

CITY  
ATTORNEY'S  
OFFICE

2021 Budget  
Presentation to the  
Saint Paul  
City Council

# 2020 Overview

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2020 Adopted Budget: \$9,678,728

Reduction Target: \$647,464

2020 Salary Savings: \$463,779

Replaced Senior Atty w/ Entry Level Atty (Crim)

Replaced Senior Atty w/ Entry Level Atty (Civ Lit)

OA2 vacated on 1/31/20 and not to be filled until 2021

Did not replace Civ Lit law clerk (6 months)

Litigation estimated “court cost” savings in 2020 (one-time reduction): \$80,685

PED Attorneys pd by GF moved to SF (2<sup>nd</sup> half of 2020): \$124,060

# How has COVID-19 and the civil unrest impacted your 2020 operations and budget?

Please provide details on specific programs/services and the correlating budget impact to revenue and expense.

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## **COVID-19**

- CAO offices are closed to the public
- All CAO staff are performing Priority Level #1 and #2 services
- Seventy percent of CAO staff work remotely
- Civil and Litigation Divisions cancelled scheduled training regarding efficiencies, best practices and additional features of new practice management system

# How has COVID-19 and the civil unrest impacted your 2020 operations and budget?

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## COVID-19

- Criminal Division prosecutors are required to attend both in-person and remote court hearings; all Criminal Division staff have experienced technology and process challenges in response to remote court appearances; delivery of victim services was adjusted to provide for both in person and remote access to our staff
- Temporary closing of criminal courts from March to July in the state resulted in a backlog of cases, currently 2600 cases in CAO (new calendar starting for backlogs Dec 4)
- ETHOS program: March – August 2020, program “on hold;” ETHOS referrals re-started in September 2020; Restorative-justice based circles now being held remotely; anticipate that in-person circles will start within the next month and they will follow all appropriate health and safety protocols
- Civil Division absorbed work of preparing and tracking emergency declarations and executive orders, and ongoing Open Meeting Law advice. The first pay period after COVID, 59% of our time was spent on COVID-related work.
- Total staff hours tracked through 9/28/20: **4,805**

# How has COVID-19 and the civil unrest impacted your 2020 operations and budget?

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## Civil Unrest

- Criminal Division responsible for prosecuting cases stemming from civil unrest situations; over 100+ cases referred to date
- Civil Division providing ongoing advice on emergency authority and preparation for future unrest.

Total staff hours tracked through 9/28/20: **72 Civil & Litigation hours** (60 of these hours were between May 28 and June 6) and **301 Criminal Division hours**.

# What cost containment strategies did you implement and how much did they save?

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- CAO focused cost containment strategies on salary savings of \$463,779:
  - Replaced Senior Atty w/ Entry Level Atty (Criminal Division)
  - Replaced Senior Atty w/ Entry Level Atty (Litigation Division)
  - Delayed hiring of Criminal Division Office Asst 2 position (vacant 1/31 – 12/31/20)
  - Delayed hiring of Litigation part-time law clerk position (vacant 6/3 – 12/31/20)
- PED Attorneys pd by GF moved to SF (2nd half of 2020): \$124,060
- One-time 2020 reduction in Litigation court costs: savings of \$80,685
- No travel: attorneys have taken advantage of free or low-cost local CLEs, those CLEs that previously required travel are either virtual or cancelled due to COVID.

Please list any grants or aid your department received. Include the funding source, amount, term, and how much of the total department cost the aid covers.

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The Criminal Division currently receives two, separate grants:

**Crime Victim Services Grant:** This grant runs from October 1, 2019 thru September 30, 2021. The funder is the Minnesota Department of Public Safety. The amount of the two-year grant is \$279,534.00, with a \$52,414.00 matching requirement. This grant pays for one Victim Witness Coordinator (1.0 FTE), one Victim Witness Assistant (1.0 FTE), training for victim witness staff, and limited funding for direct victim services/assistance.

