



LEGAL DEPARTMENT 2016 ANNUAL REPORT

Excellence | Accountability | Innovation | Inclusion | Empowerment

MISSION

The Legal Department provides quality legal representation to the City of South Bend's Mayor, departments, commissions and agencies with a dedicated and professionally-skilled staff, efficiently and cost effectively, in furtherance of the City's strategic goals, and preserving the legal and ethical integrity of the City. The services of the Legal Department are most directly tied to the City's core value of being a **Well-Governed and Administered City**.

2016 HIGHLIGHTS

Well-Governed and Administered City

- **Great Employer with Great Employees**

The Legal Department is comprised of diverse and talented attorneys and staff members in an environment in which equality with regards to gender, race, and age are indicative of a strong commitment to the City's core values of inclusion and excellence.

Fraternal Order of Police (FOP) Contract

Successfully negotiated a new four-year contract with the FOP, collaborating with SBPD, Common Council, and the FOP.

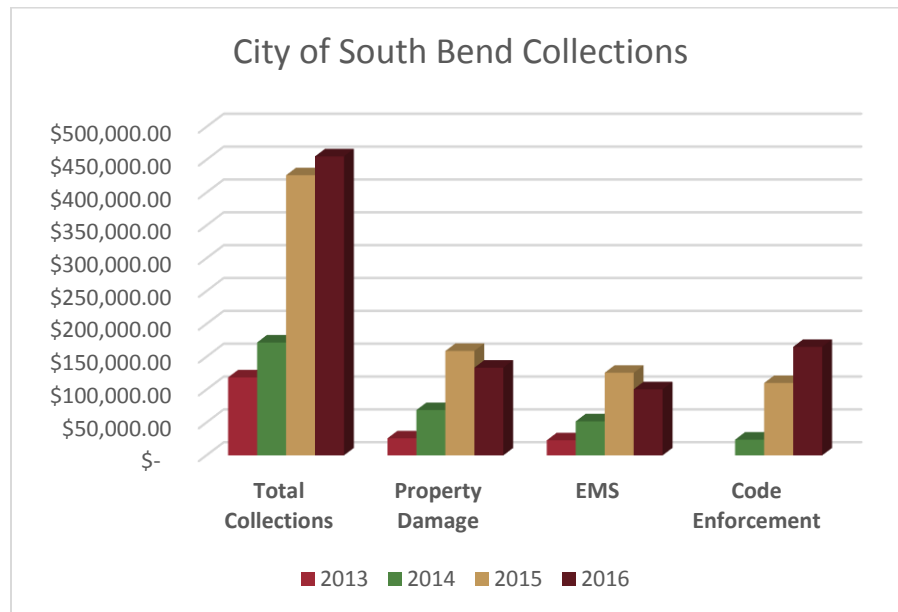
Teamsters Bargaining Agreement

Successfully negotiated the Teamsters Bargaining Agreement, resulting in a consistent, positive working relationship between the Union and the City for the next four years at mutually beneficial rates.

- **Enduring Financial Strength**

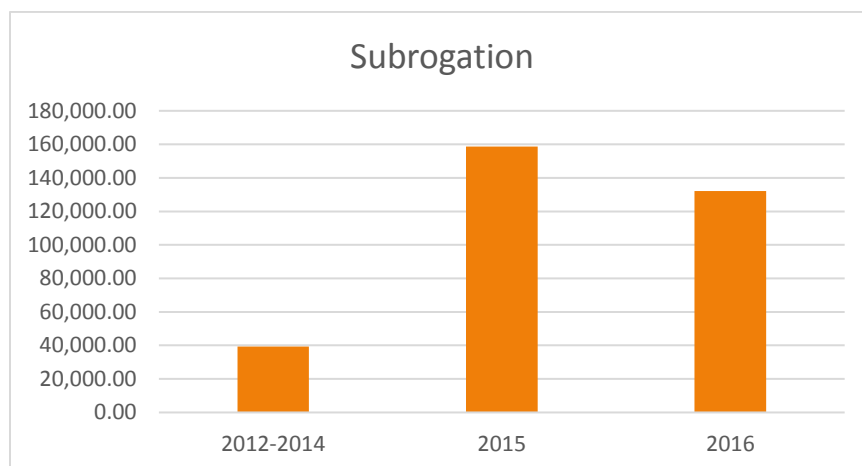
Collections Practice

In the third year of its partnership with a local law firm specializing in collections, the Department collected over **\$455,000** in obligations owed to the City. Total collections have increased from \$171,829 in 2014 to \$455,206 in 2016, an increase of approximately **165% over the past two years**.



