

MISSION

The Department of Law provides quality legal representation to the City of South Bend's Mayor, departments, commissions, boards, 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 CURRENTLY COMPRISED OF:

8 Attorneys



Sandra Kennedy, Aladean DeRose, Kylie Connell, Clara McDaniels, Thomas Panowicz, Christina Shakour, Jenna Throw, Danielle Campbell Weiss

2 Paralegals



Kathryn Hough, Julie Wisner

2 Legal Assistants



Marissa Frattini, Ashley Sniadecki

Staff Transitions in 2021

Corporation Counsel:

Stephanie Steele was appointed as a St. Joseph County Superior Court Judge and transitioned to that role in May 2021.

Charles Leone, former City Attorney under Mayor Steve Luecke, was appointed as Interim Corporation Counsel from June 2021 until August 2021.

Sandra Kennedy was appointed as Corporation Counsel in August 2021.

Assistant City Attorneys:

Christina Shakour joined the Department as the primary attorney for the Fire Department in May 2021.

Jeff Haupt transitioned from his role supporting the Police Department to a role in the Department of Innovation & Technology in June 2021.

Sandra Kennedy commenced transitioning from her role supporting the Department of Community Investment to Corporation Counsel in August 2021.

Kylie Connell joined the Department as the primary attorney for the Police Department in September 2021.

Office Staff:

Marc D'Amore left his position as Office Administrator and Paralegal in May 2021 to serve as Judge Steele's bailiff.

Julie Wisner left her role as Administrative Assistant to take a role as a paralegal in a law office in May 2021, but she returned to the Department in August 2021 as the Office Administrator and Paralegal.

April Goodson left her role as Administrative Assistant in July 2021 after receiving her MBA and starting a new career as a Municipal Accounting Consultant.

Jebraune Chambers left her role as Administrative Assistant in August 2021 to pursue an advanced degree.

Ashley Sniadecki joined the Department as an Administrative Assistant in September 2021.

Supporting the City and Its Departments

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 endeavor to help each of them be a great employer with great employees.

South Bend Police Department

The Department of Law assisted SBPD leadership and the Mayor's Office in drafting and implementing an amended **Use of Force Policy**, as well as with the negotiation of a new **School Resource Officer Agreement** with the South Bend Community School Corporation. Additionally, we drafted a new **Special Victims Unit Interlocal Agreement** with St. Joseph County and

Mishawaka, ensuring the continuation of a multidisciplinary approach to conducting criminal investigations and providing professional, compassionate, and competent assistance to victims and their families. The Department of Law also worked with SBPD leadership to **continue the implementation of the 21CP recommendations**, including updating the Bias-Free Policing Policy and hosting diversity training. A member of the Legal team (Kylie Connell) **represents SBPD before the Board of Public Safety**; a different member of the Legal team (Danielle Campbell Weiss and/or Tom Panowicz) supports the Board of Public Safety.

South Bend Fire Department

The Department of Law worked with SBFD leadership and the Mayor's Office to draft and implement a new **Pregnancy Policy** for female firefighters along with the drafting of the new **SBFD Discipline Matrix** with input from the union leadership, SBFD leadership, and the Mayor's Office. We further assisted SBFD leadership with the approval, implementation, and application of the discipline matrix. Throughout 2021, the Department of Law continued to assist SBFD to develop and finalize its **Lexipol policies** in order to retire the prior Duty Manual. A member of the Legal team (Christina Shakour) **represents SBFD before the Board of Public Safety**; a different member of the Legal team (Danielle Campbell Weiss and/or Tom Panowicz) supports the Board of Public Safety.

Department of Community Investment

Engagement & Economic Empowerment: The Department of Law provided **general assistance** to the Engagement & Economic Empowerment team, including general advice regarding contracts and legal requirements, as well as document drafting, review, and revisions.

Growth & Opportunity (Business Development): The Legal team provided **legal support** to the Growth & Opportunity team, including assisting with the legal structure of proposed transactions, and preparing the necessary documents related thereto, as well as general advice regarding uses of tax increment financing, and other financing mechanisms. The Department of Law assisted Growth & Opportunity staff to determine strategies for managing non-compliant business partners. Additionally, we **supported the Redevelopment Commission, Redevelopment Authority, Economic Development Commission, and Building Corporation** in their public meetings.

Historic Preservation: The Legal team **supported the Historic Preservation Commission and its staff** to ensure compliance with applicable laws. Additionally, we successfully **represented HPC in an appeal** to the Common Council of HPC's decision to deny a Certificate of Appropriateness.

