

Solicitor

Mission Statement – Why We Exist

The Solicitor's office is responsible for providing representations and advice to the City and its officials in numerous areas including but not limited to: zoning issues, employment law, civil rights, civil service, contract actions, real estate, workers' compensation, education law, tort actions involving personal injury and property damage claims. Members of the legal department regularly attend and provide advice at meetings of the City Council and sub-committees thereof and to several City boards and commissions. In addition to drafting ordinances and other legal documents, numerous verbal and written opinions are rendered to the City Council and Department Heads.

Significant Budget & Staffing Changes for FY 2012

The Licensing Board was added to the Solicitor budget in FY 2012.

Recent Accomplishments

- Managed claims against city with minimal damages paid outside of insurance policy
- Defended law suits against the city in Land Court (zoning appeals) and Superior Court
- Prepared multiple amendments to the City's Ordinance including:
 - Segway use of public property
 - Dissemination of public information – Sunshine Ordinance
 - Common use
 - Graffiti
- Advised various boards and commissions re. state and local law and case law
- Negotiated collective bargaining agreements
- Prepared contracts, license agreements and mutual aid agreements
- Prepared Opinions for boards and commissions
- Worked with various departments on solicitations for bids and requests for proposals
- Staffed committee on local liquor licensing and drafting regulations for the licensing board
- Chair safety committee to reduce risk of property damage and personal injury
- Designated liaison to the Ethics Commission and oversee implementation of new ethics law requirements

FY 2012 Goals & Objectives

- Goal: Reduce use of outside legal counsel
- Goal: Successfully defend claims against city and its officers
- Goal: Revise existing ordinances to address any inefficiencies
- Goal: Address local needs/neighborhood concerns through
- Goal: Address problem properties, health, bldg. violations
- Goal: Maximize MIIA rewards programs
- Goal: Incorporate Licensing department into Legal Dept.
- Goal: Complete the closure of the Transfer Station
- Goal: Recapture city-owned parcels, e.g. Franklin Street
- Goal: Assist in administrations efforts for regionalization
- Goal: Acquire Agreement with unions for FY 2012
- Goal: Ensure compliance with all laws

- Objective: Reduce fees paid to outside counsel by \$5000.00
- Objective: Maximize resources, including insurance coverage to defend claims
- Objective: Conduct periodic review of Ordinance with Department Heads
- Objective: Create or amend Ordinances to provide tools to address needs/concerns
- Objective: Amend Ordinances to provide power to enforce regulations
- Objective: Assign staff to attend programs
- Objective: Relocate staff and cross train legal staff to handle workload
- Objective: Defend lawsuit and explore options for closure
- Objective: Exhaust legal remedies
- Objective: Draft agreements as needed
- Objective: Aggressively negotiate collective bargaining agreements
- Objective: Conduct trainings and monitor compliance, e.g Ethics laws, Open Meeting Law and Sunshine Ordinance

Outcomes and Performance Measurers	Actual FY 2009	Actual FY 2010	Estimated FY 2011	Estimated FY 2012
Reduce payments from judgments acct.		28,285	5,000	4,000
Reduce outside counsel		58,494	42,000	40,000
Increase attendance at MIIA Reward classes		11	15	20
Add in-house programs to reduce claims, OML, Ethics, Safety		2	3	4

How FY 2012 Departmental Goals Relate to City's Overall Long & Short Term Goals

- Continue to assist in expanding inter-governmental agreements with North Shore communities similar to the purchasing and building inspection agreements with Swampscott, MA to meet city's short and long term goal of regionalization of services
- Negotiate collective bargaining agreements with non-school unions to meet city's short term goal of settling contracts
- Ensure complete compliance with the Open Meeting Law and Sunshine Ordinance by training, consulting and correcting compliance errors made by staff so that the city may reach its goal of improving communication with citizens

- Ensure proper bidding and contracting of infrastructure and park improvements to enable the city to meet its goal of improving these systems
- Work with city's planning staff to ensure city plans to maximize use of Winter Island and complies with any restrictions when the city works on its goal of preparing a new master plan
- Work with department heads and safety committee to ensure City is getting full credit from MIIA rewards program so that City is able to meet its goal of having a balanced budget

CITY OF SALEM - FY 2012 OPERATING BUDGET

			Expenditures FY 2010	Adopted Budget FY 2011	Adjusted Budget FY 2011	Y-T-D Expenses FY 2011	Department FY 2012	Mayor FY 2012	Council FY 2012
Solicitor-Licensing-Personnel									
11511	5111	SALARIES-FULL TIME	142,533.35	151,528.00	153,195.00	147,729.11	207,679.00	208,392.00	208,392.00
11511	5150	FRINGE/STIPENDS	0.00	0.00	0.00	0.00	1,150.00	1,150.00	1,150.00
Total Solicitor-Licensing-Personnel			142,533.35	151,528.00	153,195.00	147,729.11	208,829.00	209,542.00	209,542.00
Solicitor-Licensing-Expenses									
11512	5303	LEGAL SERVICES	58,494.66	47,176.00	45,509.00	30,638.60	47,176.00	40,000.00	40,000.00
11512	5306	ADVERTISING	0.00	0.00	0.00	0.00	400.00	400.00	400.00
11512	5381	PRINTING AND BINDING	0.00	0.00	0.00	0.00	500.00	500.00	500.00
11512	5421	OFFICE SUPPLIES (GEN	4,542.96	500.00	500.00	483.39	1,540.00	1,000.00	1,000.00
11512	5730	DUES AND SUB	6,481.50	6,500.00	6,500.00	6,402.36	6,500.00	6,500.00	6,500.00
11512	5760	JUDGMENTS	28,284.73	10,000.00	10,000.00	8,578.36	10,000.00	10,000.00	10,000.00
Total Solicitor-Licensing-Expenses			97,803.85	64,176.00	62,509.00	46,102.71	66,116.00	58,400.00	58,400.00
260	151	Department Total	240,337.20	215,704.00	215,704.00	193,831.82	274,945.00	267,942.00	267,942.00

