



2002 ANNUAL REPORT CORPORATION COUNSEL

I. PURPOSE AND FUNCTION

The purpose and function of the Legal Department are set forth in the Town Code, Section 2.3-33 through Section 2.3-37. These sections provide that all legal activities of the Town are assigned to the Legal Department. The Legal Department consists of the Corporation Counsel, the Deputy Corporation Counsel, the Town Attorney, the Office Associate and part time Office Associate. The Corporation Counsel is the responsible head of the Department with the full authority to direct the carrying on of its activities. The Legal Department is responsible for the prosecution/or defense of any and all suits or actions at law or equity to which the Town may be a party, or in which it may be interested, or which may be brought against or by an Officer of the Town on behalf of the Town, or in the capacity of such person as an Officer of the Town. Outside Counsel may be hired with Council approval and such counsel is routinely hired in matters covered by the Town liability insurance or coverages provided by the Municipal Insurance Cooperative Agency (MICA). The Legal Department renders advice on all legal questions affecting the Town whenever requested to do so by any Town Official. Additionally, the Legal Department performs the following functions:

- A. Advises and assists in the drafting of all Town Ordinances, Orders, Resolutions, Regulations, Agreements and Contracts to which the Town is expected to become a party.
- B. Approves all Ordinances and Resolutions as to form before the same are submitted to the Town Council.
- C. Approves all Contracts and Agreements before the same are signed by the proper officials.
- D. Assumes responsibility for the handling of any and all legal affairs of the Town.

- E. Assumes responsibility for the prosecution of violations of Town Ordinances before courts having jurisdiction, and in addition, have such other duties and perform such other functions as are assigned from time to time.
- F. Assists in the collection of account receivables, use tax, and delinquent special assessments.
- G. Advises the Town Council, Commissions, and Staff on legal matters.

II. POSITIONS

The positions within the Legal Department were held by the following persons throughout 2002:

- A. **Corporation Counsel** – Steven D. Mahrt
- B. **Deputy Corporation Counsel** – Wayne E. Karplus
- C. **Town Attorney** – Mercedes Davison
- D. **Office Associate** – Christine M. Leese
- E. **Office Associate** – Kathy Rexroad (Start Date 5/28/02)
- F. **Interns** –
 - i. Chris Ehresman (Spring 2002)
 - ii. Casey Tushaus (Spring 2002)
 - iii. Matthew Sperry (Summer 2002)
 - iv. Scott Maskel (Summer 2002)
 - v. Brianne Marshall (Fall 2002)

III. BRIEF SUMMARY OF ACTIVITIES

- A. Ordinances Prepared and Approved – 87
- B. Resolutions Prepared and Approved – 176
- C. Citizen/Employee Inquiries – 489
- D. Staff Responses – 464
- E. Meetings Attended – 624
- F. Initiated Legal Activity – 535
- G. Matters Involving Property – 103
- H. Litigation Matters – 146

- I. Disposed of 253 ordinance violations in court. The court imposed fines of \$61,465.
- J. Accepted payment at City Hall from 1,306 individuals who were charged with ordinance violations, collecting \$297,465 in fines.
- K. Collected approximately \$6,474 in Use Taxes.

IV. GOALS AND OBJECTIVES

The goal of the Legal Department is to provide competent legal advice to the Town of Normal and all Town Officials regarding execution of Town functions. The Legal Department is available to respond to requests for service, as well as actively provide legal advice to the Town Officials and employees. Advice is given in order to assure delivery of municipal services and performance of municipal functions in compliance with all applicable laws. In order to meet the goals of providing competent legal advocacy and competent legal advice, the following objectives have been drafted as guidelines to assure such goals:

- G. Attend all meetings of Town Boards and Commissions and other meetings where legal advice may be necessary.
- H. Maintain availability to respond to legal inquiries by continuing to maintain office hours during normal working hours.
- I. Attend relevant continuing education training seminars within budgetary constraints.
- J. Stay abreast of current case law relevant to municipal corporations.
- K. Attend and participate in Illinois Municipal Home Rule Attorney Meetings.
- L. Stay abreast of any and all legislative changes affecting municipal government.
- M. Advise other municipal departments of current law and any legislative changes.
- N. Continue revision of the Town of Normal Municipal Code.
- O. Successfully prosecute all ordinance violations brought to the attention of the Legal Department to the satisfaction of the Town.
- P. Assist in any negotiations between the Town and any Unions.

ANNUAL FINE COMPARISON

YEAR	PAID AT CITY HALL	COURT IMPOSED	TOTAL
2002	\$297,465	\$61,465	\$358,930
2001	\$363,341	\$66,075	\$429,416
2000	\$280,700	\$44,175	\$324,875
1999	\$150,575	\$42,485	\$193,060
+++1998	\$ 88,222	\$35,250	\$123,472
++1997	\$89,654	\$47,130	\$136,784
+1996	\$85,892	\$65,405	\$151,297
***1995	\$41,798	\$56,476	\$ 98,274
**1994	\$26,511	\$50,006	\$ 76,517
1993	\$47,785	\$70,184	\$117,969
1992	\$25,515	\$37,115	\$ 62,630
1991	\$28,800	\$44,466	\$ 73,266
1990	\$50,974	\$49,593	\$100,567
1989	\$26,550	\$36,180	\$ 62,730
1988	\$21,700	\$38,575	\$ 60,275
*1987	\$33,449	\$37,575	\$ 71,024
1986		\$72,970	\$ 72,970
1985		\$55,971	\$ 55,971
1984		\$23,516	\$ 23,516
1983		\$ 5,110	\$ 5,110

*1987 – First Year of Pay at City Hall.

**1994 – 102 People Opted for Alcohol Education – Estimated Loss in Fines - \$10,200.

***1995 – 209 People Opted for Alcohol Education – Estimated Loss in Fines - \$20,900.

+1996 – 336 People Opted for Alcohol Education – Estimated Loss in Fines - \$50,400.

++1997 – 225 People Opted for Alcohol Education – Estimated Loss in Fines - \$33,750.

+++1998 – 82 People Opted for Alcohol Education – Estimated Loss in Fines - \$8,200.

MOST FREQUENTLY ISSUED ORDINANCE CITATIONS

VIOLATION	Total 2002	Total 2001	TOTAL 2000
1. Unlawful Possession/ Consumption of Alcohol	990	1297	874
2. Open Alcohol	112	193	154
3. Public Urination	92	152	87
4. Noise	87	160	80
5. Possession of Tobacco	32	50	49
6. Sale of Tobacco	29	31	12
7. Curfew	22	37	26
8. Furnishing Alcohol	22	8	19
9. Possession of Fraudulent ID/ Misrepresentation of Age	21	28	29
10. Sale of Alcohol	20	60	19
11. Trash and Debris	14	0	0
12. Truancy	11	9	21
Totals	1452	2025	1370

2002 JUVENILE OFFENSES

OFFENSE	TOTAL CASES	TOTAL FINES
Truancy	11	50
Curfew	22	1,125
Fighting/Battery	2	100
Tobacco Possession	32	1,975
Totals	67	\$3,570