Neighborhood Health & Housing: The Department of Law provided **general support** to the Neighborhood Health & Housing team, including general advice regarding interpretation of contractual terms and statutes, as well as contract drafting, review, and revisions.

Neighborhood Services and Enforcement: The Legal team **represented the City's interests in over 600 Code Hearings**. Further, we assisted NSE leadership with regard to the **Wilson Shirt Factory demolition project**, meeting with environmental agencies and facilitation of EPA's lead role in the project. Additionally, we counseled NSE leadership with regard to the **RSVP ordinance application** and worked with NSE leadership and Council leadership in their early efforts to revise the ordinance. Several members of the Department of Law supported NSE leadership, as well as

leadership of the Department of Public Works and Venues Parks & Arts in the negotiation of a **Collective Bargaining Agreement with the Teamster's Local Union No. 364**.

Planning, Building, Zoning: The Department of Law provided **general legal support** to the Planning, Building, and Zoning teams, including general advice regarding interpretation of laws, support in meetings with third parties, and contract drafting, review, and revisions. Additionally, we **supported the Board of Zoning Appeals and the Area Plan Commission** in their public meetings.

South Bend Animal Resource Center: The Department of Law provided **general support and guidance** to SBARC staff particularly regarding the interpretation of State and local laws. Also, a member of the Legal team (Tom Panowicz) **represented and advocated for SBARC** by preparing for and attending fifteen (15) Animal Welfare Commission hearings. The Legal team additionally attended a further ten (10) AWC meetings on SBARC's behalf. A separate attorney from the Legal team (Danielle Campbell Weiss or Kylie Connell) provided support to the AWC.

Sustainability: The Legal team provided **general legal support** to the Sustainability team, including attending meetings with third parties, providing general guidance and advice regarding contracts, and reviewing and revising contracts.

Department of Public Works

The Department of Law negotiated various easements and worked with outside counsel to commence condemnation actions to obtain **easements for a water main to serve the Pokagon property** in support of its hotel development. Additionally, we worked with outside counsel to negotiate a beneficial cost-savings **amendment to the Long-Term Control Plan with regard to the Clean Water Act Consent Decree** with the Department of Justice, the Environmental Protection Agency, and the Indiana Department of Environmental Management with regard to the St. Joseph River. The Legal team also **supported the Board of Public Works** in their public meetings.

Venues Parks & Arts

The Legal team reviewed, revised, and prepared legal documents necessary to process a **guaranteed energy savings contract with Ameresco, Inc. for the Morris Performing Arts Center**. Additionally, we worked with outside counsel and a private technical advisor to **resolve differences and close out the terms of an Administrative Settlement Agreement and Order on Consent for Removal Actions related to LaSalle Park (Beck's Lake)** with the Environmental Protection Agency, a process that has been ongoing since 2013. The Department of Law also **supported the Board of Park Commissions** in their public meetings.

Department of Administration & Finance

The Legal team supported the Administration & Finance team and other departments to close a **\$14,160,552 municipal bond transaction** to refund previously issued bonds and realize a savings on interest, as well as with regard to the **sale of \$7,610,000 in municipal bonds** to fund infrastructure improvement. We also worked with the A&F team to negotiate favorable terms for **lease-purchase financing transactions**.

Department of Human Resources

The Department of Law provided assistance to department leaders with regard to critical employment decisions to **ensure compliance with federal, state, and local laws**, as well as recognized best practices.

Office of Diversity, Compliance, & Inclusion

The Legal team assisted Diversity, Compliance, and Inclusion leadership with regard to the implementation of **contract-specific goal setting** for City contracts, as well as with **amendments to the City's MWBE Inclusion Program Plan**. We also provided legal support for the **development of race- and gender-neutral initiatives**, such as a Small Business Assistance Suite and Mentor-Protégé Program. Additionally, the Department of Law worked with the Department of Public Works to **develop guidelines and a checklist for contractors' "good faith efforts"** to clarify the City's expectations under law of what is required of contractors to engage and include minority and women's businesses in their bids on public works projects. We also **supported the Inclusive Procurement Board** in its public meetings.