**Edward Byrne Memorial Justice Assistance Grant (JAG), Bureau of Justice Assistance:** This grant runs from October 1, 2019 thru September 30, 2021. The total amount of this grant is \$100,000. This grant is solely for ETHOS. The grant funds our contract with the Dispute Resolution Center (DRC) to coordinate and manage (1) program and training costs; (2) restorative-justice based circles; and (3) supplies.

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The Civil Division currently received the following grants:

**University of Minnesota Resident:** The Civil Division has a 3<sup>rd</sup> year University of Minnesota law student working as a resident. This student will receive school credit for working in the Civil Division 32 hours per week. The CAO is not paying for the Resident this year. The value of this grant is \$44,720 (includes salary and fringes).

**Welcoming America** - Welcoming America is a non-profit, non-partisan organization that works to encourage and support communities to be more inclusive and welcoming towards immigrants. The Welcoming America Network's membership program offers tools, resources, technical assistance, and a global network to help nonprofit and government partners transform communities into more welcoming places. We applied for and received a scholarship of \$1,050 towards the Welcoming Network core membership (valued at \$1,500) for the year 2020.



Please list any grants or aid your department received. Include the funding source, amount, term, and how much of the total department cost the aid covers.

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Civil Division (cont.)

**Welcoming America** – We received a \$1,500 scholarship in return for the work that with Welcoming America's Inclusive Emergency Management Community of Practice that can be used towards the Welcoming Network core membership (valued at \$1,500) for the year 2021.

**New American Economy** – grant of data analysis on immigrant and refugee communities in Saint Paul for use in planning rapid response to COVID-19 pandemic (valued at \$1,400).

# How have 2020 budget changes impacted services?

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- The Office Assistant II (OA2) vacancy in the Criminal Division:
  - Need 7 office assistants to support the work of approximately 11,000 cases per year.
  - Remaining 6 OAs are at full capacity and the duties involved in this work are not able to be performed by any other job titles in the CAO.
  - The duties of this position have been absorbed since February 1, 2020 and have resulted in team burnout, a backlog of files to be processed, and delayed service to the attorneys.
- Part-time Law Clerk vacancy in the Civil Litigation Division conducts legal research in support the work of the Division attorneys. Duties of this position have been absorbed by Division attorneys whose time should be devoted to more complex legal work.

Please provide an update on any new programs commenced in 2019 or 2020. Include the performance measures you are tracking.

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### ***ETHOS***

- Started in September 2019 with a pilot project, on hold due to COVID, but now back up and running city-wide
- Restorative-justice-based circles are being held remotely; we anticipate expanding into in-person circles with the appropriate health and safety protocols in October of 2020
- Will be expanding the criteria for acceptance into ETHOS; hopeful that we will be able to grow our numbers throughout the remainder of 2020 and into 2021
- Collecting detailed information about each case, including
  - the number and types of cases referred
  - the types of programming and other requirements included in each agreement,
  - participant and circle member evaluations on the program, and
  - successful completion of the program
  - future tracking of recidivism

Please provide an update on any new programs commenced in 2019 or 2020. Include the performance measures you are tracking.

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### **The Welcome Saint Paul Immigrant and Refugee Program**

Provide legal advice on immigration related matters to the Mayor and City Council and City Departments.

Finalizing the contract with VERA and Ramsey County, selected the legal service providers (March 2020). Initiated and continued monitoring of the legal defense program. Contract with VERA and legal service providers to run through March 2021.

In conjunction with the legal defense program, worked on community engagement efforts with Ramsey County to request the release of ICE detainees in Minnesota due to COVID-19 that resulted in Mayor's letter to ICE, Mayor's letter in support of 62 detainees in Sherburne County Jail, and an op-ed in the Star Tribune.

Crimigration Project - Continued work with the prosecutors in the office to address the immigration consequences of convictions.

Please provide an update on any new programs commenced in 2019 or 2020. Include the performance measures you are tracking.

