

# City Council Work Session

May 1, 2006

5:30 PM

Community Center

## ATTENDANCE:

Mayor/Council (please check)    Tussing,    Ronquillo,    Gaghen,    Stevens,  
 Brewster,    Veis,    Ruegamer,    Boyer,    Ulledalen,    Jones,    Clark.

CONVENE TIME: 5:30 P.M.

ADJOURN TIME: 8:05 P.M.

## Agenda

TOPIC	PUBLIC COMMENT
PRESENTER	
<b>NOTES/OUTCOME</b>	
• There was no public comment.	
TOPIC #1	<b>City Administrator Selection – Brochure &amp; Towe Initiative</b>
PRESENTER	Bruce McCandless
<b>NOTES/OUTCOME</b>	

### Brochure:

- Deputy City Administrator Bruce McCandless said a revised draft of the recruitment brochure was not yet ready for tonight's review. The Mercer Group indicated that the brochure should be ready by tomorrow afternoon. Mr. McCandless said he can forward it to the Council at that time. The Council's comments will be incorporated and repetitiveness eliminated.
- Councilmember Veis said he spoke with Mr. Mercer last Friday and told him that if the document was not 95% ready, he should not forward for review tonight.
- Councilmember Boyer asked that the Towe Initiative be included on tonight's agenda. She noted there have been questions about whether the City Administrator selection process should go forward in light of the proposed initiative.
- Mayor Tussing said there is a potential that this initiative could affect recruiting efforts. He noted also the Council had been discussing whether this information should be included in the brochure.
- Councilmember Clark asked for clarification on the effects of the Towe Initiative IF it passed. He said he understood that if the initiative is on the ballot and passes, and if the Council hired an administrator before then, the administrator's job would end January 1<sup>st</sup>. Mayor Tussing confirmed that was also his understanding.
- Councilmember Gaghen said it is only fair to any applicant to let them know of the tentativeness

of the proposed initiative. Mayor Tussing said he did not think this issue should be included in the brochure because he did not want to “chill” the applicants. However, when the Council gets down to selecting the final group, these applicants need to be told of this possibility. Councilmember Gaghen disagreed with the timing. She said she was not sure this information needed to be included in the brochure, but it needed to be an addendum in some form. “It could well affect the numbers applying in the first place.”

- Councilmember Ruegamer noted that if caveat were to be included in the recruitment information, then a caveat stating the voters recently voted overwhelmingly to keep the city manager type of government. “If we are going to do the ‘bad’ side, we better do the ‘good’ side too.”
- Councilmember Veis said if this information was not included in the brochure, the Council is being “a little below board”. “I think it is better to be up front with folks because otherwise we are wasting their time and our time,” he stated.
- Councilmember Jones said he felt the information should be in there. “It will take one ‘Google’ to figure it out. We might as well as put it in there so they don’t wonder what else we are trying to hide from them,” he stated.
- Councilmember Stevens agreed with Councilmembers Gaghen, Veis and Jones. She said the brochure is basically asking for a person who is interested in the community and will make a professional commitment to stay for several years. “It’s about honesty and integrity and it needs to be up front,” she stated.
- Councilmember Ulledalen noted there is a window of about 90 days in which to collect signatures to place the initiative on the ballot, a hurdle that may “ease” this issue a little. He said that the information needs to be disclosed because it creates a huge liability for the city. He said the other concern he had was the idea that the initiative could void a standing contract. City Attorney Brent Brooks said his office has cautioned Mr. Towe on this matter. It is still an open question. While the city is a self-governing entity, the city is still bound to all the employment statutes in Montana. “One of the exceptions to the wrongful discharge employment act is if an employee is on a contract basis with the employer. There is still a question as to whether you could terminate a contract mid term without cause,” he stated. Councilmember Ulledalen asked if this would be a reason to seek an attorney general opinion for advice. Mr. Brooks said that was a possibility. But a conflict of interest arises then, because this initiative also deals with his position – city attorney. He said someone else outside of the City would need to request that opinion.
- Councilmember Boyer asked if this opinion would also include advice on the contract with the administrator. She asked if this has ever been tested in Montana. Mr. Brooks said a recent case in Butte-Silver Bow had some of the same issues, but not all of the issues. He said the safe way to approach the employment contract issue is to let the contract expire and then choose not to renew the contract.
- Councilmember Clark asked if the City Attorney’s contract was with the City. Mr. Brooks clarified that he did not have a contract and did not think any department head at this time had a contract.
- Councilmember Gaghen asked what spurred Tom Towe to introduce this initiative now. Assistant City Attorney Bonnie Sutherland said she did now know what triggered it at this time, but his intent was always to run it, but to choose the appropriate timing.
- Councilmember Stevens noted the Council was discussing the issues of terminating an employment contract midterm, but “how does the wrongful discharge act come in when you have an employee that you just arbitrarily fire or let go without good cause. Mr. Brooks said that issue has been heard in a few Butte-Silver Bow cases. He noted that Butte-Silver Bow an elected

