

OFFICE OF THE CITY ATTORNEY

FY2023-2024 BUDGET



TORRI MARTIN, CITY ATTORNEY
AUGUST 2023



PURPOSE

Protect the legal interests of the City through transparency, integrity and professionalism.



VISION

- 1) Provide advice that is well researched, proactive & integrated;
- 2) Provide training to ensure accountability and consistency;
- 3) Provide guidance to support and empower the best interests of the City.



MISSION

Our mission is to provide effective legal representation to the City and to maintain and create relationships that reduce the City's liability.





OFFICE OF THE CITY ATTORNEY

Meet the Attorneys





OFFICE OF THE CITY ATTORNEY

Duties and Responsibilities of the Legal Department

- Responsible for advising and representing the best interest of the City of Jackson through the Executive and Legislative branches
- Responsible for prosecuting Misdemeanor Complaints
- Responsible for attending all public meetings
- Responsible for drafting and revising ordinances and contracts
- Responsible for defending the City's interest in civil litigation before all judicial, legislative and administrative tribunals



2022-2023 STATED GOALS

REBUILD
100 % Staff
Retention

GOAL

Currently at
93%!



CONTINUE
Update and Revise
SOPs and Manuals

GOAL

- (1) Worked with Harvard Leading City Procurement Reform (LCPR) to dig into necessary changes with procurement manual
- (2) Ongoing project- City Data Alliance (CDA) work to create process maps to improve efficiency
- (3) Began training departments, but project remains incomplete.



INCREASE
Efficiency of
Public Records

GOAL

- (1) **Goal Completed**
- (2) Annual Trainings with Ethics Commission and Municipal Clerk
- (3) Over the last 12 months we have managed to combat every ethic's complaint and won!



INCREASE
Efficiency of
Agenda Items

GOAL

- (1) Just completed pilot project with Xakia software.
- (2) Requested funding in this year's budget for case management software



CREATE
Problem
Solving Culture

GOAL

- (1) **Goal Completed**
- (2) Departments have direct access to attorneys and we have managed to avoid pitfalls within human resources, public works and human and cultural services.



2023-2024 GOALS

REBUILD
100 % Staff
Retention

GOAL

- (1) Requested specific increases this budget season for employees nearing a 5, 10 or 15 year anniversary.
- (2) Wish List* Merit Increases based on performance



CONTINUE
Update and Revise
SOPs and Manuals

GOAL

- (1) Continue work with Harvard Fellow and Finance Department to revise the procurement manual
- (2) Continue work towards training all Directors, Office Coordinators and Fiscal Officers



REDUCE
Fee Contracts in
Legal Dept

GOAL

- (1) Only hire outside counsel in cases where the City has determined 1) an actual conflict of interest exists and 2) employee was within course and scope



