

**CORPORATION
COUNSEL**

**BUDGET
PRESENTATION**

MAY 30, 2012

CITY OF AUBURN

	2010-2011 Actual Expenditure	2011-2012 Adopted Budget	2011-2012 Amended Budget	2011-2012 Y-T-D Actual	2012-2013 Requested Department	2012-2013 Recommended City Manager
A1110 CITY COURT						
440 SERVICES	86,470.39	88,056.00	88,056.00	74,188.59	115,000.00	115,000.00
ACTIVITY TOTAL	86,470.39	88,056.00	88,056.00	74,188.59	115,000.00	115,000.00
A1420 CORPORATION COUNSEL						
110 SALARY & WAGES	124,995.09	121,752.00	121,752.00	109,288.23	141,002.00	141,002.00
120 SICK INCENTIVE	0.00	400.00	0.00	0.00	400.00	400.00
210 FURNITURE & FIXTURES	504.83	500.00	260.00	198.90	750.00	750.00
220 OFFICE EQUIPMENT	0.00	0.00	1,142.00	1,141.98	500.00	500.00
411 OFFICE SUPPLIES	2,480.75	2,550.00	2,550.00	1,116.88	2,550.00	2,550.00
440 SERVICES	193,623.01	107,200.00	103,298.00	55,184.37	116,450.00	116,450.00
450 FEES	2,348.00	2,500.00	5,500.00	5,469.70	2,500.00	2,500.00
460 TRAVEL, TRAINING, PROF DEV	2,799.56	1,500.00	1,900.00	1,821.20	2,000.00	2,000.00
801 RETIREMENT-GENERAL	4,641.00	5,056.00	6,124.00	6,124.00	10,000.00	10,000.00
811 SOCIAL SECURITY & MEDICARE	9,575.35	16,050.00	14,387.00	8,462.67	10,817.00	10,817.00
821 WORKERS' COMP-PREMIUM	2,038.20	2,647.00	2,742.00	2,741.28	3,347.00	3,347.00
841 HEALTH INSURANCE	10,273.42	11,735.00	11,735.00	9,341.55	12,500.00	12,500.00
842 DENTAL INSURANCE	1,842.72	1,440.00	1,940.00	1,612.40	2,012.00	2,012.00
845 VISION COVERAGE-CSEA	550.32	600.00	600.00	467.80	567.00	567.00
ACTIVITY TOTAL	355,672.25	273,930.00	273,930.00	202,970.96	305,395.00	305,395.00

CITY OF AUBURN

	2010-2011 Actual Expenditure	2011-2012 Adopted Budget	2011-2012 Amended Budget	2011-2012 Y-T-D Actual	2012-2013 Requested Department	2012-2013 Recommended City Manager
A8010 ZONING BOARD						
130 TEMPORARY & PART TIME	810.00	1,500.00	1,556.00	1,902.44	0.00	0.00
150 SECRETARIAL SERVICES	0.00	0.00	78.00	77.39	1,500.00	1,500.00
811 SOCIAL SECURITY & MEDICARE	61.97	100.00	125.00	150.09	115.00	115.00
ACTIVITY TOTAL	<u>871.97</u>	<u>1,600.00</u>	<u>1,759.00</u>	<u>2,129.92</u>	<u>1,615.00</u>	<u>1,615.00</u>
DEPARTMENT TOTAL	<u>443,014.61</u>	<u>363,586.00</u>	<u>363,745.00</u>	<u>279,289.47</u>	<u>422,010.00</u>	<u>422,010.00</u>

A 1110 City Court

Sub-Account	Item	10-11 Actual Expenditure	11-12 Budget Adopted	11-12 Budget Amended	12-13 Budget Requested Department Head
.440	SERVICES Rent	\$ 86,470	\$ 88,056	\$ 88,056	\$ -
	ACTIVITY TOTAL	\$ 86,470	\$ 88,056	\$ 88,056	\$ -

