

Legal Department

FY2024 Proposed Budget Workshop Presentation May 18, 2023

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City Attorney

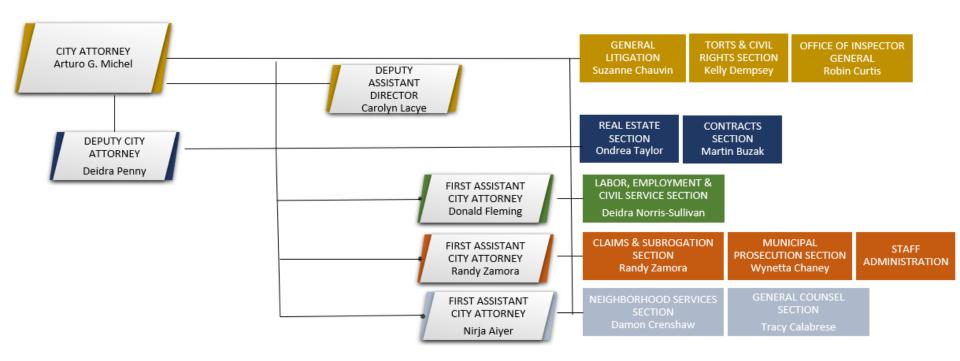
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Department Organization Chart





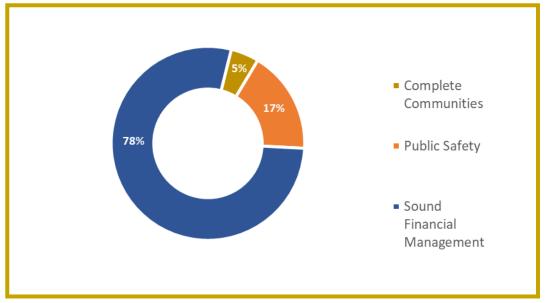
Strategic Guidance Alignment



Sound Financial Management	Public Safety	Complete Communties
Administrative Services	Municipal Prosecution	Real Estate
Claims & Subrogation	Neighborhood Services	
Contracts	Office of the Inspector General (OIG)	
General Counsel		
General Litigation		
Labor, Employment & Civil Service		
Torts & Civil Rights		

DEPARTMENT BUDGET BY PRIORITY

Aligned Initiatives							
Policing Reform							
Illegal Dumping							
Homeless Initiative							
Single Family Housing							
Outcome Based Budget							



Expenditure by Program (\$ in thousands)



Program	FY22 Actual	FY23 Budget	FY23 Estimate	FY24 Proposed	Variance FY24 Proposed/ FY23 Budget	% Change
Administrative Services	3,363	4,093	4,093	4,297	204	5%
Claims & Subrogation	4,134	6,633	6,599	6,618	(15)	0%
Contracts	1,621	2,243	2,243	2,407	163	7%
General Counsel	2,245	2,703	2,703	2,788	86	3%
General Litigation	5,462	8,124	8,123	8,238	113	1%
Labor, Employment & Civil Service	4,241	6,644	6,642	6,542	(102)	-2%
Municipal Prosecution	3,267	4,209	4,209	4,377	168	4%
Neighborhood Services	1,792	2,226	2,226	2,098	(128)	-6%
Office of the Inspector General (OIG)	1,302	1,575	1,580	1,998	423	27%
Real Estate	1,946	2,262	2,262	2,333	71	3%
Torts & Civil Rights	4,722	7,562	7,562	7,599	36	0%
Total	\$ 34,095	\$ 48,274	\$ 48,241	\$ 49,294	\$ 1,020	44%

Administrative Services

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 11.0

Program Description

Provides the administrative and IT support to the Legal department by opening case files, assigning subpoenas, supporting procurement actions, handling litigation support, and attending other IT and administrative matters.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

General Fund	\$4,297
Total	\$4,297

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of eDiscovery matters handled	N/A	N/A	N/A	106	Measure the number of eDiscovery case files handled by the department and IT personnel
# of subpoenas assigned	N/A	N/A	N/A	10	Measure the number of Torts and Civil Rights cases staff opens for the Torts Section
# of Torts and Civil Rights cases opened	N/A	N/A	N/A	120	Measure the number of subpoenas assigned to various sections of the department

Claims & Subrogation

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 12.4

Program Description

Handles liability tort claims, property and workers' compensation subrogation claims, workers' compensation litigation, and general affirmative collection claims (alarm fees, hazardous material discharge claims, and paving and special assessment claims)

