

OFFICE OF THE CITY ATTORNEY

Budget Presentation FY 2021-2022

Monica D. Allen, Interim City Attorney



STAFFING LEVELS

*In 2005, there were 25 attorneys employed in the OCA. There are now 14. Over the past 15 years, the number of attorneys employed in the OCA has been reduced by 45%, without an equally correlating reduction in work load.

O'REILLY EVENS

TRANSACTIONAL	10
LITIGATION ATTORNEYS	9
SPECIAL ASSISTANTS	2
PROSECUTORS	4

25

2005-2009

TEEUWISSEN

TRANSACTIONAL	7
LITIGATION ATTORNEYS	4
SPECIAL ASSISTANT	1
PROSECUTORS	4

16

2009-2013

20

2013-2014

LOWERY

TRANSACTIONAL	9
LITIGATION ATTORNEYS	5
SPECIAL ASSISTANTS	2
PROSECUTORS	4

ALLEN

TRANSACTIONAL	6
LITIGATION ATTORNEYS	4
SPECIAL ASSISTANTS	2
PROSECUTORS	3

15

2014-2014

14

2018

GIPSON

TRANSACTIONAL	7
LITIGATION ATTORNEY	4
SPECIAL ASSISTANT	0
PROSECUTORS	3

HOWARD

TRANSACTIONAL	5
LITIGATION ATTORNEYS	4
SPECIAL ASSISTANTS	1-2
PROSECUTORS	3

14

2019-2021

13

2021-Present

ALLEN

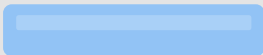
TRANSACTIONAL	4
LITIGATION ATTORNEYS	4
SPECIAL ASSISTANTS	2
PROSECUTORS	3



OFFICE OF THE CITY ATTORNEY

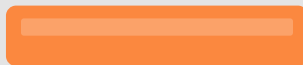
Purpose

Our purpose is to protect the legal interests of the City of Jackson through services exemplified by respect, integrity and professionalism.



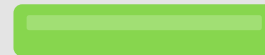
Mission

Our mission is to provide outstanding legal assistance and representation for the City of Jackson and its boards and commissions.



Vision

To lead and model in proactive & integrated research, legal ethics, and professionalism. Train and implement staff accountability, consistency and exemplary benchmark behavior. Provide the platform of law to support and empower the City of Jackson.



OFFICE OF THE CITY ATTORNEY

The City Attorney serves as legal advisor and attorney for the City of Jackson.

Activities of the Office of the City Attorney include:

Advising the Mayor, Chief Administrative Officer, City Council, department directors, and other City employees.

Prosecuting misdemeanor complaints; attending City Council meetings and serving as legal counsel during such meetings.

Supporting the legislative and administrative processes involving ordinances, litigation, contracts, legal research, legal opinions, and liens; and representing and defending the City's legal interests and rights before all judicial, legislative, and administrative tribunals.

The Office of the City Attorney does not provide legal advice to members of the public. The Office of the City Attorney is limited to providing legal advice, counsel and representation to the Mayor, City

Council members, City officials, and departments in all civil matters regarding the City of Jackson.



OFFICE OF THE CITY ATTORNEY

PRIOR GOALS

Lead and model in proactive & integrated research, legal ethics, and professionalism.

Train and implement staff accountability, consistency and exemplary benchmark behavior.

Provide the platform of law to support and empower the City of Jackson.

Continue training and professional development of all attorneys/staff.

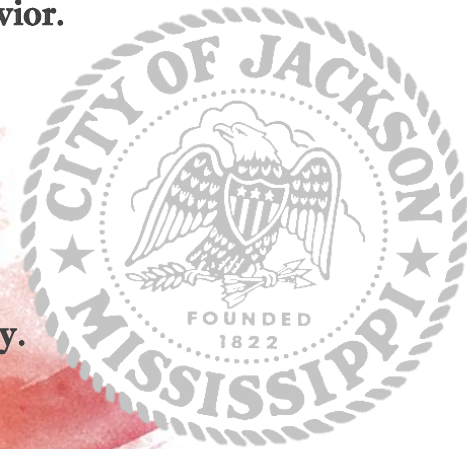
Provide in-house training for all departments on various matters.