executive. This individual decided to terminate a public works director and another department head, both of which had been there between 20 – 30 years. The executive was advised against the termination, but chose to proceed. The two employees sued and the case was settled for over \$1 million.

- Mayor Tussing asked for the Council's direction on whether to include this information in the brochure. Councilmember Gaghen said it was her preference not to have it in the brochure, but to include an addendum with the information. Councilmember Boyer suggested checking with Mr. Mercer to see what his recommendation would be and if he had experience with similar matters in other recruitments. She noted the Council's message is to proceed with the recruitment.
- Mr. McCandless said he could ask Mr. Mercer. He noted that Mr. Mercer will most likely indicate that he has an ethical responsibility to inform candidates with whom he is discussing the position with of this issue.
- Mayor Tussing reiterated that Mr. McCandless will talk to Mr. Mercer about how to communicate information on this issue to potential applicants. Mr. Mercer will also send the final draft of the brochure to Mr. McCandless to distribute to the Council for review.
- Councilmember Gaghen reminded the Council that if this search did not yield quality candidates and another search needed to be conducted, the brochure would not have to be redone if the initiative information were not included in the actual brochure but as an addendum to the brochure. Councilmember Jones agreed that the additional information should be an insert with the brochure. Councilmember Veis suggested including a paragraph in the brochure and if the brochure needed to be used again, this paragraph could be deleted at that time. He noted the brochure will be posted on the Mercer Group website and could be included on the City's website as well. Mr. Mercer will also send it to prospective candidates he knows of and the Council could do that as well. Councilmember Ruegamer said he agreed with Councilmember Jones. Councilmember Stevens said it is her preference to include the information in the brochure because that is the "full disclosure" document, primarily because of the web posting aspect.
- The Council decided to wait to see what Mr. Mercer's suggestion would be as to whether or not to include the information directly in the brochure or by some other method.

<b>TOPIC #2</b>	<b>Budget Work Sessions:</b> <ul style="list-style-type: none"> <li>▪ <b>Budget Overview</b></li> <li>▪ <b>General Fund &amp; Public Safety Fund Projections</b></li> <li>▪ <b>Administrative Support</b></li> <li>▪ <b>Legal</b></li> </ul>
<b>PRESENTERS</b>	<b>Tina Volek, Bruce McCandless, Brent Brooks</b>
<b>NOTES/OUTCOME</b>	
<b><u>Budget Overview</u></b> <ul style="list-style-type: none"> <li>• Interim City Administrator Tina Volek said the budget is the most important policy matter that the Council will decide in any year. It is both the allocation of scarce resources provided by the taxpayers and the determination of services that will be provided to those same residents. It has the most long-lasting effect of any decision the Council will have on the organization.</li> <li>• This year represents a return to "traditional" budget practices – for several reasons. (1) The Council has requested more information about the budget and (2) the Staff has been eager to show how the budget and the City operation (as a whole) interact. She noted the Council will over a subsequent several week period hear additional detailed presentations from department heads</li> </ul>	

about their operations and how the budget works with them. The public hearing will be held in June and adoption of the budget will be scheduled prior to July 1<sup>st</sup>, the beginning of the new budget year.