FY 2012 MANAGEMENT, BOARD MEMBERS AND PART-TIME SALARIES

Name		Dept Name	Org/Obj	Job Desc	Hire Date	Voted By Council FY 2011	Code	F T E	# Hours Wkly = 1	# Board Meetings	Current Rate FY 2011 2.0%	Prop Rate FY 2012 0.0%	Dept Request FY 2012 52.2	Mayor Rate FY 2012 2.5%	Mayor Proposed FY 2012 52.2	Council Voted FY 2012		
RENNARD PARISELLA	ELIZABETH JERALD	260 SOLICITOR -LICENSING	11511-5111	ACTING SOLICITOR	4/1/2004	80,617.49		1.0	1	100%	1,736.71	1,736.71	90,656.26	1,736.71	90,656.26	90,656.26		
		260 SOLICITOR -LICENSING	11511-5111	ASSISTANT SOLICITOR	6/28/06	38,963.14			1	100%	746.42		Resigned		-	-		
FREITAS STEIN	JOANNE ROBIN	260 SOLICITOR -LICENSING	11511-5113	PARALEGAL	6/28/06	31,946.40		0.7	25	100%	546.50	546.50	28,527.30	560.16	29,240.48	29,240.48		
		260 SOLICITOR -LICENSING	11511-5111	ASSISTANT SOLICITOR				0.5	1	100%	746.42	746.42	38,963.14	746.42	38,963.14	38,963.14		
CASEY	J	260 SOLICITOR -LICENSING	11511-5111	BOARD MEMBER			B			4	325.00	325.00	1,300.00	325.00	1,300.00	1,300.00		
LEE	RICHARD	260 SOLICITOR -LICENSING	11511-5111	BOARD MEMBER			B			4	325.00	325.00	1,300.00	325.00	1,300.00	1,300.00		
PAGLIARO	MELISSA	260 SOLICITOR -LICENSING	11511-5111	CLERK OF BOARD			B			4	750.00	750.00	3,000.00	750.00	3,000.00	3,000.00		
ST PIERRE	ROBERT	260 SOLICITOR -LICENSING	11511-5111	BOARD CHAIRMAN			B			4	425.00	425.00	1,700.00	425.00	1,700.00	1,700.00		
						-		1.0			Total AFSCME 1818		42,231.34		42,231.34	42,231.34		
						151,527.04		3.2	Total Full Time - 5111				207,678.04		208,391.23	208,391.23		
						260 SOLICITOR -LICENSING	11551-5150	AFSCME Stipend			-		1.0	1,150.00	1,150.00	1,150.00	1,150.00	
						Total Fringe - 5150										1,150.00	1,150.00	1,150.00
						-		3.2	Department Total				208,828.04		209,541.23	209,541.23		

	FY 2010	FY 2011	FY 2012	Variance
Full-Time Equivalent Employees:	2.2	2.3	3.2	0.9

FY 2012 AFSCME 1818 Union Employee Rates

EMPLOYEE NAME		Department	Org/Object	Job Title	Hire Date	Voted By Council FY 2011 52.2	F T E	Rate FY 2011 1.5%	Rate FY 2012 0.0%	STEP INCREASES					Dept Request FY 2012 52.2	Mayor FY 2012 52.2	Council FY 2012 52.2
										Date	Rate	# Wks Old New					
PAGLIARO	MELISSA	260	SOLICITOR-LICENSING	11511-5111	PRINCIPAL CLERK	-	1.0	809.03	809.03					100%	42,231.34	42,231.34	42,231.34
						-	1.0								42,231.34	42,231.34	42,231.34

**FY 2012 DETAILED BUDGET REPORT
EXPENSES**

Solicitor - 260

ORG	OBJECT	DESCRIPTION	Dept Request	Approved by Mayor	Approved by Council
11512	5303	Legal Services			
		Kevin Daly - Workers Comp Cases	5,000	5,000	5,000
		Daniel Kulak - Labor Relations	15,000	15,000	15,000
		Other Special Counsel	15,000	15,000	15,000
		Surveying, title Examinations, Etc.	10,000	10,000	10,000
		Filing Fees & Printing	2,176	2,176	2,176
				(7,176)	(7,176)
TOTAL			47,176	40,000	40,000
11512	5306	ADVERTISING			
		Advertisement for Alcohol Licensing	400	400	400
		Memberships and Publications			
		Expenses incurred for travel and meetings			
TOTAL			400	400	400
11512	5381	PRINTING AND BINDING			
		Licenses and Forms as needed (alcohol, auto dealers, etc.)	150	150	150
		Envelopes, Business Cards, Letterhead Stationary	350	350	350
TOTAL			500	500	500
11512	5421	Office Supplies and Equipment			
		Supplies	500	500	500
		Office Supplies - Licensing Board	640	100	100
		Office Equipment - Licensing Board	400	400	400
TOTAL			1,540	1,000	1,000
11512	5730	Dues & Subscriptions			
		Bar membership/ dues	1,000	1,000	1,000
		Subscriptions & publications; Cont. legal ed.	1,450	1,450	1,450
		Westlaw service	4,050	4,050	4,050
TOTAL			6,500	6,500	6,500
11512	5760	Judgments			
		Judgments	10,000	10,000	10,000
TOTAL			10,000	10,000	10,000
TOTAL PROPOSED			66,116	58,400	58,400