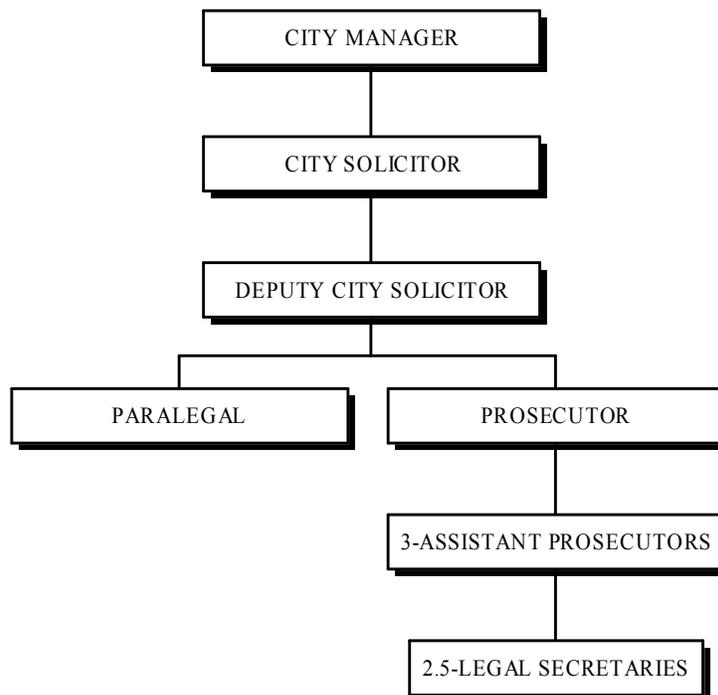


LEGAL

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 2011</u>	<u>Actual 2012</u>	<u>Estimated 2013</u>	<u>Projected 2014</u>
1. Tax Lien Mortgages (Research at Registry)	651	659	679	663
2. Tax Deed-Mortgages (Research at Registry)	143	75	99	105
3. Tax Title Searches for Property to be Deeded	43	51	60	52
4. City Dept/Board Requests for Legal Services	1,985	2,150	3,572	*
5. Bankruptcy Matters (Claims/Monitoring)	58	71	138	150
6. Title searches for property acquisition and sales; lot consolidations; deeds reviewed/prepared	135	125	188	145
7. Administer financial guarantees for City projects and developments	289	250	303	310
8. Civil Litigation Cases	3	11	24	25
9. Tax Abatement Cases	65	62	72	75
10. Right to Know Requests			101	100
11. Concord Criminal Dispositions and Hearings	16,939	16,602	16,000	17,000
12. Loudon Criminal Dispositions and Hearings	1,392	850	1,000	1,100
13. Bow Criminal Dispositions and Hearings	1,372	1,525	1,300	1,300
14. Bow Juvenile Dispositions and Hearings	33	13	20	25
15. Dunbarton Criminal Dispositions and Hearings	135	197	200	220
16. Dunbarton Juvenile Disposition and Hearings	-	**10	0	0
17. Concord Juvenile Dispositions and Hearings	1,438	1,580	***860	890
18. Loudon Juvenile Dispositions and Hearings	26	25	16	20
19. Concord Administrative License Suspensions	129	177	204	200
20. Bow Administrative License Suspensions	34	37	24	26
21. Dunbarton Administrative License Suspensions	8	5	2	3
22. Loudon Administrative License Suspensions	19	16	16	20
23. Concord Code Enforcement	37	68	5	10
24. Other (Merrimack County Pre-Trial Services/ NH Dept. of Tobacco & Firearms)	17	22	7	10

* The City Solicitor is evaluating the need of reporting on this Service Indicator in the future.

** FY 2012 is the first and only year that Dunbarton has had juvenile data to report.

*** The City Prosecutor expects that the current reduction in juvenile petitions is temporary. While the current number of juvenile petitions filed has decreased, the severity and complexity of the juvenile cases have not. The Juvenile Prosecutor is handling Aggravated Felonious Sexual Assaults, Felonious Sexual Assaults, Assaults, Burglaries, and most recently a violent home invasion.

2014 GOALS**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.
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.
3. Create a database of City Solicitor opinions.