- Ms. Volek spoke on the budgetary basis of accounting. There are two types of fund types -- governmental funds and proprietary funds. Governmental fund types are accounted for on a modified accrual basis – also used for external financial accounting. Proprietary fund types are “budgeted” on a modified accrual basis, but full accrual account (which is used by most businesses) is used for external financial reporting. This is one reason that the budget and the CAFR will never be identical, or easy to track. The CAFR and the budget (both award winning documents) could be compared with additional calculation.
- The budget was also prepared on the basis of several other policies: the Capitalization Policy, the Investment Policy, the Capital Replacement Policy (including the CIP, ERP and TRP) and the Growth Policy. Several budget practices are incorporated into the proposed budget, including: (1) recommended reserve levels, (2) a balanced budget, (3) five-year projections for the General Fund and Public Safety Fund, and (4) vacancy savings.
- Ms. Volek reminded the Council about several types of reserve requirements, such as legal requirements for bond reserves, state mandates, and Council approved reserve recommendations. She said all of the practices incorporated into the budget preparation process have resulted in the GFOA’s Distinguished Budget Presentation Award for fourteen years.
- City wide, the City is projecting revenues in all funds to be \$191,784,156 and expenses in all funds to be \$201,160,319. The total revenue breakdown by category is as follows: 10% from debt proceeds, 12% from interfund transfers, 0% from donations or contributions, 1% from investment earnings, 1% from fines & forfeitures, 37% from charges for services, 14% from inter-governmental sources, 2% from licenses & permits, 10% from special assessments, 12 % from taxes and 1% from miscellaneous. This is about \$4.5 million less revenues from last year.
- The total expenditure breakdown by category is as follows: 6% for debt service, 26% for capital, 25% for operations & maintenance (O&M), 31% for personal services, and 12% for interfund transfers. Ms. Volek said expenditures are being reduced by approximately \$14 Million for FY2006-2007. She explained that was due in part to the completion of the Filter Building project, etc.
- Personal services are the largest expenditure. The major changes in the proposed budget include \$532,246 for non-bargaining salaries, \$68,641 for police salaries, \$890,787 for fire salaries (which includes the arbitration settlement of 3.125%, the 9.2% increase for one year and one time for hours worked, 6 new positions funded from the mill levy and step increases for firefighters still moving through the ranks), and \$578,023 for Teamsters’ salaries. She cautioned the Council that the projected personal services total of \$62,058,635 could be higher because negotiations are still under way with the police union.
- O&M is the next highest category at about \$50 million. The major changes include increases for fuel (\$557,650), utilities (\$666,454) and insurance (\$786,458). Councilmember Jones asked for additional details on the \$5.6 Million increase in O&M.
- Interfund transfers are not “real” expenditures noted Ms. Volek. An interfund transfer is a transfer between two City departments – booked as an expenditure in the department in which the transfer occurs and a revenue (and later expenditure) in the recipient department. The General Fund will transfer \$17.4 Million to the Public Safety Fund in this budget.
- The proposed budget also includes several major CIP projects and initiatives – including the new

