



DEPARTMENT OF LAW 2020 ANNUAL REPORT

Excellence | Accountability | Innovation | Inclusion | Empowerment

MISSION

The Department of Law 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 Department of Law 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 Department of Law 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!



Department of Law Staff Benefits

The Department of Law 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 Department of Law 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
- ✦ A Rosie Place for Children
- ✦ 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
- ✦ 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 Department of Law researched, drafted, and created a new **Police Discipline Matrix** with input from the FOP, South Bend Police Department leadership, and community leaders in 2019. The matrix represents the culmination of months of research, study, and collaboration with national partners. In 2020, the Department of Law assisted the SBPD and the Mayor's Office in seeking approval of the Matrix from the City's Board of Public Safety and implementing and utilizing that Matrix.

The Department of Law also successfully negotiated a two-year Working Agreement with FOP 36, negotiated a new multi-company towing contract for SBPD, secured space for a new police substation at the Eddy ST. Commons, and concluded the 21CP monitor analysis of SBPD.

South Bend Fire Department

The Department of Law assisted the Fire Department to develop their Lexipol Policies throughout 2020. The Lexipol policy review process has begun in earnest for the SBFD. The Department of Law helped Fire make significant progress over this past year, completing approximately two-thirds of the required policies, and is poised to assist in continuing these efforts throughout 2021.

Passed Legislation

- **Finance Clean-up and Process Ordinance.** At its final meeting for 2020, the South Bend Common Council adopted four ordinances to clean up and expedite processes at the request of the Finance Department. Department of Law attorneys assisted with the process;
- **Obtained Unanimous Approval** of the Commission on Animal Welfare for Chapter 5 Animal Ordinance Revisions;
- **Civilian Review Board.** At the Mayor's Office request, the Department of Law gave advice regarding the creation of a Civilian Review Board.
- **MWBE Ordinance 10693-19 Implementation.** The Department of Law provided support for the completion of the Disparity Study and the creation of the MWBE Ordinance and Program Plan, setting fair contract goals and creating a plan to close the gap between minority- and women-owned businesses in City contracting operations. The Department also served as Interim Diversity and Inclusion Director during a staffing transition. The public release of the final draft of the Disparity Study was completed in 2020.

COVID-19 Impacts - Flexibility and Productivity

The Department of Law moved to a hybrid and virtual environment during the difficult times presented by the COVID-19 pandemic. Maintaining a 97% efficiency of normal productivity, the Department of Law demonstrated a resilient and innovative response to conditions imposed when State and local offices were temporarily closed to the public. Ensuring that services to the City and to the public remained the highest priority, the Department of Law was able to continue the delivery of excellent service from virtual work locations.

The Department of Law provided policies and procedures for City employees and Departments to navigate the issues presented by COVID-19 during 2020. The Department provided advice to numerous Boards and Commissions on how to safely and lawfully operate public meetings during the pandemic. Additional guidance continues to be provided as new COVID-19 developments emerge (e.g. vaccine roll out and office re-openings).

The Department of Law was successful in its recruitment and onboarding operations of several new employees during remote working conditions, including lawyers, support staff and a claims administrator.

Additionally, City Attorney Aladean DeRose presented at the state-wide Accelerate Indiana Municipalities' (AIM) Living Cities virtual conference on the topic of governmental accommodation under the Americans With Disabilities Act (ADA) in the time of COVID-19.

Enduring Financial Strength

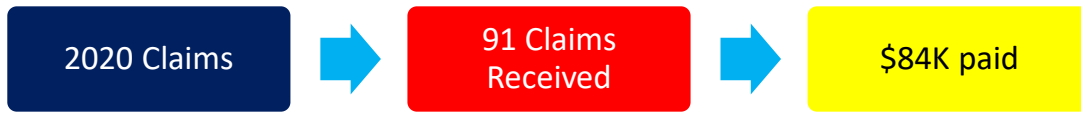
The Department of Law supports responsible collections practices, a thorough property damage recovery practice, economic investment, and important partnerships to enhance the City's financial strength.

