

The background features a large, faint, light-yellow seal of the City of Annapolis. The seal is arched at the top and contains a crown above a shield. The shield depicts a green leafy branch with a red flower and a purple flower. The words "CITY OF" are arched above the shield, and "ANNAPOLIS" is written in a straight line below it.

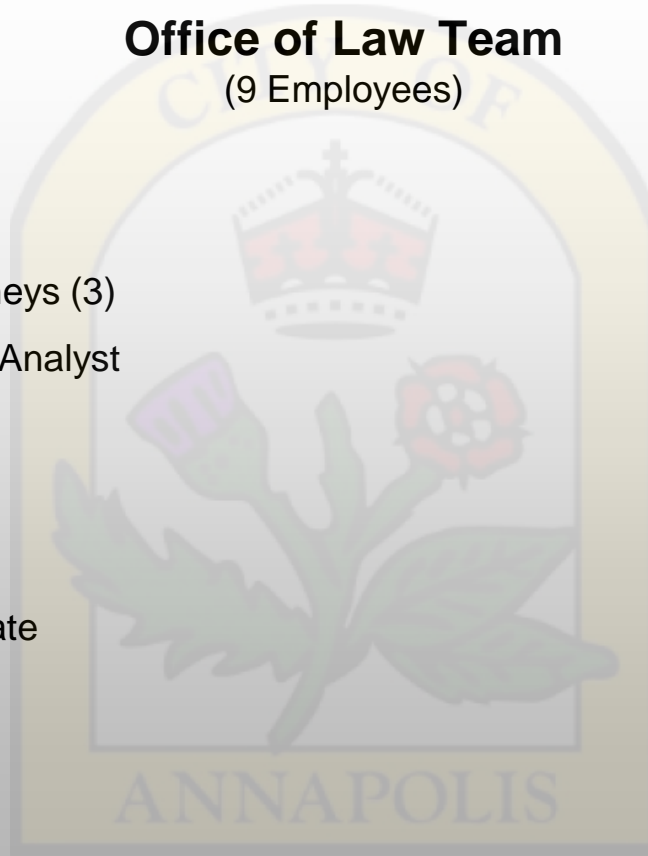
# Office of Law Budget

FY 2023

## **Office of Law Team**

(9 Employees)

- City Attorney
- Assistant City Attorneys (3)
- Legislative & Policy Analyst
- Legal Assistant
- City Clerk
- Deputy City Clerk
- City Council Associate



# FY 2022 Highlights

## Litigation Accomplishments

Case Name	Case Type	Demand	Payment	FY'22 Savings to COA	Result
COA v. SRPA	State alleged over \$750,000 due for unpaid pension benefits	\$750,000	\$144,839	\$605,161	Settlement
Dennis v. COA	Negligence	\$75,000	\$20,000	\$55,000	Settlement
Rogers v. Adornetto	Negligence	\$75,000	\$0	\$75,000	Defense Verdict
Bailey v. COA	Negligence	\$750,000	\$0	\$750,000	Pending Retrial
Dock Street v. COA	Violation of EO-26-21 / Recovery Zone	\$20,000	\$0	\$20,000	Won Dismissal
Kelsey v. COA	COA issued check w/NSF	\$700	\$345	\$355	Paid Damages
Spearman v. COA	Discrimination	\$100,000	\$0	\$100,000	No offer
Bozarth v. COA	Trip and fall	\$750,000	\$0	\$750,000	No offer
Hager vs. COA	Biker accident	\$100,000	\$0	\$100,000	No offer
Milone vs. COA	Sewer backed up in house	\$50,000	\$0	\$50,000	No offer
Boehles vs. COA	Trip and Fall in parking lot	\$20,000	\$0	\$20,000	No offer
Fisher Estate v. COA	Wrongful death from failure to inspect	\$1,000,000	\$0	\$1,000,000	No offer
Johnson, et al. v. COA	Class Action	\$2,000,000	\$0	\$2,000,000	No offer
		<b>Total Demands</b> <b>\$5,690,700</b>	<b>Total Payments</b> <b>\$165,184</b>	<b>Total Savings</b> <b>\$5,525,376</b>	<b>Success Rate</b> <b>97.1 %</b>