INCREASE
Efficiency of
Agenda Items

GOAL

- (1) Either purchase or obtain free case management software



CONTINUE
Problem
Solving Culture

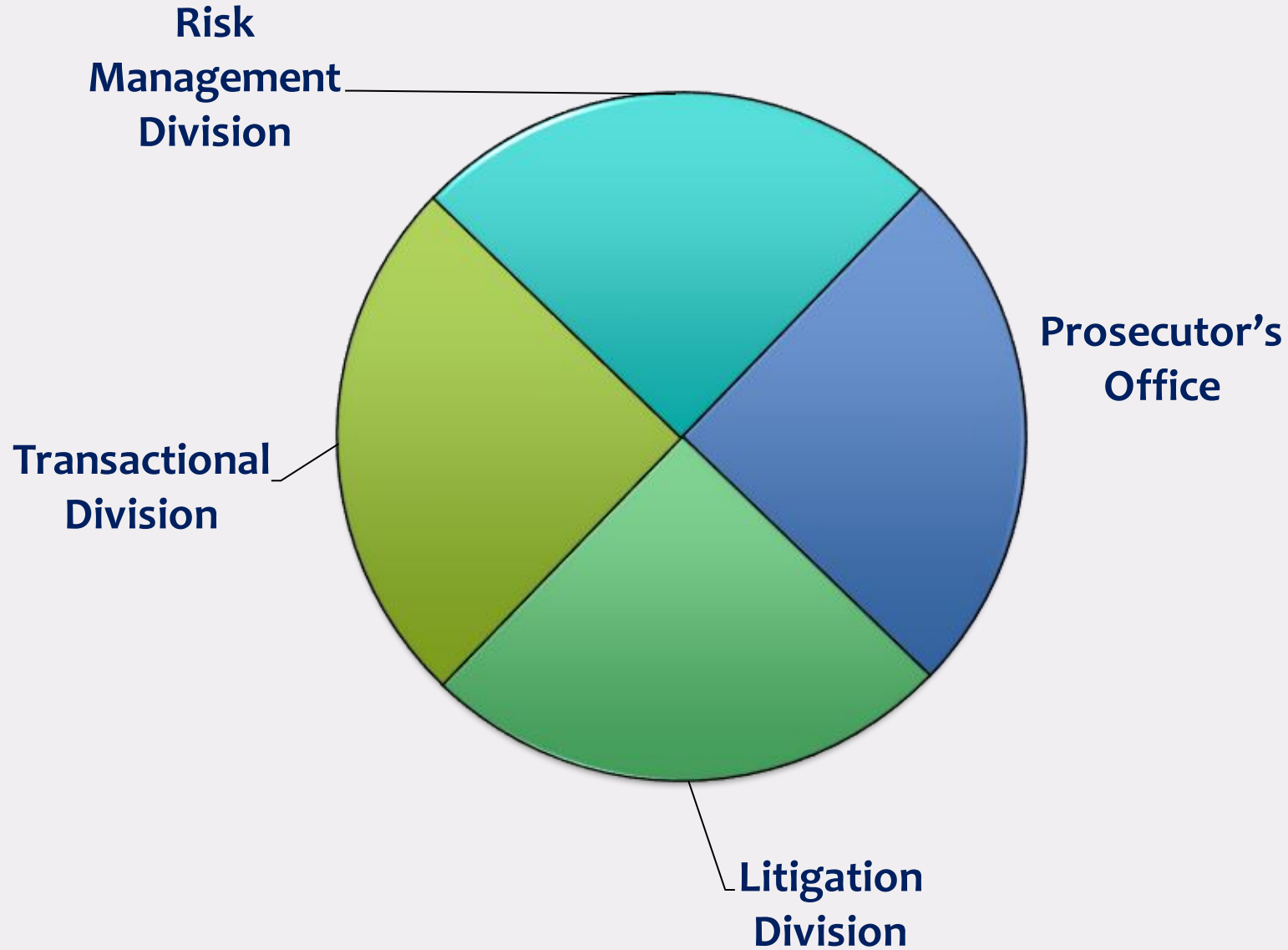
GOAL

- (1) Attorneys remain committed to stepping in to help departments problem solve early in potential litigation and/or procurement.



OFFICE OF THE CITY ATTORNEY

CORE DIVISIONS



Changes in Staff 2005-2023

2022 Attorneys on Staff

Transactional: 5
Litigation: 5
Special Assistants: 1
Prosecutors: 3

2022 Support Staff

Risk Management: 4
Prosecutor's Office: 2
Main Office: 3

25

2005-2009

20

2013-2014

16

2009-2013

2022-2023

14

15

2014-2014

14

2018

2023 Attorneys on Staff

Transactional: 5
Litigation: 4
Special Assistants: 1
Prosecutors: 4

2023 Support Staff

Risk Management: 4
Prosecutor's Office: 2
Main Office: 5

2021-2022

14

14

2019-2021

TRANSACTIONAL DIVISION

Carrie Johnson, Justin Powell, Sondra Moncure, Terry Williamson, Kristie Metcalfe

Handle a variety of the following matters:

- Real property, open meetings, open records, housing, bond and finance, ordinances, election, federally-funded programs, construction, environmental law, minority and women-owned business contracting, conflicts of interest and ethics matters, and matters relating to economic development and neighborhood revitalization
- Health benefits programs, life insurance, Section 125, Cafeteria Plan, general payroll tax administration, and employee benefit issues involving retired, terminated, and deceased employees
- Drafting all of the City's contracts and legal documents including tax abatement and economic development agreements; construction, architectural, and engineering services contracts; interlocal cooperation agreements; and real estate documents.