Passed Legislation

- **MWBE Ordinance No. 10761-21 Replacing Ordinance No. 10693-19.** The Department of Law, working with the Department of Public Works and the Office of Diversity, Compliance, & Inclusion, helped identify a serious data error in the Disparity Study of an outside contractor underlying the former Ordinance No. 10693-19. The Legal team helped obtain a corrected study from the provider; rewrote the original MWBE ordinance to insert the corrected data; and appropriately revised the MWBE Inclusive Contracting & Procurement Plan as needed. This revision has enabled the City to continue serving the objectives of setting contract goals with a plan to close the gap between minority and women owned business's participation in City contracts.
- **Americans with Disabilities Act (ADA) Accessibility and Outdoor Cafes.** Ordinance No. 10779-21 clarifies ADA accessibility to downtown City sidewalks near outdoor cafes and strikes a balance between the need and desire for outdoor sidewalk cafes and ADA accessibility of sidewalks. The Department of Law worked with the Departments of Community Investment and Public Works to prescribe that minimum ADA space be preserved while allowing maximum use of the public sidewalks for outdoor café use. We also worked to revise the sidewalk café permit application form.
- **Updating Truck Routes.** For the first time since 1988, and to adjust for substantial changes in truck freight and street usage since that time in the interest of preserving roads and ensuring safety of neighborhoods, the Legal team assisted the Department of Public Works in drafting Ordinance No. 10826-21, which updated truck routes throughout the City and regulated different truck weights and contents through a licensing process.
- **Community Police Review Office.** The Department of Law worked with the Common Council to transfer jurisdiction of the Community Police Review Office from the City Clerk to the Mayor because of the Mayor's greater resources and experience in oversight.
- **Comprehensive Utility Rate Adjustment.** To ensure sound fiscal operation of the City's

various utilities and in a comprehensive manner, the Legal team assisted the Department of Public Works in drafting an ordinance to update utility rates. This ordinance also increased modestly the recently enacted Low Income Customer Assistance Program rates, resulting in an increased discount of up to \$25 per month for eligible low-income utility customers.

Collective Bargaining Agreements

In 2021, several members of the Legal team worked with the departments to negotiate collective bargaining agreements:

- Collaborated with SBFD leadership and other City departments to successfully negotiate a three-year Collective Bargaining Agreement with the South Bend Firefighters' Association Local 362, including a post-employment health plan.
- Supported leadership of the Department of Public Works, Venues Parks & Arts, and Neighborhood Services & Enforcement, as well as the Mayor's office and other departments, in the negotiation of a Collective Bargaining Agreement with the Teamster's Local Union No. 364.

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.

Recognizing the additional hardship that many individuals were enduring due to the pandemic, a moratorium was in place with regard to collections, and all new collections cases were put on hold from December 2020 through April 2021. After the moratorium was lifted, the Department of Law collected over **\$338,000** 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



Fifteen (15) cases in which the City or one of its departments was a named Defendant were outstanding as of December 31, 2021.

Four (4) cases in which the City or one of its departments was a Plaintiff were outstanding as of December 31, 2021.

Liability Fund 226

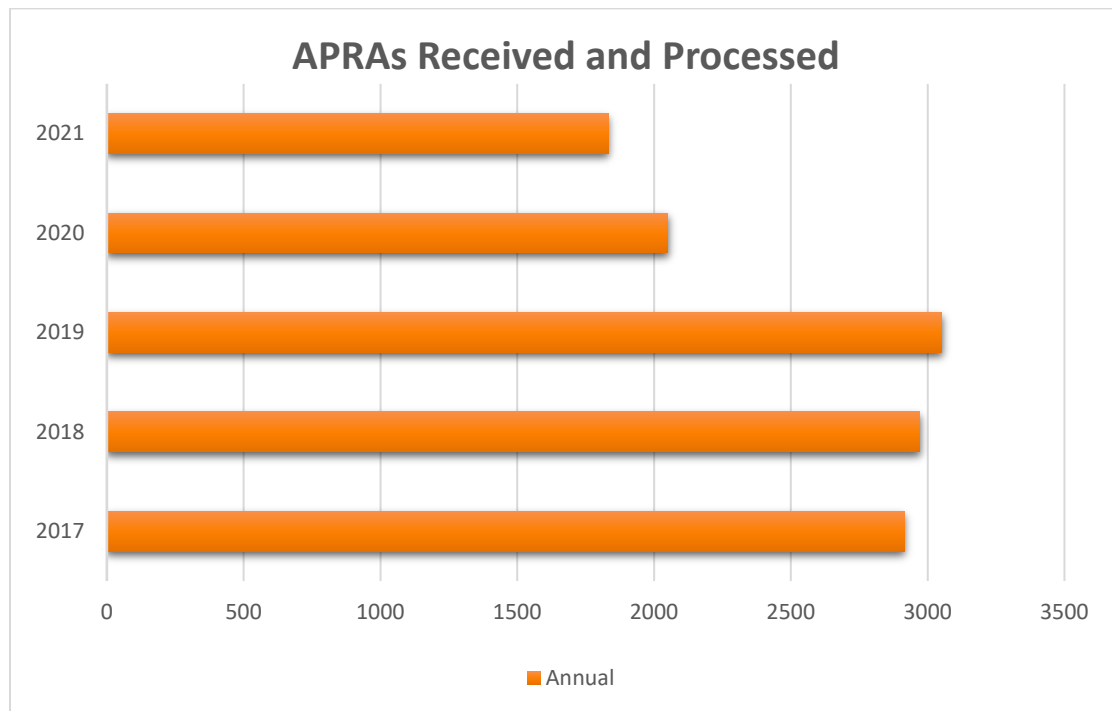
The Department of Law has handled claims, lawsuits, and other City matters in an equitable, fiscally responsible manner via proactive claims investigation and evaluation, interdepartmental information sharing and best practices coordination, and vigorous defense litigation. All attorneys in the Department of Law either engage directly in or manage outstanding litigation matters to ensure the most cost-effective approaches are taken.