## Office of Law Accomplishments Since July 1, 2021

### Legal Advice and Legal Defense:

- Successfully defended the City and won a directed verdict in *Bozarth v. COA* at Circuit Court, where Plaintiff demanded \$800,000 in damages.
- Summary judgment awarded in the City's favor in *Rogers v. Adornetto*.
- Successfully prosecuted the City's Appeal of the State Pension and Retirement Agency's demand for \$750,000 in alleged back taxes and penalties owed for contractual employees and settled the matter for \$144,000, saving the City over \$600,000 in damages.
- Successfully settled *Dennis v. COA* for \$20,000, saving the City over \$100,000.
- Successfully assisted APD and City's implementation team on police reform policies at the APD level and legislation coordination at the County level to adhere to State deadlines for implementation of the Maryland Police Accountability Act of 2021 – (in process).
- Successfully drafted 9 policies/revisions of policies and 1 Executive Order related to COVID 19.
- Successfully defended the City's mail-in election process against a lawsuit for TRO and Preliminary Injunction by Gallagher and McMillan at the Circuit Court and on appeal to the Court of Special Appeals, and a denial by the Court of Appeal for review.
- Successfully defended the City in a challenge to the City's mail-in voting.

*Continued...*

## **Office of Law Accomplishments, con't.**

- Successfully defended the City in a challenge to end the Recovery Zones.
- Provided top-notch legal support to Labor Negotiation Team – (in process) TBD May/June 2022.
- Successfully defended 2 challenges to Board of Appeal Decisions in Circuit Court.

### **Legal Transactions Completed:**

- Reviewed 49 P&Z permit documents
- Legal Review and preparation of 30 intergovernmental documents
- Legal Review of 42 procurements
- Reviewed 11 leases for legal sufficiency
- Legal Reviewed 32 community development documents
- Legal Drafted 35 City grants to third parties
- Legal sufficiency review of 4 finance/bond documents
- Legal research and processing of 42 MPIA requests
- Successfully prepared and finalized 109 employment and independent contractor agreements
- Successfully completed the Burtis House and Dock Transfer from State to City
- Provided legal support to closing the City Dock Public Private Partnership Agreements

## Office of Law Accomplishments, con't.

### City Clerk and Legal Administration:

- Processed 153 municipal infraction citations to AA District Court
- Successfully processed over 100 municipal infractions related to HACA violations
- Managed and executed a successful election featuring mail-in ballots, ballot drop boxes with no errors or complaints, on time and well under budget
- Successfully processed all Alcoholic Beverage License applications, resulting in revenue of approximately \$474,300 in 2021
- Assisted in getting Alcoholic Beverage License applications adapted to a new fully-automated website process
- Produced 1 Charter Amendment
- Produced 59 Ordinances
- Produced 55 Resolutions
- Produced 24 City Council Agendas

## Worker's Compensation Accomplishments

- 4/1/20 to present – 41.5% of indemnity payments made were for full and final settlements.
- 27 claim closures from 4/1/20 to present via full and final settlement (no future exposure).
- No open claims exceeding the self-insured retention level of commercial excess coverage.
- Yearly Stewardship Report with detailed financial and injury data categorized by department and injury type.

## **FY 2022 Goals**

- Successfully represent the City and its officials and employees in court and before other quasi-judicial tribunals
- Provide timely legal advice and counsel to Agencies and City Officials
- Prepare legally-sufficient, well-drafted and error-free legislation in accordance with Maryland Legislative Drafting Manual
- Properly prepare and maintain legal, legislative and election records and documents in a variety of formats for public use and historic purposes
- Provide on-time staff support and well-reasoned legal counsel to all City boards, commissions and standing committees of the City Council
- Staff and manage a trusted problem-free, City-wide election in 2021
- Respond timely to public information requests



## Goal 1

Successfully represent the City and its officials and employees in court and before other quasi-judicial tribunals