TRANSACTIONS DIVISION

- Agenda Items
- Contracts
- Drinking Water Stipulated Order
- Wastewater Stipulated Order
- 633 State Street Lease Agreement
- Thalia Mara Hall & Arts Center Renovations

LITIGATION DIVISION

Special Assistant: Claire Barker

Lee Thames, Drew Martin, Jeffrey Graves, Keyona Stewart, Sheridan Carr

Handle all lawsuits where the City or any employee, elected official and/or agent is named as the defendant in their official capacity in civil litigations including:

- Representation in all tort litigation and constitutional claims filed in federal or state court
- Representation in all personal injury lawsuits
- Representation to employees subpoenaed to testify by deposition in cases involving the City
- Providing advice to the Risk Management Division in handling complex claims, investigating claims, handling workers compensation claims, and evaluating water/sewer backup claims
- Providing advice, assistance, and filing suit, if necessary, to collect money owed to the City for property damage or bad faith denial of insurance proceeds



LITIGATION DIVISION

Settled
10

- **Between October 1, 2022 and August 14, 2023**



Dismissed
26

- **Between October 1, 2022 and August 14, 2023**



Open
132

- **As of August 14, 2023**
- **Opened this fiscal year 41**



RISK MANAGEMENT

Risk Manager: MacDarrell Poullard

Identify Risk • Assess Risk • Review Controls • Implement Solution • Monitor Risk

Coordinates the safety and risk management functions for the City to eliminate risk resulting in reduced financial exposure for the City by:

- Employee safety and loss control programs;
- Contractual risk/exposure transfer;
- Procurement of insurance and bonds to protect the City's assets;
- Claims adjusting in the areas of property, liability and workers' compensation;
- Subrogation and collection for damages to City.



RISK MANAGEMENT

SAFETY & LOSS CONTROL PROGRAMS

The Safety Coordinator and Claims Supervisor consistently conduct the following classes for City employees: Defensive Driving, Workers' Compensation Training, Workplace Managing Stress, Slip Trip and Fall, Proper Lifting and Safety Leadership Training. The Risk Manager and Safety Coordinator compile and analyze data to better assess the safety areas of concern in order to reduce liability. The Risk Management Division continually makes changes in order to operate more efficiently, making better use of the employees and resources in the division to expedite claims while cutting costs and protecting the City from liability.

SUBROGATION & COLLECTION

Amounts received from 3rd Parties through subrogation and collection:

Liability Subrogation & Insurance Payments

Fiscal Year	Amount
2018-2019	\$162,030.06
2019-2020	\$217,813.03
2020-2021	\$469,629.45
2021-2022	\$17,126.50
2022-2023	\$297,063.66

WC Retention/Reimbursement

Fiscal Year	Amount
2018-2019	\$151,722.55
2019-2020	\$204,240.67
2020-2021	\$118,092.80
2021-2022	\$76,571.77
2022-2023	\$113,360.81

RISK MANAGEMENT

FIVE YEAR LIABILITY CLAIM COMPARISON

Fiscal Year	Total Claims Filed	Total Claims Closed	Total Claims Paid	Total Amount Paid	* Amount Paid for Street Related Claims	Amount Paid for Sewer backup and/or water damage	Amount Paid for automobile accidents and window damage	Amount Paid for Real Property Damage Residents	Amount Paid for Damage to Private Utility cable/gas lines
2018-2019	834	871	322	\$190,855.90	\$67,102.86 (282)	\$69,266.66 (15)	\$19,957.67 (14)	\$0	\$34,528.71 (11)
2019-2020	373	470	169	\$139,318.33	\$32,588.14 (131)	\$96,984.82 (16)	\$6,316.51 (10)	\$615.60 (1)	\$2,813.26 (1)
2020-2021	384	406	108	\$115,482.80	\$31,572.18 (67)	\$48,040.61 (12)	\$23,254.95 (22)	\$10,028.93 (5)	\$2,586.13 (2)
2021-2022	283	295	105	\$185,204.28	\$25,550.78 (69)	\$122,040.14 (20)	\$35,127.36 (13)	\$2,486 (3)	\$0
2022-2023 As of 7/31/23	360	261	102	\$259,031.27	\$25,847.74 (80)	\$215,195.56 (16)	\$15,687.97 (5)	\$0	\$0

*Potholes, manhole covers, utility cuts, uneven pavement

1 Bodily Injury Claim Paid in the amount of \$2,300

Workers Compensation Defense

- Self-Insurer for the payment of workers compensation benefits in 1992
- Secured coverage from commercial carrier in 2017

Workers compensation is not a fault based system. When an employee sustains an injury during the course and scope of employment, indemnity benefits are payable if the employee is disabled from work beginning on day 6; however, if the disability is fourteen (14) days or more, the benefits are retroactive to day 1. The indemnity payment is $\frac{2}{3}$ of the employee's average weekly wage for the 52 week period which precedes the date of injury subject to caps based on the state's average weekly wage for the year of injury. The injured employee is also entitled to medical benefits, which are unlimited.