**Reduce the time it takes to process items in Legal Department for purposes of efficiency.
Streamline all City internal process to ensure State law is adhered to.**

Work with City Clerk's Office and Departments to more efficiently process open records requests.

Reduce active litigation caseload.

Continue to identify cases which allow us to “create new law” through favorable rulings which can then apply to other cases.



OFFICE OF THE CITY ATTORNEY

ACCOMPLISHMENTS (2017)

- ✓ Conducted quarterly trainings for the Jackson Police Department.
- ✓ Commenced FMLA Training in conjunction with the Department of Personnel for representative from various departments.
- ✓ Processed 475 Agenda Items and 398 Contracts/Agreements.
- ✓ Streamlined contract review process by requiring the same to be reviewed within 72 hours and either: (1) returned to the department for revisions; or (2) submitted to the Mayor for execution.
- ✓ Reduced litigation caseload by: settling 15 cases and dismissing 14. Total number open as of November of 2017 was 131.
- ✓ Reduced the current back-log of County Court appeals in the Office of the City Prosecutor by 30%.
- ✓ Conducted approximately 30 safety related seminars/workshops including: (1) Stress Management; (2) Supervisory Safety Seminar; (3) Conflict Resolution Seminar; (4) Loss Control Seminar; and (5) City Safety Captains Workshop.



OFFICE OF THE CITY ATTORNEY

ACCOMPLISHMENTS (PRESENT)

- ✓ **Drafted all executive orders related to Covid-19.**
- ✓ **Accomplished goal of reducing workers' compensation claims by 40%: 373 to 38.**
- ✓ **Re-commenced FMLA Training in conjunction with the Department of Personnel for representative from various departments.**
- ✓ **Processed 684 Agenda Items and 489 Contracts/Agreements.**
- ✓ **Streamlining contract review process by requiring the same to be reviewed within 72 hours and either: (1) returned to the department for revisions; or (2) submitted to the Mayor for execution.**
- ✓ **Began conducting safety related seminars/workshops including: (1) Stress Management; (2) Supervisory Safety Seminar; (3) Conflict Resolution Seminar; (4) Loss Control Seminar; and (5) City Safety Captains Workshop.**



Reduce the current back-log of County Court appeal in the Office of the City Prosecutor.

Continue to work closely with the Court Services personnel to enable the prosecutors to prepare for each trial at least 30 days in advance of trial.

Continue to work closely with the Court Services personnel to ensure that witness subpoenas are being issued at least 30 days prior to trial.

To ensure that each prosecutor is adequately trained and receives continuing legal education hours in the area of criminal prosecutions to ensure that each prosecutor becomes expertly skilled in the prosecution of DUI's.

Increase the percentage of successful prosecutions.

Continue to conduct defensive driving classes.

Continue to conduct safety meetings on a citywide basis.

Continue to conduct Stress Management Seminar, Supervisory Safety Seminar, Conflict Resolution Seminar, Loss Control Seminar.

Continue to conduct workshop for City Safety Captains.

Reduce workers' compensation claims by 40%.

Successfully complete Annual Workers' Compensation Claims Audit Review.



OFFICE OF THE CITY ATTORNEY

GOALS (NEXT 4 YEARS)

Rebuild the litigation team in order to reduce active litigation caseload.

Continue to train and implement staff accountability, consistency and exemplary benchmark behavior.

Continue to provide the platform of law to support and empower the City of Jackson.

Continue training and professional development of all attorneys/staff.

Increase in-house training for all departments on various matters.

Reduce the time it takes to process items in Legal Department for purposes of efficiency.

Streamline all City internal process to ensure State law is adhered to.

Work with City Clerk's Office and Departments to more timely and more efficiently process open records requests.