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

Property & Casualty Fund	\$6,247
Workers' Compensation Fund	\$371
Total	\$6,618

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
Liability claims processed	872	850	870	850	Measure the number of liability claims processed by the department during the fiscal year
Liability claims - No payment	616	650	650	650	Measure the number of liability claims closed without the city paying for damages
Liability claims - No litigation	N/A	N/A	N/A	75%	Measure the percentage of liability claims closed without litigation

Contracts

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 14.0

Program Description

Prepares, reviews, and negotiates City contracts. Provides legal opinions when requested related to contracting, procurement, and competitive bidding matters. Drafts and interprets commercial documents, ordinances, and policies and procedures related to procurement and contracting. Represents the City in a variety of matters involving enforcement of and compliance with local, state and federal laws.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

General	
Fund	\$2,407

Total \$2,407

Measure Name	FY22 Actual	FY23	FY23 Estimate	FY24	Target Context
# of Contracts handled	1,403	Target 1,100	1,100	Target	Measure the number of professional services, goods, interlocal, construction, and other contracts or agreements handled by the Legal department
# of opinions issued	N/A	N/A	N/A	100	Measure the number of formal or informal opinions issued relating to procurement or contracting
# of ordinances prepared	N/A	N/A	N/A	200	Measure the number of ordinances prepared related to contracts

General Counsel

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 17.0

Program Description

Drafts ordinances and opinions, advises City departments and elected officials on a wide variety of topics, including: elections, public information requests, the Texas open meetings act, ethics and conflicts of interest, redistricting, public finance, ad valorem taxation and utility regulation and franchising.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

General Fund \$2,788

Total \$2,788

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
% of legal reviews provided on the use of Council District Service Funds within 7 business days of receiving the request and all information and details necessary to evaluate the request	N/A	N/A	N/A	95%	Measure the length of time necessary to provide a substantive response to a request for legal assistance
% of requests processed for public information (TPIA) in conformance with statutory deadlines	N/A	95%	99%	95%	Measure the success by which General Counsel submits legal briefings to the Attorney General in accordance with the statutory deadline under TPIA
% of responses to requests for legal opinion on ethics or conflict of interest matters within 7 business days of receiving the request and all information and details necessary to opine on the request	N/A	N/A	N/A	95%	Measure the length of time necessary to provide a substantive response to a request for legal assistance

General Litigation

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 19.2

Program Description

Defends the City and its officers and employees in litigation involving claims against the City for breach of contract, copyright infringement, inverse condemnation, construction law, election contests, and miscellaneous other cases. This section is also responsible for initiating litigation to recover money owed to the City in actions involving breach of contract and damage to City property, and for acquiring property through eminent domain proceedings.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

Property & Casualty Fund \$8,238

Total \$8,238

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of appellate briefs prepared and filed	N/A	N/A	N/A	20	Measure the number of appellate briefs filed
# of condemnation lawsuits prepared and filed	N/A	N/A	N/A	18	Measure the number of condemnation cases filed
# of public convenience and necessity ordinance prepared	N/A	N/A	N/A	10	Measure the number of convenience and necessity ordinances prepared

Labor, Employment & Civil Service

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 11.3

Program Description

Represents the City at Civil Service Commission on hearings, pretermination proceedings and arbitrations; works with all City departments on any issues related to discipline and employee related policies; responds to Equal Employment Opportunity Commission (EEOC) matters; provides advice and prepares ordinances related to personnel matters; represents the City in litigation arising from federal and state employment related claims such as Chapter 143, Title VII, the American Disabilities Act and defense of Section 1983 claims.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

Property &	
Casualty Fund	\$6,542

Total \$6,542

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of EEOC and TX Workforce Commission Civil Rights division matters	21	21	21	21	Measure the number of civil rights matters brought against the city from the Equal Employment Opportunity Commission (EEOC) and Texas Workforce Commission
# of indefinite suspension processing	118	106	106	110	Measure the number of indefinite suspensions received from city departments (except HPD classified)
# of medical separation reviews	48	48	48	45	Measure the number of medical separations received from city departments

Municipal Prosecution

(\$ in thousands)



