

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



SUPPLEMENTAL REQUESTS FOR FY 2015-16

DEPARTMENT OF LAW

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

**Prepared By:
Craig Harper, JBC Staff
January 19, 2016**

For Further Information Contact:

Joint Budget Committee Staff
200 E. 14th Avenue, 3rd Floor
Denver, Colorado 80203
Telephone: (303) 866-2061
TDD: (303) 866-3472

TABLE OF CONTENTS

	Narrative Page	Numbers Page
Department Overview	1	N.A.
Summary: FY 2015-16 Appropriation and Recommendation	1	N.A.
Prioritized Supplementals in Department-assigned Order		
S1 –Software for Safe2Tell Program	2	7
S2 – Ralph L. Carr Judicial Center Leased Space	5	8
Non-prioritized Supplementals		
Statewide Common Policy Supplemental Requests	6	N.A.
Totals for All Supplementals	N.A.	8
Appendices		
Numbers Pages	7	N.A.

DEPARTMENT OF LAW

Department Overview

The Attorney General is one of five independently elected constitutional officers of the State. As the chief executive officer of the Department of Law, the Attorney General represents and defends the legal interests of the people of the State of Colorado and serves as the legal counsel and advisor to state agencies. The Department’s FY 2015-16 appropriation represents 0.3 percent of statewide operating appropriations and 0.2 percent of statewide General Fund appropriations.

Summary: FY 2015-16 Appropriation and Recommendation

Department of Law: Recommended Changes for FY 2015-16						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
SB 15-234 (Long Bill)	\$77,257,689	\$14,963,624	\$15,796,431	\$44,703,757	\$1,793,877	476.1
Other legislation	254,334	94,441	0	159,893	0	1.5
H.B. 15-1367 Contingent appropriations	<u>202,835</u>	<u>200,000</u>	<u>0</u>	<u>2,835</u>	<u>0</u>	<u>0.0</u>
Current FY 2015-16 Appropriation	\$77,714,858	\$15,258,065	\$15,796,431	\$44,866,485	\$1,793,877	477.6
Recommended Changes						
Current FY 2015-16 Appropriation	\$77,714,858	\$15,258,065	\$15,796,431	\$44,866,485	\$1,793,877	477.6
S1 Software for Safe2Tell Program	0	0	0	0	0	0.0
S2 Ralph L. Carr Judicial Center leased space	91,879	25,446	10,731	53,154	2,548	0.0
NP1 Supplemental fleet vehicle request	<u>(17,319)</u>	<u>(2,803)</u>	<u>(2,878)</u>	<u>(11,094)</u>	<u>(544)</u>	<u>0.0</u>
Recommended FY 2015-16 Appropriation	\$77,789,418	\$15,280,708	\$15,804,284	\$44,908,545	\$1,795,881	477.6
Recommended Increase/(Decrease)	\$74,560	\$22,643	\$7,853	\$42,060	\$2,004	0.0
Percentage Change	0.1%	0.1%	0.0%	0.1%	0.1%	0.0%
FY 2015-16 Executive Request	\$0		\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$77,789,418)	(\$15,280,708)	(\$15,804,284)	(\$44,908,545)	(\$1,795,881)	(477.6)

Request/Recommendation Descriptions

S1 Software for Safe2Tell Program: The request includes an increase of \$62,500 General Fund in FY 2015-16 (annualizing to \$60,000 in FY 2016-17 and beyond) to support a contract for anonymous tip reporting software used by the Safe2Tell Program. The Department signed the contract for new software on May 27, 2015, and began using the software on July 1, 2015. Staff

recommends rejecting the request for FY 2015-16 because the Department has sufficient resources to absorb the additional costs in the current year as a result of vacancy savings.

S2 Ralph L. Carr Center Leased Space: The request includes an increase of \$91,879 total funds (including \$25,446 General Fund) in FY 2015-16 to support additional leased space in the Ralph L. Carr Colorado Judicial Center. The Department learned the additional space was available after the original FY 2015-16 appropriation was made and secured the space effective July 1, 2015. Staff recommends approving the request.