The Department of Law collected over \$437,000 on behalf of the City's various Departments, Boards and Commissions.

Reliable Compliance with Regulations and Well-Managed Risk

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

Liability Claims



Litigation

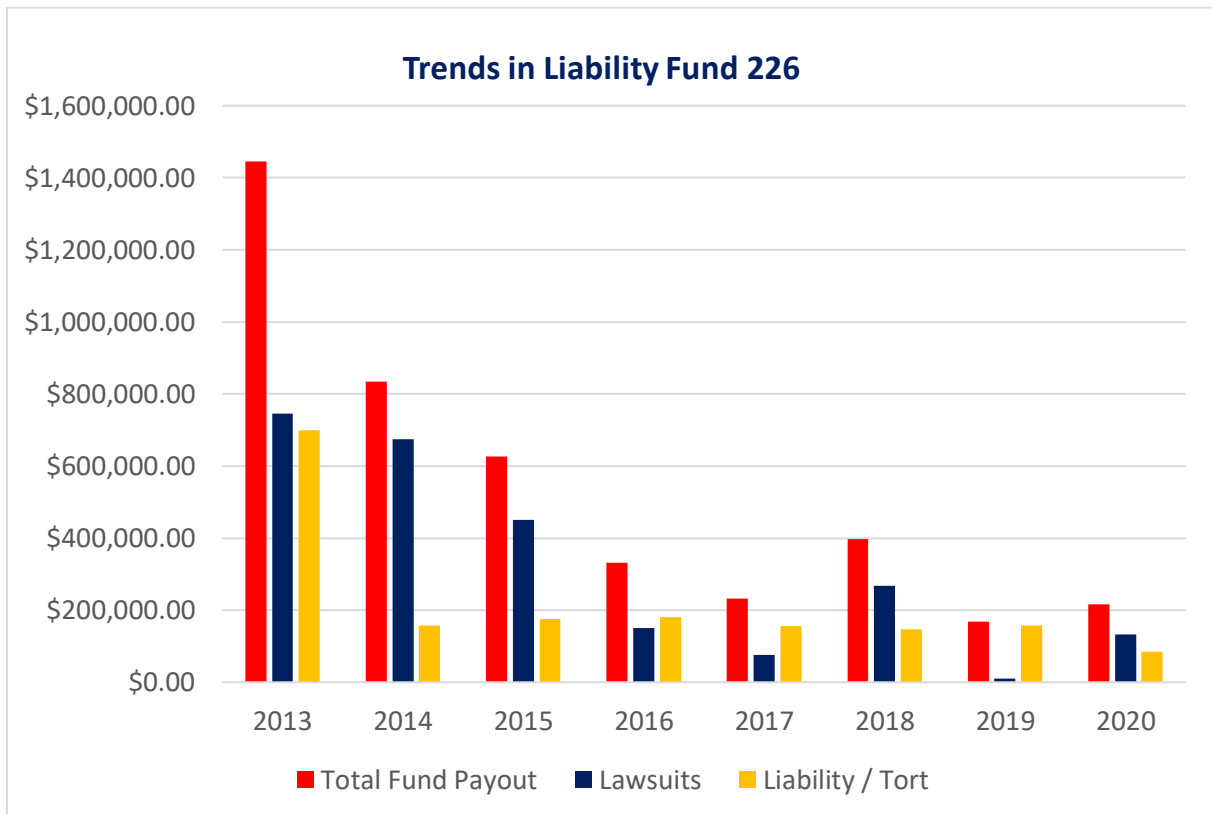


Fourteen (14) cases in which the City or one of its departments was a named Defendant in 2020.

Two (2) cases in which the City or one of its departments was a Plaintiff in 2020.

Liability Fund 226

Expenditures from Liability Fund 226 have declined by **85% since 2013**. The Department of Law 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.



