

LEGAL DEPARTMENT BUSINESS PLAN



2010-2014



EXECUTIVE SUMMARY

The Legal Department provides responsive and competent legal services to the City Manager, City Council, boards, commissions and Department Directors by writing, reviewing and handling legislation, litigation, contractual agreements and bond documents; preparing legal opinions; prosecuting violators of municipal ordinances; and handling of right-of-way and easement acquisitions for public improvement projects.

The objectives of the Department are to provide satisfactory services to the Department's clients, to contain legal costs in a recessionary economy, complete the Department's continuous improvement project, and to develop an engaged and high performing legal team. To gauge how successful the Department will be in meeting the objectives, the Department will survey its clients to determine how well it is producing satisfactory work, initiate a cost analysis study to compare costs for legal services from one year to the next; and to require training of staff to assure that the City is provided with competent legal services.

The Department also conducted an environmental scan to determine opportunities and challenges. The Department determined that the major external challenges for the Department are to continue to provide competent legal services in a very depressed economy, when it is expected that there will be budget cuts to people, equipment and training; to learn about and adequately respond to new federal legislation in the employment law area, collective bargaining for Police and Fire, health insurance and care, and environmental laws.

Internally, the Department recognizes that the greatest challenges revolve around the budget, communication with its clients to assure quality and responsive services, upgrading and improving the filing systems, and continuation of educational and training opportunities.

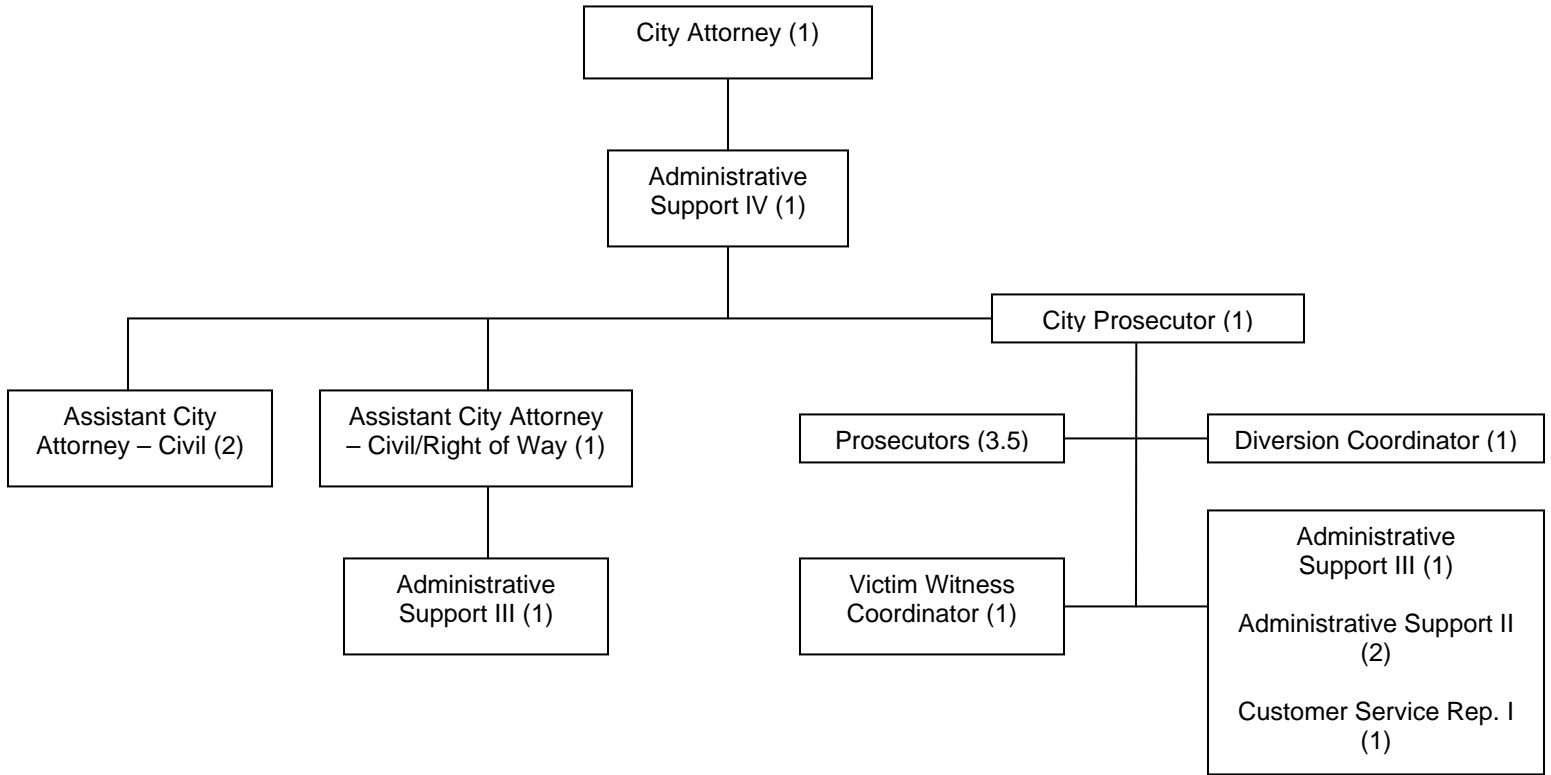
To meet the challenges, the Department is looking into ways to contain costs, to survey clients to determine satisfaction ratings, meeting with clients to determine ways to improve services, and concentrate on local training and educational opportunities to reduce the strain on the Department's budget.