Subrogation Practice

In the third year of the Department’s newly-created Claims Administrator position, the Department collected **\$132,051** owed to the City for property damage.



Economic Development Investments

Counseled and represented the Department of Community Investment with economic development projects that attracted \$261 million of private investment to the City in 2016.

Pokagon Band

Successfully negotiated and reached two separate agreements with the Pokagon Band of Potawatomi Indians and the Pokagon Gaming Authority, resulting in a guaranteed annual **\$2 million** in City revenue and an estimated **\$5 million** community donation impact.

1. Water and Sewer Agreement

The City received **\$400,000** to assist with replacing and upgrading the **Calvert Street Lift Station** in exchange for the extension of City water and sewer services for the initial and build-out phases of the Pokagon site.

2. Local Agreement

The City will receive **payment in lieu of taxes** in the form of **two percent of net win** and a **minimum guarantee of \$2 million annually for class II gaming**.

The Pokagon Band has agreed to sponsor a number of community projects, including \$5 million in funding for the following initiatives:

- Bowman Creek Project
 - Boys and Girls Club of St. Joseph County
 - Food Bank of Northern Indiana
 - Howard Park Improvements
 - Jobs for America's Graduates - Indiana
 - Memorial Children's Hospital
 - Prairie Avenue Landscaping
 - Prairie Avenue Resurfacing
 - South Bend Community Schools
 - YMCA Women's Shelter of South Bend
- **Reliable Compliance with Regulations and Well-Managed Risk**

Claims Defense Strategy

The Legal Department formally responded to **160** claims in 2016.

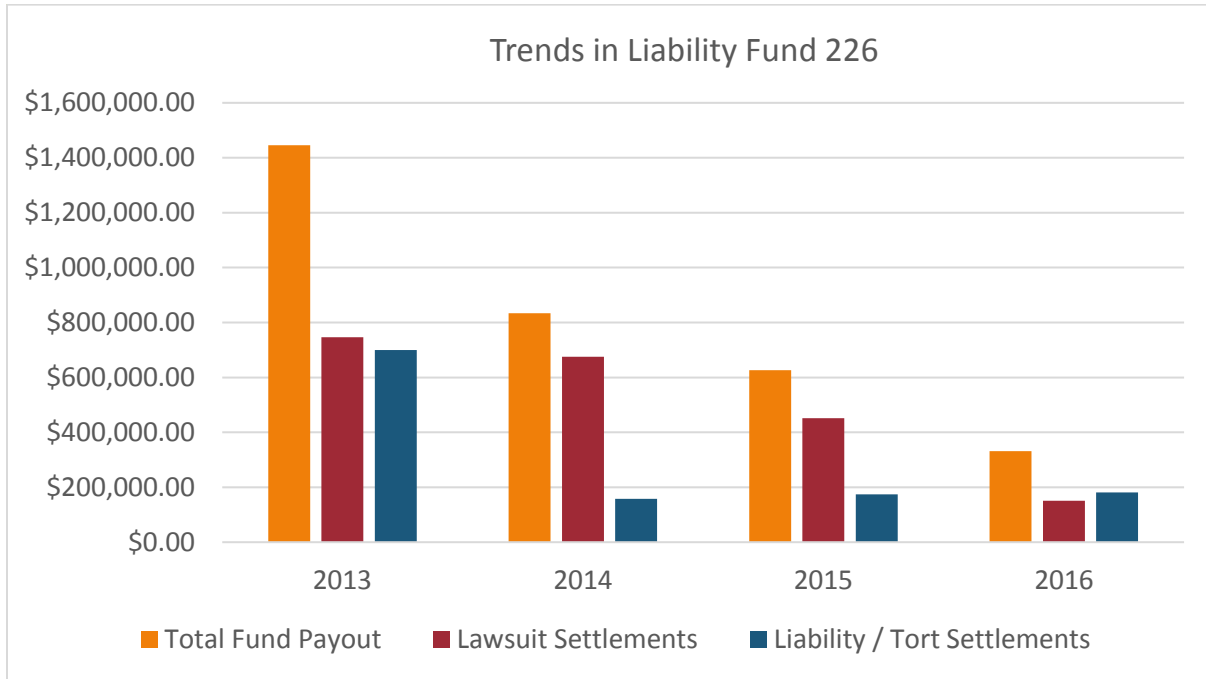
There were **\$5 million** in damages claimed against the City in 2016.

