

LEGAL

City Attorneys represent the City's interests in all courts in New Mexico, before administrative bodies and other tribunals including legislative bodies, 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. The Legal Department, through its Real Property Division, is responsible for the management, acquisition, disposal, and coordination of City real property. The Utility Franchising Office merged with Legal Services program strategy in FY/05.



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)	ACTUAL FY/04	ORIGINAL BUDGET FY/05	REVISED BUDGET FY/05	ESTIMATED ACTUAL FY/05	APPROVED BUDGET FY/06	APPR 06/ EST ACT 05 CHG
Personnel	4,488	5,179	5,179	5,072	5,332	260
Operating	717	873	933	904	921	17
Capital	8	7	14	14	3	(11)
Transfers	89	188	188	188	237	49
TOTAL	5,302	6,247	6,314	6,178	6,493	315
TOTAL FULL TIME POSITIONS	73	76	76	77	78	1

BUDGET HIGHLIGHTS

The FY/06 approved budget contains funding for a new attorney assigned to the DWI vehicle forfeiture program within the safe city strike force. The position is needed because of increased enforcement actions, and changes in the DWI vehicle forfeiture law that allows the forfeiture of vehicles after the second DWI arrest. The Law Enforcement Protection Fund within APD, collects auction proceeds from forfeited vehicles, and will use a portion of the proceeds to reimburse the General Fund for the new attorney.

In FY/05, Council passed a resolution restoring the community mediation program. The program is established within the alternative dispute resolution unit of Legal Department to facilitate quick and friendly resolution of community disputes between neighbors. The resolution appropriates funds for one full time staff person to administer the program and funding for contract mediation services.

The FY/06 approved budget for Legal Department is a 3.9% increase over the FY/05 approved budget.

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(\$000's)	ACTUAL FY/04	ORIGINAL BUDGET FY/05	REVISED BUDGET FY/05	ESTIMATED ACTUAL FY/05	APPROVED BUDGET FY/06	APPR 06/ EST ACT 05 CHG
PROGRAM STRATEGY BY GOAL:						
GOAL 2: PUBLIC SAFETY						
GENERAL FUND 110						
Safe City Strike Force	0	899	899	884	985	101
Total General Fund - 110	0	899	899	884	985	101
TOTAL GOAL - 2	0	899	899	884	985	101
GOAL 8: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS						
GENERAL FUND 110						
Legal Services	4,424	4,861	4,928	4,827	5,010	183
Real Property	382	487	487	467	498	31
Utility Franchising Office	496	0	0	0	0	0
Total General Fund - 110	5,302	5,348	5,415	5,294	5,508	214
TOTAL GOAL - 8	5,302	5,348	5,415	5,294	5,508	214
TOTAL APPROPRIATIONS	5,302	6,247	6,314	6,178	6,493	315

REVENUE

There is no significant change in anticipated revenues for FY/06.

Department Generated Fees for Services (\$000's)	ACTUAL FY/04	ORIGINAL BUDGET FY/05	ESTIMATED ACTUAL FY/05	APPROVED BUDGET FY/06	APPR 06/ EST ACT 05 CHG
Legal Services	1,950	2,183	1,900	2,000	100
Legal Costs -- Foreclosures	0	4	4	4	0
Legal Penalties	2	0	0	0	0
Mediation Land Use Fees	6	40	20	20	0
Law Enforcement Protection	35	35	35	138	103
Special Legal Counsel	208	340	190	190	0
Real Property Services	82	70	70	70	0
Rental of City Property	153	120	80	80	0
Sales of Real Property	27	30	0	0	0
Transfer for CIP Positions	51	51	51	53	2
County Shared Operations	0	30	60	30	(30)
Legal Fees	1	0	0	0	0