Excellent Services and Efficient Processes

The Department of Law fields questions from the public, especially requests for public records, ticket appeals, and claims. Specifically, the City Attorney, Aladean DeRose, serves as ADA Coordinator to the City and responds to questions and concerns about accessibility of City services, programs, and activities. We strive to provide equitable, timely service, supporting the Administration’s goal of Transparency.

Access to Public Records Act (APRA) Requests

The Department received and processed **1,832** requests in 2021 **without violations**.



Ticket Appeals

Resolved **332** parking ticket appeals and **6** false alarm ticket appeals in 2021.

Bankruptcy Practice

Reviewed forty-two (42) bankruptcy cases and filed Proofs of Claim in eighteen (18) of those cases, recovering **\$11,667.10** in 2021.

Mortgage Foreclosure and Quiet Title Practice

Filed responsive pleadings in twenty-one (21) Mortgage Foreclosure cases and seventeen (17) Quiet Title cases. Recovered **\$4,082.20** from sheriff sale proceeds.

Property Damage Recovery

Recovered **\$19,336** related to third-party damage to City property.

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 reviews requests to sign on to amicus briefs and analyzes them based upon the goals of the City. In 2021, the Department of Law signed on to one such amicus brief.

Texas v. U.S. (Texas II)

The City supported the amicus brief of the City and County of Los Angeles, California, arguing in support of the Deferred Action for Childhood Arrivals (DACA) policy and requesting the 5th Circuit Court of Appeals to reverse the District Court order vacating and enjoining DACA.

National Litigation

Opioid Litigation

The Legal Team worked with our outside co-counsel to represent the City's interests in the National Opioid Litigation. In response to 2021 Indiana State legislation that would have greatly reduced the City's share in opioid litigation settlement proceeds, the City's Legal Team initiated a resolution in which the City, similarly to many other larger Indiana cities, opted out of the State's settlement plan. The City continues to monitor the national litigation and prepare for possible litigation if settlement is not feasible.

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 assisted the various Departments, Boards, and Commissions of the City with navigating the COVID-19 pandemic:

✓ **Departments**

- *Assisted departments with regard to employment decisions pertaining to masks, vaccination requirements, isolation and quarantine guidelines
- *Provided guidance regarding the use of federal pandemic-related funds

✓ **Boards and Commissions**

- *Ensured that meetings were open and accessible to the public during the pandemic
- *Helped navigate and adapt to changes in the law and CDC guidelines
- *Developed and supported the passage of resolutions where necessary to allow for the continuation of hybrid (in-person and electronic) meetings.

2022 STRATEGIC GOALS

The Department of Law aims to achieve the following goals in 2022:

- Continue to support City policy and legislative interests at the regional, state, and national levels;
- Continue working with SBPD to implement 21CP recommendations, including policy updates in Lexipol;
- Continue supporting completion of the implementation of Lexipol for the Fire Department and approval by the Board of Public Safety;
- Continue to advise and train departments to improve compliance with EEOC and to increase diversity hires;
- Continue efforts to improve claims tracking and leverage opportunities to reduce costs of litigation for the City;
- 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;
- Continue to increase cross-training of Department of Law staff and attorneys to better situate the Department to serve the City's needs;
- Work with DCI to update Municipal Code provisions, such as references to the Department of Code Enforcement and International Property Maintenance Code, to align with their departmental restructuring;
- Assist BZA with updates to its bylaws and rules of procedure;
- Measure and determine how to improve collection services;
- Identify modes of efficiently limiting liability claim reimbursement expenditures while simultaneously allowing a more convenient claims process for future claimants;
- Support legally compliant efforts to further increase diverse spending throughout City departments; and
- Support increased cooperation across departments in efficiently handling Zoning, Building, and Fire Code violations.