Priority: Public Safety

FY2024 FTE Count: 25.0

Program Description

Represents the State and City in most cases filed in the Houston Municipal Courts. Appears in Justice or County Courts on behalf of the State of Texas and/or the City in Cruelly Treated Animal hearings, tow hearings and the appeals from those hearings. Advises, assists, and educates police and City inspectors regarding statutory and code enforcement. Drafts search and arrest warrants. Responds to questions and problems from citizens.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

General Fund	\$4,377
Total	\$4,377

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of adjudications facilitated for the various civil cases handled by City Prosecutors in Houston Municipal Courts and Harris County Courts	N/A	N/A	N/A	15	Measure the number of civil cases received each fiscal year, including cases related to dangerous dogs, tow hearings, animal cruelty cases, and administrative hearings; and the appeals of these cases
# of discovery requests analyzed and reviewed related to Municipal prosecution cases pursuant to statutory requirements	N/A	N/A	N/A	2,500	Measure the number of discovery requests received during each fiscal year
# of trainings provided pertaining to criminal law and enforcement in Municipal Courts to various City enforcement officials	N/A	N/A	N/A	5	Measure the number of trainings provided per fiscal year

Neighborhood Services

(\$ in thousands)



Priority: Public Safety

FY2024 FTE Count: 13.5

Program Description

Interfaces directly with neighborhood associations and citizens in order to prosecute nuisances and violations that negatively affect the preservation and protection of neighborhoods and the general quality of life in the community. Responsible for crime-based nuisance abatement, deed restriction enforcement, dangerous buildings abatement, T.A.B.C. (Texas Alcohol Beverage Commission) protests, and the supporting title work.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

General Fund \$2,098

Total \$2,098

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of dangerous building orders and emergency review approvals presented to the Building Standard Commission or Hearing official	N/A	N/A	N/A	481	Measure the number of dangerous building orders, emergency review approvals presented to the Building and Standards Commission panels or the Hearing Official
# of deed restrictions reviewed and enforced	854	755	692	675	Measure the total number of deed restriction inquiries, complaints, and/or open files handled by the Legal Department
# of nuisance lawsuits handled	N/A	N/A	N/A	8	Measure the total number of Chapter 125 Nuisance lawsuits filed by Neighborhood Srvcs. including Apartment Taskforce matters, HPD Vice Matters, HPD Narcotics matters and other nuisance matters

Office of Inspector General (OIG)

(\$ in thousands)



Priority: Public Safety

FY2024 FTE Count: 10.0

Program Description

Mayor's Executive Order 1-39 authorizes OIG to investigate allegations of employee misconduct, with special emphasis on violations of the law. The Office of Policing Reform and Accountability is also housed within OIG, acting on executing the plans of the Independent Police Oversight Board in connection with complaints of misconduct against police officers.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

Total	\$1,998
Property & Casualty Fund	\$694
General Fund	\$1,304

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of confirmations for OIG cases received	343	300	328	300	Measure the number of cases opened/acknowledged per fiscal year
# of investigations of fraud, waste, discrimination and retaliation, and documentation	334	300	274	300	Measure the cases closed per fiscal year for fraud, waste, discrimination and retaliation
# of Office of Police Reform and Accountability (OPRA) engagements in community outreach	N/A	20	20	20	Measure the number of community outreach activites, events or other methods to engage the community per fiscal year

Real Estate

(\$ in thousands)



Priority: Complete Communities

FY2024 FTE Count: 13.5

Program Description

Provides services related to land sales and acquisitions. Prepares grant and loan agreements for state and federal housing and community development programs. Advises the Housing and Community Development Department on compliance with federal and state regulations. Handles legal matters related to planning and development issues, including land development regulations, historic preservation, tax increment reinvestment zones and economic development agreements negotiated by the City.

Significant Budget Items

FY24 Prop Budget by Fund

Includes funding for municipal pay increases

General Fund \$2,333

Total \$2,333

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of agreements prepared that support Homeless and Single-Family Housing initiatives	84	90	120	101	Measure the number of agreements prepared that support the Homeless and Single-Family initiatives
# of development-related easement dedications reviewed and approved	104	104	120	104	Measure the number of development-related easement dedications reviewed and approved
# of real estate transactions facilitated	984	990	1,200	996	Measure the number of leases, loan agreements, purchase and sale agreements, easements, annexation and other real estate documents prepared

Torts & Civil Rights

(\$ in thousands)



Priority: Sound Financial Management

FY2024 FTE Count: 18.7

Program Description

Defends the City and its employees on a wide variety of lawsuits, including claims brought pursuant to Chapter 101 of Texas Civil Practices and Remedies Code and civil rights claims, including 42 U.S.C. Section 1983, that are filed in state and federal courts. Advises various City departments on legal issues.