DEPARTMENT MISSION STATEMENT

To provide responsive and competent legal services to the City Manager, City Council, Boards, Commissions and Department Directors by:

- writing, reviewing and handling all legislation, litigation, contractual agreements and bond documents affecting the City;
- preparing legal opinions for the City Council and staff;
- prosecuting violators of municipal ordinances and providing a forum for victim's rights;
- handling right of way and easement acquisitions for public improvement projects.

DEPARTMENT ORGANIZATIONAL CHART



DEPARTMENT PROGRAMS AND CITY COUNCIL PRIORITY

Municipal Counsel Division

Administration
Civil
Right-of-Way (10)

Prosecution Division

Prosecution (13)
Victim Assistance (11)
Mediation (9)
Diversion

KEY RESULT AREAS SUPPORTED

Service Delivery Support

Public Safety

DEPARTMENT STRATEGIC ALIGNMENT

PERSPECTIVE	ORGANIZATIONAL OBJECTIVES	DEPARTMENT OBJECTIVES	KEY RESULT INDICATORS	ACTUAL 2008	PROJECTED 2009	TARGET 2010	3-5 YEAR GOAL
Customer	Promote community health, safety, and welfare	Satisfaction of clients	Overall satisfaction averaging index	60	70	70	75
Financial	Deliver high quality, efficient, and affordable services	Cost containment	% of legal services expenses as % of total City budget	2.13	2.13	2.13	2.13
Internal	Maximize the effectiveness of internal business process	Completion of continuous improvement process	% of respondents satisfied with legal services	72	75	75	80
Employee	Recruit, develop, and retain productive, quality staff	Develop high performing leaders, teams, and employees	% of attorneys exceeding 12 hours of CLE	100	100	100	100
	Increase employee engagement and satisfaction	Foster a positive work environment	Employee engagement and satisfaction index	N/A	4.40	4.75	4.85

2009 BUSINESS PLAN CHALLENGES AND OPPORTUNITIES

The Department conducted both an external and internal environmental scan. The external scan resulted in identifying the following threats:

1. ***The Economy*** – The current downfall in the economy will result in reductions in property and sales taxes. This will mean less revenue for the City and smaller budgets for the departments. Less money for the Legal Department means that the Department will have to do more with less – less people, equipment and outside help.

The Department will lose one attorney that accepted the City's voluntary retirement package. The Department will not replace this attorney for the 2010 budget. This will result in a cost savings of \$109,000. This additional money will be used to offset projected shortfalls of revenue for contractual services and commodities in the Municipal Counsel and Prosecution Divisions.

The impact of the attorney lost would be felt in right-of-way acquisition. The attorney was spending 50% to 80% of his time in acquiring right-of-way for the City (the amount of time depended upon whether it was construction season). The rest of his time was spent on civil matters, especially construction contract issues. The loss will be made up by the three remaining civil attorneys. The loss would normally be a huge blow to the workload, but with the economic situation in such dire straits, there should not be much right-of-way acquisition for 2010 and maybe 2011.

While the savings can be used for contractual services and commodities, there is not sufficient funds to fund the Civil Division's Professional Services. Normally, the City funds this line item at \$100,000 to \$125,000. The money in this item is used to fund non-insurance litigation expenses (i.e. attorney's fees, discovery costs, exhibit costs, expert witness fess, etc.). Currently the 2010 budget has the line item at \$47,965. If non-insurance litigation costs are expensive in 2010, then the extra funds will have to come from contingency.

It is also anticipated that civil attorneys will have to double as prosecutors in Municipal Court. The workload continues to grow in Court and there will be a need to supplement the existing prosecutors. While this will add some burden to the civil attorney load, the overall workload of the City has been reduced because of the current economic conditions. Such increased workload is deemed a tolerable situation.

A second concern with the economy is in foreclosures. It is anticipated that as the economy continues to deteriorate, there will be more foreclosures of homes and businesses. This will most likely mean an increase in nuisance issues around the City.

A third concern is with crimes and lawsuits. As the economy deteriorates, there will be more crime and more prosecution work. There will be, however, less ability for criminals to pay fines. Historically, there has also been an upturn in civil litigation against police officers during times of economic recession.