PROSECUTION DIVISION

Chief Prosecutor: Chandra C. Gayten

- Responsible for prosecuting all misdemeanor offenses (ranging from traffic violations, DUIs, domestic violence and simple assaults) that occur within the City of Jackson
- Prosecutes criminal violations of state law and of the City's ordinances (*i.e. public nudity, noise control, junked vehicles, etc.*).

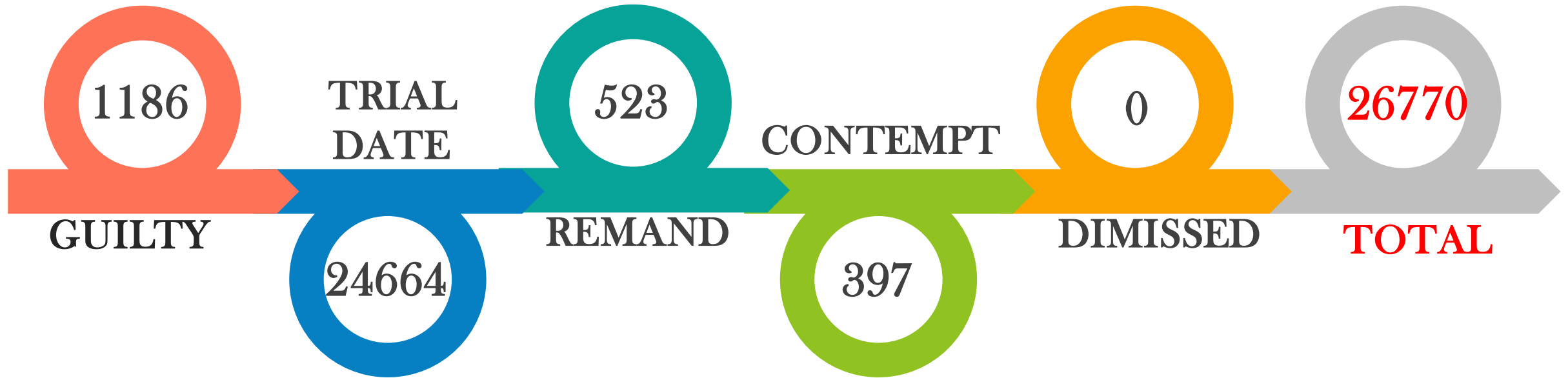
All misdemeanor trials take place at the City of Jackson Municipal Court. Cases that are appealed from the Jackson Municipal Court are further prosecuted at the Hinds County Court and Hinds Circuit Court levels. The Criminal Prosecution Division also handles drug forfeiture cases in the Hinds County Court where property has been confiscated through arrests made by the Jackson Police Department.

- Crime in Municipal Court: Domestic Violence/Simple Assault & Malicious Mischief make up 70% of cases heard after arrest by JPD (DUI 10%, others 20%)
- Traffic Violations in Jackson: No License/Suspended License (40%), No insurance (30%) and others including speeding, careless/reckless driving, expired tag, etc... (30%)
- Increase in prosecution of environmental cases of 10%