Significant Budget Items

Includes funding for municipal pay increases

FY24 Prop Budget by Fund

Total	\$7,598
Property & Casualty Fund	\$7,346
General Fund	\$252

Measure Name	FY22 Actual	FY23 Target	FY23 Estimate	FY24 Target	Target Context
# of civil rights cases defended on behalf of the City of Houston	44	38	38	38	Measure the number of civili rights cases handled
# of settlements for torts and civil right cases on behalf of the City of Houston	56	58	58	58	Measure the number of cases settled
# of torts cases	500	420	420	420	Measure the nubmer of tort cases handled

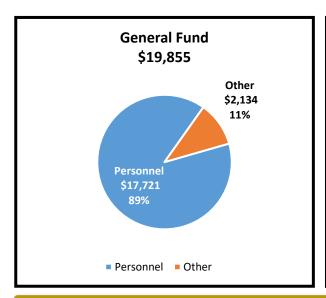
Expenditures by Fund (\$ in thousands)

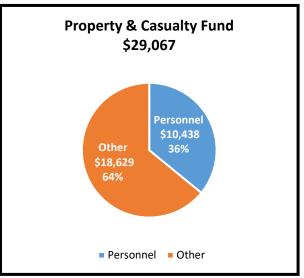


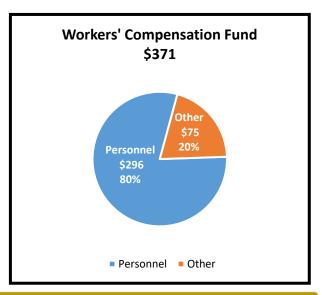
Category	FY22 Actual	FY23 Budget	FY23 Estimate	FY24 Proposed	Variance FY24 Proposed/ FY23 Budget	% Change
General Fund	\$15,345	\$19,243	\$19,243	\$19,855	\$612	3%
Property & Casualty Fund	\$18,507	\$28,639	\$28,639	\$29,068	\$429	1%
Workers' Compensation Fund	\$243	\$393	\$360	\$371	-\$22	-6%
Total	\$34,095	\$48,275	\$48,242	\$49,294	\$1,019	-1%

Personnel vs. Non-Personnel (\$ in thousands)









Other Category Breakdown

Total	\$2,134
Services	\$956
Supplies	\$193
Restricted Accounts	\$985

Restricted Accounts	\$309
Supplies	\$115
Services	\$18,205
Total	\$18,629

Restricted Accounts	\$55
Supplies	\$10
Services	\$9
Total	\$75

Revenue by Program (\$ in thousands)



Program	FY22 Actual	FY23 Budget	FY23 Estimate	FY24 Proposed	Variance FY24 Proposed/ FY23 Estimate	% Change
Administrative Services	216	247	144	27	(117)	-81%
Claims & Subrogation	3,867	6,240	6,239	6,247	8	0%
General Litigation	5,273	8,124	8,123	8,238	115	1%
Labor, Employment & Civil Service	4,147	6,644	6,642	6,542	(100)	-1%
Office of the Inspector General (OIG)	683	359	364	694	330	91%
Real Estate	291	377	332	385	53	0%
Torts & Civil Rights	4,536	7,271	7,413	7,600	186	3%
Total	\$ 19,014	\$ 29,263	\$ 29,257	\$ 29,733	\$ 476	12%

Revenue by Fund

(\$ in thousands)





Revenue Highlights



 General Fund revenues are primarily comprised of the recapture of salaries of personnel dedicated to a specific department.

 Property and Casualty revenues matched the expenditures in the fund.



