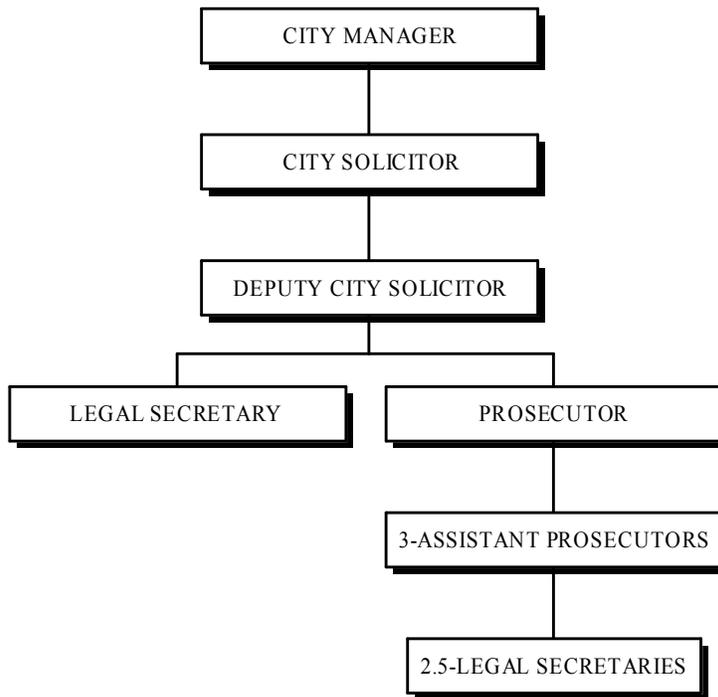


LEGAL

MISSION

The Legal Department has two missions. Statutory and common law defines these missions. In the State of New Hampshire, a municipality has only those powers granted to it by the Legislature. Every action of a municipality must be justified by those powers. The mission of the City Solicitor is to ensure that all actions of the City are within the powers granted to it by the Legislature and to foster the accomplishments of the City’s goals and objectives within this legal framework. The mission of the City Prosecutor is to prosecute those persons charged with violating state or local law within the City. The Prosecutor also has a paramount duty to the legal system to see that in the course of prosecution, justice is done.

LEGAL DEPARTMENT
TABLE OF ORGANIZATION



LEGAL**PROGRAM HIGHLIGHTS**

<u>SERVICE INDICATORS</u>	<u>Actual 2012</u>	<u>Actual 2013</u>	<u>Estimated 2014</u>	<u>Projected 2015</u>
1. Tax Lien Mortgages (Research at Registry)	659	620	639	630
2. Tax Deed-Mortgages (Research at Registry)	75	126	100	101
3. Tax Title Searches for Property to be Deeded	51	*	*	*
4. City Dept/Board Requests for Legal Services	2,150	*	*	*
5. Bankruptcy Matters (Claims/Monitoring)	71	*	*	*
6. Bankruptcy Proof of Claims Filed	-	-	**12	15
7. Title Searches for Property acquisition and sales; lot consolidations; deeds reviewed/prepared	125	*	*	*
8. Administer financial guarantees for City projects and developments	250	101	175	160
9. Civil Litigation Cases	11	16	13	15
10. Tax Abatement Cases	62	80	71	76
11. Right-to-Know Requests	-	**26	50	38
12. Negotiated Union Contracts (out of 6)	-	**3	3	3
13. Concord Criminal Dispositions and Hearings	16,602	16,358	16,480	16,500
14. Loudon Criminal Dispositions and Hearing	850	837	843	840
15. Bow Criminal Dispositions and Hearings	1,525	1,073	1,300	1,380
16. Bow Juvenile Dispositions and Hearings	13	8	11	13
17. Dunbarton Criminal Dispositions and Hearings	197	186	192	194
18. Dunbarton Juvenile Disposition and Hearings	10	10	12	14
19. Concord Juvenile Dispositions and Hearings	1,580	934	1,250	1,100
20. Loudon Juvenile Dispositions and Hearings	25	38	32	37
21. Concord Administrative License Suspensions	177	120	149	150
22. Bow Administrative License Suspensions	37	24	31	35
23. Dunbarton Administrative License Suspensions	5	2	3	4
24. Loudon Administrative License Suspensions	16	16	18	20
25. Concord Code Enforcement	68	5	35	37
26. Other (Merrimack County Pre-Trial Services/ NH Dept. of Tobacco and Firearms)	22	7	15	18

* No longer reporting on this service indicator.

** This is the first year reporting on this service indicator.

PROGRAM HIGHLIGHTS**LEGAL**

2015 GOALS**City Solicitor's Office:**

1. Reorganize our electronic storage system for deeds, leases and other agreements.
2. Develop a better system for how non-litigation matters are opened and maintained.
3. Work with Prosecutor's office and Finance Department to develop a city-wide protocol for collection procedures (this is something that was being done, but was never finalized).