2. **New Federal Laws** – With the Democrats controlling both houses of the US Congress and the White House, it is expected that there will be more laws passed that affect cities. Already there are new ADA and FMLA laws passed. It is expected that major pieces of legislation will be passed that enhances the right of collective bargaining, especially for police and fire employees. There could also be new laws affecting health care and the environment.
3. **State Legislature** – There continues to be a long-standing battle between cities and the State Legislature over home rule principles. The areas that are most affected by this battle are annexation and revenue. It is anticipated that the Legislature will continue to try to erode cities ability to unilaterally annex property into cities. The Legislature will also try to cap cities ability to raise taxes, and possibly, development fees.

The Department also conducted an internal environmental scan. Normally this is done by using the SWOT method (strengths, weaknesses, opportunities and threats). Staff decided to use a variation of the SWOT method called a Goal Grid. That process tries to answer the following questions:

What is the Department trying to **achieve**? What do you want that you don't have?

What is the Department trying to **preserve**? What do you want that you already have?

What is the Department trying to **avoid**? What don't you have that you don't want?

What is the Department trying to **eliminate**? What do you have now that you don't want?

The following charts are the Goal Grids developed by the Civil Division and Prosecution Division.

CIVIL DIVISION GOAL GRID

AVOID	ELIMINATE	PRESERVE	ACHIEVE
<p><u>External</u> Layoffs Budget Cuts</p> <p>Needless litigation we are responsible for causing Disciplinary action/Malpractice Crisis (where possible)</p>	<p><u>External</u> Crisis Bad Communication</p> <p>Lacking information from others</p> <p>Departments seeking favorable legal opinions</p>	<p><u>External</u> Ability to go outside for expertise Finance – keep our budget at current level Professional reputation</p> <p>Relationship with CMO, City Council, Planning Commission Working relationship with outside counsel Our jobs</p>	<p><u>External</u> Someone to practice in Federal Court More participation in other associations Highly professional and competent legal team Skillful, professional development</p> <p>Partnership with HR on legal issues</p> <p>Strengthen working relationships with other departments</p>
<p><u>Internal – Outreach</u> Low scores on internal survey</p> <p>Being decision-makers – become more advising than deciding for other departments</p>	<p><u>Internal – Outreach</u> Being decision-makers for other departments</p> <p>Bad communication</p> <p>Lack of communication</p> <p>Lack of follow-up</p> <p>Lack of information</p> <p>Low scores on internal survey</p> <p>Barriers to communication with other departments Dependence on Tom to make our division decisions Incorrect information (legal descriptions)</p>	<p><u>Internal – Outreach</u> Tom’s knowledge</p>	<p><u>Internal – Outreach</u> Other department take accountability for their projects – avoid losing attorney-client privilege Legal education programs for other departments</p> <p>Comfort level for other departments to come to us, when necessary Educate departments on when they should come to us Refer more decision-making to department supervisors Clearer communication with other departments More follow-up and internal communication Clearer job division and communicating that to other departments Stronger interaction with Prosecutor’s Office</p>
<p><u>Internal – Efficiency/Process</u> Bad or no communication Last minute deadlines – when possible Spending hours trying to find documents</p>	<p><u>Internal – Efficiency/Process</u> Clutter Departments signing contracts before Legal reviews Unnecessary meetings</p> <p>Paper files Incomplete files Duplicate files Unnecessary paperwork Old files Conflicting legal opinions</p>	<p><u>Internal – Efficiency/Process</u> Legal library Professional development</p> <p>Online access to legal research</p>	<p><u>Internal – Efficiency/Process</u> More standard documents Cost containment</p> <p>Laptop at staff meetings</p> <p>Better contract review system Standardized forms Electronic savvy – through all systems Meet/beat deadlines as set Electronic filing system Cross-training Outstanding teamwork Achieve good work product by the time it goes to Carolyn for review Completion of continuous Improvement program</p>

CIVIL DIVISION GOAL GRID

EXTERNAL SCAN THREATS

- 1) Economy
 - A) Reduced property and sales tax revenue
 - B) State pushing more work onto cities
 - C) Stimulus package work increases and additional paperwork
 - D) Reduced state funding

- 2) New Federal Laws
 - A) Employment law amendments – ADA, FLMA, etc.
 - B) Labor negotiations
 - C) Possible health care laws
 - D) Environmental laws

- 3) County zoning and annexation issues

- 4) New County Administrator

PROSECUTION DIVISION GOAL GRID

Avoid	Eliminate	Preserve	Achieve
Layoffs	Poor, inconsistent communication	Keep Alert entry and removal up-to-date	Skillful, professional development
Budget cuts	Crisis	Restitution	Strengthen relationship with other departments
Disciplinary actions	Lack of follow-up	Good relations with KBI	Increased communication with Court and Police
Low scores on internal surveys	Undefined policies	Our jobs	2 nd laptop
Misinformation to public between the Prosecutor's Office & the Judges	Prosecutors and Court being considered the same department	Professional reputations	Increase electronic savvy
Poor or inconsistent communication	Lack of information from the Judges	Good public service	Balance in trial dockets
Not following up with witnesses	Hours finding documents	Relationship with Court Administrator	Better process for obtaining discovery and videos
Subpoenaing witnesses unnecessarily for no-go trials	Imbalance in court dockets	Phone message set-up	Better job of maintaining legal opinions and case law to help research
Improper use of criminal records	Police officers not telling Prosecutor's Office when they are unable to make trials	Professional development	Better scheduling and notification with officers
Exposing criminal records to unapproved personnel	Court changing things without Prosecutor's Office knowledge	Legal research	Decrease necessity for continuances
Poor customer service		John Elder as CSO/DC	
		House arrest program relationship	
		Good relations with other prosecutors in the County and other cities	
		Good relationship with the Police Department and Animal Control	
		Internal staff relations	
		Time for Prosecutors to work together	
		Outstanding teamwork	

From these Goal Grids, the Department established the following action plans.