Questions



Appendix

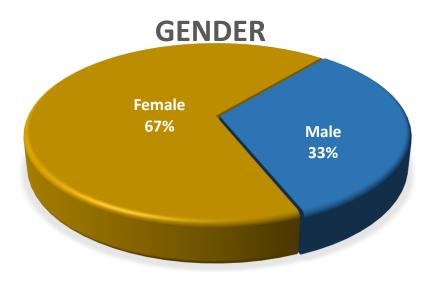
Restricted Account Details

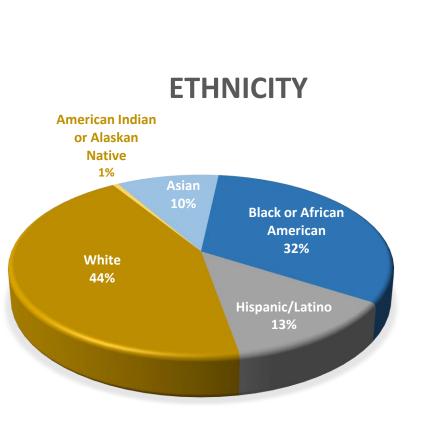


GL Description	Justification & Cost Drivers				
	Responsible for administering the electricity accounts for the City. Program is				
Interfund Electricity	responsible for overseeing procurement contracts, forecasting, providing price				
	certainty, and financial reporting. Electricity expenses are projected to be lower than				
	the previous year as a function of the competitive bidding process.				
	and previous year as a random of the competitive distance process.				
Interfund HR Client Services	Include HR operation cost reflecting health benefits and restricted accounts increase.				
later for all KRONOC Carrier Charge	Software license and maintenance costs associated with the city of Houston's Time				
Interfund KRONOS Service Charge	and Attendance System (KRONOS).				
Interfund Drainage Charge	Fee is based on impervious service.				
	Costs include Microsoft Enterprise licenses, 3-1-1 maintenance support and				
	applications, SAP licenses maintenance and support, various Enterprise Application				
Interfund Application Services	and Server support personnel, CSMART (MCD Only), eSignature, Project				
	Management, Infor, eDiscovery, Cyber Security Office software and support, HITS				
	Budget support via the Finance Department, eSignature.				
	Costs associated with software and maintenance support contracts required to				
	maintain city networks, applications, desktop devices, servers, payment card				
Interfund Data Services	industry security, storage devices, cloud services, telephone systems and network				
Interfund Data Services	equipment including Phonoscope circuits. Contracts cover Antivirus, Firewall and				
	Network backup systems. Also, the Data Center costs are included in the Data				
	Services restricted account.				
	Monthly costs for Voice/Communication Services. The services include: Local				
Interfund Voice Services	landlines, voice/data circuits, long distance, 1-800 numbers, calling cards, language				
interfund voice services	lines, Citywide ISP/Internet Access. The major vendors are ATT, Department of				
	Information Resources (DIR), Verizon and Century Link.				
Interfund Wireless Services	Monthly charges for Verizon Business services and mobile devices including cell				
interruna wireless services	phones, air cards and tablets.				
Interfund Voice Labor	Labor costs and parts needed to perform work associated with installation and/or				
Interruna voice Labor	upgrades of telephone systems and cabling. The sole vendor is Selrico.				
Interfund Vehicle Accidents	Provides vehicle accidents repairs for all city departments' rolling stock equipment.				
Interfund Permit Center Point of Sale	HPC Point of Sale chargeback.				
Interfund Insurance Fees	Cost increase for property insurance premium.				
Interfund GIS Services	Personnel, software licenses and maintenance costs associated with the city of				
	Houston's Enterprise Geographic Information System (EGIS).				
Interfund Permit Center Rent Chargeback	HPC lease chargeback.				
Interfund Vehicle Services - Tires	Tire purchases and services costs for City's rolling stock equipment.				
	Provides repair, maintenance, and administrative support for all city departments'				
Interfund Vehicle Services	rolling stock equipment.				
Intervalid Vehicle Services	Expense explanation - Vehicle Services are projected to increase driven by part cost,				
	contractual increases, and an aging vehicle population.				
Interfund Vehicle Fuel	Fuel Program operates and manages all City owned fuel sites.				
	Expense explanation - Fuel services are driven primarily by market pricing.				
Interfund Natural Gas	Responsible for administering the natural gas accounts for the City. Program is				
	responsible for overseeing procurement contracts, forecasting, providing price				
	certainty, and financial reporting. Natural gas expenses are projected to be lower				
	than the previous year due to current market conditions and locking in a rate				
	favorable to the City.				
	Due to the consolidation of the radio group in General Fund to revolving fund for				
Interfund Radio System Access	HITS. This group is responsible for the operation and maintenance of the City's public				
	safety radio system.				