GOALS (NEXT 4 YEARS)

Continue to work closely with the Court Services personnel to enable the prosecutors to prepare for each trial at least 30 days in advance of trial.

Continue to work closely with the Court Services personnel to ensure that witness subpoenas are being issued at least 30 days prior to trial.

Increase the percentage of successful prosecutions.

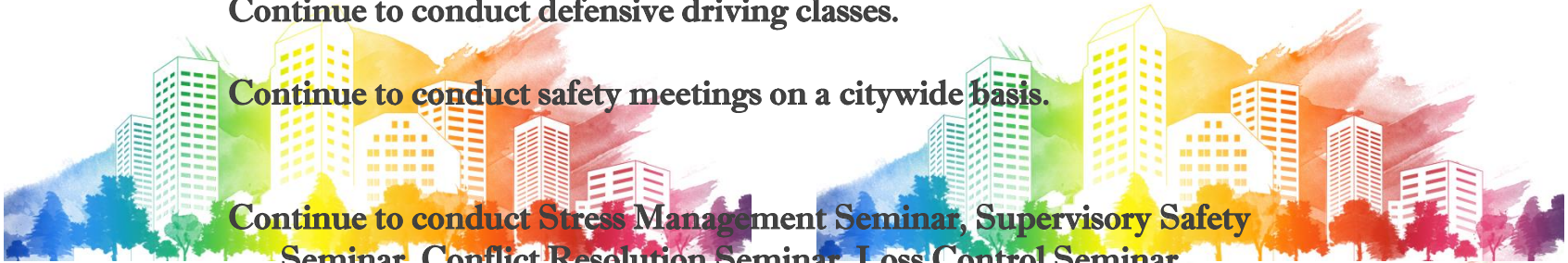
Continue to conduct defensive driving classes.

Continue to conduct safety meetings on a citywide basis.

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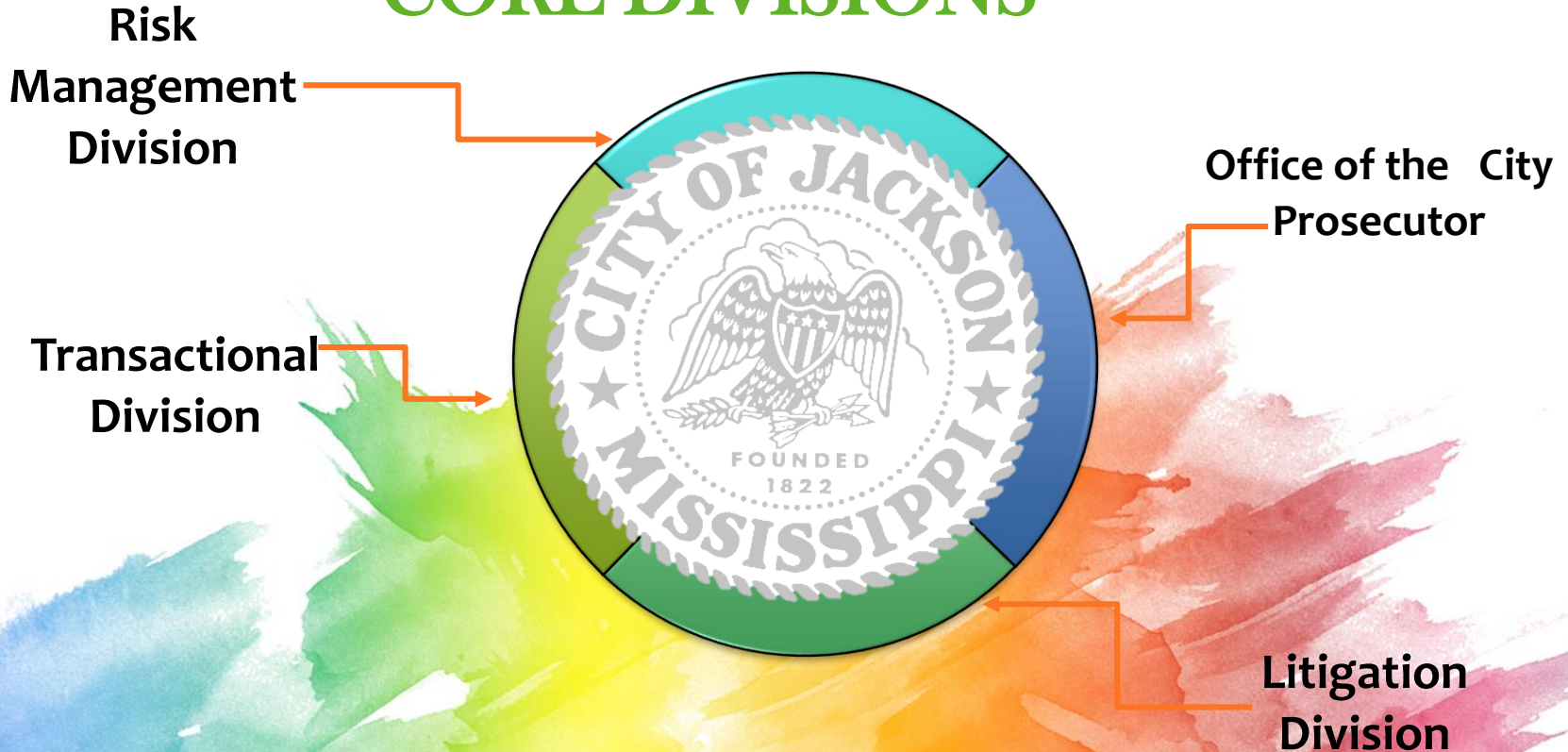
Continue to conduct workshop for City Safety Captains.