Civil Division Action Plans

1. Exercise wise spending to help the City's budget situation.
2. When the right-of-way attorney retires, have in place two trained civil attorneys as interchangeable replacements.
3. Train and utilize civil attorneys as prosecutors for anticipated extra work in Municipal Court.
4. External Outreach. Staff is finding that the Department is the last to receive information about issues that could have been dealt with earlier if the information was passed on sooner. Staff has determined that a more aggressive outreach program should be initiated to help with this issue. In addition, staff has determined that other departments are not voluntarily coming to Legal to discuss ordinance changes that would help the departments in their operations. An outreach program would help the situation.
5. Filing System/Electronic Storage Improvements. Staff determined that the current filing system is too cumbersome and needs to be modernized. In addition, staff needs to start converting paper files to electronic files.
6. Standardization of Forms. It has been several years since staff has reviewed the City's forms. It was felt that in the outreach program that an emphasis on reviewing forms is needed to insure that the legal forms being used are up-to-date and represent the best interests of the City.
7. Maintenance of CLE/Computer Research/Outside Counsel Budget. These items are necessary to deliver high quality, efficient legal services to the City. It is necessary to fight to keep as much budget room for these items as possible.
8. Federal Court Registry. The Federal Court system requires registry for filing of court documents. The City does not use the federal court system on a continuous basis. Leonard Hall is currently registered in the Bankruptcy Division of the Federal Court and staff has determined that he should register with the Federal District Court in order to allow the Legal Department to file documents with the Court.
9. Develop a training program with particular emphasis on ethical training of Civil Division attorneys.
10. Finish Continuous Improvement Program. A couple of years ago, the Legal staff started a continuous improvement program. The program needs to be completed and then implemented.

Prosecution Division Action Plans

1. Exercise wise spending to help the City's budget situation.
2. External Outreach. In order to promote better communication and understanding, develop an external outreach program with external customers. Such programs include:
 - a. Monthly meetings with the Municipal Judge, Police Department and Court Administrator.
 - b. Continue to upgrade the public website to provide information to defendants, victims and witnesses.
 - c. Meetings with Police liaison to address problems with police officers failing to be present at scheduled trials.
 - d. Cooperate and assist Court Administrator in preparing reports that she may not have knowledge of that are required within the City.
 - e. Continue communication with all house arrest officers regarding guidelines to follow while monitoring prisoners serving their sentences on house arrest.
 - f. Continue meetings with other City Prosecutors to discuss ongoing issues in Municipal Court and how each court is addressing the issues and sharing ideas and relevant research pertaining to common court cases.
 - g. Maintain regular meetings with Animal Control to assist in filing dangerous/vicious animal complaints and enhanced enforcement efforts through specialized prosecution of the cases.
 - h. Work with Victim Witness Coordinator to emphasize contact with all witnesses regarding court dates, continuances, subpoenaing witnesses, etc.
3. Continue to emphasize training of personnel, especially concerning:
 - a. Alert/KCJIS training.
 - b. TAC and LASSO positions.
 - c. Training to avoid unauthorized release of criminal records.
 - d. Maintaining all CLE requirements.
4. Develop the recently transferred Diversion Coordinator's position:
 - a. Review monitoring fees as assessed to assure fairness to the individual as well as assure a continued level of service through increased covered costs.
 - b. Continue to effectively monitor, maintain and review each diversion case handled.
 - c. Continue ADSAP certification for Olathe Court Services.

- d. Enhance and expand this position to include support staff as necessary given the number of cases being monitored as well as the number of revocations handled, assuring all cases are given sufficient customer service.

WHAT WE ACCOMPLISHED IN 2008

CITY ATTORNEY

Litigation

- Statistics

Cases at beginning of 2008	9
Cases added during 2008	5
Cases dismissed	5
Cases settled	<u>4</u>
Cases at end of 2008	5

- Significant Litigation

1. [Archie Kirkpatrick v. Olathe](#) – Case involves an inverse condemnation action against the City for constructing a roundabout at Ridgeview and Sheridan. City lost in the District Court, won on appeal to the Court of Appeals and is awaiting a decision from the Kansas Supreme Court.
2. [City of Olathe & Huntford Development, LLC v. Board of County Commissioners](#) – City appeal of a County zoning decision. Property owner and City worked out an annexation agreement and case was dismissed.
3. [Kuchar v. City of Olathe](#) – Lawsuit against City for falling on ice in one of the City’s parking lots. Case against City was dismissed by Judge.
4. [Pacheco v. Thiessen, Porter, Campbell, Richardson & City](#) – Lawsuit against Police Department for drug search. Case was settled for \$5,000.
5. [Medlin v. City & McCarthy Olathe Nissan](#) – City was sued, along with others, over a traffic accident. City

was dismissed from the case by the District Court Judge.

