

**City Attorney - Departmental Performance Report**

<b>City Attorney</b>						
The Virginia Beach City Attorney's Office mission is dedicated to providing effective and efficient legal services, promoting accountability, trust and openness in government and focusing on outcomes that are fair, equitable and balanced while protecting the best interests of the client.						
<b>Objective/Performance Measure</b>	<b>Unit</b>	<b>Annual Target</b>	<b>Actual 2008</b>	<b>Actual 2009</b>	<b>Est. 2010</b>	<b>Proj. FY 2011</b>
<b>Financial</b>						
<b>Maximize Efficiency of City Legal Services</b>						
Effective Rate of All Legal Services per Hour	\$	115	115	118	115	115
In-House Attorney Costs per Hour	\$	100	99	102	100	100
Outside Counsel Costs per Hour	\$	310	336	280	310	310
<b>Maximize Efficiency of School Legal Services</b>						
Direct In-house School Service Hours	#	4,125.0	4,316.0	4,149.0	4,125.0	4,125.0
In-House Attorney Costs per Hour	\$	81	70	81	81	81
Outside Counsel Cost per Hour	\$	218	201	218	218	218

### Major Changes

In total, the City Attorney's budget decreased \$314,998 or 8.1%. This includes the elimination of 2.65 positions.

<b>Change</b>	<b>Impact</b>
Office Assistant position eliminated	<ul style="list-style-type: none"><li>The elimination of this position will require the rotation of this duty among existing staff, volunteers will be sought to assist.</li></ul>
One Paralegal position eliminated and one reduced to part-time	<ul style="list-style-type: none"><li>The elimination and reduction will require a larger workload on current paralegals and additional paralegal duties may devolve to attorneys.</li></ul>

Additional information about program reductions is available in the Requested But Not Funded listing in the Resource Management Plan document.

### Departmental Overview

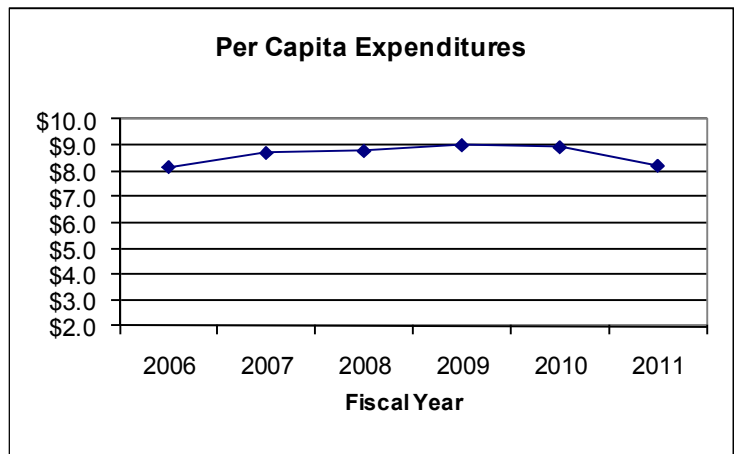
The City Attorney's Office is organized into five functional sections:

- **Policy and Administration** - Provides legal services in support of core governmental and administrative functions, including public policy, public facilities, human resources, public finance and public safety. This section has the primary responsibility for drafting policies, ordinances and resolutions, drafting opinions on legal issues posed by City departments and officials, and ensuring compliance with State and Federal laws, including COIA, FOIA and Title VII.
- **Real Estate, Infrastructure and Development** - Provides legal services for the acquisition, maintenance and operation of the City's infrastructure and to support development activities intended to enhance the City's tax base. These attorneys are engaged in all aspects of municipal real estate and development, including title searches, drafting deeds, complex transactional documents, litigation and eminent domain cases. The attorneys in this section also have responsibility for legal services in support of the City's APZ-1 and ITA Acquisition Programs to reduce encroachment around N.A.S. Oceana.
- **Land Use** - Performs legal tasks involved in the development, implementation, administration and enforcement of the City's zoning, land use (including AICUZ-related), environmental, agricultural, and neighborhood preservation programs. In addition, the land use attorneys act as the primary legal counsel to the Planning Commission, Board of Zoning Appeals, Wetlands Board, Chesapeake Bay Preservation Area Board, Agricultural Advisory Commission, Bayfront Advisory Committee, Green Ribbon Committee, Workforce Housing Advisory Board and Military Economic Development Advisory Committee.
- **Litigation** - Provides representation in all civil litigation cases involving the City, its departments, boards, commissions, employees and volunteers. Representation includes defending and prosecuting tort claims, civil rights claims, collection actions, contract disputes and construction claims. In addition, the litigation section represents the Department of Social Services in cases seeking to protect at risk children and handicapped or elderly adults from abuse and neglect. Litigation attorneys are also actively involved with the Risk Management Division and other City departments in evaluating and minimizing potential exposure to tort and contract claims before they arise.
- **Public Education** - Provides legal services in support of core public education and administrative functions including student issues, human resources, School Board policies, administrative support and public policy issues, and school finance matters. Supplemental services in support of the School Board's initiatives include litigation and real estate services. All work is performed through a cooperative agreement with the School Board that mandates a minimum number of legal service hours per year.