fire station at 54<sup>th</sup> & Grand Ave. This project is expected to cost \$1.5 million, with construction to begin in January. A new water reservoir in Zone 4 is proposed, which will serve northwest Billings, the Rimrock area and Yellowstone Country Club area, at an estimated cost of \$5.7 Million. Also included are a new water pumping station on Highway 3 at \$1.8 Million, the Briarwood sewer project at \$4.3 Million, a city-wide PAVER program at \$1 Million, the Gateway Triangle project and the acquisition and construction for the widening of Grand Avenue at \$3.2 Million. Major equipment replacement includes: two new airport fire trucks at \$1.4 Million (which includes some federal grant funds), six new solid waste trucks and other equipment at \$1.1 Million, fire trucks and engine for the new fire station at \$879,000, a new bus and three vans for Transit at \$453,000; Utilities is replacing pickups at \$338,000, the Street/Traffic Dept is buying a new sweeper and dump truck at \$331,000, about 1/7 of the police fleet is being replaced (i.e. 10 cars) and three detective cars at \$309,700. Major “technology” replacement program projects include: mobile data transmission units for Transit at \$100,000 (which includes an 80/20 grant), new copiers (three for City Hall and one for the 4<sup>th</sup> Floor of the Library) and a new IT server at \$131,000 and a report storage and retrieval system for \$34,000. Several service improvements are also proposed: (1) the public safety levy will produce \$1.7 Million for the Fire Dept and \$194,000 next year for the Police Dept. The fire dept money will be used to add the west end station, which will require six additional firefighters and related equipment and supplies. (2) Police will add two positions including equipment, supplies and vehicles. (3) The forestry dept will be moved from the Parks Dept to Public Works – Streets. This is a no-cost change. The transfer was made a couple of years ago as an “experiment”. It has been determined that it is more efficient for the Street Dept to support the Forestry Dept in tree removal, etc. (4) The City is also acquiring a pipe slip-lining system and staffing it at \$493,000.

- Ms. Volek said several tax and fee changes are being proposed. (1) Water and wastewater rate increases approved last year will continue into a second year. (2) A fire hydrant rate increase of 39% is recommended. The last increase occurred in 1981. (3) Individual park maintenance and street light maintenance rate changes are also recommended.
- Ms. Volek spoke on the “supplemental budget requests” for the year. The General Fund and Public Safety Fund requests totaled \$4.4 Million; \$2.4 Million of them have been included in the proposed budget. \$2.05 Million of the recommended \$2.4 Million are from the public safety levy and will go to the Police and Fire Depts. Internal service funds requests were \$877,000, with \$877,000 recommended for inclusion. Other fund supplemental requests totaled \$2.74 Million, with \$2.71 Million recommended. Ms. Volek said three projects that were not included in the recommended budget because of budget constraints, but worthy of Council consideration are: (1) agenda automation software for \$40,000; (2) overtime for second police dispatcher; and (3) community center roof repairs and HVAC. She noted that if the Council decided to add items to the proposed budget, these would be three items she would recommend for consideration.
- Mayor Tussing noted that he did not see a recommendation for funding for enforcement of the fireworks ordinance. Ms. Volek said she was unaware of additional issues beyond the request for overtime costs as in the past. Fire Chief Marv Jochems said generally the police dept has incurred the overtime costs in regard to fireworks complaints. He said his dept has not budgeted for overtime costs related to enforcement of the fireworks ordinance. Mayor Tussing asked if the police dept is waiting for the Council to make a decision on the level of neighborhood enforcement of the fireworks ordinance and to budget for the level of enforcement. Ms. Volek said this issue has not been raised with administrative staff, but she will check into it and report back to the Council.

- Ms. Volek informed the Council that her direction to staff this year was for them to submit a “level” budget, i.e. no increases in their actual operating budgets and that any other increase be submitted by supplemental budget request. She said that 15.5 staff positions were included: (1) a deputy City Attorney, (2) a maintenance worker for the BOC, (3) six firefighters and two police officers, (4) a mechanic for Motorpool, (5) a supervisor for Solid Waste, (6) three maintenance/equipment operators for Utilities, and (7) changing a part-time administrative assistant position to full time in Human Resources. Councilmember Ruegamer asked if staff can be added without Council approval. Ms. Volek said while the Council does not approve staffing via the organization chart, the Council controls staffing via approval of the budget, i.e. additional staff must be proposed in the budget and approved by the Council.
- Councilmember Ruegamer noted that total revenues and expenditures do not balance. He asked how the difference will be handled. Moving to the General Fund and Public Safety Fund, Ms. Volek discussed the use of reserves. She said in 2004, \$2 Million in reserves were used to balance the budget; in 2005, \$1 Million was used; this year (2006) it was not necessary to utilize reserves. However in the 2007 budget, \$971,734 of reserves is proposed to be used to help fund the budget as proposed. Ms. Volek noted that if the use of reserves is not approved, positions in the General Fund operations would have to be eliminated – about 15-20 positions. She noted that Staff is anticipating a similar revenue situation in 2008 and the use of \$1,056,000 from reserves. In 2009, the City would begin to realize an influx of money from the end of the TIFID district and the revenue from that district coming into the overall budget. It is anticipated that the overall financial picture will begin improving at that time. Ms. Volek said the City has sufficient funds in reserves to do this for two more years without having to borrow money to meet its payroll. The City keeps a large General Fund reserve – about 25% and larger than most governments, primarily to fund its payroll from the beginning of the budget year in July until taxes are collected in December.
- Mayor Tussing noted the \$400,000 decrease in revenues from fines & forfeitures and asked why the decrease occurred. Ms. Volek said the revenues from Municipal Court were lower and the city does not yet have a clear picture of what the court fees will raise. Mayor Tussing said he was still puzzled by the decrease in fines & forfeitures because two police officers were hired last year and as many as eleven will be hired over the next five years and the fine level won’t be up to current levels. Ms. Volek said some over-optimistic projections were done earlier; the current level is more realistic. Mayor Tussing clarified that he was referring to the “number” of cases, not the dollar amount of fines. Ms. Volek noted the budget has been adjusted to reflect actual receipts.