NP1 Supplemental fleet vehicle request: The Department requests a decrease of \$17,319 total funds (including \$2,803 General Fund) for the Department’s share of statewide adjustments to vehicle lease payments. The recommendation is pending Committee action on this supplemental request during the JBC Staff presentation for the Department of Personnel on January 25, 2016. Please note, the dollar amount in the table represents the requested change to the FY 2015-16 appropriation and that the recommendation is pending.

Prioritized Supplemental Requests

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #1 SOFTWARE FOR SAFE2TELL PROGRAM

	Request	Recommendation
Total	<u>\$62,500</u>	<u>\$0</u>
General Fund	62,500	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of data that were not available when the original appropriation was made .	

Department Request: The Department requests an increase of \$62,500 General Fund in FY 2015-16 (annualizing to \$60,000 General Fund in FY 2016-17 and subsequent years) to support a new contract for anonymous tip reporting software for the Safe2Tell Program.

Staff Recommendation: Staff recommends that the Committee deny the request for FY 2015-16 because the Department has sufficient resources to absorb the additional costs in the current year as a result of vacancy savings. Staff anticipates recommending the requested increase for FY 2016-17 (\$60,000 General Fund) but recommends rejecting the supplemental request for FY 2015-16.

Staff Analysis:

Background – Safe2Tell

Safe2Tell

The Safe2Tell Program provides students and the community with a means to anonymously report information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities – or the threat of these activities – to appropriate law enforcement and public agencies and school officials. Prior to FY 2014-15, Safe2Tell operated as a 501(c)(3) not-for-profit organization. The program was exclusively supported by private grants until FY 2008-09, when the General Assembly approved a request from the Department of Public Safety to provide funding and 1.0 FTE to support the Program Director. In FY 2009-10, the General Assembly approved a request to move the program/director from the Department of Safety to the Department of Law. The program continued to operate through FY 2013-14 as a non-profit, with only the Director supported by state funds. The enactment of S.B. 14-002 repealed and reenacted the statutes related to Safe2Tell and recreated the program as a state program within the Department of Law, with a total of 4.0 FTE (including the Director).

FY 2015-16 Appropriation – Safe2Tell and the Office of Community Engagement

The FY 2015-16 appropriation includes \$398,536 total funds (including \$383,536 General Fund) and 4.0 FTE specifically associated with Safe2Tell. The General Assembly also approved the Department’s request to add \$196,845 General Fund and 1.8 FTE (annualizing to 2.0 FTE in FY 2016-17) to create a new Office of Community Engagement and consolidated the Safe2Tell funding and FTE into the newly created office (see the following table).

FY 2015-16 Appropriation - Office of Community Engagement (OCE)				
Component	Total Funds	General Fund	Cash Funds	FTE
Safe2Tell Program	\$398,536	\$383,536	\$15,000	4.0
New OCE Staff	<u>196,845</u>	<u>196,845</u>	<u>0</u>	<u>1.8</u>
Total OCE Budget	\$595,381	\$580,381	\$15,000	5.8

Tip Reporting Software

Safe2Tell uses encrypted and anonymous web-based database software to facilitate the intake of information from students and the transfer of intelligence information to local jurisdictions (including schools and law enforcement). Dispatch and communication centers use the software to capture information from reporting parties through phone calls, web based reports, mobile apps, and text message tips. The software allows for two-way dialogue with reporting parties, the collection of standardized information, and the direct transfer of necessary information to local authorities.

Through FY 2014-15, Safe2Tell used software developed in collaboration with a vendor roughly twelve years ago when the program was operating as an independent non-profit. The vendor supported the software for \$10,000 per year. As a result, the Safe2Tell Program’s base budget includes \$10,000 General Fund for the support of tip reporting software. Several years ago, the original vendor sold the software product to a second vendor, who continued to support the software for \$10,000 per year through the end of FY 2014-15.

In FY 2014-15, the Department decided that new software was necessary based on a desire for additional software upgrades and a lack of responsiveness from the existing vendor. The Department submitted a budget amendment (FY 2015-16 BA1) requesting an increase of \$50,000 General Fund (for a total of \$60,000 to support the tip software, including the \$10,000 in base budget) to support new software. Based on uncertainty regarding the status of the Department's contracting process and the necessary cost of the system at the time, the Committee denied the request for additional funding in the FY 2015-16 Long Bill and asked the Department to return with more complete information regarding the necessary cost of the system.

