



LEGAL DEPARTMENT 2019 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 while 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**.

WHO WE ARE

Great Employer with Great Employees

The Legal Department is comprised of diverse and talented legal professionals working collaboratively in an inclusive environment. We pride ourselves on our strong commitment to the City's core values of Inclusion and Excellence.

WE ARE:

8 Attorneys



2 Paralegals



2 Legal Assistants



1 Great Team!



Legal Department Staff Benefits

The Legal Department takes the City’s goal of being a “Great Employer with Great Employees” seriously. We offer the following benefits to our employees to enhance retention and recruitment of talented, skilled staff:



Community Service and Participation

The attorneys and staff of the Legal Department are great employees in the office and beyond. As dedicated members of the community, our staff serve in leadership and volunteer positions throughout the County, including:

- ✦ Robert A. Grant Inn of Court
- ✦ St. Joseph County Bar Association and Board of Governors
- ✦ Latino Bar Association
- ✦ Hispanic National Bar Association
- ✦ Kappa Alpha Psi Fraternity
- ✦ 100 Black Men of Greater South Bend
- ✦ High School Mock Trial Coaching
- ✦ Hannah’s House Board
- ✦ Youth Services Bureau
- ✦ South Bend Lyric Opera Board
- ✦ Habitat for Humanity Carter Work Project
- ✦ St. Joseph County Humane Society
- ✦ South Bend Youth Symphony Orchestra Committee
- ✦ SJCBA Pro Bono Committee and South Bend Ask-A-Lawyer
- ✦ Volunteer Lawyer Network
- ✦ SJCBA Bench and Bar Committee and Family Law Committee
- ✦ League of Women Voters
- ✦ Indiana State Board of Law Examiners, Indiana Supreme Court Character and Fitness Committee



Supporting the City’s Employees and the Community

The Legal Team works with the City’s Departments to help them reach their goals in a manner that is compliant with state, federal, and local laws. We help each of our Departments to be a great employer with great employees.

South Bend Police Department and Community Engagement

The Legal Department researched, drafted, and created a new **Police Discipline Matrix** with input from the FOP, South Bend Police Department leadership, and community leaders. The matrix represents the culmination of months of research, study, and collaboration with national partners, including the **City of Tucson, Arizona**.

The Discipline Matrix is also the natural result of 2019’s **Community Action Group meetings**, a series of monthly meetings spearheaded by the Legal Department to solicit community input for Police policies. The Matrix responds to some of the resident concerns brought forth at those meetings and at **Town Hall meetings** organized by former Mayor Buttigieg.

The Legal Department also facilitated **21 CP, working with consultants from the President’s 21st Century Task Force on Policing** to implement best practices and approaches for community-driven, effective policing.



Passed Legislation

- **Rental Safety Verification Program “RSVP” Ordinance 10644-19** passed unanimously, enacted March 2019.
- **“SBARC” Rebranding Ordinance 10660-19** passed and enacted July 2019.
- Revised various City funds to improve City’s accounting system by **Ordinance 10686-19**, passed and enacted Oct 2019.
- **Low Income Customer Energy Assistance Ordinance 10688-19** passed October 2019.