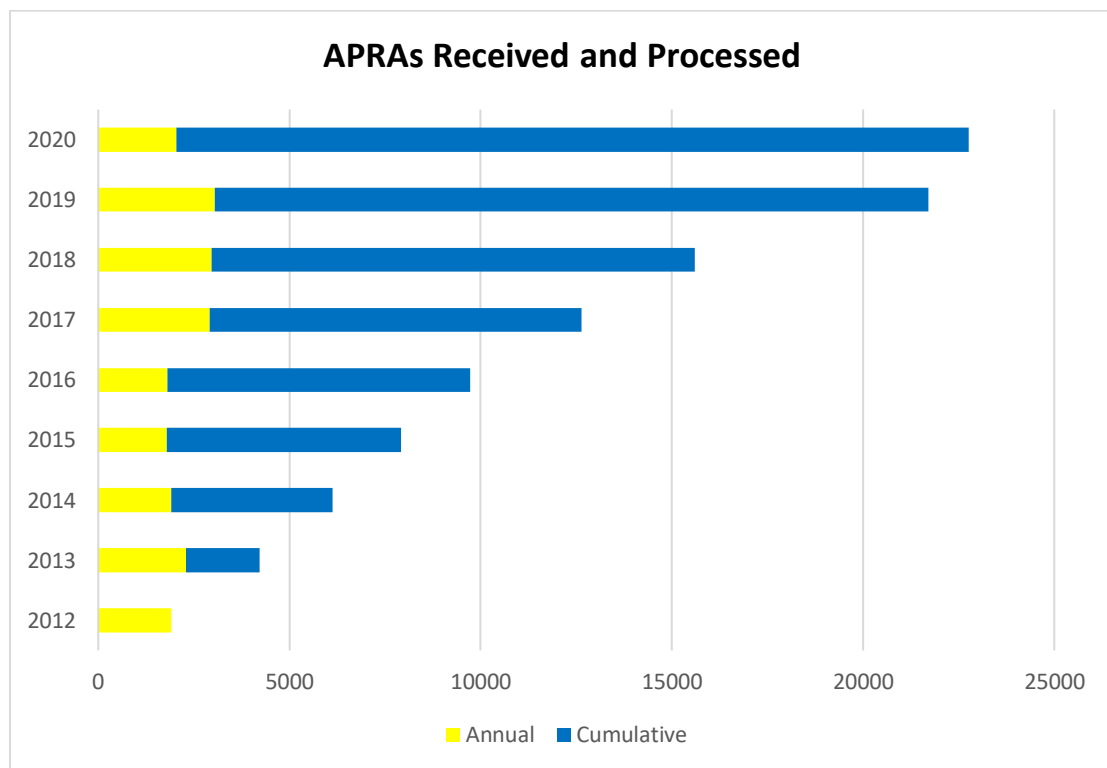
Excellent Services and Efficient Processes

The Department of Law fields questions from the public, especially requests for public records, ticket appeals, and claims. We strive to provide equitable, timely service, supporting the Administration's goal of Transparency.

Access to Public Records Act (APRA) Requests

The Department received a record number of public records requests in 2020, at a total of **2,050** requests received and processed with **no violations**.

The City's APRA total is **20,709** requests received and processed from 2012 to 2020.



Ticket Appeals

Resolved **250** ticket appeals in 2020.

Bankruptcy Practice

Filed Proofs of Claim in twenty-one (21) bankruptcy cases, totaling **\$18,824.97** of potential recoveries.

Code Hearings

Represented the City's interests in **over 270** Code Hearings.

South Bend Animal Resource Center

Prepared for and attended three (3) Animal Welfare Commission meetings representing and advocating for SBARC.

Mortgage Foreclosure and Quiet Title Practice

Filed responsive pleadings in more than twenty-nine (29) Mortgage Foreclosure cases and forty-four (44) Quiet Title cases.

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

The Department of Law 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 Department of Law signed on to amicus briefs supporting aid to low income families, the eviction moratorium due to COVID-19, and preventing discrimination.

✚ SNAP Rules Changes

The City joined an LA County amicus brief opposing the changes made to the SNAP program that disproportionately impacted the children of undocumented and poorer residents.

✚ Eviction Moratorium

The City joined Cook County and the City of Chicago in support of eviction moratoriums during the pandemic. The original suit challenged the constitutionality of such moratoriums as infringing upon landlords' property rights.