A 1420 Corporation Counsel

Sub-Account	Item	10-11 Actual Expenditure	11-12 Budget Adopted	11-12 Budget Amended	12-13 Budget Requested Department Head
.110	SALARIES & LONGEVITY Corporation Counsel		80,000		76,509
	Asst. Corp. Counsel		-		-
	Sec'y to Corp Counsel		41,752		45,366
	TOTAL	\$ 124,995	\$ 121,752	\$ 121,752	\$ 121,875
.120	INCENTIVE Sick Pay Incentive	\$ -	\$ 400	\$ 400	\$ 400
.210	FURNITURE & FIXTURES	\$ 505	\$ 500	\$ 260	\$ 500
.220	OFFICE EQUIPMENT	\$ -	\$ -	\$ 1,142	\$ 500
.411	OFFICE SUPPLIES Updates of Law Books		1,200		1,200
	Office Supplies		750		700
	New Books & Publications		500		500
	Miscellaneous		100		100
	TOTAL	\$ 2,481	\$ 2,550	\$ 2,550	\$ 2,500
.440	SERVICES Appraisals				15,000
	Title Searches				750
	Steno Services				500
	Arbitrations				5,000
	Copier Service Agreement				1,200
	Contracted Asst Corp Counsel				54,000
	Outside Legal Services				40,000
	TOTAL	\$ 193,623	\$ 107,200	\$ 106,298	\$ 116,450
.450	FEES Filing Fees; Other Fees	\$ 2,348	\$ 2,500	\$ 2,500	\$ 2,500

A 1420 Corporation Counsel

<u>Sub-Account</u>	<u>Item</u>	<u>10-11 Actual Expenditure</u>	<u>11-12 Budget Adopted</u>	<u>11-12 Budget Amended</u>	<u>12-13 Budget Requested Department Head</u>
.460	TRAINING & PROF DEVEL Professional Affiliations Professional Seminars	\$ 2,799	\$ 1,500	\$ 1,500	\$ 1,000
.801	RETIREMENT	\$ 4,641	\$ 5,056	\$ 5,056	\$ 10,000
.811	SOC SEC/MEDICARE	\$ 9,575	\$ 16,050	\$ 16,050	\$ 10,817
.821	WORKERS' COMP	\$ 2,038	\$ 2,647	\$ 2,647	\$ 3,347
.841	HEALTH INSURANCE	\$ 10,274	\$ 11,735	\$ 11,735	\$ 12,500
.842	DENTAL INSURANCE	\$ 1,843	\$ 1,440	\$ 1,440	\$ 2,012
.845	VISION INSURANCE	\$ 550	\$ 600	\$ 600	\$ 567
	ACTIVITY TOTAL	\$ 355,672	\$ 273,930	\$ 273,930	\$ 284,968

A 8010 Zoning Board of Appeals

<u>Sub-Account</u>	<u>Item</u>	<u>10-11 Actual Expenditure</u>	<u>11-12 Budget Adopted</u>	<u>11-12 Budget Amended</u>	<u>12-13 Budget Requested Department Head</u>
.130	TEMPORARY & PART-TIME	\$ 810	\$ 1,500	\$ 1,500	\$ -
.150	OVERTIME	\$ -	\$ -	\$ -	\$ -
.411	OFFICE SUPPLIES	\$ -	\$ -	\$ -	\$ -
.801	RETIREMENT	\$ -	\$ -	\$ -	\$ -
.811	SOC SEC/MEDICARE	\$ 62	\$ 100	\$ 100	\$ -
	ACTIVITY TOTAL	\$ 872	\$ 1,600	\$ 1,600	\$ -
	DEPARTMENT TOTAL	\$ 443,014	\$ 363,586	\$ 363,586	\$ 284,968

CORPORATION COUNSEL BUDGET ANALYSIS AND RECOMMENDATIONS

2012-2013

You have received a live data base which reflects the current year budget analysis and the projections for 2013.

To address the issues regarding adjustments to the recommended amount, the following explanations are necessary:

Line 110: "Salary and Wages" includes the salary for the Corporation Counsel currently in the amount of \$95,636.

It also includes the salary for the secretary to the Corporation Counsel in the amount of \$45,366.

My recommendation regarding the above-mentioned salaries are simply that the secretary's salary remains the same, however, the salary received by Corporation Counsel be reduced by 20% or the sum of \$19,127 which will result in a salary of \$76,509. The reduction in salary is proposed to be consistent with a reduction in minimum hours per week of 20% or from 35 hours to 28 hours. This action may be considered a furlough in reference to a reduction in the General Fund.

Line 220: "Furniture and Fixtures" is suggested to be reduced by \$250 which is a 33% decrease to the sum of \$500.

Line 440: "Services" includes multiple items namely:

- contractual Assistant Counsel \$54,000
- outside counsel - \$40,000
- appraisals - \$15,000
- arbitrations - \$5,000
- surveys - \$2,450

The services performed by the Assistant Corporation Counsel encompasses several litigation cases, together with his regular duties, and it should be recognized that if these matters were handled by outside counsel at a minimum of \$250 per hour, these services would be at least double and perhaps tripled in that amount.

The allocation for outside counsel, at present, will be utilized mainly for representation for labor issues and also for specialized cases; specifically the Police Collective Bargaining Agreement which has been resolved by an arbitration decision which expires on June 30, 2012. There is a possibility that this matter could also end in arbitration.