Reduce historical workers' compensation claims by 100%.



OFFICE OF THE CITY ATTORNEY

CORE DIVISIONS



OFFICE OF THE CITY ATTORNEY

TRANSACTIONAL DIVISION

The Transactional Division provides legal advice and representation to the Mayor, Chief Administrative Officer, City Council, and City departments, as well as other City agencies, boards, and commissions.

The attorneys handle a variety of legal matters, including but not limited to 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. They also advise city staff on health benefits programs, life insurance, Section 125, Cafeteria Plan, general payroll tax administration, and employee benefit issues involving retired, terminated, and deceased employees. They are responsible for 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.



OFFICE OF THE CITY ATTORNEY

ITEMS PROCESSED

AGENDA ITEMS-594

CONTRACTS-559

MINUTES-30

INTERLOCALS-7

TOTAL 1190



OFFICE OF THE CITY ATTORNEY

AGENDA ITEMS

Administration- 67

Fire- 15

Legal- 14

Human and Cultural Services- 31

Parks and Recreation- 67

Planning- 174

Police- 49

Public Works- 17

Government- 34

Risk Management- 19

Personnel- 17



OFFICE OF THE CITY ATTORNEY

CONTRACTS

Administration-20

Fire- 13

Legal- 20

Human and Cultural Services- 29

Parks and Recreation- 25

Planning- 242

Police- 28

Public Works- 79

Government- 23

Risk Management- 69

Personnel- 11



OFFICE OF THE CITY ATTORNEY MINUTES

**TOTAL MINUTES
PROCESSED**

30



OFFICE OF THE CITY ATTORNEY

INTERLOCALS

TOTAL INTERLOCALS
PROCESSED

7



OFFICE OF THE CITY ATTORNEY

LITIGATION DIVISION

The Litigation Division handles all lawsuits in which the City of Jackson or any of its employees, elected officials, and agents are named as defendants in their official capacity. This includes all tort litigation and constitutional claims filed in federal or state court. One of the Division's primary responsibilities is to defend the City of Jackson and its employees in personal injury lawsuits. The Division also performs other tasks, to include:

- Providing 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

2005 178 cases 9 Litigation Attorneys
2021 155 cases 4 Litigation Attorneys

Settled
6

The Litigation Division settled 6 cases October 1, 2020 through July 31, 2021 of these 6, there was a settlement demand totaling \$5,655,474.00 . The actual payout was 1,339,250, netting a savings to the City of \$4,316,224.00



Dismissed
25

A total of 25 litigation cases were dismissed between as of October 1, 2020 through July 31, 2021 as a result of the work of the Office of the City Attorney.