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### **The Welcome Saint Paul Immigrant and Refugee Program (cont.)**

Welcoming America - Welcoming America leads a movement of inclusive communities across the world that are becoming more prosperous by making everyone who lives there feel like they belong. Welcoming America, as part of its Resilient Rapid Response Initiative launched a Community of Practice focused on Inclusive Emergency Management for Welcoming America members. Includes participation by cities, counties from all over the US. The Inclusive Emergency Management Community of Practice (CoP) offers an opportunity to discuss foundational principles, innovations, challenges, and solutions for organizations working to ensure immigrants can access and contribute to COVID-19 prevention, care, resources, and response coordination. Saint Paul's participation includes Edmundo Lijo participating as a discussion leader in the Community of Practice.

Data Survey Grant New American Economy - New American Economy (NAE) is a bipartisan research and advocacy organization founded to educate, empower and support policymakers, influencers, and citizens across the country that see the economic and social benefits of a smart approach to immigration reform. The New American Economy awarded Saint Paul with demographic research survey specific to Saint Paul's Immigrant and Refugee communities to assist with COVID-19 planning and programming development that is inclusive of all members of the community, including immigrants and the undocumented.

Please provide an update on any new programs commenced in 2019 or 2020. Include the performance measures you are tracking.

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**The Welcome Saint Paul Immigrant and Refugee Program (cont.)**

Application for The Gateways for Growth Challenge (G4G) (Pending) - is a competitive opportunity for local communities to receive support from the New American Economy (NAE) and Welcoming America (WA) to improve immigrant inclusion in their community. Through tailored economic research on the local economic contributions of immigrants and/or direct technical assistance to create a multi sector strategic plan, the NAE and WA teams will support G4G awardees to create a local narrative, backed in data, on the imperative for building inclusive communities and, for those who are ready to take the next step, build a community-wide plan for immigrant inclusion supported by multi-sector stakeholders. Communities will receive individualized technical assistance from NAE and WA to support the development of their multi-sector strategic plans for the one-year period of December 2020 to December 2021.

Continued Community Engagement to address COVID-19 and Civil Unrest.

Citizenship Stimulus Initiative - Developing programing that encourages and stimulates naturalization amongst the lawful permanent residents living in Saint Paul and works to overcome the barriers to naturalization that permanent residents living in Saint Paul face. Includes the development of a low interest loan program for Saint Paul residents needing assistance in paying for application for naturalization.

# 2021 Overview

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93% of CAO budget goes to salaries

\$ 8,669,547 60.65 General Fund FTE's

1.0 Legal Assistant 3 (*pd by General Fund to support ETHOS in-house admin*)

61.65 Total General Fund FTE's

470,973 General Fund Service & Materials & other spending

1,989,293 11.45 Central Svc Fund FTE's

349,093 Central Svc Fund Svcs, Materials & other spending

154,725 2 VOCA Grant FTE's and Other Grant Spending (Crime Victim Services)

50,000 Byrne JAG Grant (ETHOS: supporting Dispute Resolution Center and training)

\$11,683,631 Total

# What steps have been taken to stabilize the budget?

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- Maximizing long-term benefits through hiring decisions



## What services or expenses will be reduced or eliminated? What will the impact be to the community?

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CAO met the 2021 reduction target by shifting 1.25 FTEs from the general fund to the PED special fund to avoid layoffs. If these FTEs are returned to the general fund, the CAO will face potential layoffs and reduction in services.

The Criminal Division has four FTE's that provide victim services, with two paid by a grant that expires on September 30, 2021. Additional funding is needed to shift 2.0 FTE's from grant funding to the CAO budget in order to sustain the current level of services delivered to crime victims (which in 2019 included service to 3067 crime victims). If we are not successful in obtaining another grant OR if we don't account for these positions in the general fund as of October 1, 2021, we will lose 2 victim service positions. The reduction of services to victims and the impact on the community will be significant.

# How did your department prioritize high quality equitable services and the budget?

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Pre-COVID staffing plan identified staffing deficits we intended to fill through salary savings within current budget. Retaining current staff levels remained a top priority during budget reduction to support increased demand in legal services.

Hiring entry level attorneys to replace senior attorneys allows us to look more like the community we serve while working to right size our staff to workload within current budget targets. In the long term, it also diversifies our workforce which meets the City's goals for equity, inclusion, and diversity and builds our workforce for the future.