Appraisals. It should be recognized that with the multiple certiorari cases that the services of a qualified appraiser to testify in relation to these cases is costly. The sum which has been allocated has been reduced by the fact that the Assistant Corporation Counsel, Andy Fusco, has been successful in engaging the School District and County to participate in the expenses of these cases. If that were not done, that cost would be double or triple.

Arbitration. These are cases which arise from time to time and there are currently at least five open arbitration cases that will be proceeding to hearings. The sum allocated is speculative and will be dependent on the length of time the arbitrator must hear the case. It would not be unreasonable for the City to receive charges for each case in the amount of at least \$1,000 per day.

The balance of monies in that line would be allocated to surveys and other cost which might be incurred in relation to the sale or acquisition of real property through tax foreclosures.

Line 460: "Travel and Training". This allocation is being reduced to \$1,000 or a 50% reduction. There will be occasions when seminars are available to counsel in order to familiarize the office with recent changes in law and recent Court decisions.

CORPORATION COUNSEL

DISTINGUISHING FEATURES OF THE CLASS:

The work involves responsibility for serving as the Chief Attorney for the City of Auburn. The incumbent is responsible for working as chief legal counsel to the Mayor, City Council, City Manager, and the City's various departments, boards and commissions and represents the City in all legal matters by and against the City. Does related work as required.

TYPICAL WORK ACTIVITIES:

Prepares all legal documents such as contracts, deeds, leases, mortgages and other various documents and reviews same;

Drafts and prepares all local laws, ordinances and amendments;

Attends all council meetings and meetings of the City's various boards and commissions;

Serves as chief negotiator for labor contracts with the City's unions;

Prosecutes all violations of municipal code, in particular zoning, building, housing, fire and dog control;

Represents the City in labor and employment matters including employee discipline;

Represents the City in all litigation matters including, but not limited to, negligence, police liability, tax foreclosure and certiorari, Article 78 proceedings, arbitrations and appellate practice;

Performs such other professional services as required by the City.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the principles and practices of common law and local law and State and Federal laws relating to municipalities;

Thorough knowledge of civil court procedures and of the rules of evidence;

Thorough knowledge of the general workings and activities of City government;

Good knowledge of employee contract negotiation practices and procedures;

Ability to prepare drafts of legal instruments;

Ability to interpret laws, rules, regulations and court decisions;

Demonstrated ability in legal research, drafting of legal opinions, memoranda, preparing
of pleadings, drafting of local laws and ordinances;

Ability to analyze and apply legal principles, facts and precedents to legal problems;

Ability to establish and maintain effective working relations with others;

Ability to communicate clearly and concisely both orally and in writing;

Honesty;

Integrity;

Ethical conduct in the practice of law;

Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

This position is in the exempt class. The minimum qualifications are to be determined by the appointing authority at the time of appointment.

ASSISTANT CORPORATION COUNSEL

DISTINGUISHING FEATURES OF THE CLASS:

The work involves responsibility for assisting the Corporation Counsel with providing legal counsel for the City of Auburn by reviewing and defending claims against the City, and prosecuting litigation for the City. The Assistant Corporation Counsel is responsible for representing the City in legal matters including real estate, tax foreclosures, zoning and planning and other related legal issues. Work is performed under the general supervision of the Corporation Counsel with leeway allowed for the exercise of independent judgment in planning and carrying out the details of the work. Does related work as required.

TYPICAL WORK ACTIVITIES:

Reviews and prepares legal documents such as contracts, deeds, leases, mortgages and other various legal documents;

Prosecutes all violations of municipal code, in particular zoning, building, housing, fire and dog control;

Prepares resolutions, ordinances and local laws for final drafting and approval;

Reviews, prepares, and negotiates contracts for the City;

Reviews and defends all assessments and tax claims;

Attends all council meetings and meetings of the city's various boards and commissions;

Represents City as plaintiff in collection and small claims procedures.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the principles and practices of common law and local law and State and Federal laws relating to municipalities;

Good knowledge of civil court procedures and of the rules of evidence;

Good knowledge of the general workings and activities of city government;

Working knowledge of employee contract negotiation practices and procedures;

Ability to prepare drafts of legal instruments;

Ability to interpret laws, rules, regulations and court decisions;

Demonstrated ability in legal research, drafting of legal opinions, memoranda, preparing
of pleadings and related activities;

Ability to analyze and apply legal principles, facts and precedents to legal problems;

Ability to establish and maintain effective working relations with others;

Ability to communicate clearly and concisely both orally and in writing;

Honesty;

Integrity;

Ethical conduct in the practice of law;

Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS:

This position is in the exempt class. The minimum qualifications are to be determined by the appointing authority at the time of appointment.