Open
155

There is a total of 155 open litigation cases with a demand amount of approximately \$7,893,308.00



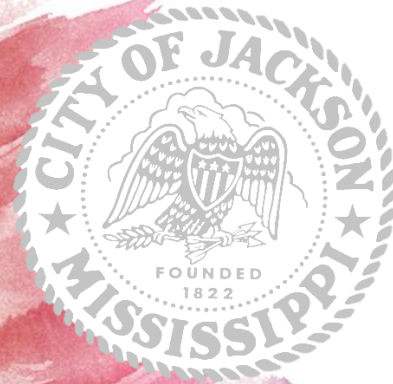
OFFICE OF THE CITY ATTORNEY

RISK MANAGEMENT DIVISION

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

The Risk Management Division coordinates the safety and risk management functions for the City of Jackson in order to eliminate risk resulting in financial exposure of the City. These functions include:

- ❑ 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.



OFFICE OF THE CITY ATTORNEY

RISK MANAGEMENT DIVISION

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

Fiscal Year	Amount
2015-2016	\$44,285.92
2016-2017	\$281,599.91
2017-2018	\$63,068.89
2018-2019	\$162,030.06
2019-2020	\$217,813.03
2020-2021	????

WC Retention Reimbursement

Fiscal Year	Amount
2015-2016	\$45,687.63
2016-2017	\$24,502.19
2017-2018	\$101,335.76
2018-2019	\$151,722.55
2019-2020	\$204,240.67
2020-2021	

OFFICE OF THE CITY ATTORNEY

RISK MANAGEMENT DIVISION

SIX 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
2015-2016	1073	889	225	\$77,460.16	\$51,335.12 (202)	\$3,000 (2)	\$14,404.02 (11)	\$4,713.42 (3)	\$4,007.60 (7)
2016-2017	848	1101	304	\$74,148.33	\$51,303 (282)	\$275 (1)	\$21,193.15 (19)	\$0	\$1,377.18 (3)
2017-2018	900	872	269	\$77,568.78	\$53,619.77 (252)	\$437.40 (1)	\$11,555.97 (10)	\$1,010.00 (2)	\$10,945.64 (6)
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	151	\$139,318.33	\$32,588.14 (131)	\$96,984.82 (16)	\$6,316.51 (10)	\$615.60 (1)	\$2,813.26 (1)
2020-2021									

*Potholes, manhole covers, utility cuts, uneven pavement

OFFICE OF THE CITY ATTORNEY

WORKERS COMPENSATION DEFENSE HIGHLIGHTS

The City of Jackson became a self-insurer for the payment of workers compensation benefits in 1992. Approximately two (2) years ago, the City of Jackson secured coverage from a commercial carrier. Even though the City now has coverage from a commercial carrier, there are still claims which are self-insured.

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 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.

The Office of the City Attorney receives a workers compensation file when the injured employee files a Petition to Controvert with the Mississippi Workers Compensation Commission. Absent the availability of a defense such as intoxication or the running of a limitation's period, the defensive goals are centered on limiting the City's exposure for the payment of indemnity benefits and medicals.



OFFICE OF THE CITY ATTORNEY

PROSECUTION DIVISION

The Criminal Prosecution Division is responsible for prosecuting all misdemeanor offenses that occur within the City of Jackson. Misdemeanor offenses range from traffic violations and DUI to domestic violence and simple assault. In addition to criminal violations of state law, the Criminal Prosecution Division also prosecutes violations 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.