2022-2023 ANNUAL PROSECUTOR'S COURT REPORT

ARRAIGNMENTS

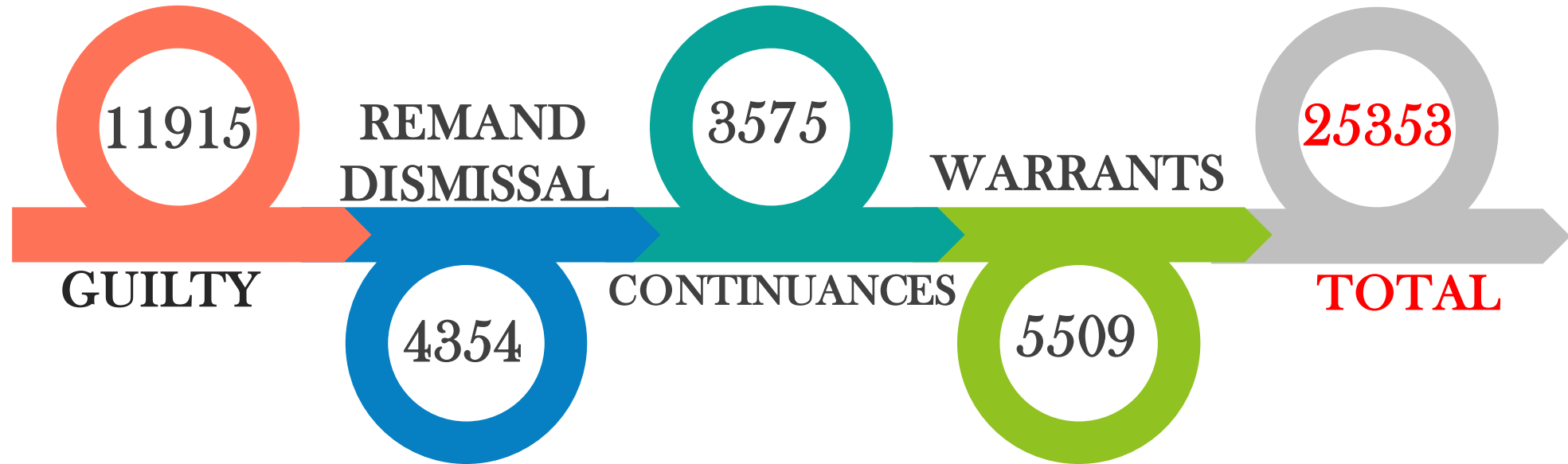
August 1, 2022 to Present



Total last year was 6344, increase of 20,426 based on covid, adding additional judge, public defender and prosecutor.

TRIALS

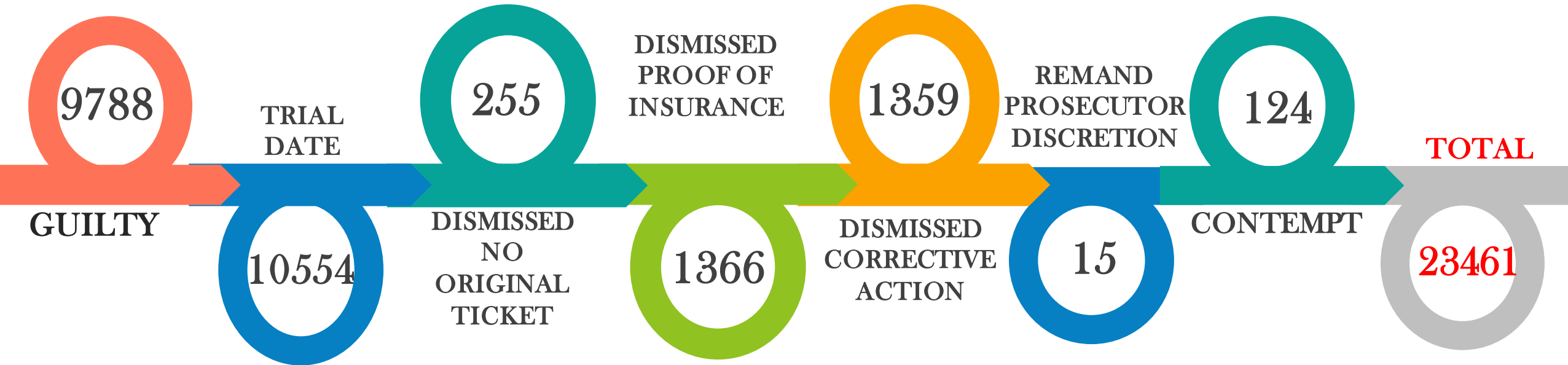
August 1, 2022 to Present



Total last year was 7136, increase of 18,217 based on covid, adding additional judge, public defender and prosecutor.

TRAFFIC ARRAIGNMENTS

October 1, 2019 to July 31, 2020



Total last year was 9852, increase of 13,609 based on adding covid, additional judge, public defender and prosecutor.

BUDGET HIGHLIGHTS

GENERAL FUND EXPENDITURES	2022 ADOPTED BUDGET	2022 REVISED BUDGET	2023 ADOPTED BUDGET	2023 REVISED BUDGET	2024 PROPOSED BUDGET
Personal Services	\$1,884,907	\$1,884,907	\$1,980,138	\$1,980,138	2,321,107
Supplies and Materials	\$135,909	\$135,909	\$107,701	\$107,701	\$90,654
Other Services and Charges	\$4,090,130	\$4,340,130	\$4,280,742	\$4,280,742	\$3,508,853
Grants & Contributions	\$500,000	\$500,000	\$500,000	\$400,000	\$400,000
Operating Transfers	\$1,899,402	\$1,899,402	\$1,554,230	\$1,554,230	\$954,230
Total Expenditures	\$8,510,348	\$8,760,348	\$8,563,811.00	\$8,965,561	\$10,084,723