



LEGAL DEPARTMENT 2015 ANNUAL REPORT

Excellence | Accountability | Innovation | Inclusion | Empowerment

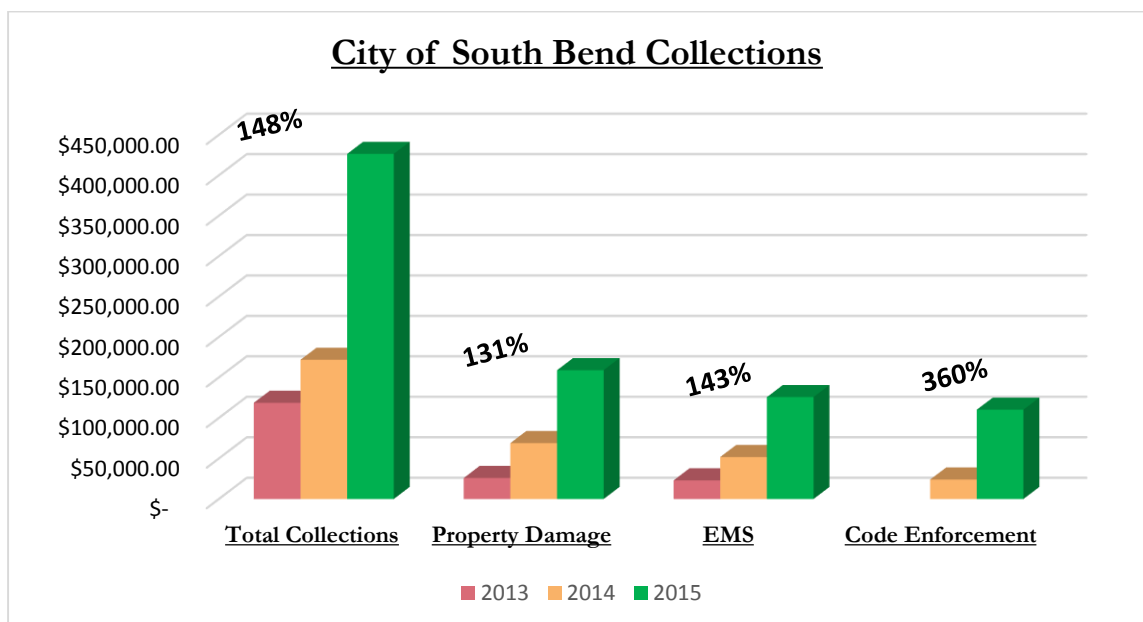
MISSION

The Legal Department advances the City of South Bend's strategic goals and promotes the legal and ethical integrity of the City by efficiently and cost-effectively providing quality legal representation to the City's executive departments, commissions and agencies with a dedicated and professionally-skilled staff.

2015 HIGHLIGHTS

Fiscal Stewardship

- In the second year of its partnership with a local law firm specializing in collections, the Department collected over **\$425,000** in obligations owed to the City. Total collections increased from \$118,695 in 2013 to \$171,829 in 2014, and to \$426,455 in 2015, approximately a **148%** increase.
- In the second year of the Department's newly-created Claims Administrator position, the Department collected **\$158,963** owed to the City for property damage. Property damage collections increased from \$25,929 in 2013 to \$68,947.69 in 2014, and to \$158,963 in 2015, approximately a **131%** increase since 2014.
- EMS collections increased from \$22,996 in 2013 to \$51,797.06 in 2014, and to \$125,721 in 2015, a **143%** increase since 2014.
- Department of Code Enforcement collections increased from \$23,965 in 2014 to \$110,142 in 2015, an increase of approximately **360%**.



- **Medicaid Reimbursements.** The Legal Department educated SB Fire Department on the law governing medical reimbursements and worked with them to prepare the requisite documents. The process began in 2013. As a result of this collaborative work over a two year period, the City in 2015 received a total of **\$2,472,740.45** for years 2011 and 2012. The Fire Department will also receive reimbursement for years 2013-2015, and the foreseeable future.
- **Ameresco Energy Savings Contract.** Prepared ordinance to approve unique energy savings contract as a means to finance substantial roof replacement and major capital expense projects at Century Center.
- **Floodplain Ordinance Replacement.** Worked with Area Plan Commission Executive Director to pass an ordinance replacing the former Floodplain Regulations within the City, protecting City's ability to obtain future Federal Emergency Management Agency's (FEMA's) flood hazard loss insurance benefits.
- **Outside Counsel City Representation.** Requested proposals for legal services and negotiated largely reduced rates from an expanded number of legal vendors, resulting in exceptional service to the City provided by local talent with great results.
- **Activate Health Clinic.** Successful negotiation of employee health care clinic with Activate Health. The Clinic is anticipated to reduce health care costs for the City and its employees as well as improve overall quality of life for City employees.

Direct Services to Residents

- **APRA Requests.** Processed **1,788** public records (APRA) requests in 2015, bringing the Administration total to **7,913** (1,911 in 2012; 2,301 in 2013; 1,913 in 2014; 1,788 in 2015) all in a timely manner and without violation. The trend toward fewer requests observed in 2014 continues, with **6.5%** fewer requests in 2015. The Department has worked with other City agencies to publish frequently requested, purely public records on the City's website, such as meeting minutes and financial data.
- **Ticket Appeals.** Amended ticket appeal process to improve efficiency and reduce lengthy disputes.
- **Human Rights.** Supervised Spanish translation of conciliation agreement in housing cases which will be a future template and will have a positive impact on the City's Spanish-speaking rental residents.