### **General Fund & Public Safety Fund Projections**

- Ms. Volek called the Council’s attention to the pie chart on General Fund revenues. It depicts that 38% of the revenues for this fund are from taxes, which is a serious concern. She said the City needs to try to diversify. Tourist taxes might be part of the solution for being too reliant on one source of revenue and to get property tax off the back of property owners. Ms. Volek said part of the problem has been the fact that the City has not received in property taxes what it should have been able to anticipate over the years. The City has not been able to fund operations from new growth. However, property is reassessed every six years, so to avoid the shock of huge increases, the state has tried to phase in a combination of annual rate changes, valuation changes and exemption levels. Ms. Volek said that not only is this confusing to property owners, but it makes it nearly impossible for the City to predict revenues over an extended period. She reminded the Council that the Legislature will consider the reassessment again next year.

- Looking at the pie chart on General Fund expenditures, Ms. Volek pointed out that the single largest expenditure is the “ghost” expenditure of Interfund Transfers which takes up 61%. \$17.4 Million dollars of this transfer occur from the General Fund to the Public Safety Fund. Personal services comprise 24%, O&M comprises 13% and debt service comprises 2%.
- In the Public Safety Fund, 59% of the revenues are attributable to Interfund Transfers (from the General Fund), taxes and the public safety mill levy comprise 25% of the revenues, licenses & permit contribute a negligible amount, inter-governmental comprises 6%, charges for services comprises 4%, interest on investments contributes a negligible amount and debt proceeds contributes 6%.
- Expenditures in the Public Safety Fund are comprised of: 80% personal services, 14% for O&M, 6% for capital and a negligible amount for debt service.
- Ms. Volek summarized by noting that the proposed budget projects both lower revenues and expenses are lower, recommends a limited amount of new positions, and represents a “lean” budget. She added that the Staff is also beginning to look at alternative sources of funding, given the confusion at the state level and the cap on the City’s mill levy.