MWBE Ordinance 10693-19 Implementation

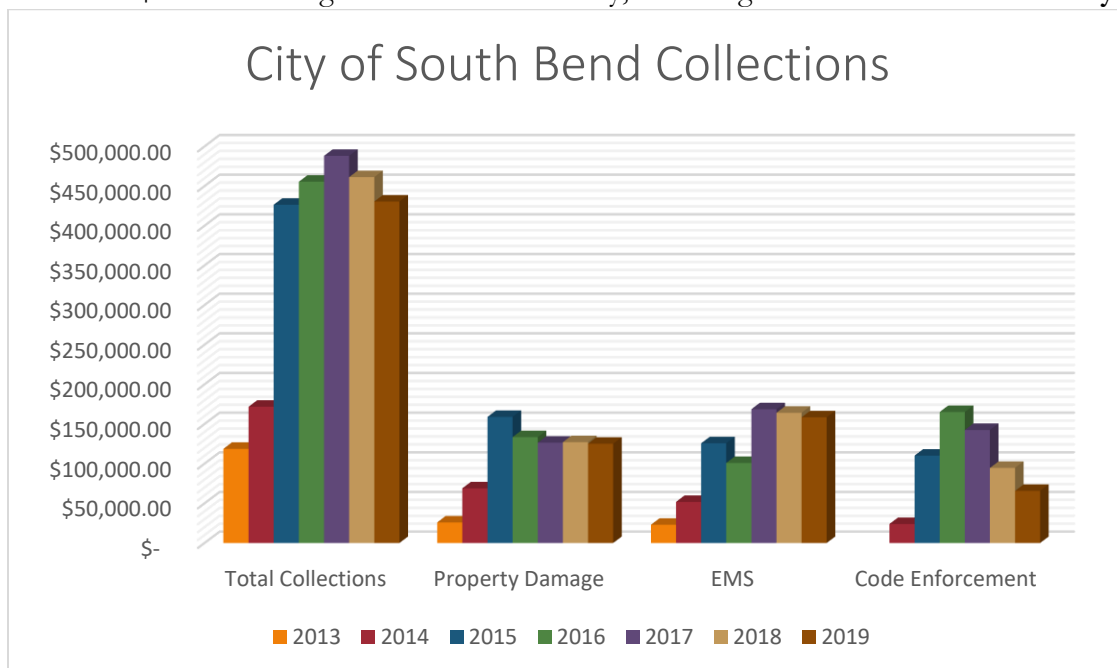
The Legal Department provided support for the completion of the Disparity Study and the creation of the MWBE ordinance, setting fair contract goals and creating a plan to close the gap between minority and women businesses in City contracting operations. The Department also served as Interim Diversity and Inclusion Director during a staffing transition.

Enduring Financial Strength

The Legal Department supports responsible collections practices, a thorough property damage recovery practice, economic investment, and important partnerships to enhance the City’s financial strength.

Collections Practice

In the sixth year of its partnership with a local law firm specializing in collections, the Department collected over **\$430K** in obligations owed to the City, modeling our value of **Accountability**.



\$12,200 in recoveries related to **2019 Collections Project**, an administrative review of collections files from previous administrations.

Property Damage Recovery Practice

In the sixth year of the Department's created Claims Administrator position, City Legal collected **\$125K** owed to the City for property damage.

Reliable Compliance with Regulations and Well-Managed Risk

Guided by the principal "we pay what we owe," the Legal Department handles each claim it receives with integrity and courtesy.

Liability Claims



Litigation



Eleven (11) cases in which it was named a Defendant in 2019.

Three (3) cases in which it was a Plaintiff in 2019.

- Bare Hands Litigation
- Environmental Insurance Recovery Actions

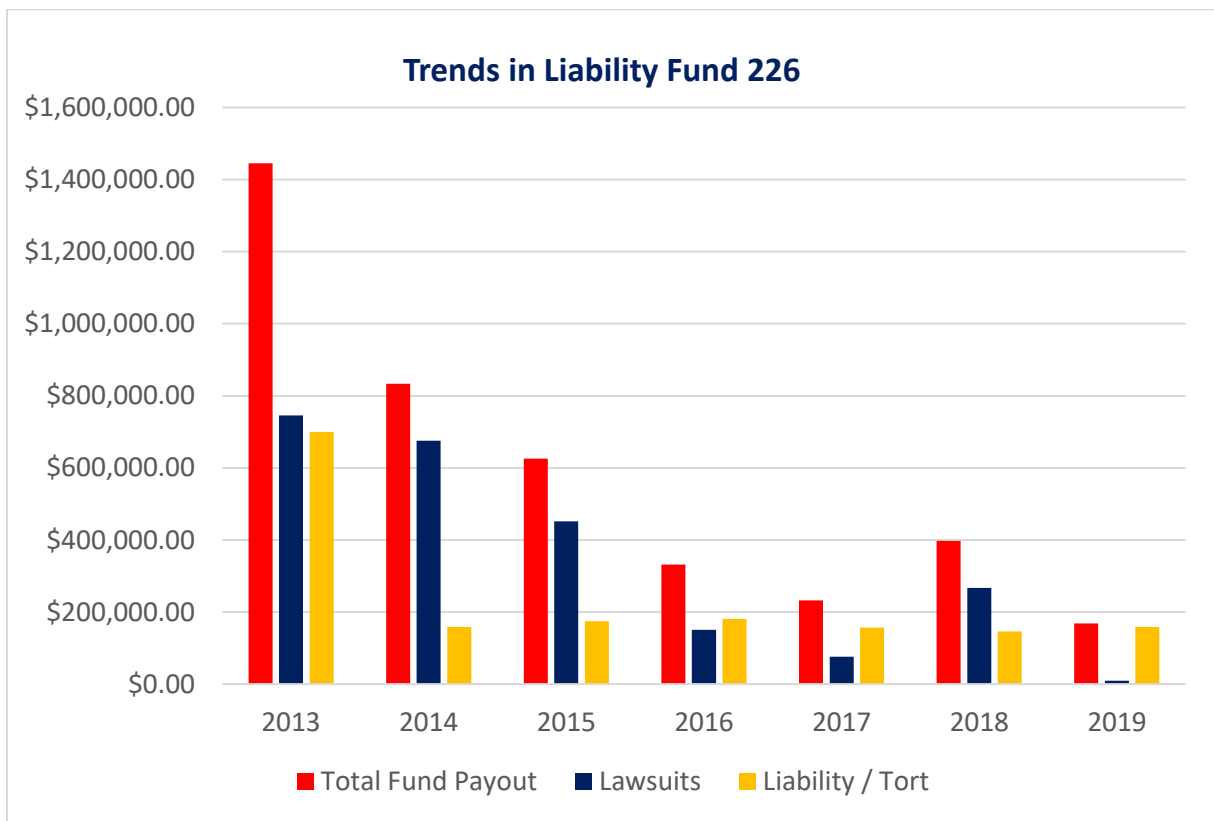
The City recovered over \$1 Million in environmental remediation costs.