Legislation

- **Statistics**

133 Ordinances 130 Resolutions

1. School Zone revisions
2. Massage Therapy revisions
3. UDO Amendments
4. Telecom Facilities (cell tower) revisions
5. Building Code updates (not passed)
6. Olathe Traffic Ordinance revisions
7. Public Offense Code revisions
8. Pay Day Loan Regulations
9. Immobilization of Vehicles for Parking Violations
10. Park and Recreation Ordinance revisions
11. Solid Waste Ordinance revisions
12. Weed Ordinance revisions
13. Benefit District Policy revisions
14. Heritage Center Alcoholic Liquor Service amendments
15. Red Flag Policies
16. Tax Abatement/Industrial Revenue Bond Policy revisions
17. Transient Guest Tax Charter Ordinance revisions
18. TW Telecom Franchise Ordinance
19. MCI metro Franchise Ordinance

Bonds

• General Obligation Bonds & Notes	
Spring 2008	
Bonds Series 221	\$35,400,000
Notes 2008-A	49,485,000
Fall 2008	
Notes 2008-B	14,965,000
Notes 2008-C	37,615,000
• Water & Sewer Bonds	\$2,155,000
• Industrial Revenue Bonds (IRB)	
U.S. Bank	\$44,000,000
Sun Life Assurance of Canada	28,440,000
Karbank (2008)	24,114,000
Garmin (2008C)	23,350,000
Garmin (2008D)	22,000,000
OPUS – Corporate Ridge I	14,300,000
Parkside Business Park – Phase I	1,500,000
Anderson Pointe (Series A & B)	<u>2,855,000</u>
TOTAL	\$160,559,000
• Health Facilities Revenue Bonds	
Olathe Medical Center Series A	\$39,560,000
Olathe Medical Center Series B	29,210,000
Olathe Medical Center Series C	<u>36,015,000</u>
TOTAL	\$104,785,000

Right of Way Acquisition

PROJECTS	NUMBER OF TRACTS	TRACTS ACQUIRED	NUMBER OF EASEMENTS	TRACTS CONDEMNED	TRACTS APPEALED	EASEMENTS REVIEWED FOR PW (PREPARED OUTSIDE)
Lone Elm Interchange; PN 37197 (Remaining in 2008)	1	1				
167 th , Ridgeview to Black Bob; PN 33605 (Remaining in 2008)	1	1				
42" Waterline; PN 51604 (Remaining in 2008)	8	8		0	1	
Heritage Trail; PN 40403	3	1	5	2		
Santa Fe Streetscape; PN 30801	13	6	25			
City Square Park; PN 40905	1	1				
Woodland Road (Carnivale); PN 35999	1			1	1	
151 st Street Waterline Extension; PN 50106	4	4	4			
Mur-Len, 175 th Street North, Phase II; PN 35504 (additional tracts acquired by Payne & Brockway; reviewed by Legal)						6
Mur-Len, 175 th Street North, Phase II; PN 35504	2	2	5			
167 th Street, Ridgeview to Black Bob; PN 33605 (additional tracts required, acquired by Payne & Brockway; reviewed by Legal)						5
167 th Street, Ridgeview to Black Bob; PN 33605 (additional acquisition)	1	1	1			
Indian Creek Channel Improvements (4 Houses); PN 20999	4	4				
Lakeshore Meadows Lift Station & Force Main; PN 1-B-009-07	2	2	3			
Westview Trail; PN 40605	1	1				
167 th Street West of Ridgeview; PN 30906	3	3	3			
143 rd Street, Quivira to Switzer; PN 3-C-010-07	7	7	8			
127 th Street, Mur-Len to Black Bob; PN 30606	76	64	205	12	1	
Ridgeview Road Improvements; PN 30107	24	18	24			
Woodland Road Turn Lane; PN 3-B-048-07			2			4
Chestnut Street Improvements; PN 30108	28	25	28			
Cherry & Chestnut Street Rehab; PN 30108	27		29			
2008 Santa Fe Waterline Rehab; PN 5-C-053-08	6		8			
MISCELLANEOUS						
MidAmerica Nazarene University	1	1	1			
Barmby, Gavin	1	1	2			
Stratton Oaks	1		3			
Kansas City Road & Keeler Street	1	1	1			
Jensen Logistics	1	1				
Maegrace	1	1	1			
USD 233 Waterline (release/vacation)	1		2			
Jensen Logistics (Dan Jensen)	1	1	4			
Johnson County Water Distinct (Bioscience Project)	1	1	1			
TOTAL	222	156	365	15	3	15

