprise agencies may skip this section and move to Part 6.**

What is 1% of the agency's net budget (general, library, and fleet funds only)? \$30,396

What is the proposed reduction to this service's budget? \$4,611

Explain how you would change the activities and the level of service as a result of implementing the funding decrease to this service. List changes by service activity identified above. Add a separate line for each reduction.

If you are proposing revenue increases or other types of changes to meet your net budget reduction, contact your budget analyst to discuss how to enter the information in the form.

Activity	\$Amount	Description
11200-53120 Copy Print	\$2,611	Reduce Copy/Print account from \$5,611 to 3,000.
11200-53110 Office Supplies	\$1,000	Reduce Office Supplies from \$3,611 to \$2,611
11200-53140 Hardware Supplies	\$1,000	Reduce Computer Hardware Supplies from \$3,000 to \$2,000
<b>Total</b>	\$4,611	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding decrease to this service.

Name	\$ Amount	Description
Personnel		
Non-Personnel	\$4,611	Reduce Copy/Print, Office and Hardware Supplies account.
Agency Billings		
<b>Total</b>	\$4,611	

Is the City mandated to perform the activities of this service? If so, explain the mandate and mandated service level. If not, are there other local organizations also involved in performing these activities?

No.

Has this reduction been proposed in prior years? Yes

Does the proposed reduction result in eliminating permanent positions? No

Does the proposed reduction impact other agencies (e.g. administrative or internal service agencies such as IT, Finance, HR, Fleet)?

No

Describe why the proposed reduction was chosen.

This is identified as a part of the only solution to make our budget reduction without reducing staff hours.

Explain the impacts of the proposed reduction on the end user of the service. How can impacts of this reduction be mitigated?

**Part 6: Optional Supplemental Request**

**Town of Madison: Agencies requesting additional funding for Town of Madison (ToM) services should enter funding requests below. Enter ToM requests in the most relevant service. You can enter multiple rows for ToM activities as needed. Include "Town of Madison" or "ToM" in the activity name.**

**Supplemental Request: Agencies may submit one (1) supplemental request in their 2023 budget request. Please include the request in the most relevant service. Requests should only be submitted if agencies identify a critical need. Agencies should first consider reallocating base resources within and among services before proposing budget increases.**

What is the proposed funding increase? Explain how you would change the activities and the level of service as a result of implementing the funding increase to this service. List changes by service activity identified above.

Activity	\$Amount	Description
11200-511100 Permanent Wages	19000	Add a new full-time Assistant City Attorney position to be funded among 3 services 40% Ordinance Enforcement, 20% Legislative services and 40% Legal Counseling and Representation..
<b>Total</b>	19,000	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding increase to this service.

Name	\$Amount	Description
Personnel	19,000	Add a new full-time Assistant City Attorney position to be funded among 3 services 40% Ordinance Enforcement, 20%
Non-Personnel		
Agency Billings		
<b>Total</b>	19,000	

How will this increase be funded (e.g., General Fund, Library Fund, Capital Fund, Enterprise Fund, Grant Fund, etc.)? Please list the most applicable funding source(s). Follow up with your budget analyst if you are uncertain.

General Fund.

What are the implications of this service increase over the next five years? Identify if this increase is ongoing and if additional increases to funding or personnel would be needed to support this increase.

This increase is on-going. No additional increases to other accounts will be needed for this supplemental request.

Does the proposed increase affect workload for any administrative or internal service agencies (e.g., IT, Finance, HR, Fleet)?

No

Describe why the proposed increase is critical.

The Attorney's office has not added an Assistant City Attorney position since 1999. The need for Legislative Services including Ordinance drafting has increased steadily over the years with increased population and geographic growth. The frequent turnover of Alders and City staff requires the Attorney's office to constantly respond to inquiries regarding topics such as parliamentary procedure and the City's legislative process.





# 2023 Operating Budget

## Service Budget Proposal

**PART 1: IDENTIFYING INFORMATION**

SELECT YOUR AGENCY:

Attorney ▼

SELECT YOUR AGENCY'S SERVICE:

Ordinance Enforcement ▼

SERVICE NUMBER:

111

SERVICE DESCRIPTION:

This service seeks to improve the quality of life for residents by helping enforcement agencies deter conduct that is dangerous or interferes with public health and welfare. Specific functions of this service include (1) prosecuting civil enforcement actions, including nuisance and injunctive actions, (2) providing advice and training to enforcement staff, (3) researching legal issues raised by new enforcement techniques, (4) reviewing recent case law developments and changes in state law, (5) identifying legal solutions to enforcement problems and drafting appropriate ordinance amendments, and (6) conducting appellate proceedings. The goal of this service is to reduce the City's risk of legal liabilities and to maintain City services.

Are any updates required for the "Service Description"?