LIABILITY FUND 226

Expenditures from Liability Fund 226 were reduced by **over 50% in 2019**. Expenditures in this fund have **decreased by 71% since 2013**.

The Legal Department has handled claims, lawsuits, and other City matters in an equitable, fiscally-responsible manner via:

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



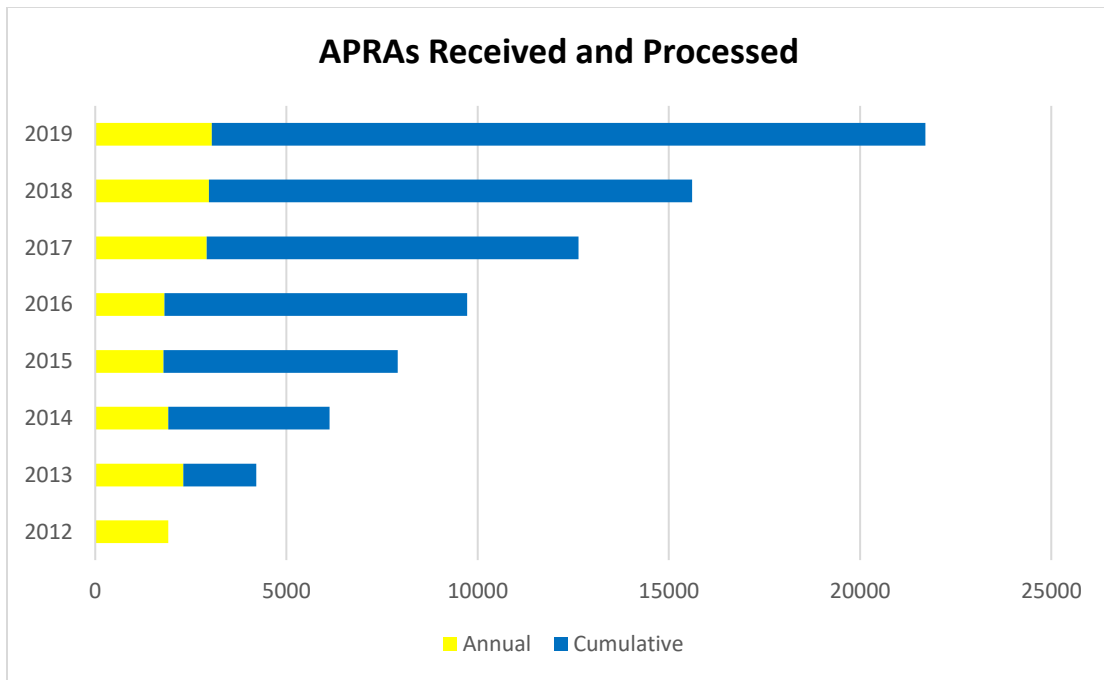
Excellent Services and Efficient Processes

The Legal Department fields questions from the public, especially requests for public records, ticket appeals, and claims. We strive to provide equitable, timely service, supporting our administration’s goals of Transparency.

