



LEGAL DEPARTMENT

Program 1500

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, Water Board, and ABCGC meetings
- makes legal staff available to advise Bernalillo County Commissioners and Administration
- prosecution of citations in Metropolitan Court
- education of the various County Departments in preventing legal problems
- initiation and defense of lawsuits in the District Court; Court of Appeals, New Mexico Supreme Court and Federal Court
- Oversight and management of all civil rights claims and all pending litigation.

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EXPENDITURES BY CATEGORY:

	Actuals	Actuals	Estimated	Budget	%	Budget	%
	FY 2004	FY 2005	FY 2006	FY 2007	Var	FY 2008	Var
Salaries and Benefits	636,051	692,817	826,326	757,251	-8%	763,305	1%
Office Expense	21,182	20,948	22,666	37,689	66%	47,199	25%
Operating Expense	1,167	422	3,276	1,458	-55%	1,458	0%
Technical and Professional Expense	320,478	327,242	209,605	556,465	165%	546,955	-2%
Capital Expenditures	-	-	5,993	4,000	-33%	4,000	0%
Carryovers	6,505	20,243	11,353	-	-100%	-	0%
Capital Carryovers	-	-	28,732	-	-100%	-	0%
PROG EXPENDITURES TOTAL	985,382	1,061,673	1,107,951	1,356,863	22%	1,362,917	0%

FUNDING SOURCE SUMMARY

General Fund Contribution	985,382	1,061,673	1,107,951	1,356,863	22%	1,362,917	0%
PROG FUNDING SOURCE TOTAL	985,382	1,061,673	1,107,951	1,356,863	22%	1,362,917	0%

Authorized Full-time Equivalents	9	9	9	12	25%	12	0%
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PROGRAM HIGHLIGHTS AND MAJOR ACCOMPLISHMENTS:

- The Legal Department obtained a ruling in favor of the Bernalillo County Clerk with respect to litigation brought by certain voters within Bernalillo County challenging the County Clerk's procedures related to voter registration.
- The Legal Department obtained the outright dismissal of the County Clerk from a lawsuit brought by certain registered voters challenging the voting systems used in New Mexico.
- The Legal Department obtained the dismissal of an election contest related to the June 2004 primary race before the Honorable Theresa Baca. Thereafter, the Legal Department obtained a dismissal of the appeal based on procedural motions filed with the New Mexico Supreme Court.
- The Legal Department working in concert with the District Attorney's Office and the County Building Official closed the operation of an adult amusement establishment in the North Valley.
- The Legal Department successfully appealed a decision from the Second Judicial District Court related to the payment of property taxes by Federal Express. This was a case of first impression in New Mexico with respect to the issue of clerical error in the computation of taxes by businesses such as Federal Express.
- The Legal Department participated in settlement negotiations with the parties in the McClendon Jail lawsuit. The result being a "road map" that will ultimately lead to the dismissal of this litigation.
- The Legal Department successfully defended the Board's decision to close down an illegal North Valley mobile home park. The Board's decision was appealed through the state courts to the United States Supreme Court, which denied the landowner's petition for writ of cert.
- The Legal Department, in conjunction with the Zoning, Building, Planning and Environmental Health Department has drafted several ordinances and amendments of existing ordinances, including the waste water ordinance, the well water ordinance, the zoning ordinance, the subdivision ordinance and various plans and regulations.
- The Legal Department successfully defended the Board's approval for a Special Use Permit for the ABCWUA's raw water pumping station on the Bachechi Open Space. Litigation is ongoing for collateral issues associated with the ABCWUA's use of the site.
- The Legal Department drafted language and participated in collective bargaining negotiations.
- The Legal Department participated in settlement negotiations with Cricket Wireless, a bankruptcy case, and recovered in excess of \$500,000 in back property taxes.

SERVICE IMPROVEMENT GOALS & OBJECTIVES:

FY07

- Continue providing oversight and input into Tort Claims and litigation covered by insurance to insure issues are properly maintained and contained.
- County Legal has continued 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. This includes MDC construction, bankruptcy, etc.
- Continue to assist County Substance Abuse Coordinator with implementation of drug testing programs for Sheriff's Department, Fire Department and White Collar Unions.
- 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.
- 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 that is not otherwise covered by insurance.
- Provide training to the management staff at MDC regarding applicable County policies and procedures related to litigation

FY07-08

- Continue providing oversight and input into Tort Claims and litigation covered by insurance to insure issues are properly maintained and contained.
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PERFORMANCE DATA:

Performance Measures	Cases Opened 2004-05	Cases Closed 2004-05	Cases Opened 2005-06	Cases Closed 2005-06	Cases Remaining Open
District Court & U. S. District Court Cases Opened	45	22	55	8	68
Property Tax Refund Cases	24	6	57	1	74
Property Tax Protests Received and Resolved	2,553	2,634	6,802	6,216	586
Bankruptcy Cases	28	22	39	25	20
Metropolitan Court Cases (Animal Control)	296	252	239	100	183
Metropolitan Court Cases (Environmental Health)	15	13	25	10	17
Metropolitan Court Cases (Zoning)	47	39	27	11	24
Metropolitan Court Cases (Public Works)	0	0	0	0	0
Garnishment Cases Opened	49	34	21	6	30
Contracts & Documents Reviewed for Various Departments	638	N/A	546	N/A	0
Solid Waste Collection Suits filed in Metro Court	36	35	5	3	3
Tort Claims Notices Received	260	0	146	74	332
Foreclosure Cases	18	18	10	7	3
Public Nuisance Cases	1	1	0	0	0
Liquor License Hearings	5	5	5	5	0