



LEGAL DEPARTMENT

LEGAL - 120 EXPENDITURES BY CATEGORY:

	Actuals	Actuals	Estimated	Budget	%	Budget	%
	FY 2006	FY 2007	FY 2008	FY 2009	Var	FY 2010	Var
Salaries and Benefits	826,326	805,239	781,365	964,691	23%	964,691	0%
Operating Expense	235,547	148,460	217,301	849,612	291%	849,612	0%
Capital Expenditures	5,993	1,880	2,718	-	-100%	-	0%
Carryovers	40,085	6,372	1,649	-	-100%	-	0%
PROG EXPENDITURES TOTAL	1,107,951	961,951	1,003,032	1,814,303	81%	1,814,303	0%

FUNDING SOURCE SUMMARY

General Fund Contribution	1,107,951	961,951	1,003,032	1,814,303	81%	1,814,303	0%
PROG FUNDING SOURCE TOTAL	1,107,951	961,951	1,003,032	1,814,303	81%	1,814,303	0%

Authorized Full-time Equivalents	9	12	12	10	-17%	10	0%
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PURPOSE:

The Legal Department represents the County on behalf of the Board of County Commissioners pursuant to Section 36-1-19 NMSA. The purpose of the Legal Department is to provide legal services to the Board of County Commissioners and to represent the interests of other elected or appointed officials when those interests are compatible with those of the Board of County Commissioners. The Legal Department will deliver services in a prompt, professional, and confidential manner with special emphasis placed on the Bernalillo County Commission. Critical to this purpose is the ability to adapt to unique legal situations in a timely fashion.

SERVICES PROVIDED:

The Legal Department provides the following services:

- Rendering of legal opinions
- Review and approval of documents
- Assistance in the drafting and implementation of County policies and procedures
- Drafting of a variety of legal documents including contracts, ordinances, resolutions, and joint powers agreements
- Attendance at meetings with the public; the procurement of specialized legal counsel and an internal legal staff
- Attendance and the provision of legal advice at Bernalillo County Commission, Board of Finance, and ABCGC meetings
- Makes legal staff available to advise Bernalillo County Commissioners and Administration
- Prosecution of cases involving violations of County ordinances in Metropolitan Court
- Education of the various County Departments in preventing legal problems
- Initiation and defense of lawsuits in the state and federal trial and appellate courts.
- Oversight and management of all civil rights claims and all pending litigation.

PROGRAM HIGHLIGHTS AND MAJOR ACCOMPLISHMENTS:

- In order to provide a thorough oversight and input into the Tort Claims and litigation which is covered by insurance, the Legal Department met with representatives of the New Mexico Association of Counties and established procedures for reviewing and handling claims and open files. As a result, procedures were put into place for the reviewing and handling of claims and the attorneys conduct regular reviews of open litigation files.
- The Legal Department has successfully obtained judgments against nuisance properties in order to provide for the cleaning of the properties and elimination of the nuisance. In cases where the property owner does not clean up the property, the County cleans up the property and obtains a lien against the property owner for the cost. The Legal Department has been successful collecting the cost of the cleanup as a result of these liens.
- The Legal Department has successfully assisted with the drafting and implementation of the revised Drug and Alcohol Testing Policy.
- The Legal Department has successfully recovered on paid taxes on behalf of the County in several bankruptcy cases and from the Tax and Revenue Department on the Local Option Tax District for Indigent Healthcare.
- The Legal Department has successfully utilized the Public Works Mediation process to obtain favorable settlements with/against architects and contractors.
- The Legal Department successfully represented the Bernalillo County Clerk before the Tenth Circuit Court of Appeals regarding Election Code issues.

SERVICE IMPROVEMENT GOALS & OBJECTIVES:

FY08-09

- Continue providing oversight and input into Tort Claims and litigation covered by insurance to insure issues are properly maintained and contained.
- County Legal will continue its aggressive stance on nuisance abatement lawsuits. The County is currently pursuing or enforcing approximately a dozen judgments for the cleanup or demolition of nuisance properties. County Legal also continues to pursue criminal charges in Metropolitan Court seeking compliance with the County's zoning, building, and environmental health ordinances.
- Expand scope of services and practice areas to provide additional services "in-house" rather than through contract attorneys, including construction and bankruptcy issues.
- Analyze Employment Relations Rules and Regulations to determine if amendments are necessary.
- Continue to provide additional training for supervisors on Corrective Action Plans, discipline, grievance and arbitration process.
- Continue to participate in contract negotiations with the various unions.
- Continue with systematic and revenue-producing collection of delinquent solid waste accounts.
- The Legal Department will continue in its attempt to recover monies owed the County through Court Orders, Judgments, and liens obtained as a result of the Orders, Judgments and Liens.
- Expand knowledge base through training, research and seminars to assist in efforts to reduce expenses related to contracting out work.
- Continue assisting the Administration in efforts to realize cost-savings in all areas of County services, procurement and contract administration.
- Continue appellate representation at all levels.
- Provide review and assistance with respect to completion of the audits being undertaken to bring closure to the McClendon Litigation.
- Provide review and assistance with respect to policy and procedure review.
- Handle all litigation arising out of the MDC and any other litigation that is not otherwise covered by insurance.
- Continue to provide training to the management staff at MDC regarding applicable County policies and procedures related to litigation.
- Assist MDC in attaining compliance with all judicially mandated requirements.
- Assist the County Manager's office in its efforts to open a charter school at the MDC.
- Develop an ordinance or resolution which addresses the costs associated with underage drinking.
- In coordination with the Planning Department, develop Transfer of Development Rights ordinance establishing a process for the identification sending and receiving zones.
- Assist the Housing in updating their forms and handle litigation arising with regard to landlord/tenant issues.
- Provide training to Animal Control employees on drafting and writing complaints.

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Legal Department

PERFORMANCE DATA:

Performance Measures	Cases Opened 2006-7	Cases Closed 2006-7	Cases Opened 2007-8	Cases Closed 2007-8	Cases Remaining Open
District Court & U. S. District Court Cases Opened	100	29	51	8	114
Property Tax Refund Cases	21	6	6	1	20
Property Tax Protests Received and Resolved	6,802	6,800	76	6	70
Bankruptcy Cases	67	17	53	8	95
Metropolitan Court Cases (Animal Control)	292	244	94	43	99
Metropolitan Court Cases (Environmental Health)	12	11	14	6	9
Metropolitan Court Cases (Zoning)	45	37	44	24	28
Metropolitan Court Cases (Public Works)	0	0	0	0	0
Garnishment Cases Opened	42	19	238	74	187
Contracts & Documents Reviewed for Various Departments	924	N/A	442	N/A	0
Solid Waste Collection Suits filed in Metro Court	9	9	0	0	0
Tort Claims Notices Received	337	0	158	0	N/A
Foreclosure Cases	12	11	4	1	6
Public Nuisance Cases	1	1	2	0	3
Liquor License Hearings	6	6	3	3	0
Personnel Issues	58	1	28	2	83
Miscellaneous Matters	119	117	45	44	3
EEOC	20	12	12	2	18
Inspection of Records	45	45	22	20	24