- **Condemnation Appeals**

Condemnation appeals at beginning of 2008	4
Added condemnation appeals	3
Appeals settled	2
Dismissed	<u>1</u>
Condemnation Appeals at end of 2008	4

Contracts

Prepared:

1. Neighborhood Revitalization Agreements
2. Fire District Detachment Agreements
3. Cedar Creek Master Plan Extension Agreement
4. Hotel & Conference Center Agreement
5. Ridgeview Falls Transportation Development District
6. Legacy Christian Church Annexation Agreement
7. Living Hope Church Annexation Agreement
8. Oregon Trail Pond Interlocal Agreement
9. Christmas Card Release
10. Taxi Coupon Agreement
11. Agreement for Polygraph Review
12. Settlement Agreement with Ames Construction Co.
13. Regional Dispatch Center
14. Retiree Health Plan
15. M Power Rider Form
16. Olathe Housing Authority Hold Harmless Agreement
17. Reduction in Force Agreement
18. Olathe Girls Softball Association (OGSA) Joint Venture Agreement
19. Risk Manager Agreement
20. Memo of Understanding with the American Legion
21. Artist Release Agreement
22. Route K Agreement
23. Intergraph Agreement
24. Deaf Cultural Center Artist Agreement
25. Educational Reimbursement Agreement
26. Government Jobs Service Agreement
27. Quarry Agreement for Donation of Material
28. ATMS Agreement

29. Land Sales Contract for Neighborhood & Housing Services Department
30. Real Estate Contracts and Rental Agreements for Indian Creek Channel Improvement
31. Spruce Park Turn Lane Agreement
32. School Resource Offices (SRO) Agreement
33. Olathe Gateway Tax Agreement
34. Request for Proposals and Agreement for Land Acquisition Services, Appraisal Services and Review Appraisal Services
35. Real Estate Contract for Sullivan Duplex for the Westview Trail Project
36. Real Estate Contract and Rental Agreement for Alexander Building

Reviewed:

Construction Contracts	34
Design Build Contracts	1
Engineering Services Contracts	25
KDOT, Cities or County Agreements	14
Utility Services Contracts	7
Miscellaneous Contracts	<u>8</u>
TOTAL	89

Legal Opinions

- Staff issued 10 written, formal legal opinions and numerous unwritten opinions.

Training

Tom Glinstra obtained 31 hours of Continuing Legal Education (CLE) training:

- Fall City Attorneys Association Meeting
- Spring City Attorneys Association Meeting
- Environmental Law Videocast
- Legal Research on Westlaw
- 2008 Labor Employment and Benefits

Leonard Hall obtained 24 hours of CLE training and taught 2 courses:

CLE

Johnson County Bar Association Bench/Bar Conference
Spring City Attorneys Association Meeting
Fall City Attorneys Association Meeting
Research on the Internet

Non-CLE

U.S. Federal Reserve Forum on Foreclosure & Local
Government

Mike Price obtained 38 hours of CLE training and taught 2 courses:

CLE

Police Liability
E-Discovery: Now What
Fall City Attorney's Association Meeting

Taught

Bullet Proof Public Housing Lease
Red Flag Rules

Ron Shaver obtained 22 hours of CLE training and was a guest speaker on 2 topics:

CLE

HUD National Fair Housing Policy Conference
Public Contracts
Employment Law
National Association of Bond Lawyers New Practitioners
Teleconference
Family & Medical Leave Act Teleconference

Non-CLE

National Fair Housing Training Authority Course

Guest Speaker

Neighborhood Revitalization Act
Olathe Tax Abatement Policy

All attorneys and 1 staff attended TABS (Time and Billing System) training

Support staff:

E-1 Training (Common Foundations)	1 staff
E-1 Training (Order Entry & Inquire)	1 staff
Time Entry Training	2 staff
E-1 Training (Attaching Invoices)	2 staff
Purchasing 101	1 staff
PAR & Department Data Management	1 staff
Sharepoint Portal Training	1 staff
Holiday Pay Training	1 staff
P-Card Refresher	1 staff
Requesting Interpreting Services	1 staff

Other

- ◇ Attended numerous meetings of various City Boards and Commissions, including the City Council, Planning Commission, BZA, Housing Authority, Human Relations Commission and Board of Code Review.