### Objectives:

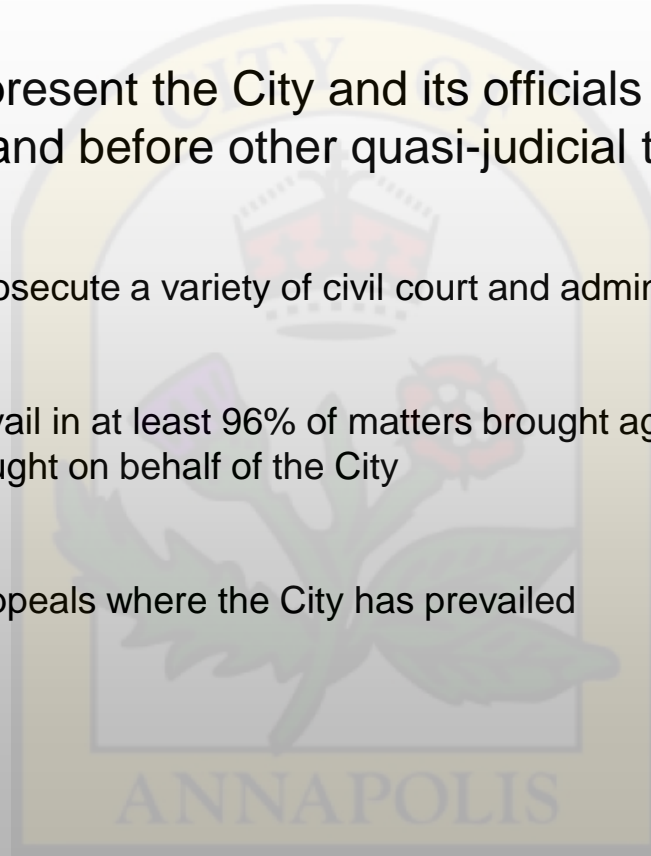
- Successfully defend and prosecute a variety of civil court and administrative actions and appeals

### Benchmarks:

- The Office of Law shall prevail in at least 96% of matters brought against the City and at least 96% of municipal infractions brought on behalf of the City

### Performance Measure:

- Percentage of cases and appeals where the City has prevailed



## Goal 2

Provide timely legal advice and counsel to Agencies and City Officials

### Objectives:

- Respond within 48 hours to requests for legal opinions
- Provide well-reasoned and researched legal memoranda and opinions to elected officials, City departments and agencies within two weeks of any request

### Benchmarks:

- 100% initial responses within 48 hours
- 100% completion within two weeks

### Performance Measures:

- Average number of hours it takes to respond to initial request for service - - 24 hours
- Average number of days it takes for staff attorneys to respond with final product - - 2 weeks

## Goal 3

Prepare legally-sufficient, well-drafted and error-free legislation in accordance with Maryland Legislative Drafting Manual

### Objectives:

- Prepare legally-sufficient and error-free legislation upon request within 30 days

### Benchmarks:

- 100% of legislative requests shall be legally sufficient, error-free and drafted within the standards of the Maryland Drafting Manual within 30 days

### Performance Measures:

- All legislative requests fulfilled error-free and legally sufficient within 30 days - - 100%

## Goal 4

Properly prepare and maintain legal, legislative and election records and documents in a variety of formats for public use and historic purposes

### Objectives:

- Prepare, record and publish City legal and legislative documents and materials without errors and in easily-recalled format for both internal and external use

### Benchmarks:

- 100% of legal, legislative and City Council standing committee action recorded, published and preserved without error for public information and dissemination

### Performance Measures:

- Percentage of records and materials published without error - - 98%

## Goal 5

Provide on-time staff support and well-reasoned legal counsel to all City boards, commissions and standing committees of the City Council

### Objectives:

- Staff or provide legal counsel at all meetings of Boards and Commissions, City Council and Standing Committees as required or requested

### Benchmarks:

- Staff and attorney attendance at 100% meetings of City Board, Commissions and Council meetings

### Performance Measures:

- Number of meetings where staff and counsel were not present if requested or required - - 0