The Department signed a contract for the new software system on May 27, 2015, effective June 1, 2015. The Department and vendor tested the new system and trained staff from June 1 to July 1 and officially started the system July 1, 2015. The contract requires a total payment of \$72,500 in FY 2015-16 (\$62,500 above the \$10,000 included in the base budget) and \$70,000 per year in FY 2016-17 and FY 2017-18 (\$60,000 per year above the base budget).

The Department reports that the new system is working very well. According to the Department, the new system allows for faster communication and relay of information, the new mobile "apps" are very popular and allow for better collection of evidence and intelligence (e.g., through the submission of photos, videos, and "screen shots"), and the Department is receiving more reports than in prior years.

FY 2015-16 Supplemental Request

Given the timing of the contracting process, the Department did not have updated cost information in time for the original FY 2015-16 appropriation but moved forward with the contract based on the need to have a new system in place for the 2015-16 school year. As a result, the Department has requested the increase of \$62,500 General Fund as a supplemental for FY 2015-16 (and \$60,000 per year in subsequent years).

Staff does not dispute the need for the new system but recommends that the Committee deny the request for additional General Fund in FY 2015-16 because the Department has sufficient resources to support the contract in the current year as a result of vacancy savings within the Office of Community Engagement line item and the Administration Personal Services line item. Please note that this recommendation is specific to the supplemental request and that staff anticipates recommending approving the additional funding for FY 2016-17 during the figure setting process.

As discussed above, the FY 2015-16 appropriation provided an increase of \$196,845 and 1.8 FTE to support new staff (a program director and a program assistant) for the newly created Office of Community Engagement. The appropriation assumed that both positions would start July 1, 2015. However, the Program Director did not start until August, and the Department did not fill the program assistant position until December 1, in part to create vacancy savings to support the Safe2Tell software contract. In addition, as a contingency plan in case the supplemental was not approved, the Department is supporting the program assistant position in FY 2015-16 with vacancy savings from three temporary vacancies in the Administration Personal Services line item (two information technology positions and one accounting position,

all of which are funded with indirect cost recoveries) in order to leave General Fund available in the Office of Community Engagement line item for the Safe2Tell software contract.

The Department’s estimates indicate that there will be sufficient vacancy savings in FY 2015-16 to support the program assistant without additional General Fund appropriations. Regardless of whether the Committee adds the requested General Fund, the Department intends to fill the three vacant positions for a February 1, 2016, start date. As a result, adding the requested General Fund would not change the Department’s operations in the current year. In effect, the Department’s (responsible) contingency planning has eliminated the need for the supplemental appropriation in FY 2015-16 although the increase will be necessary for FY 2016-17 and subsequent years. Thus, staff recommends denying the supplemental request.

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #2
RALPH L. CARR JUDICIAL CENTER LEASED SPACE

	Request	Recommendation
Total	<u>\$91,879</u>	<u>\$91,879</u>
General Fund	25,446	25,446
Cash Funds	10,731	10,731
Reappropriated Funds	53,154	53,154
Federal Funds	2,548	2,548

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of data that were not available when the original appropriation was made.	

Department Request: The request includes an increase of \$91,879 total funds (including \$25,446 General Fund) in FY 2015-16 (annualizing to \$113,406 total funds in FY 2016-17) to support additional leased space in the Ralph L. Carr Colorado Judicial Center (Carr Center). The Department has already leased the space associated with the FY 2015-16 supplemental request, effective July 1, 2015, and has relocated information technology staff to the new space.

Staff Recommendation: Staff recommends that the Committee approve the request.

Staff Analysis: As discussed in detail during the FY 2016-17 JBC Staff Budget Briefing for the Department of Law (see the issue paper beginning on page 19 of the briefing document), the Department has occupied floors six through ten (a total of approximately 200,160 square feet) of the Carr Center since the building opened in January 2013. The Department had expected that space to be sufficient for many years. However, based on growth in the Department’s staff (from 432.7 appropriated FTE in FY 2012-13 to 477.6 FTE in FY 2015-16) and anticipated additional

growth in the Civil Litigation Unit, the Department determined that additional space would be necessary.