- ◇ **Involvement with KRA's:**

Tom Glinstra	Service Delivery Support
Leonard Hall	Transportation
Mike Price	Diversity
Ron Shaver	Economic Sustainability

- ◇ **Other City Functions**

Employee Development Committee
Employee Fund Committee
Technology Committee
Sick Leave Bank Board
Olathe Leadership Team
Civic Academy
Facilitation for numerous meetings
TIF Committee
TDD Committee
Benefit District Committee
Emergency Management Team
Third Grade Tours

Service Excellence Team
Economic Development Committee
Downtown Coordination Committee
Energy Committee
Annexation Strategy Committee
Community Center Advisory Committee
Public Safety Impact Fee Committee
Service Awards Committee
Payroll QIP

◇ **Memberships**

League of Kansas Municipalities
City Attorneys Association of Kansas
Kansas Bar Association
Johnson County Bar Association
Kansas City Bar Association
National Association of Bond Lawyers
IMLA

◇ **Outside Professional Related Organizations**

Tom Glinstra on the Board of Directors for the Kansas League of Municipalities

Tom Glinstra on the Board of Directors for the City Attorney's Association of Kansas (CAAK)

Tom Glinstra on the League's Award Nominating Committee

Leonard Hall is the coordinator of the Wyandotte/Johnson County Government Attorney Group

Leonard Hall is Co-Chair of the CLE Committee and Vice President of the Johnson County Bar Association

Leonard Hall is on the Kansas Bar Association Diversity Committee

Ron Shaver is on the Olathe Chamber of Economic Development Council

Ron Shaver is on the Olathe Chamber Downtown
Council

Ron Shaver is in Leadership Olathe, Class of 2008

Ron Shaver is Youth Friends volunteer

Ron Shaver is on the Kansas City Area Development
Council

PROSECUTION

Statistics

Trials	1,523	
Witnesses Subpoenaed	1,767	
Sentencings	584	
Diversion Conferences	1,989	
Plea Conferences	1,914	
Probation Revocations	396	
Diversion Revocations	928	
Discovery Requests	1,250	
Codes Cases Resolved	146	
Mediations	3	
Diversion Fees Assessed	\$499,632.50	
Plea Fines/Fees Paid	422,480.00	
Restitution Paid	84,156.75	
Restitution Ordered	<u>116,002.38</u>	
TOTAL	\$1,122,271.63	
Appeals at Beginning of 2008		4
Added Appeals		9
Completed Appeals		<u>11</u>
Appeals at end of 2008		2
Number of Forfeiture Actions		11
Number of Forfeiture Actions Completed		<u>10</u>
Forfeitures at end of 2008		1

Other

1. In July 2008, John Elder was transferred from the Court to the Prosecutor's Office where he is serving as the Diversion Coordinator. His statistics in that position are as follows:

Total Appointments	2,714
Total Intakes	294
Total Final Appointments	144
Total Closed Files	113
Total Primary Charges	2,427
DUI	1,309
Drugs	406
Minor with Alcohol	78
Property Crimes	294
Personal Crimes	263
Other	77

Considerable time and effort has been expended by the prosecutors and the support staff this year to assist the Court's Court Services Officers due to personnel and program changes in that office. For example, responsibility for all criminal history checks on diversion and probation files and ALERT "hits" was assumed because no Court Services personnel were qualified to perform these functions.

2. During the third year of having the Victim-Witness Coordinator in this position, over 4,029 victims were contacted, a 25% increase since 2007. Nearly 1,800 trial witnesses were subpoenaed. The Victim-Witness Coordinator responded to over 3,000 inquiries from victims, witnesses and police officers. The Victim Assistance Program brochure and information packet is distributed to all victims of crimes charged in the Municipal Court. This brochure and the Community Mediation Program brochure were also distributed to the public at Olathe Day and the Neighborhood Forum.
3. This was the second full year of offering a separate arraignment docket to serve Spanish-speaking clients. This weekly docket is staffed by a judge, prosecutor, prosecution support staff and a Spanish interpreter. The number of defendants appearing on the Spanish docket has continued to

increase. The time required to process individual Spanish defendants through arraignment is significantly greater than that expended per person during the main arraignment, although the number of defendants appearing for the main arraignment is 3-4 times greater each week. The large main arraignment docket is labor intensive, requiring a judge, prosecutor, court clerk, and three prosecution support staff members. Separating the arraignments into two dockets allows the main arraignment docket to be completed in time for the video arraignment and warrant dockets which are staffed by a judge, court clerk and two prosecutors. The prosecutors handled 3,160 charges on those two dockets, 2008 scheduled appearances on the arraignment dockets by charges filed:

DUI	744
PBT	181
Driving While Suspended/Revoked	1,625
Driving in Violation of Restrictions	131
No Driver's License	1,715
No Insurance	1,747
Fail to Report Accident/Render Aid	267
Reckless, Flee & Elude	19
Other Traffic	10,198
Property Crimes	433
Person Crimes	266
Tobacco/Alcohol	392
Drugs	418
Other Violations	3,404

4. A new docket was created this year at the request of the prosecutors, the stipulation docket. One of the primary purposes of this docket is to prevent cases from being set on the trial docket when they are not actually "go" trials. This change saves the time and cost of issuing unnecessary subpoenas, preparing trial witnesses, having police officers appear, etc.
5. Due to an inability to produce desired statistics for performance measurement through the JEMS court software, enhanced record-keeping by staff has been necessary. Creating and maintaining this statistical information requires

20 hours per month; however, the increased data more accurately reflects office functions.