No

Activities performed by this Service

Activity	% of Effort	Description
Prosecute violations of City Laws and enforce ordinances	80	Advise Alcohol License Review Committee; appear in municipal and circuit courts regarding alcohol related matters. Attend to all aspects of prosecuting City of Madison Ordinance violations in Municipal and Circuit Courts.
Diversion Programs	20	Appear in Homeless and Juvenile courts; attend meetings regarding these programs

Insert item

Citywide Element

<https://imaginemadisonwi.com/document/comprehensive-plan-adopted>

Health and Safety ▼

Describe how this service advances the Citywide Element:

Continue effective relations with the police department, public health and other enforcement agencies to efficiently prosecute the laws and ordinances of the City of Madison.

**Part 2: Base Budget Proposal**

**BUDGET INFORMATION**

	2020 Actual	2021 Adopted	2021 Actual	2022 Adopted	2023 C2C	2023 Request
<i>Budget by Fund</i>						
General-Net	\$912,622	\$903,763	\$864,757	\$935,976	\$980,549	\$980,549
Other-Expenditures	\$0	\$0	\$0	\$0	\$0	
<b>Total</b>	<b>\$912,622</b>	<b>\$903,763</b>	<b>\$864,757</b>	<b>\$935,976</b>	<b>\$980,549</b>	<b>\$980,549</b>
<i>Budget by Major</i>						
Revenue	(\$118,060)	\$0	(\$3,097)	\$0	\$0	

Personnel	\$982,057	\$833,055	\$823,516	\$870,741	\$917,636	\$917,636
Non-Personnel	\$46,116	\$68,478	\$42,109	\$63,005	\$62,216	\$62,216
Agency Billings	\$2,509	\$2,230	\$2,230	\$2,230	\$697	\$697
<b>Total</b>	<b>\$912,622</b>	<b>\$903,763</b>	<b>\$864,758</b>	<b>\$935,976</b>	<b>\$980,549</b>	<b>\$980,549</b>

### Part 3: Service Budget Changes

**General Fund agencies may propose changes that are net neutral to their budget. Non-general fund supported agencies may propose changes that they can support with revenue.**

#### Proposed Changes

Fund	Major	Org	Object	\$ Change	Description
<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	
<b>TOTAL</b>				\$0.00	

Insert item

What are the service level impacts of the proposed funding changes?

The Attorney's Office is not proposing changes to the base budget.

Explain the assumptions behind the changes.

n/a

What is the justification behind the proposed change?

n/a

Are you proposing any personnel allocation changes?

No

### Part 4: Racial Equity and Social Justice

**We are continuing our efforts to articulate and prioritize racial equity and social justice in the City's budget and operations. Prioritize equity over equality. "Equity" is often conflated with the term "equality" (meaning sameness). Equity implies that an individual may need to experience or receive something different (not equal) in order to achieve fairness and access.**

**We encourage you to focus on how this service impacts marginalized populations and addresses the greatest needs, instead of discussing how the service will benefit everyone equally.**

1. What specific inequities does this service intend to address? How and for whom?

The Office of the City Attorney primarily serves internal City clients and customers and does not directly represent members of the public. The proposed budget reduction for 2023 to eliminate the summer prosecution intern program and reduce hourly wages will reduce our agency's ability to work with the summer law clerks and interns such as the prosecution intern program at the University of Wisconsin Law School and the Public Interest Clerkship Program. These are long standing programs which are geared to give law students experience in a law setting to further their education but the use of these students also assists the OCA's prosecution staff and other attorneys with research, drafting court documents, memos to Alders as well as other legal tasks. The agency intends to preserve sufficient funding to continue participation in the summer Diversity Clerkship Program.

2. What data helped shape your proposal? Data includes qualitative and quantitative information such as community input, demographics, qualified census tracts, environmental justice areas, and other sources. Additionally, include specific recommendations from a Racial Equity and Social Justice Analysis, if available.

Following budget reductions in recent years, the OCA is limited in finding options for reducing budget expenditures. Eliminating two of our three summer paid clerkships represent half of the agency's required budget reduction. These reductions are necessary to preserve agency core functions and necessary support to existing staff.

3. Is the proposed budget or budget change related to a recommendation from a Neighborhood Resource Team (NRT)? If yes, please identify the NRT and recommendation. Be as specific as possible.

No.

**Part 5: Proposed Budget Reduction**

**Agencies are asked to provide a 1% reduction to their general, library, and internal service (e.g. fleet) fund budgets to address the City's structural deficit.**

**Enterprise Agencies: Enterprise agencies are not required to propose reductions, as long as there are sufficient revenues to cover proposed expenses. Enterprise agencies may skip this section and move to Part 6.**

What is 1% of the agency's net budget (general, library, and fleet funds only)?

What is the proposed reduction to this service's budget?

Explain how you would change the activities and the level of service as a result of implementing the funding decrease to this service. List changes by service activity identified above. Add a separate line for each reduction.

If you are proposing revenue increases or other types of changes to meet your net budget reduction, contact your budget analyst to discuss how to enter the information in the form.