### **Administrative Support**

- Deputy City Administrator Bruce McCandless said his presentation would address the services provided by the different divisions in Administrative & Internal Services. There are six divisions and about 65 employees in this department. The six divisions are: Human Resources (HR), Information Technology, Facilities Management, Finance, Parking and Motor Pool.
- Mr. McCandless said the HR Division is in the General Fund with responsibility for benefits administration, payroll administration, risk management, recruitment & selection, collective bargaining agreement administration, HR consulting and citizen information. He noted that the City has a 13.5% turnover rate and has 3 collective bargaining units. In the HR division, 57% of the expenditures are for personal services and 43% for O&M.
- The health insurance operation is administered by HR but occurs in a separate fund. This program is about an \$8 Million enterprise. The revenue breakdown is as follows: 1% from interest on investments, 2% from miscellaneous sources, 17% from employee/retiree contributions, 8% from FLEX contributions, 4% from life/dental contributions and 68% from the City’s contribution. Revenues are projected at \$7,976,571, while expenses are projected at \$7,975,792. The breakdown of expenses is as follows: 77% for health claims, 6% for stop loss insurance, 8% for FLEX plan claims, 1% for life insurance premiums, 3% for dental claims, 3% for plan administration and 2% for miscellaneous. Mr. McCandless noted that the City began moving from an employer fully-funded insurance plan to a shared funding plan in 2001 with the non-bargaining employee group. As union contracts were renegotiated, these employee groups were also included in the cost sharing. Currently employee pays about 20% of the insurance plan costs/employee.
- Revenues in the Property/Liability area are projected to be \$3,284,272, while expenditures are projected to be \$2,524,689. Revenues are comprised 100% from charges for services, i.e. the dept. charges each internal department for property and liability services/costs. The City in turn purchases comprehensive coverage through the Montana Municipal Insurance Authority (MMIA). Expenditures are comprised of: 76% for liability, 13% for self-funding, 7% for property and 4% for miscellaneous.
- Moving to the Finance Division, Mr. McCandless noted this division is also budgeted within the

General Fund. This division is responsible for the budget, financial reporting, investments, annual cost allocation, purchasing, business licensing and taxation. He noted there are about 40,000 property parcels within the City with literally hundreds of assessments that must coincide with the correct parcel. Councilmember Veis asked whether new financial software has been included in the CIP. Mr. McCandless said it was not included in the CIP and will need to be investigated and planned for next year. 63% of the finance budget is for personal services and 37% for O&M.

- Information Technology is an internal service fund. There are 17 employees in this division. IT is responsible for technology strategic planning, computer procurement, network and PC support & services, email, technology infrastructure maintenance, application development, and GIS support. Revenues are projected at \$1,750,899 and expenditures at \$1,688,457. Revenues are comprised of loan proceeds, interest earnings and charges for services. Expenditures consist of capital, O&M and personal services – the largest expenditure.
- Central telephone service is a function also under the IT division. There is one manager that manages all of the telecommunications services. This is accomplished through hard wire, Centrex, wireless, etc. Revenues are projected at \$353,650 and derived from phone services and charges for the Centrex phone lines. Expenditures are projected at \$332,269 and are comprised of personal services and liability insurance.
- The Motor Pool is also an internal service fund. This division is responsible for fleet management, internal courier service, and maintenance and repair (minus body repair and painting work). There are approximately 800 pieces of equipment within 86 classes in the City's fleet. There are 16 positions in this division. \$1,147,705 in revenues is projected and \$1,186,985 in expenditures is projected. The shortfall can be accommodated with beginning working capital. Revenues are derived as follows: 86% labor charges, 11% parts & fuel markup and 3% courier & miscellaneous. Expenditures are comprised of 69% personal services, 20% O&M, 3% capital and 8% transfers. Mr. McCandless noted that the labor rates charges are more than competitive with private shops.
- The Parking Division is an enterprise fund. The City owns and operates four parking garages, five surface lots, and over 1000 meters. The division does parking enforcement in the downtown and the medical and university corridor and administers leases on the ground floor of Park I. There are 14.8 employees in this division. Mr. McCandless noted that overall, parking rates in the City are a little low compared to other cities in the state and similar sized out-of-state cities. \$1,842,797 in projected revenues does include a rate increase that would be effective by at least July 1<sup>st</sup>. Expenditures are projected at \$2,919,555, which include costs for: radio replacement, tractor replacement, garage interior painting, replacement of garage control equipment, the 4<sup>th</sup> & Broadway project and a 17% transfer to the General Fund. Expenditures are projected to exceed revenues by approximately \$1.1 Million – which is expected to come from reserves.
- The last division under Administrative and Internal Services is facilities management. Facilities management is an internal services fund. This division operates principally in two facilities: City Hall and the Billings Operations Center (BOC). Four employees are proposed in the FY 2007 budget. Revenues and expenditures are nearly balanced, with \$1,471,521 projected in revenues and \$1,475,586 projected for expenditures. The shortfall will be covered by beginning working capital. Mr. McCandless noted that a major portion of the expenses are for utilities and O&M. The balance of the expenditures is for personal services and capital.