## Goal 6

Staff and manage a trusted problem-free, City-wide election in 2021

### Objectives:

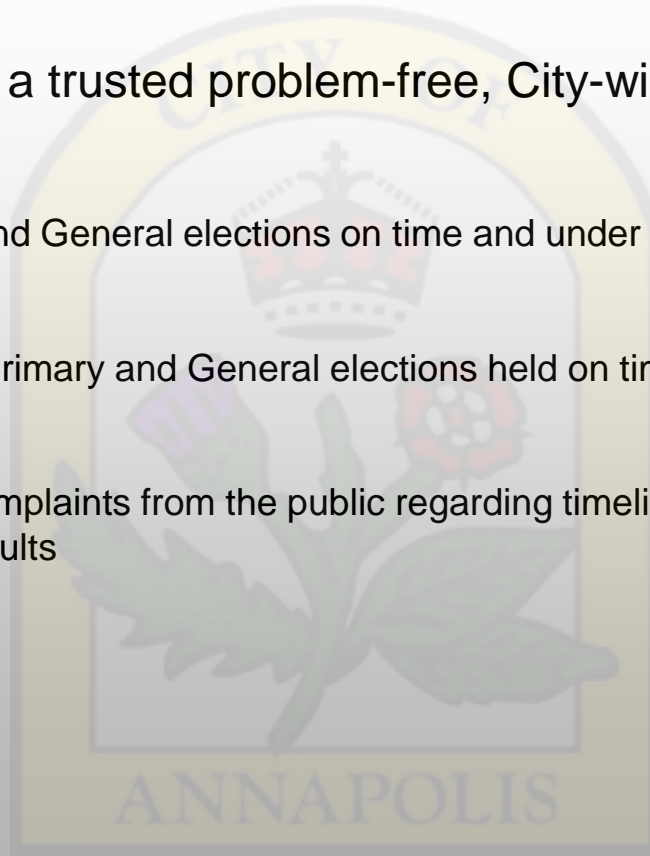
- Conduct error-free Primary and General elections on time and under budget

### Benchmarks:

- Fully-staffed and resourced Primary and General elections held on time and under budget

### Performance Measures:

- Error-free election with no complaints from the public regarding timeliness of election site operations and publishing of election results



## Goal 7

### Respond timely to public information requests

#### Objectives:

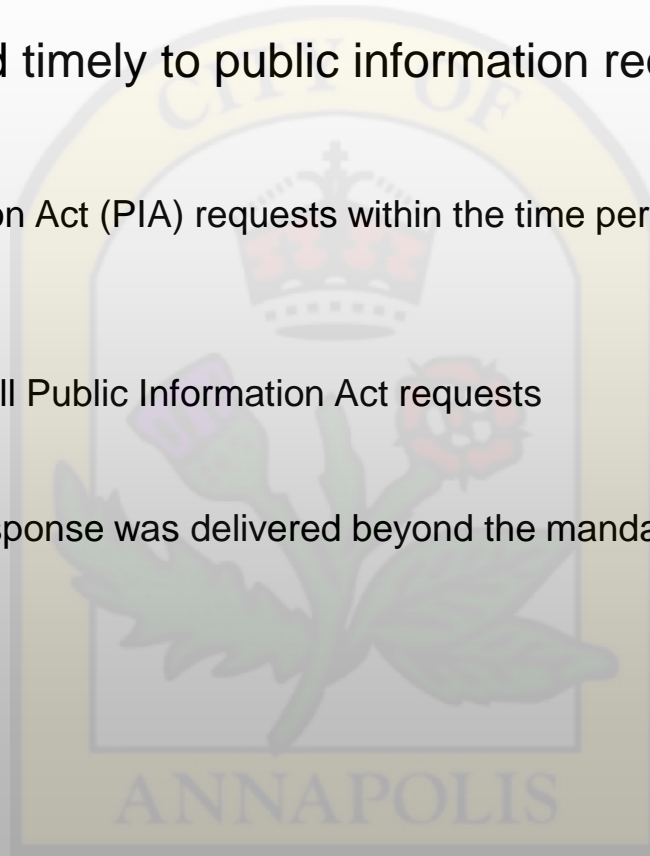
- Process all Public Information Act (PIA) requests within the time period mandated by City Code and State law

#### Benchmarks:

- 100% on-time response to all Public Information Act requests

#### Performance Measures:

- Average number of days response was delivered beyond the mandated time period



## **FY 2024 - FY 2027 Long-Term Goals**

1. Internally unify the several distinct functions within the Office of Law so as to be a seamless, trusted resource for City leadership requests for legal advice and counsel across a wide array of legal issues.
2. Eliminate inconsistencies, lack of clarity, grammatical errors and produce a City Code that is more robustly enforceable and reflective of the will of the City Council. Participate and provide legal support to Charter Commission activities.
3. Reduce the amount of litigation the City is involved in and reduce the number of contracted attorneys hired by the City to act on its behalf, transitioning work back to appropriately-trained staff attorneys.
4. Ensure that all records and documents of City Council and department activities are maintained, available and accessible to citizens using the most up-to-date, automated, web-based methods.
5. Maintain legal and executive support to City Council Standing Committees, Boards and Commissions, either through staff attorneys or contracted conflict counsel as necessary.
6. Provide more safe and reliable polling locations and voting apparati for the convenience of voters.