Activity	\$Amount	Description
11100-54655 PRINT SERV	\$1,344.0	Eliminate PRINT SERV account.  This account was used for old hard copy Municipal Court forms. We have now gone to electronic files and forms and do not have a need for these forms and line item in the budget.
11100-54810 OTHER EXP	\$3,000	Summer prosecution intern is paid out of this line item. Propose to eliminate this long-standing program with UW Madison prosecution intern program.  Reducing hourly wages to 5,000 will force our agency to eliminate one of our long-standing summer law clerk programs (Public Interest Program through Marquette or UW Madison Law School). Attorneys and support staff will need to absorb the duties if this account is. The OCA will continue its recently-initiated participation in unpaid internships during the school year.
11100-51210	\$5,927	Reduce hourly wages from \$10,927 to \$5,000.
<b>Total</b>	<b>\$10,271</b>	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding decrease to this service.

Name	\$ Amount	Description
Personnel	\$8,927.0	Reduce hourly wages and eliminate summer prosecution intern program.
Non-Personnel	\$1,344	Eliminate Print/Serve account used to pay for old Municipal Court forms.
Agency Billings		
<b>Total</b>	<b>\$10,271</b>	

Is the City mandated to perform the activities of this service? If so, explain the mandate and mandated service level. If not, are there other local organizations also involved in performing these activities?

No.

Has this reduction been proposed in prior years?

Does the proposed reduction result in eliminating permanent positions?

Does the proposed reduction impact other agencies (e.g. administrative or internal service agencies such as IT, Finance, HR, Fleet)?

No

Describe why the proposed reduction was chosen.

Since the majority of our agency budget is salary and benefits of permanent full-time staff, this reduction was the only means of achieving a 1% reduction without reducing permanent staff hours.

Explain the impacts of the proposed reduction on the end user of the service. How can impacts of this reduction be mitigated?

Attorneys and support staff will need to take on the duties/responsibility routinely performed by the summer law clerks and prosecution intern.

**Part 6: Optional Supplemental Request**

**Town of Madison: Agencies requesting additional funding for Town of Madison (ToM) services should enter funding requests below. Enter ToM requests in the most relevant service. You can enter multiple rows for ToM activities as needed. Include "Town of Madison" or "ToM" in the activity name.**

**Supplemental Request: Agencies may submit one (1) supplemental request in their 2023 budget request. Please include the request in the most relevant service. Requests should only be submitted if agencies identify a critical need. Agencies should first consider reallocating base resources within and among services before proposing budget increases.**

What is the proposed funding increase? Explain how you would change the activities and the level of service as a result of implementing the funding increase to this service. List changes by service activity identified above.

Activity	\$Amount	Description
(TOM) 11100-51110 Permanent Wages	10000	The Town of Madison annexation with increased population and business entities will increase the workload of the Attorney's office. Our agency is expecting an increase in ordinance violation citations including the usual traffic related matters, as well as health, building and fire code legal issues. Other increases in taxation appeals, zoning issues and lawsuits are also anticipated
11100-51110 Permanent Wages	38000	Add 1 new full-time Assistant City Attorney position to be funded among three services – 40% Ordinance Enforcement, 20% Legislative and 40% Legal Counseling and Representation.
<b>Total</b>	<b>48,000</b>	

Insert item

Explain the changes by major expenditure category that your agency would implement as a result of the funding increase to this service.

Name	\$Amount	Description
Personnel	48,000	Increase current 75% Assistant City Attorney position to 100%. Add one new full-time Assistant City Attorney positio
Non-Personnel		
Agency Billings		
<b>Total</b>	<b>48,000</b>	

How will this increase be funded (e.g., General Fund, Library Fund, Capital Fund, Enterprise Fund, Grant Fund, etc.)? Please list the most applicable funding source(s). Follow up with your budget analyst if you are uncertain.

General Fund.

What are the implications of this service increase over the next five years? Identify if this increase is ongoing and if additional increases to funding or personnel would be needed to support this increase.

This increase is on-going. There shouldn't be a need for other accounts to be increased to support this supplemental request.

Does the proposed increase affect workload for any administrative or internal service agencies (e.g., IT, Finance, HR, Fleet)?

No

Describe why the proposed increase is critical.

As stated in the OCA Budget Memo, the Prosecution Team's workload has increased dramatically over time for the following reasons: A 2020 change in state law regarding operating while intoxicated cases has resulted in a significant increase in jury trials in Circuit Court rather than bench trials in municipal court. On average, prosecutors spend 30 hours preparing for and conducting a jury trial as compared to 7 hours for court trials. The number of Circuit Court OWI cases handled by prosecutors rose from 7 in 2019 to 27 in 2021, and we are on pace to reach over 30 cases this year. The strategy to request jury trials appears to be a permanent trend among defense attorneys. Based on this data, prosecutors will dedicate approximately 530 more hours to OWI jury trials in 2022 than in 2019.

The Municipal Court and OCA's effort to offer phone and virtual options for pre-trial conferences and trials has prioritized equity and accessibility which has led to expanded Court hours. Prior to 2020, prosecutors spent 10 hours per week staffing court hours, not including trials. The current Court schedules and increased convenience of appearing in Court requires approximately 31 additional hours per week of staffing, excluding trials, and to complete paperwork outside of the Court sessions.

Save/Submit

Ver.5 07/2022