LEGAL

The Legal Department is divided into two programs: legal services, and safe city strike force. City attorneys represent the City's interests before all courts, administrative bodies, tribunals, and legislative bodies in New Mexico, and are responsible for oversight of the civil lawsuits filed against all City departments. In addition to trial work, the legal services division advises clients on "liability avoidance" in all employment matters, protection of environmental resources, the management of risk in the operation of City services, land use and civil rights matters. To improve neighborhood quality of life and public safety, the safe city strike force program targets properties that pose an extreme nuisance to the neighborhoods and surrounding communities, initiates graffiti vandalism lawsuits and DWI vehicle forfeitures. Attorneys assigned to the safe city strike force also oversee the metropolitan traffic court arraignment program, which negates the need for police officers to be present at traffic arraignments.

MISSION

To provide timely and quality legal services at a reasonable cost to the Mayor's Office, City Council and City agencies and to represent the City of Albuquerque in litigation in state and federal courts and administrative hearings.

Operating Fund Expenditures by Category ($000s)	UNAUDITED ACTUAL FY/09	ORIGINAL BUDGET FY/10	REVISED BUDGET FY/10	ESTIMATED ACTUAL FY/10	APPROVED BUDGET FY/11	APPR 11/ EST ACT 10 CHG
Personnel	6,869	6,530	6,530	6,047	4,911	(1,136)
Operating	2,662	2,014	2,028	1,491	761	(730)
Capital	0	0	0	0	0	0
Transfers	404	272	272	274	340	66
TOTAL	9,935	8,816	8,830	7,812	6,012	(1,800)
TOTAL FULL TIME POSITIONS	106	85	85	85	60	(25)

BUDGET HIGHLIGHTS

The FY/11 approved General Fund budget for the Legal Department is reduced by 27.9% from the original FY/10 budget. The approved budget is $6.0 million. The reduction is attributed to reorganization by moving the human rights division to the Human Resources Department. This move included one position with an operating budget of $90 thousand. The other move is with the real property division. They have been moved to the Department of Finance and Administrative Services. Eight positions are moved as well as an operating budget of $573 thousand. The City Clerk has been established as an independent office, Office of the City Clerk. This includes an operating budget of $673 thousand and 12 positions.

One time funding for the municipal election of $733 thousand is removed as well as an intra-year move of one FTE for $41 thousand to the Administrative Hearing Office.

Approved in this budget is the deletion of three vacant positions. They are a legal secretary, an executive assistant, and an office assistant for a total of $139 thousand. A reduction in the cost of labor of $156 thousand and a delay in hiring of $29 thousand are also approved.

Council approved another cost of labor adjustment for $1 thousand increase for the Legal Department and delayed the hiring of one position from six months to a full year for a savings of $29 thousand.

The Open and Ethical Elections Fund 232 is administered by the City Clerk and with the approval of the new office this fund will be discussed in The Office of the City Clerk.

($000's)	UNAUDITED ACTUAL FY/09	ORIGINAL BUDGET FY/10	REVISED BUDGET FY/10	ESTIMATED ACTUAL FY/10	APPROVED BUDGET FY/11	APPR 11/ EST ACT 10 CHG
PROGRAM STRATEGY BY GOAL:						
GOAL 2: PUBLIC SAFETY						
GENERAL FUND 110						
Administrative Hearing Office	988	0	0	0	0	0
Safe City Strike Force	853	846	846	782	822	40
Total General Fund 110	1,841	846	846	782	822	40

LEGAL

($000's)	UNAUDITED ACTUAL FY/09	ORIGINAL BUDGET FY/10	REVISED BUDGET FY/10	ESTIMATED ACTUAL FY/10	APPROVED BUDGET FY/11	APPR 11/ EST ACT 10 CHG
TOTAL GOAL - 2	1,841	846	846	782	822	40
GOAL 7: COMMUNITY AND CULTURAL ENGAGEMENT						
GENERAL FUND 110						
City Clerk	887	1,525	1,525	1,352	0	(1,352)
OPEN & ETHICAL ELECTIONS PROJECT FUND 232						
Open & Ethical Elections	1,123	438	438	2	0	(2)
Trfr from Fund 232 to Fund 110	37	37	37	37	0	(37)
Total Open & Ethical Elections Fund - 232	1,160	475	475	39	0	(39)
TOTAL GOAL - 7	2,047	2,000	2,000	1,391	0	(1,391)
GOAL 8: GOVERNMENTAL EXCELLENCE AND EFFECTIVENES						
GENERAL FUND 110						
Legal Services	5,573	5,391	5,405	5,173	5,190	17
Real Property	474	579	579	466	0	(466)
Total General Fund - 110	6,047	5,970	5,984	5,639	5,190	(449)
TOTAL GOAL - 8	6,047	5,970	5,984	5,639	5,190	(449)
TOTAL APPROPRIATIONS	9,935	8,816	8,830	7,812	6,012	(1,800)

REVENUE

General Fund revenues for FY/11 show in increase in Legal Services of $1 million compared to estimated actual FY/10. The increase is based on filling vacant attorney positions. In FY/11, the Open & Ethical Elections Fund has been moved to the City Clerk and the approved budget reflects zero.