6. The prosecutors assisted with reviewing, amending and updating City traffic and public offense code ordinances. The prosecutors assisted in revising the City's mowing ordinance. The prosecutors worked closely with the Police Department on several projects; including red light enforcement, discovery requests, electronic ticketing, a new Alcohol Influence Report for all DUI cases, assisted with the immobilization of vehicles for parking violations ordinance, including the notice sticker, appeal process and operational policies for the program, and implementing new enforcement procedures in vicious/dangerous dog cases.
7. The prosecutors continued to work with the Johnson County District Attorney's Office and other municipal prosecutors to develop and implement a cohesive plan for referral and prosecution of felony DUIs.
8. Diversion agreements were reviewed, revised and enhanced, including the development of additional Spanish language contracts. Staff continued to develop a user-friendly system for tracking diversion appointments and diversion court back-up dates for defendants.
9. The City Prosecutor and Court Administrator developed a new Court call menu, including a Spanish language option, with the assistance of Lisa Karstetter.
10. Returned DC-66 procedures continue to be improved. Last year over 300 requests for reissue or original issue of no liability insurance citations were sent to police officers. A spreadsheet was created to monitor returned DC-66 forms, officer requests, issued/reissued tickets, court dates and dispositions. A few system and related statistics were also put in place to allow better control over insurance tickets, which are dismissed by the Court without verification of alleged insurance coverage. The Court now sends all accident-related insurance citations to the Prosecutor's Office so that coverage can be verified. These improvements reduced the number of necessary police requests to 120 this year.

11. The prosecutors developed guidelines and procedures for a new pro se plea docket to be implemented in January 2009.

Training

- **Olathe University**

CIP-VEBA Solution website class:	3 Staff
CIP-Completing CIP forms:	3 Staff
CIP-Reading an Explanation of Benefits Class	3 Staff
Travel Authorization/Business Expense Class	2 Staff
E-1 Training (Scanning Invoices)	1 Staff
Telephone Communications	1 Staff
PAR and Development Data Training	1 Staff
Completing Performance Planning Documents	1 Prosecutor

- **Other Continuing Education**

Presented mandatory KCJIS/NCIC Training with Police Dept. & Conducted Certification Testing	1 Staff
Completed KCJIS/NCIC Mandatory Training & Certification Test	3 Prosecutors & 5 Staff
Shelter Operations Training	1 Staff
Created TASK code in JEMS for Driving Records & Training Support Staff	1 Staff
New Employee Orientation	1 Staff
Orientation 30-day follow-up	1 Staff
Requesting Interpreter Training	1 Staff
Westlaw Training	3 Prosecutors
Mandatory ALERT TAC meetings	1 Staff
Creating JEMS workflow for insurance Verification with Court Administrator	1 Staff
CPR Training	1 Staff
Beginning Spanish Course at JCCC	1 Staff
Obtaining in excess of 15 hours of Continuing Legal Education	All Prosecutors
Attending City Attorney's Conferences	All Prosecutors

- **Certifications**

Crime Victims' Rights Conference	1 Staff
Workshop – Providing Victim Assistance Criminal Cases	1 Staff
Workshop – Prosecutors in Law Enforcement	1 Staff
Workshop – KDOC Victim Services After Conviction	1 Staff
Workshop – Advocating for Change	1 Staff
Mediator's Training – Mediation in the Workplace & Victim Offender Research	1 Staff
KHP NCIC audit documentation (received certification and commendation)	1 Staff

- **Conferences**

KHP 14-hour Drugged Driving Seminar	2 Prosecutors
Presented Intoxilyzer 8000 Program & DUI at Municipal Court Conference	3 Prosecutors
Teen Drinking Conference	1 Prosecutor

- **City Functions**

Mock Trial for Bring your Child to Work Day	3 Prosecutors
United Way Committee	1 Staff
Leadership Team	1 Prosecutor
Court Administrator Selection Committee	1 Prosecutor
Public Defender Selection Committee	1 Prosecutor
Municipal Courts Staffing Comparison	1 Prosecutor
Municipal Courts Citation Comparison	1 Prosecutor
Presentation & Tour for Civic Academy	1 Prosecutor
Public Safety KRA	1 Prosecutor
Service Excellence Team	1 Prosecutor
Monthly Process Improvement with Judge and Police Chief	1 Prosecutor
Neighborhood Forum Committee	1 Prosecutor & 1 Staff

- **Related External Activities**

KOVA Strategic Planning Meetings	Michelle Decker
KOVA Education/Outreach Committee	Michelle Decker
Johnson County Drug & Alcohol Council President	Curt Hoover
Kansas Supreme Court Commission on Impaired Attorneys	Sue Dickey
Johnson County Bar Association Fee Dispute Committee	Sue Dickey
United Way of Greater Kansas City Certification Volunteer	Sue Dickey
Municipal Court Bench/Bar Committee	Sue Dickey
Johnson County Prosecutors Association	3 Prosecutors
MOCSA Advisory Council	Sue Dickey
Heartland Mediators Association	Michelle Decker
Kansas County & District Attorneys Association	Sue Dickey
Kansas Bar Association	All Prosecutors
Johnson County Bar Association	All Prosecutors