City Prosecutor's Office:

1. Research the Juvenile Law (RSA 169-B) as amended, and work with the police departments on the implementation of the changes to ensure compliance with the amended statute, as well as continuing to ensure appropriate dispositional results in juvenile cases.
2. Coordinate with the Circuit Court and the police departments to ensure that changes to the arraignment rules, which went into effect in March 2014, are complied with in a manner that causes the least amount of disruption and cost.
3. Research RSA 126-X, the new medical marijuana statute, and its implementation in New Hampshire. Train the police departments on adopting procedures to comply with the new statute.

2014 GOALS STATUS**City Solicitor's Office:**

1. Update the Legal Department's pleadings and other forms to ensure compliance with the Superior Court's new Proportional/Discovery Automatic Disclosure Rules.
9-Month Status: The Legal Department has been actively updating its pleadings and other forms to conform with the new Superior Court Rules for Civil Actions, which went into effect on October 1, 2013. The Legal Department is also sending out letters regarding the new automatic disclosure rules in a number of its tax abatement cases filed in Superior Court.
2. Draft and distribute an easy-to-read guide for the City's public bodies to ensure continued compliance with the meeting requirements of New Hampshire's Right-to-Know law.
9-Month Status: The Legal Department prepared and presented a PowerPoint presentation to the City Council at their orientation session regarding the Right-to-Know law, the City Charter and Council Rules. The PowerPoint presentation was distributed to each of the City Council members as a future resource guide.
3. Create a database of City Solicitor opinions.
9-Month Status: The Legal Department has successfully created an interactive database of Solicitor opinions, which will be used for internal purposes.

Prosecutor's Office:

1. Train Concord Police Department and other represented departments regarding the significant legal and procedural changes in New Hampshire's DWI law.
9-Month Status: The Prosecutor's Office has completed its training with all four police departments regarding the 2013 changes in the DWI law. All four police departments have successfully incorporated the new time limits into their procedures.

LEGAL**PROGRAM HIGHLIGHTS**

2. Establish a policy for the return or proper disposal of firearms and other weapons confiscated by the Concord Police Department.
9-Month Status: A procedure was established for the proper disposal and/or return of firearms. It is now used on a regular basis and is assisting with the backlog of weapons in the Police Department's evidence locker.
3. Train appropriate Building and Code Services Division staff on prosecution protocols for code cases.
9-Month Status: These procedures have been in place for almost a year now. They have been modified as needed, seem to be working well and should assist with future prosecution of code cases in an organized and timely fashion.

BUDGET DETAIL**LEGAL**

	2011 ACTUAL	2012 ACTUAL	2013 ACTUAL	2014 BUDGETED	2014 ESTIMATED	2015 BUDGET
REVENUE						
PROSECUTOR'S SERVICE FEE	\$60,901	\$62,118	\$62,118	\$63,360	\$63,360	\$63,994
CODE PROSECUTION	\$24,355	\$36,377	\$19,998	\$15,000	\$18,000	\$15,000
SALE OF ORDINANCES	\$0	\$234	\$20	\$0	\$150	\$0
RESTITUTION	\$6,018	\$1,877	\$1,840	\$2,000	\$5,000	\$3,000
MISCELLANEOUS	\$0	\$0	\$5,465	\$0	\$0	\$0
Total	\$91,274	\$100,606	\$89,441	\$80,360	\$86,510	\$81,994
APPROPRIATIONS						
COMPENSATION	\$637,272	\$664,674	\$631,243	\$655,830	\$631,950	\$661,438
OUTSIDE SERVICES	\$53,004	\$75,893	\$110,778	\$139,660	\$161,020	\$162,005
SUPPLIES	\$3,272	\$4,720	\$5,844	\$4,000	\$4,500	\$4,000
INSURANCES	\$9,141	\$8,870	\$8,239	\$8,970	\$8,270	\$8,182
EQUIPMENT	\$7,918	\$1,007	\$749	\$0	\$0	\$0
FRINGE BENEFITS	\$221,039	\$220,181	\$226,578	\$278,870	\$254,780	\$273,321
Total	\$931,647	\$975,344	\$983,430	\$1,087,330	\$1,060,520	\$1,108,946

<u>POSITION TITLE</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
City Solicitor	1.0	1.0	1.0	1.0
Deputy City Solicitor	1.0	1.0	1.0	1.0
Paralegal	1.0	1.0	1.0	**0.0
City Prosecutor	1.0	1.0	1.0	1.0
Assistant City Prosecutor	3.0	3.0	3.0	3.0
Legal Secretary – Full time	1.0	1.0	*2.0	**3.0
Legal Secretary – Perm. Part Time	1.0	1.0	*0.5	0.5
Administrative Technician II	<u>0.6</u>	<u>0.6</u>	<u>*0.0</u>	<u>0.0</u>
Total	9.6	9.6	9.5	9.5

* One permanent part-time Legal Secretary and one part-time Administration Technician II position were changed into a full-time Legal Secretary effective 7/1/2013.

** Paralegal position filled as a Legal Secretary in FY 2014.

LEGAL**FUNDING IMPACT**

This budget includes an increase to pay the cost associated with conducting title searches on properties which have failed to pay the requisite property taxes and for which the City executes a lien and/or a deed. The City recoups this title search cost when the taxes are paid. Historically, the City has completed this task in-house; however, due to the time sensitive nature of this task, we have found that it interferes with the day-to-day work in the Legal Department.