## FY22 Performance Measures

- **What performance measures were most successfully completed ?**
  1. Successfully represent the City and its officials and employees in court and in other quasi-judicial and administrative proceedings.
  2. Provide legal counsel and executive staff support to various City boards and commissions as well as standing committees of the City Council.
  3. Provide timely legal advice and counsel to City Officials and Agencies.
  4. Prepare legally supportable legislation.
  5. Respond timely to Public Information Act requests
  6. Staff and manage a trusted, problem-free City-wide election in 2021.
  7. Prepare and provide safe custody of all legislative records and documents in hard-copy and in cloud-based storage and review applications.
- **What performance measures were least successfully completed ?**

(N/A)

## Summary of Budget Requests

Expand All	FY 2021 Actuals	FY 2022 Original Budget	FY 2022 Adjusted Budget	FY 2022 Projected	FY 2023 Proposed
▶ Salaries and benefits	\$ 1,154,116	\$ 1,352,100	\$ 1,352,100	\$ 1,292,544	\$ 1,503,000
▶ Contractual Services	176,531	148,200	136,900	198,200	136,300
▶ Supplies and Other	39,693	54,600	65,900	58,600	53,900
▶ Capital Outlay	0	0	0	1,944	0
Total	\$ 1,370,339	\$ 1,554,900	\$ 1,554,900	\$ 1,551,288	\$ 1,693,200

# Changes from FY 2022

## Legal Services

- Increased training and education opportunities for employees in order to reduce the expense of utilizing outside counsel for certain types of matters.
- Closely reviewed invoices submitted by outside counsel and requested clarification and/or reductions in some instances.

## Contract Services

- Decreased number of ads placed in The Capital newspaper for City Council events, thereby reducing overall expense
- Prepared legal documents in-house using new legal software in order to eliminate the additional cost of utilizing print services for organization of documents to the Court

## Dues & Memberships

- Includes memberships in ~ 15 different agencies, including state and local bar associations, municipal lawyer associations, state agencies, municipal clerk associations, notary publics, etc. for (9) department employees.

## **Changes from FY 2022, con't.**

### **Training & Education**

- Increased training and education opportunities for employees in order to reduce the expense of utilizing outside counsel for certain types of matters.
- Took advantage of additional web-based seminars offered by municipal agencies to its members.
- Reduced travel expenses for out-of-area training opportunities by using on-line webinar formats.
- Purchased specific legal publications for increased education opportunities.

### **Telephone**

- Increased expense for office staff cell phones due to COVID and working remotely.

## Enhancement Requests

- **The Office of Law is requesting an enhancement in FY'2023 in order to add an additional staff Attorney I.** The base figure for salary, benefits, insurance and appropriations for Dues/Memberships, Training & Education, Supplies and Telephone expenses totals approximately \$150,000.
- The Office of Law has been 97% successful with cases litigated in court. However, the number of matters handled by staff attorneys has increased exponentially, especially for such important task as: 1) preparing legal opinions and legislative drafts within 30 days have increased by approximately 50% year over year, 2) providing assistance to Departments responding to Public Information Act Requests within 10-30 days, 3) prosecuting municipal infractions- which have increased 100% and in-court appearances with more frequency, 4) two additional federal HACA cases have been filed along with the ongoing consent decree; and 5) detailed and time consuming effort related to handling police negligence and abuse cases relative to changes to the laws surrounding police accountability.
- Additionally, the affirmative climate change case in federal court along with renovation of the Hillman garage challenges the legal team in unforeseen ways because of the amount of time needed to stay engaged with outside counsel and to provide top-notch legal advice and legal oversight.
- The level of effort required to timely deliver excellent responses has increased in a major way and the addition of one additional staff lawyer to assist with litigation and some transactional matters will enable the Office of Law to continue to provide great legal advice, counsel and in-court representation for the foreseeable future.

## Enhancement Breakdown

Salary Range for **Attorney I** (\$ 90,358 – 152,322)

Salary Estimate	\$ 110,000
Benefits and Insurance (estimated 30%)	\$ 33,000
LAW Budget Adjustments – Supplies	\$ 955
LAW Budget Adjustments – Training & Education	\$ 2,250
LAW Budget Adjustments – Dues & Memberships	\$ 625
LAW Budget Adjustments – Telephone	\$ 600
<b>TOTAL FY'23 ENHANCEMENT</b>	<b>\$ 147,430 - \$ 150,000</b>