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PRIOR YEAR ACCOMPLISHMENTS

- The Safe City Strike Force, along with Planning and APD, continued nuisance abatement activities in FY05 and successfully closed Rusty's Cork and Bottle and the Last Chance Bar.
- The Legal Services Program in cooperation with Human Resources and Risk Management departments have created a new City of Albuquerque City Driver/Operator Permit (COP) program that establishes a comprehensive system to help insure that unsafe drivers are not allowed to drive any vehicle on City business.
- The Legal Services Program has partnered with the Human Resources Department in chairing a Code of Conduct Evaluation Team that has undertaken the task of "recreating" the existing employee culture to focus City employees on the values of honor and integrity in public service. The Mayor has adopted the recommendation of the team to establish an Albuquerque City Employee's Coalition (ACE) to create an environment in City employment that will foster a more ethical and honorable work force.
- The Legal Municipal Affairs activity is presently defending in court the Red Light Ordinance passed by the City Council to deter red light infractions. The law is subject to a lawsuit by the ACLU to determine the constitutionality of the law. If the City prevails, it is ready to expand the present 2 intersections now being monitored by cameras to 12 intersections in hopes of reducing red light violation accidents.
- Two Sex Offender Ordinances are being defended in court to make Albuquerque the toughest city in the nation on sex offenders residing in our city.
- The Real Property Program of the Legal Department was instrumental in obtaining the easements for the Rapid Ride transit stations. Naming rights agreements were drafted and signed by the local merchants to generate revenues that will offset a portion of the cost of the stations.
- Open Space properties were expanded by approximately 120 donated acres, including a large part of Tijeras Arroyo.
- The Public Safety activity of the Legal Services Program completed eight jury trials in cases involving allegations of police misconduct or claims for municipal liability arising from police procedures or policies. The Division has reduced outside counsel costs by only referring cases involving conflicts of interest to outside counsel.



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PRIORITY OBJECTIVES

SUSTAINABLE COMMUNITY DEVELOPMENT GOAL: GUIDE GROWTH TO PROTECT THE ENVIRONMENT AND THE COMMUNITY'S ECONOMIC VITALITY AND CREATE A VARIETY OF LIVABLE, SUSTAINABLE COMMUNITIES THROUGHOUT ALBUQUERQUE.

- Objective 14. A large amount of the Downtown area is used as surface parking. Surface parking represents an underutilized resource, an impediment to redeveloping Downtown, and a barrier to creating an active and vital place. The Planning Department, Real Property Division of the Legal Department, and City Council Services shall inventory City surface parking lots Downtown and, with the assistance of a qualified real estate appraiser and an advisory committee of infill developers, shall develop and issue an RFP or RFI to obtain bids to redevelop these properties. Priority shall be given to higher density residential uses and to mixed use projects. City land may constitute an equity investment in the redevelopment projects and any development agreement that calls for this participation shall include provisions for repayment of the City's investment. This project shall be consistent with the provision of the HDIC development agreement. The Purchasing Ordinance shall guide the issuance of the RFP/RFI, establishment of a Selection Advisory Committee, and selection of a winning proposal or proposals. The real estate appraiser and project advisory committee also shall review and comment upon the submittals. Final selection of redevelopment proposals will be made by the City Council.

- Objective 15. Surface parking in the Downtown area represents an underutilized resource. Redevelopment of Downtown into an active and inviting place ultimately will involve the reuse of these surface parking lots into projects that will result in a balance among office uses, business and personal services, diverse residential options, and entertainment in an attractive and safe pedestrian environment. The City Planning Department and City Council Services shall inventory these privately held surface parking lots and identify public-private partnership options for redeveloping them. This project shall be consistent with the provision of the HDIC development agreement. Techniques used elsewhere to encourage the redevelopment of surface parking lots shall be identified. In the interim prior to the redevelopment of these properties, techniques for improving the visual and pedestrian quality of these lots shall be identified such as landscaping, paseos, lighting, public art, and so on also shall be identified. Landscape design assistance may be needed to carry out this work. A report of the project and recommended implementing legislation shall be submitted to the City Council by the beginning of the second quarter, FY/06.