Access to Public Records Act (APRA) Requests

The Department received a record number of public records requests in 2019, at a total of **3,052** requests received and processed with **no violations**.

The Buttigieg Administration’s APRA total is **18,659** requests received and processed from 2012 to 2019.



Ticket Appeals

Resolved **469** ticket appeals in 2019.

Bankruptcy Practice

Filed Proofs of Claim in twenty (20) bankruptcy cases, totaling **\$31,384** of potential recoveries.

Code Hearings

Represented the City’s interests in **over 1,000** Code Hearings.

South Bend Animal Resource Center

Prepared for and attended twelve (12) Animal Welfare Commission meetings representing and advocating for SBARC.

Mortgage Foreclosure and Quiet Title Practice

Filed responsive pleadings in more than 92 Mortgage Foreclosure cases and 17 Quiet Title cases.

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

The Legal Department takes the City’s mission and values seriously, supporting local and national initiatives to make South Bend, and the United States at large, a more inclusive place in which to thrive.

Amicus Briefs

The Legal Department signed on to amicus briefs supporting national social initiatives protecting immigrants and preventing discrimination.

Temporary Protected Status

The City joined several more rounds of amicus briefs spearheaded by the City of Los Angeles challenging the U.S. Department of Homeland Security’s termination of the Temporary Protected Status for immigrants from El Salvador, Haiti, Nicaragua and Sudan.

Public Charge Rule

The City joined Cook County and the Illinois Coalition for Immigrant and Refugee Rights, Inc. in several briefs challenging the Department of Homeland Security’s “Final Charge Rule,” which permits the federal government to deny admission or adjustment of status (i.e. lawful, permanent resident status) to noncitizens who have used public benefits.

U.S. Supreme Court DACA Litigation

The City continued its support of DACA by joining with Los Angeles and 109 U.S. Cities, Counties, Municipalities, and local government advocacy organizations in an amicus brief to the U.S. Supreme Court challenging DACA’s rescission.

National Litigation

Opioid Litigation

The City worked with co-counsel to represent South Bend’s interests in the National Opioid Litigation, working to gather data for future recoveries for South Bend’s most vulnerable residents.

Robust Physical and Technological Capital Assets

The Legal Team works with the City’s Departments in drafting, negotiating, and finalizing transactional documents supporting our robust physical assets and capital.

Agreements and Transactions

Negotiated Agreements and represented the City in transactions including:

- Howard Park Improvements
- Seitz Park/Notre Dame Hydro Agreements

- Technology Resource Center Lease
- Salvation Army Homeless Warming Center Agreement
- Kizer House Development Agreement
- Family Services Building Development Agreement
- Gemini Redevelopment Project – SB Heritage Permanent Supportive Housing
- St. Joseph County Library Development Agreement
- Liberty Tower Development Agreement
- South Bend Chocolate Company Development Agreement

Effective, Responsive Leadership and Communication

The Legal Department provides daily in-house legal counsel to each of the Departments, Boards, and Commissions of the City of South Bend. This valuable service is provided at no hourly charge to the City and results in effective interdepartmental collaboration and joint accomplishments, driven by highly responsive and accessible legal counsel.

The Department instituted several new processes and procedures in its representation of City Boards and Commissions in 2019, enhancing quality of service and efficiency:

✓ **South Bend Animal Welfare Commission**

Professionalized hearing process and preparation, including creation of an informational form for each Respondent outlining procedural guidelines.

✓ **South Bend Board of Public Safety**

Improved transparency and access to board, organizing electronic resources, Q&A's, and public meetings to enhance resident participation in Board of Safety matters.

✓ **South Bend Area Plan Commission**

Assisted in the transition of the County Area Plan Commission to the City.

2020 STRATEGIC GOALS

The Legal Department aims to achieve the following goals in 2020:

- Support City policy and legislative interests at the regional, state, and national levels;
- Continue finalizing and implementing Lexipol for the Fire Department;
- Develop further training initiatives to proactively minimize accidents and liability; 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.