The City paid **\$187,785.68** in 2016 for claims arising in and prior to 2016.

The City settled **ten** lawsuits in 2016, for a total cost of **\$150,788**. This figure represents a significant decrease since 2013.

The expenditure from Liability Fund 226 has decreased steadily since 2013 due to:

- Proactive claims investigation and evaluation;
- Interdepartmental information sharing and best practices coordination; and
- Vigorous defense litigation.



Smart Streets

Successfully negotiated Smart Streets right-of-way acquisitions, resulting in timely groundbreaking and project kickoff, including ADA compliance with the project.

SBPD Duty Manual

Spent hundreds of hours developing a new SBPD Duty Manual, which reaches top industry standards in officer training tracking and community relations.

- **Excellent Services and Efficient Processes**

Access to Public Records Act (APRA) Requests

Processed **1,809** public records requests in 2016, bringing the Administration total to **9,722** at the end of 2016.

▪ 2012	1,911
▪ 2013	2,301
▪ 2014	1,913
▪ 2015	1,788
▪ 2016	<u>1,809</u>

Administration Total: 9,722

Coordinated APRA and Open Door Law City-wide training session with the State Public Access Counselor and met with individual departments to review APRA policies.

Ticket Appeals

Resolved **456** ticket appeals in 2016.

- **Model of our Values (Excellence, Accountability, Innovation, Inclusion, and Empowerment)**

Diversity and Inclusion Executive Order

Collaborated with the Mayor's Office in drafting Executive Order 01-2016, Establishing a City-Wide Diversity and Inclusion Initiative. This Order establishes and memorializes the Administration's commitment to working to incorporate historically underrepresented and underserved groups and persons and outlines the City's policy, goals, plans, and responsibilities with regards to Diversity and Inclusion.

City of South Bend Identification Cards and Executive Order

Developed the legal framework for the creation of the City of South Bend Identification Card program. Through this program, the City recognizes identification cards issued by La Casa de Amistad to ensure that all residents have access to City services and programs, fostering inclusion and empowerment and building a sense of community for all City of South Bend residents. The Legal Department also drafted Executive Order 02-2016, Establishment of a City-Recognized Identification Card Program in Furtherance of the City's Diversity and Inclusion Initiative.

- **Robust Physical and Technological Capital Assets**

University of Notre Dame Hydroelectricity Project

Negotiated the ground lease with the University of Notre Dame for the Hydroelectricity project executed in December 2016.

Sewer Compact Fees Ordinance

Successfully drafted and passed the Sewer Compact Fees Ordinance, overhauling compact fees and replacing such fees with a System Development Charge.

INDOT Street Relinquishment Agreement

Negotiated and finalized the Street Relinquishment Agreement with INDOT, securing \$4.1 million in street funding for fiscal year 2018.

Dog Park

Drafted the City's first dog park lease, leading to the successful opening of the City's first dog park.

- **Effective, Responsive Leadership and Communication**

The Legal Department attorneys regularly counsel and advise their respective clients, which are comprised of the various departments that make up the City of South Bend. This valuable service is provided in-house at no hourly charge to the City and results in effective interdepartmental collaboration and joint accomplishments, driven by highly responsive and accessible legal counsel.

2017 STRATEGIC GOALS

The City's Core Values provide a clear lens through which to view the effectiveness of our legal representation and client services, and their application helps us to evaluate and improve our department performance. Overall, our team is strong. We are confident in each other's abilities and we are equally confident in our department's leadership driving us to achieve success. Our department benefits substantially from our diverse personal and professional experiences, and working for the City is truly a unique experience that rewards professionalism, ingenuity, and hard work with a warm atmosphere that is reflective of our collective personality. We are extremely accountable and innovative in handling the issues that arise. Given the nature of our work, we are very inclusive, and will continue to involve our clients and encourage communication across departments and with the community. To that end, the Legal Department will:

- 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; and
- 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.