In March 2015, the Department learned that the Office of Attorney Regulation Counsel (within the Judicial Branch) intended to leave the Carr Center at the end of FY 2014-15, making 6,154 square feet of office space available for FY 2015-16. In May 2015, based on an analysis of space requirements, the Department elected to take over the newly available space (effective July 1, 2015) in order to ensure that all departmental staff could remain in the Carr Center. At that time, the Department notified JBC Staff of the intent to add office space understanding that the new space would require a supplemental request in FY 2015-16 as well as a decision item for FY 2016-17. The Department has since relocated 14 information technology support employees to the new space.

While the timing of the relocation and request is not ideal, and staff would certainly prefer to see the request precede the occupation of space (and necessary expenditure), staff understands that the timing of the availability of space required a decision by the Department. Staff also notes that if the space had remained vacant, the Judicial Branch may have had to request General Fund to support the costs associated with the space in question (for C.O.P. payments and maintenance costs). The same would be true if the General Assembly denies the supplemental request. Staff recommends approving the requested increase for FY 2015-16.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

Department's Portion of Statewide Supplemental Request	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
NPI Supplemental fleet vehicle request	(\$17,319)	(\$2,803)	(\$2,878)	(\$11,094)	(\$544)	0.0
Department's Total Statewide Supplemental Requests	(\$17,319)	(\$2,803)	(\$2,878)	(\$11,094)	(\$544)	0.0

Staff Recommendation: The staff recommendation for these requests is pending Committee approval of common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this common policy supplemental. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

*JBC Staff Supplemental Recommendations - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision*

Appendix A: Number Pages

	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2015-16 Requested Change	FY 2015-16 Rec'd Change	FY 2015-16 Total w/Rec'd Change
--	----------------------	-----------------------------	--------------------------------	----------------------------	------------------------------------

**DEPARTMENT OF LAW
Cynthia Coffman, Attorney General**

S1 Software for Safe2Tell Program

(1) ADMINISTRATION

Office of Community Engagement	<u>0</u>	<u>595,381</u>	<u>62,500</u>	<u>0</u>	<u>595,381</u>
FTE	0.0	5.8	0.0	0.0	5.8
General Fund	0	580,381	62,500	0	580,381
Cash Funds	0	15,000	0	0	15,000

Total for S1 Software for Safe2Tell Program	0	595,381	62,500	0	595,381
<i>FTE</i>	<u>0.0</u>	<u>5.8</u>	<u>0.0</u>	<u>0.0</u>	<u>5.8</u>
General Fund	0	580,381	62,500	0	580,381
Cash Funds	0	15,000	0	0	15,000

JBC Staff Supplemental Recommendations - FY 2015-16
Staff Working Document - Does Not Represent Committee Decision

	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2015-16 Requested Change	FY 2015-16 Rec'd Change	FY 2015-16 Total w/Rec'd Change
--	----------------------	-----------------------------	--------------------------------	----------------------------	------------------------------------

S2 Ralph L. Carr Judicial Center Leased Space

(1) ADMINISTRATION

Ralph L. Carr Colorado Judicial Center Leased Space	2,981,368	3,034,238	91,879	91,879	3,126,117
General Fund	804,128	840,388	25,446	25,446	865,834
Cash Funds	348,331	354,368	10,731	10,731	365,099
Reappropriated Funds	1,743,005	1,755,344	53,154	53,154	1,808,498
Federal Funds	85,904	84,138	2,548	2,548	86,686

Total for S2 Ralph L. Carr Center Leased Space	2,981,368	3,034,238	91,879	91,879	3,126,117
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	804,128	840,388	25,446	25,446	865,834
Cash Funds	348,331	354,368	10,731	10,731	365,099
Reappropriated Funds	1,743,005	1,755,344	53,154	53,154	1,808,498
Federal Funds	85,904	84,138	2,548	2,548	86,686

Totals Excluding Pending Items					
LAW					
TOTALS for ALL Departmental line items	67,795,437	77,714,858	154,379	91,879	77,806,737
<i>FTE</i>	<u>437.7</u>	<u>477.6</u>	<u>0.0</u>	<u>0.0</u>	<u>477.6</u>
General Fund	13,493,640	15,258,065	87,946	25,446	15,283,511
Cash Funds	12,633,619	15,796,431	10,731	10,731	15,807,162
Reappropriated Funds	40,000,698	44,866,485	53,154	53,154	44,919,639
Federal Funds	1,667,480	1,793,877	2,548	2,548	1,796,425