**Legal:**

- City Attorney Brent Brooks said his department has eleven professional employees. There are

five primary areas of focus in the civil division: advice to the Mayor & City Council and City departments re: legal issues and risk management, preparation & review of documents, attending hearings, attending meetings and handling litigation. There are three primary areas of focus in the criminal division: Municipal Court trials & hearings, legal advice and victim witness services. The City Attorney's office prosecutes all misdemeanors committed within the City and is also a participant in the Municipal Drug Court operations.

- Mayor Tussing asked Mr. Brooks if if the County imposes an anti-obscenity policy on the county, will it be the County's responsibility to enforce it or will the City need to enforce it within city limits and prosecute offenders. Mr. Brooks replied that the City will not be responsible for enforcing that ordinance and in his opinion the ordinance would only be effective in the county – outside of city limits. He cautioned the Council that this anti-obscenity ordinance is still a work in progress. Interim City Administrator Tina Volek noted that item will be discussed this week Thursday at the Joint City/County meeting.
- Mr. Brooks said the domestic violence unit is a large part of his department and is still substantially grant funded. The three most important services (of seven essential services) include: safety planning, assistance with orders of protection and notification and explanation of court proceedings.
- A summary of criminal statistics for 2005 was presented. Most noteworthy is the fact that out of 825 cases reviewed for possible warrants, about 70% or 580 warrants was issued. Additionally, 1589 cases were reviewed for revocation of probation. Open cases are nearing 2100 in number, but trends show fewer cases are being settled at arraignment and more cases go to jury trial. Mr. Brooks noted also that warrant and revocation requests are non-traffic related and have increased each year since 2003. Jury trials have increased each year since 2003.
- Mr. Brooks noted that his dept. has submitted to supplemental budget requests regarding increased staffing. An additional legal secretary was requested. There has been no addition to the legal secretarial staff since January 1998. The second request was for an additional deputy city attorney. Increasing numbers of police officers, a new drug court system, new statutes and ordinances, a second municipal court judge, and a more contentious society overall has led to the increased legal caseload, hence the request for an additional attorney. The funding source for both of these positions is proposed as Public Works Dept and Airport internal cost allocations and a Municipal Court surcharge.
- Councilmember Ruegamer asked about the additional deputy city attorney position and the \$56,000 salary associated with the position. Mr. Brooks confirmed that Public Works and Airport would be funding this position and added that he anticipated having a difficult time filling that position because of the pay. "To get someone qualified is difficult. You can get someone out of law school that will do that, but it is so labor intensive and takes so much time in the first year to two years to train that person ... Most attorneys will tell you that municipal law is different. It is not more complicated necessarily, but it does take time to learn and there is a learning curve," he stated.
- Councilmember Veis asked about the possibility of using summer interns. Mr. Brooks said interns could be utilized, but using them requires a lot of time to train them. By the time they have been semi-trained, it is time for them to return to school and they are available only 2 ½ to 3 months. He said he believes the effort spent on training this temporary help would be better spent training attorneys already on staff. The training requirement takes away from time that could be spent on regular work.
- Councilmember Ulledalen asked how much money is spent on outside counsel. Mr. Brooks said

last year's line item budget for outside counsel was about \$74,000, a fairly static amount each budget year. Councilmember Gaghen asked what the average rates are for outside counsel. Mr. Brooks replied the rates average \$150/hour.

After all presentations were completed, Interim City Administrator Tina Volek reminded the Council that next week's budget sessions will be on Public Safety and Municipal Court. The meeting will be on Tuesday evening on the 3<sup>rd</sup> Floor of the Library. She noted that one of the items not addressed in this budget is the firefighters' lawsuit, settled on Friday. Ms. Volek said she will ask the Council for an executive session after the regular council meeting on Monday, May 8.

Councilmember Ruegamer commended Ms. Volek and the budget presentations, noting they were well done and easily understood.

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Respectfully submitted,  
Marita Herold, CMC/AAE  
City Clerk