Maintained Immigrant and Refugee Services work, but delayed Welcoming Week program and Citizenship Loan Program implementation

Brought administration for ETHOS in-house, hiring paralegal in CAO instead of contracting all administration

- brings down per case costs
- invests in long term viability of program
- allows quicker expansion of program to include more participants and case types

## What FTE changes are there? Include any vacancies, how long they have been vacant, and the plan to fill them.

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- Moving 1.25 FTEs from the general fund to PED special fund: \$219,649
- Currently 3 vacancies:
  - 1 Office Assistant 2 in the Criminal Division (hiring on hold until 1/1/21). Position vacant as of 1/31/20. Plans are to fill in January of 2021.
  - 1 part-time law clerk in Civil Litigation (hiring on hold). Position vacant as of 6/3/20. Plans are to fill as early as possible in 2021.
  - 1 part-time law clerk in Civil (PHA special fund). Position vacant as of 9/4/20. Position has been posted by HR (req #2223).

## What is CAO's most significant budget concern? What steps are being taken to address the concern?

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CAO is currently operating in a staffing shortage and triaging legal work in both Civil and Criminal divisions. Losing ongoing salary savings previously identified for hiring additional staff has lead to many attorneys working well in excess of 40 hour weeks for sustained periods

The work performed in Civil, Litigation, Criminal, ETHOS, and Immigration are priority level one and two services. Prolonged or further reductions to the CAO budget will result in layoffs and limit CAO staff capacity to perform this priority level work.

As vacancies arise, we are carefully and intentionally evaluating the needs of the office so that we spend our salary dollars in a way that most benefits the City, and working to maintain current staffing within budget constraints

## What is CAO's most significant budget concern? What steps are being taken to address the concern?

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- In order to manage excessive work hours and delays in project completion, we are redesigning the support staff so attorneys can do less non-attorney work and focus on legal analysis and advice.
- We are also using an “all hands on deck” approach and attorneys who have time available are doing work outside of their traditional assignment.
- CAO has started an unpaid/volunteer Law Clerk program in order to provide some support to attorneys.

# How will CAO begin recovery from these unexpected budget challenges?

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- Continue to intentionally and proactively manage vacancies to maximize staffing capabilities
- Continue to seek grant opportunities
- Continue to offer flexibility to employees through changes in operations due to COVID, encourage wellness initiatives and work life balance for employees

## As you developed the 2021 budget, what tradeoffs did CAO make and what guided those decisions?

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- Net salary savings for 2021 (\$317,896 including step and health insurance increases) initially intended for hiring and ETHOS program support, applied instead to budget reductions to avoid layoffs
- ETHOS growth delayed in order to stay within grant amount (ETHOS program remains unfunded)

# How did the COVID-19 pandemic influence your 2021 budget priorities?

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The CAO budget priorities for 2021 have not changed. While we are mindful that we are still in the middle of the pandemic, we continue to provide the same priority level one and two services.



# What are CAO's priorities and how have they changed? How does your budget align spending to support these priorities?

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CAO's Budget Priorities are the work we do in:

- ❖ Civil: legal advice to the Mayor, City Council and City departments.
- ❖ Litigation: defense of City, employees, and elected officials in civil lawsuits.
- ❖ Criminal: prosecution of misdemeanor and gross misdemeanor criminal cases and delivery of victim services.
- ❖ ETHOS: restorative justice program as an alternative to traditional prosecution and community outreach.
- ❖ Immigration: provide services, resources, and general outreach and education to immigrant communities.

## Please describe any new programs or lines of work your department will begin in 2021.

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We will continue efforts that began in late 2019 to build a Citizenship low/no interest loan program.

We will continue our work in partnership with Ramsey County to reimagine the district's diversion program with the new contractor, Justice Point

Continue work with DSI, OFS, Mayor's Office to build Administrative Citations program

Claims program will shift to CAO

ETHOS: Our goal for 2021 is to increase the number of referrals, expand the criteria, and serve more people in the community.

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QUESTIONS?