Department Generated Fees for Services ($000's)	UNAUDITED ACTUAL FY/09	ORIGINAL BUDGET FY/10	ESTIMATED ACTUAL FY/10	APPROVED BUDGET FY/11	APPR 11/ EST ACT 10 CHG
Legal Services	1,690	1,875	1,944	2,994	1,050
Mediation Land Use Fees	13	0	0	0	0
Special Legal Counsel	112	140	131	131	0
Real Property Services	0	40	0	0	0
CIP Funded - 850	55	55	55	55	0
Rental of City Property	39	80	80	80	0
Sales of Real Property	1	0	0	0	0
County Shared Operations	30	30	30	30	0
Hearing Office Misc Admin Fees	0	0	0	0	0
Hearing Examiner Plats/Subdiv	56	0	0	0	0
City Clerk Misc Admin Fees	0	0	0	0	0
City Clerk Photocopying	1	4	4	0	0
Miscellaneous	0	0	0	0	0
Trf Law Enforcement Protection	185	263	263	271	0
Trf Photo Enforcement	812	666	666	753	0
Open & Ethical Elections - 232	885	474	474	0	(474)

LEGAL

PRIOR YEAR ACCOMPLISHMENTS

- Completed Demolitions at:
  326 Vassar SE owners financed
  3301 Mateo Prado property lien for all cost
  4614 9th St. NW owners financed

- The Strike Force has secured 95 structures.

- Closure and displacement of 92 tenants Western Palisades Apartment 1720 Atrisco NW

- 4819 Central NW, assist in the negotiated the demolition of the abandoned hotel with the property owner and legal council.

- Properties and/or Businesses closed due to life, health and safety issues:
  517 San Mateo NE
  421 San Mateo
  4100 Central SE
  6001 Central NE

- Nuisance properties inspected by Safe City Strike Force:
  700 Griegos Rd. NW
  12021 Skyline Rd. SE
  13036 Cambridge NE
  10518 City Lights Dr. NE
  617 San Clemente NW
  524 Central SW
  1410 Central SW
  1717 Muriel NE

- The DWI Seizure Unit reviewed approximately 2060 police reports related to DWI incidents.

- There were 1677 Administrative Hearing settings. The legal department proceeded to forfeiture or negotiated an alternative release at the hearing settings.

- Approximately 470 cases were filed in the District Court. This occurred as a result of the City not releasing the vehicle at the Administrative level and/or the owner of the vehicle never requesting an administrative hearing.

- The City entered into 797 immobilization agreements with owners and 552 release agreements with owners and/or lien holders.

- The DWI Unit generated $1,803,279.55.

- The RELU division secured a favorable decision from the district and appellate courts in Andalucia v. City upholding impact fees that will result in the collection of approximately $600 thousand.

- The District Court also affirmed the Council's decision not to rezone certain property for mobile homes on the southwest mesa.

- The division also collected over $800,000 for treasury, solid waste and cultural services.

- Oversaw the City's library acquisition of a bequest of a significant sum of money.

- City issued a total of $92.635 million in Recourse Debt:
  7/22/09- $29.6m Series A Gross Receipts Tax Refunding Bonds;
  7/22/09- $12.035m Series B Gross Receipts Tax Refunding Bonds;
  11/12/09- $26m Airport Refunding Revenue Bonds
  6/30/10- $25m Series 2000A & B Short Term General Obligation Bonds

- City issued a total of $24Million in Non-Recourse Debt:
  11/30/09- $14m City of Albuquerque Industrial Revenue Bond (Hotel Parq Central Project)
  2/8/10- $10m City of Albuquerque Industrial Revenue Bond (SUMCO Project)

LEGAL

- Other Debt Related Issues in which the legal department assisted with are:
  8/2009- Formation of the Volterra Public Improvement District occurred (a $9 million financing)

- Six new SAD foreclosure lawsuits have been filed.

- Appeared and represented the City in 63 administrative STOP hearings.

- Defended five appeals of STOP hearings in district court.

- Drafted changes to the Disabled Parking Ordinance, STOP and the Office of Administrative Hearings Ordinance.

- Litigating an appeal in the Tenth Circuit regarding whether the City has the authority to ban registered sex offenders from City libraries.

- Worked on the PNM Rate Case with litigation division attorney.

- Completed approximately 31 evictions for cause from federally-funded Public Housing units as the result of hearings in the Bernalillo County Metropolitan Court. (Evictions were the result of illegal activities by tenants who disturbed the neighborhood or violated federal housing regulations.)

- Represented Albuquerque Housing Services (AHS) in: several informal administrative Public Housing tenant grievance hearings at AHS, two eviction appeal cases from Metro Court to the NM 2nd Judicial District Court, two cases in the U.S. Bankruptcy Court and two cases in the U. S. District Court for New Mexico.

- Participated in approximately 20 administrative hearings at the City administrative hearings office regarding termination of Section 8 rental assistance benefits to low income households, allowing others on the lengthy waiting list to find housing.

- With RELU attorney, successfully defended two federal court lawsuits filed by T-Mobile alleging the City's refusal to grant several cell tower siting applications violated the Federal Telecommunications Act.

- Monitored the FCC's significant activity this year concerning cell tower sitings and filed objections to its major ruling.

- Negotiated a contract with Quote . . . Unquote, Inc. to provide services to operate the Public Access and Local Origination television channels.

- Handled the termination of the Educational Access TV contract with KNME and the subsequent return of equipment.

- 245,300 pages scanned, indexed and retrieved.

- 966 boxes received & stored for retention.

- 849 boxes destroyed meeting retention.