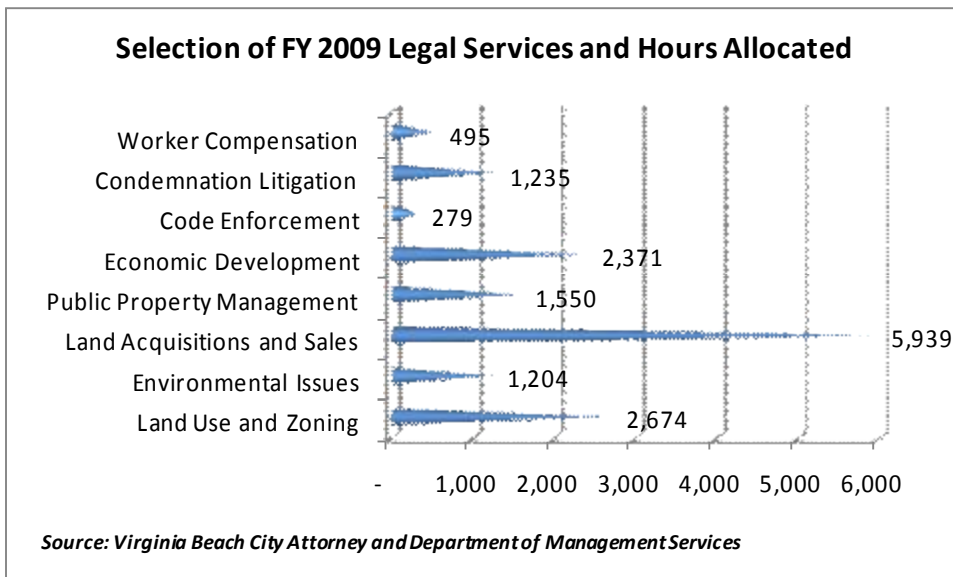
### Trends and Issues

- The number of direct in-house service hours should remain consistent at approximately 39,000, which should represent approximately 93% of all legal service hours provided to the City and Schools.

- The average cost of in-house service hours provided to the City should remain approximately \$100 per service hour. Where necessary, outside counsel costs will be substantially higher (\$280/hour or more).
- The City Attorney's Office will provide more than 4,125 hours to the School division at an effective in-house rate of approximately \$81 per hour.
- While position reductions were made, the new staffing composition should not compromise the quality of legal services provided or the level of responsiveness perceived by the clients.



- In FY 2009, the department provided 38,821 hours of legal services utilizing in-house attorneys. Of significance in FY 2009:
  - Land use and zoning activities consumed 2,674 hours
  - Environmental issues used 1,204 hours
  - Acquisitions/sale of properties 5,939 hours
  - Public property management 1,550 hours
  - Economic development 2,371 hours
  - Code enforcement 279 hours
  - Responded to 591 Freedom of Information Act (FOIA) requests (made copies of 22,335 documents)
  - Issued 20 opinions
  - Prepared 214 ordinances
  - Devoted 5,575 hours to social services representation in over 400 cases
  - Spent 1,235 hours in condemnation litigation
  - Expended 495 hours defending workers compensation claims



**City Attorney - Departmental Resource Summary**

	FY 2009 Actual	FY 2010 Adjusted	FY 2011 Adopted	Variance from FY 2010
<b><u>Program Summary</u></b>				
<b><u>002 General Fund</u></b>				
<u>Expenditures</u>				
City Attorney	3,654,284	3,875,841	3,560,843	(314,998)
Total Expenditures	<u>3,654,284</u>	<u>3,875,841</u>	<u>3,560,843</u>	<u>(314,998)</u>
<u>Revenues</u>				
City Attorney	523	0	0	0
Total Revenues	<u>523</u>	<u>0</u>	<u>0</u>	<u>0</u>
General City Support	<u>3,653,761</u>	<u>3,875,841</u>	<u>3,560,843</u>	<u>(314,998)</u>
 Total Department Expenditure	 3,654,284	 3,875,841	 3,560,843	 (314,998)
Total Department Revenue	523	0	0	0
Total General City Support	<u>3,653,761</u>	<u>3,875,841</u>	<u>3,560,843</u>	<u>(314,998)</u>

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**Position Summary by Program**

<b><u>002 General Fund</u></b>				
City Attorney	43.00	43.00	40.35	-2.65
Total	<u>43.00</u>	<u>43.00</u>	<u>40.35</u>	<u>-2.65</u>
Total Position Summary	<u>43.00</u>	<u>43.00</u>	<u>40.35</u>	<u>-2.65</u>