Demographics as of April 2023









General Counsel:

- Assisted to obtain voter approval of \$478 million in bonds for public improvement projects like public safety and parks
- Wrote an Outdoor Music Event ordinance regulating events held on private property and providing minimum standards for health, safety, and security
- Wrote an ordinance granting municipal court judges the authority to grant warrants to seize dangerous dogs
- Wrote an ordinance that eliminated late fees for overdue books and materials at Houston Public Libraries, increasing HPL's ability to support the goals of literacy enhancement and equitable access to materials for the residents of Houston

Municipal Prosecution:

- Obtained three large judgments for Administrative Violations against multi-family residential properties totaling \$109,909
- Presented evidence in a hearing that resulted in the revocation of the sound permit of a troublesome nightclub
- Successfully handled an appeal involving jurisdictional issues that were featured in a TMCEC Case Update by Ryan Turner



Real Estate:

- Negotiated and drafted the Buffalo Bayou East Development, Construction, Operations, Maintenance and Concession Agreement
- Provided counsel for the Sidewalk Ordinance amendments

Contracts:

- Negotiated an agreement with Shell Recharge Solutions f/k/a Greenlots for the construction of electric vehicle charging stations for City vehicles, furthering the City's Climate Action Plan
- Negotiated and drafted an agreement to engage a service provider for the continuance of the City of Houston's Financial Empowerment Center, which provides free financial counseling to City of Houston residents
- Negotiated the next phase of the Galveston Bay Park Plan with Rice University's Severe Storm Prediction, Education, and Evacuation from Disasters Center, Harris County Flood Control District, and Port of Houston Authority. The GBPP envisions a regional multi-functional facility providing flood surge protection, recreational opportunities, enhanced environmental conditions, improved operational safety for the Houston Ship Channel and improved fish and wildlife habitat in Galveston Bay



- Successfully applied for and negotiated \$5 million grant from the State of Texas for the Spaceport Development Corporation to improve infrastructure at the Houston Spaceport at Ellington
- Negotiated three long term food and beverage concessions at the international airports that will generate projected revenues over \$1 billion
- Negotiated art exhibits for Houston Airport System that was recently recognized as the best airport art program in the world

General Litigation:

- Successfully challenged the constitutionality of Prop B, the firefighter pay parity measure
- Prevailed before the Texas Supreme Court against a class action challenge to the validity of Houston's drainage fee
- Obtained dismissal of a multi-million-dollar regulatory takings claim brought by a developer in connection with the City's 2018 floodplain ordinance



- Defeated three attempts to enjoin the City from transitioning to a new airport concession contract that will result in millions of dollars in increased annual revenue to the City
- Obtained dismissal of a constitutional challenge to the firefighter pension statute
- Obtained \$2.2 million in opioid litigation settlement funds
- Secured dismissal of a \$14 million claim against Houston after termination of a construction contract for substandard work
- Recovered \$737,500 from a contractor for its defective work at Houston Intercontinental Airport
- Recovered \$107,500 for a contractor's defective work replacing a switchgear at the City Hall Annex
- Obtained a judgment that a statute severely limiting telecom right-of-way fees charged by municipalities is unconstitutional
- Obtained dismissal of multiple lawsuits attempting to stop an affordable housing development in the East End of Downtown



Torts and Civil Rights:

- From July 1, 2022 to the present TCR has won dismissals in over 30 federal civil rights lawsuits.
- These include Alfred Brown, which dealt with the wrongful conviction of Plaintiff for murder that he allegedly did not commit. He spent over 12 years incarcerated with nearly 10 years on death row.
- Other notable federal rights victories include wins in 14 lawsuits (13 federal cases and one horse-trampling case filed in state court) out of 15 total lawsuits stemming around HPD's arrests and use of force during the George Floyd protests in Houston.
- TCR successfully appealed the highly public Harding Street lawsuit based on the officers' motions to dismiss.
- Other federal lawsuit victories include incidents of HPD shooting- death cases, arrests, and allegations of use of excessive force.
- From July 1, 2022 to the present TCR has won dismissals in over 25 tort cases in state court through pleas, motions for summary judgments, nonsuits, and other forms of dismissal.



• TCR has successfully settled approximately 40 lawsuits, with favorable results, and has won the vast majority of tort cases tried to a jury during this time period.

Neighborhood Services:

- Handled 283 dangerous building hearings as of 5/17/2023
- Obtained injunctive relief in 6 Chapter 125 nuisance cases against illicit massage businesses (with suspected human trafficking), sexually oriented business, convenience stores, and bars
- Handled 16 lawsuits involving deed restriction matters which could not be resolved without litigation. Two of the lawsuits resulted in favorable rulings in Court of Appeals opinions.