OFFICE OF THE CITY ATTORNEY PROSECUTION DIVISION

TRAFFIC ARRAIGNMENTS

October 1, 2020, To July 31, 2021

	Guilty	Trial Date	Dismissed/No Original Ticket	Dismissed Proof of Insurance	Dismissed Corrective Action	Dismissed Prosecution Discretion	Contempt	Total
<i>October 2020</i>	298	186	66	43	98	13	43	747
<i>November 2020</i>	311	176	44	39	51	14	56	691
<i>December 2020</i>	45	29	6	2	0	1	3	86
<i>January 2021</i>	0	0	0	0	0	0	0	0
<i>February 2021</i>	122	87	32	22	21	7	14	305
<i>March 2021</i>	321	198	77	52	47	18	31	744
<i>April 2021</i>	376	221	51	37	31	22	41	779
<i>May 2021</i>	433	176	67	51	36	29	47	839
<i>June 2021</i>	398	230	54	49	41	13	22	807
<i>July 2021- Present</i>	401	179	62	61	21	17	29	770
TOTALS	2705	1482	459	356	346	134	286	5768

*

Due to Covid 19 restrictions, traffic arraignments were limited and cancelled/continued from December 4, 2020, to February 15, 2021.

OFFICE OF THE CITY ATTORNEY PROSECUTION DIVISION

TRIAL TOTALS OCTOBER 2020 TO PRESENT

	Guilty	Remand/dismissal	Continuance	Warrants	Total
<i>October 2020</i>	174	259	195	232	860
<i>November 2020</i>	124	338	114	45	621
<i>December 2020</i>	12	18	123	49	202
<i>January 2021</i>	0	0	0	0	0
<i>February 2021</i>	46	127	189	78	440
<i>March 2021</i>	74	164	198	234	670
<i>April 2021</i>	63	196	237	288	784
<i>May 2021</i>	58	167	311	256	792
<i>June 2021</i>	53	149	211	194	607
<i>July 2021- Present</i>	88	238	142	457	925
TOTALS	692	1656	1720	1833	5901

*

Due to Covid 19 restrictions, trials were limited and cancelled/continued from December 4, 2020, to February 15, 2021.

OFFICE OF THE CITY ATTORNEY PROSECUTION DIVISION

ARRAIGNMENT TOTALS OCTOBER 2020- PRESENT

	Guilty	Trial Date	Remanded	Contempt	Dismissed	Total
<i>October 2020</i>	48	261	5	46	47	497
<i>November 2020</i>	88	346	17	45	61	557
<i>December 2020</i>	8	67	7	5	32	124
<i>January 2021</i>	0	0	0	0	0	0
<i>February 2021</i>	19	97	12	21	48	197
<i>March 2021</i>	62	634	4	37	57	794
<i>April 2021</i>	57	423	8	31	41	560
<i>May 2021</i>	79	461	13	22	19	594
<i>June 2021</i>	37	344	33	14	18	446
<i>July 2021- Present</i>	109	284	4	87	67	551
TOTALS	507	2917	103	308	390	4320

Due to Covid 19 restrictions, arraignments were limited and cancelled/continued from December 4, 2020, to February 15, 2021.



OFFICE OF THE CITY ATTORNEY

BUDGET HIGHLIGHTS

GENERAL FUND EXPENDITURES	2020 ACTUAL BUDGET	2021 ADOPTED BUDGET	2021 REVISED BUDGET	2022 PROPOSED BUDGET	DIFFERENCE
Personal Services	\$1,994,082	\$1,867,155	\$1,867,155	\$1,884,907	\$17,752
Supplies and Materials	\$47,048	\$124,025	\$124,025	\$135,909	\$11,884
Other Services and Charges	\$3,615,031	\$4,005,330	\$4,005,330	\$4,090,130	\$84,000
Grants & Contributions	\$68,205	\$400,000	\$400,000	\$500,000	
Operating Transfers	\$758,088	\$1,886,228	2,320,336	1,899,402	(\$420,934)
Total Expenditures	\$6,482,454	\$8,282,738	\$8,716,846	\$8,510,348	(\$306,498)

% Increase (decreased) over 2021 revised budget -2.4%

THANK YOU FOR YOUR ATTENTION