✚ LGBTQ Discrimination

The City joined in support of the City of New York's brief arguing that municipalities should be allowed to prohibit religiously affiliated foster care providers with whom they contract from discriminating against same-sex parents.

National Litigation

✚ Opioid Litigation

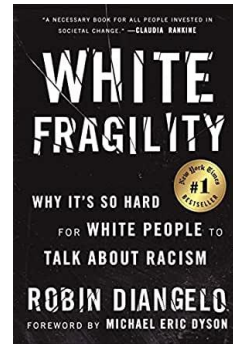
Corporation Counsel worked with co-counsel to represent South Bend's interests in the National Opioid Litigation, working to gather data for future recoveries for South Bend's most vulnerable residents. The Department of Law has reviewed hundreds of files to compile evidence of damages to the City due to the opioid epidemic. The City has also secured our own co-counsel, rather than utilizing class counsel in this matter, to better serve our particular needs and goals on behalf of the residents of South Bend.

Local Initiatives

Completed the ABA's 21 Day Challenge

The Department of Law completed the “21-Day Challenge for Racial Equity” program offered through the American Bar Association. This habit-building program explored biases, informed us about the history of race in America, and discussed a positive path forward for our team and our community.

This exercise led to discussions about race, culture and the importance of knowing the community that we serve. The Department supported diversity and inclusion initiatives as the City analyzed race-neutral initiatives implemented in cities throughout the US and identified appropriate measures that can be enacted in South Bend.



Conducted 4th Amendment Trainings

The Department of Law conducted trainings on 4th amendment requirements for both Code Enforcement and SBARC to ensure the City's residents are afforded all due process rights guaranteed under the US and Indiana Constitutions. These refresher trainings are integral to ensure the City is fulfilling its mission of excellence and accountability.

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:

- Isolation Quarantine Center - Effectively collaborated with the Town of Roseland and Clay Township in providing an Isolation Quarantine Center to residents, navigating unique and unprecedented legal issues to ensure the health and safety of our community during a pandemic.
- Prairie Avenue Water Main Project - Successfully acquired a permanent and temporary easement interest in private property needed to enable future development of the Prairie Avenue corridor.
- Successfully negotiated a two-year Working Agreement with FOP 36
- New multi-company towing agreement for SBPD
- Developed the City's Privacy Policy

- Coming to an agreement for a sale price and entering into an escrow agreement with Norfolk Southern for the purchase of properties needed for the City's Coal Line Trail project

Effective, Responsive Leadership and Communication

The Department of Law 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 2020, enhancing quality of service and efficiency:

- ✓ **South Bend Animal Welfare Commission**
Assisted with onboarding of new Director during COVID-19 pandemic.
- ✓ **Inclusive Procurement Board**
Developed and executed training plan for Inclusive Procurement Board members.
- ✓ **Numerous Boards and Commissions**
Assisted with navigating changes to meeting formats to conform to CDC, State of Indiana and local requirements during COVID-19 pandemic.

2021 STRATEGIC GOALS

The Department of Law aims to achieve the following goals in 2021:

- Support City policy and legislative interests at the regional, state, and national levels;
- Continue supporting completion of the implementation of Lexipol for the Fire Department;
- Continue advising the City and department heads regarding the impact of COVID-19 on the City workforce and City responsibilities;
- Continue efforts to improve claims tracking and leverage opportunities to reduce costs of litigation for the City;
- Continue to advise and train departments to improve compliance with EEOC and to increase diversity hires;
- Increase cross-training of Department of Law staff and attorneys to better situate the Department to serve the City's needs;
- Pursue Quiet Title actions on twenty-four (24) tax deed properties obtained in 2017;
- Resolve litigation on the Coal Line Trail matter;
- Work with DCI to restructure their Code provisions to align with their departmental restructuring;
- Strategizing with the SBPD to implement 21CP recommendations;

- Assist with implementation of B2Gnow software;
- Assist SBPD with implementation of shot-spotter updates; 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.