CORPORATION COUNSEL JOB DESCRIPTION

AMENDMENTS AND MODIFICATIONS

Corporation Counsel

The work activities for Corporation Counsel and Assistant Counsel have changed over an extended period of years.

A. The changes for Corporation Counsels are:

- Assumption of HR issues and duties co-ordinated with Lynda DeOrio
- Assumed the duties of Affirmative Action Officer appointed by the City Manager
- Receive, evaluation and approval, if warranted, for all claims due to potholes, trees, vehicles or other defects caused by the City
- Chief contact for claims, personnel and attorneys from NYMIR, the City's independent insurance carrier, regarding the defense, evaluation and settlement of personal injury and other tort claims against the City
- Co-ordination and finalization of all Council Agenda
- Negotiation and preparation of all legal documents for the sale of City real estate
- Co-ordination with all outside retained counsel regarding matter handled by them

Assistant Corporation Counsel

There are many concurrent activities that are shared with Corporation Counsel.

The Assistant Corporation Counsel is handling all sewer and water contracts with adjoining towns and the County Authority. Chief duties include:

- Legal advisor to the Zoning and Planning Boards
- Provides legal representation to the Auburn Municipal Power Agency
- Handles all litigation including lawsuits, Article 78 proceedings and arbitrations pursuant to Collective Bargaining Agreements
- In the past year the Assistant Corporation Counsel has handled eight lawsuits including appearance and arguments before the New York State Appellant Division and Court of Appeals
- Has represented the City in a least four arbitration proceedings
- Is representing the City in connection with 12 certiorari proceedings which require the engagement of an appraiser in order to facilitate defense of the actions. It should be noted that Assistant Corporation Counsel, Andrew Fusco, was successful in recruiting the County of Cayuga and Auburn Enlarged City School District to join in these certiorari proceedings and to contribute to the cost of obtaining appraisers. Had this not been done, the budgeted amount for the appraisals for these cases would double and/or triple.

SECRETARY TO CORPORATION COUNSEL

DISTINGUISHING FEATURES OF THE CLASS:

The work involves responsibility to serve as an administrative secretary to the Corporation Counsel, relieving him/her of administrative and business detail and resolving day to day operational problems. This work also involves responsibility for performing difficult and complex secretarial tasks. The work can be characterized as involving responsible secretarial tasks requiring a high degree of mature judgment and knowledge of program policies and procedures. Work is performed in accordance with general instructions received from a superior with considerable leeway for independent decisions in carrying out assignments. Supervision is not a responsibility of the position. Does related work as required.

TYPICAL WORK ACTIVITIES:

Acts as personal secretary to the Corporation Counsel, which includes the composition of letters in response to routine inquiries for information, answering routine questions from general public and other related office duties;

Prepares correspondence, memoranda, reports, legal documents, minutes of meetings and contracts using a personal computer;

Schedules and arranges meetings, conferences and appointments relative to confidential matters;

Coordinates the maintenance of confidential city personnel records and reports such as the results of drug and alcohol tests;

Designs, sets up and maintains files of correspondence, documents and records related to the activities of the agency;

Screens callers or visitors to determine the nature of the inquiry, answers questions on established policy and procedure and/or refers to appropriate party or office;

Prepares reports using statistical and narrative information;

Opens, reviews, sorts and prioritizes incoming mail, researches and attaches appropriate background material to correspondence;

Orders office supplies and maintains inventory of supplies and equipment;

Tracks archival records in records center;

Operates a personal computer, peripheral equipment and other related office machines.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of secretarial practices;

Thorough knowledge of modern office terminology, procedures, equipment and
business English;

Good knowledge of the organization, functions, policies, regulations, and terminology of
the Counsel's Office;

Ability to handle administrative details independently, including the composition of
letters, memoranda and reports;

Ability to maintain record systems and prepare written or statistical reports;

Ability to understand and interpret written material;

Ability to summarize information in both narrative and numerical form;

Ability to operate a personal computer and utilize common office software programs
including word processing, spreadsheets and databases at an acceptable rate of
speed;

Ability to express oneself clearly and concisely both orally and in writing;

Ability to establish and maintain cooperative relations with the public and other
governmental and private agencies;

Tact and courtesy;

Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Either:

- (a) Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with an Associate's degree in secretarial science or a related field and one (1) year of secretarial or clerical experience in administrative office support which involved using a personal computer; or
- (b) Graduation from high school or possession of a high school equivalency diploma and three (3) years of experience as defined in (a); or
- (c) An equivalent combination of training and experience as defined by the limits of (a) and (b) above.