LEGAL**PROGRAM HIGHLIGHTS**

City 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.
2. Establish a policy for the return or proper disposal of firearms and other weapons confiscated by the Concord Police Department.
3. Train appropriate Building and Code Services Division staff on prosecution protocols for code cases.

2013 GOALS STATUS**City Solicitor's Office:**

1. Successfully transfer the Prosecutor's office out of the Concord District Court to a new location that supports the prosecutorial needs of the community.
9-Month Status: On October 22, 2012, the City Prosecutor's Office moved to its new location at 28 Commercial Street.
2. Consolidate the City Solicitor's files for purpose of reducing storage at City Hall.
9-Month Status: Ongoing.
3. Train an attorney within the Legal Department in the field of debt collection.
9-Month Status: Assistant City Prosecutor Steve Endres attended an on-line continuing legal education seminar entitled, "Judgment Collection Strategies – The Legal and Successful Collection of Debt."

Prosecutor's Office:

1. Approach towns in the 6th Circuit District regarding undertaking prosecutorial services.
9-Month Status: On September 26, 2012, the City Prosecutor and the Police Chief met with the Hopkinton Police Chief to discuss a proposal for Hopkinton to contract prosecution services with the City of Concord. At that time, the Town of Hopkinton was just beginning their budget process and the Hopkinton Police Chief indicated he would share the idea with his Selectmen and Budget Committee.
2. Continue to provide legal training for all represented police departments.
9-Month Status: The City Prosecutor has been working with Lt. Jay Brown to update officers on new case law and issues in cases as they arise. Together, they have developed a monthly newsletter to update officers on common issues and relevant case law.
3. Working with the Police Department, develop procedures to allow for more immediate destruction of evidence as cases are closed. The Police Department's evidence room is completely full and will require a large effort to free up additional space.
9-Month Status: The Prosecutor's Office has been working closely with the Police Department to file motions to destroy/return/dispose of evidence in old files. As these motions are granted, the Prosecutor's Office forwards them to the Police Department for appropriate processing. In addition, the Prosecutor's Office is diligently filing motions to destroy evidence as cases are closed in court.

LEGAL**BUDGET DETAIL**

	2010 ACTUAL	2011 ACTUAL	2012 ACTUAL	2013 BUDGETED	2013 ESTIMATED	2014 BUDGET
REVENUE						
PROSECUTOR'S SERVICE FEE	\$59,127	\$60,901	\$62,118	\$63,360	\$63,360	\$63,360
CODE PROSECUTION	\$41,318	\$24,355	\$36,377	\$30,000	\$15,000	\$15,000
SALE OF ORDINANCES	\$0	\$0	\$234	\$0	\$0	\$0
RESTITUTION	\$19,211	\$6,018	\$1,877	\$5,000	\$2,000	\$2,000
Total	\$119,656	\$91,274	\$100,606	\$98,360	\$80,360	\$80,360
APPROPRIATIONS						
COMPENSATION	\$612,965	\$637,272	\$664,674	\$641,690	\$622,854	\$655,830
OUTSIDE SERVICES	\$54,560	\$53,004	\$75,893	\$136,528	\$128,980	\$139,660
SUPPLIES	\$3,272	\$3,272	\$4,720	\$4,000	\$4,000	\$4,000
INSURANCES	\$7,040	\$9,141	\$8,870	\$9,530	\$9,468	\$8,970
EQUIPMENT	\$518	\$7,918	\$1,007	\$0	\$500	\$0
FRINGE BENEFITS	\$211,288	\$221,039	\$220,181	\$227,370	\$233,109	\$278,870
Total	\$889,644	\$931,647	\$975,344	\$1,019,118	\$998,911	\$1,087,330

<u>POSITION TITLE</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</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	1.0
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	1.0	*2.0
Legal Secretary – Perm. Part Time	1.0	1.0	1.0	*0.5
Administrative Technician II	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	<u>*0.0</u>
Total	9.6	9.6	9.6	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.

FUNDING IMPACT**LEGAL**

Through a PCR approved by the City Manager, two part-time clerical positions (one Legal Secretary and one Administrative Technician) at the Prosecutor's Office are changed into one full-time Legal Secretary position.

LEGAL

NOTES