Neighborhood Improvement and Quality of Life

- Improved approaches to chronic nuisance properties, proactively bringing together police, other City departments, and residents.
- Spearheaded the purchase of Lexipol by the South Bend Police Department (“SBPD”). Lexipol will enable SBPD to have comprehensive, continuous training, provide a way to document individual participation in training sessions, keep track of policies, and timely update the SBPD duty manual.
- Assisted in drafting and developing the Mobile Food Vending Ordinance, bringing innovative culinary options to City residents. The Ordinance was adopted by the Common Council in September 2015.
- Collaborated with DCI on their program ideas for Phase II of the Vacant and Abandoned Initiative.
- Conducted national search and RFP for new legal counsel to represent the City in the Long Term Control Plan and Combined Sewer Overflow matter.
- Put the gears in motion for further developing the City’s Diversity and Inclusion / Diversity Utilization Program.
- Responded successfully to complaints filed with the IN Public Access Counselor.
- Finalized negotiations with Notre Dame for a ground lease on the new Notre Dame Boathouse.
- Finalized negotiations that led to the City partnering with Notre Dame on the ND Turbo project at Ignition Park.
- Updated the City’s contracting policy to expand protections for all community members of every race, gender or sexual orientation / identity.
- Made a presentation to the Indiana Council of Mayors regarding South Bend’s equality ordinance.
- Prepared update to South Bend Transition Plan for continued compliance with the Americans with Disabilities Act.
- Expanded the scope of the City’s use of the Unsafe Building Law’s special assessment process through a partnership with the St. Joseph County Auditor. The result of this project will be to

improve deployment of an essential tool for deterring Municipal Code violations and recovering costs expended by the City to maintain or remediate properties.

- Assisted in the drafting and establishment of the Unsafe Building Fund pursuant to Indiana Code 36-7-9-14 and South Bend Municipal Code Article 8, Section 6-37(c), which essentially creates an operating fund for the deposits and expenditures of matters performed in accordance with the Unsafe Building Act.

Fundamental Legal Services

- Successfully defended more than a dozen civil lawsuits, which included victories in trial and in the Indiana Court of Appeals, on such issues as personal injury, excessive force, and the Unsafe Building Law.
- Maintained an aggressive approach to litigation and claim resolution that reduced expenses and improved cost recovery.
- Entered an agreement to ensure prospective compliance with the Centers for Medicare & Medicaid Services' federal requirements for mandatory insurer reporting of liability claims. The project included an extensive evaluation of historical claims data, coordination between the Legal Department and Safety and Risk Management, and reconstruction of the City's claim intake process.
- Testified at General Assembly Interim Study Committee on Government regarding adverse impact of 2015 legislation affecting voluntary annexations.
- Drafted and collaborated on numerous ordinances and resolutions.
- Provided legal advice and services related to SB150, the City's sesquicentennial celebration.
- Provided legal advice and drafted transactional documents associated with key City development projects, including:
 - The Hoffman Hotel Apartments
 - The Hotel LaSalle Apartments
 - Colfax and Hill Apartments
 - The Former College Football Hall of Fame
 - JMS Building Apartments
 - The Former Chase Tower
 - Coveleski Stadium
 - Ivy Tower
 - Ignition Park
 - The Notre Dame Turbomachinery Facility
 - Blackthorn Corporate Office Park
 - Smart Streets Initiative.

- **Amicus Brief on Freedom to Marry.** The City of South Bend was a signatory to an Amicus Brief in the matter of *Obergefell v. Hodges* urging the United States Supreme Court to end marriage discrimination nationwide. The City was one of 19 signatories to the brief and Mayor Buttigieg was one of 225 Mayors to sign and support the freedom to marry for all Americans. In 2015, the U.S. Supreme Court declared same-sex marriage legal in all 50 states.
- **Amicus Brief on Equality of Representation.** The City of South Bend was a signatory to the Amicus Brief filed with the United States Supreme Court in the matter of *Evenwel v. Abbott* in support of representative democracy.

Legal Department Staff Transitions

Paul Singleton was appointed St. Joseph Superior Court Magistrate.

Andrea Huntington joined the City Legal team in 2015 and continues a career in public service, serving previously as a juvenile delinquency defense attorney with the Marion County Public Defender's Agency. Andrea earned her undergraduate degree at Temple University and her law degree at Chicago-Kent College of Law.

For the first time since 2013, the Legal Department is fully-staffed. The Department is made up of diverse and talented attorneys and staff members in an environment in which equality with regards to gender, race, and physical ability are indicative of a strong commitment to the City's core values of inclusion and excellence.

2016 STRATEGIC GOALS

- Continue to support a department culture of proactive, energetic, client-focused planning and performance.
- Support City policy and legislative interests at the regional, state, and national levels.
- Continue to demonstrate a diligent and resolute litigation strategy that supports the ability of the City to deliver good government and allows residents to live a safe, healthy, meaningful life in South Bend.