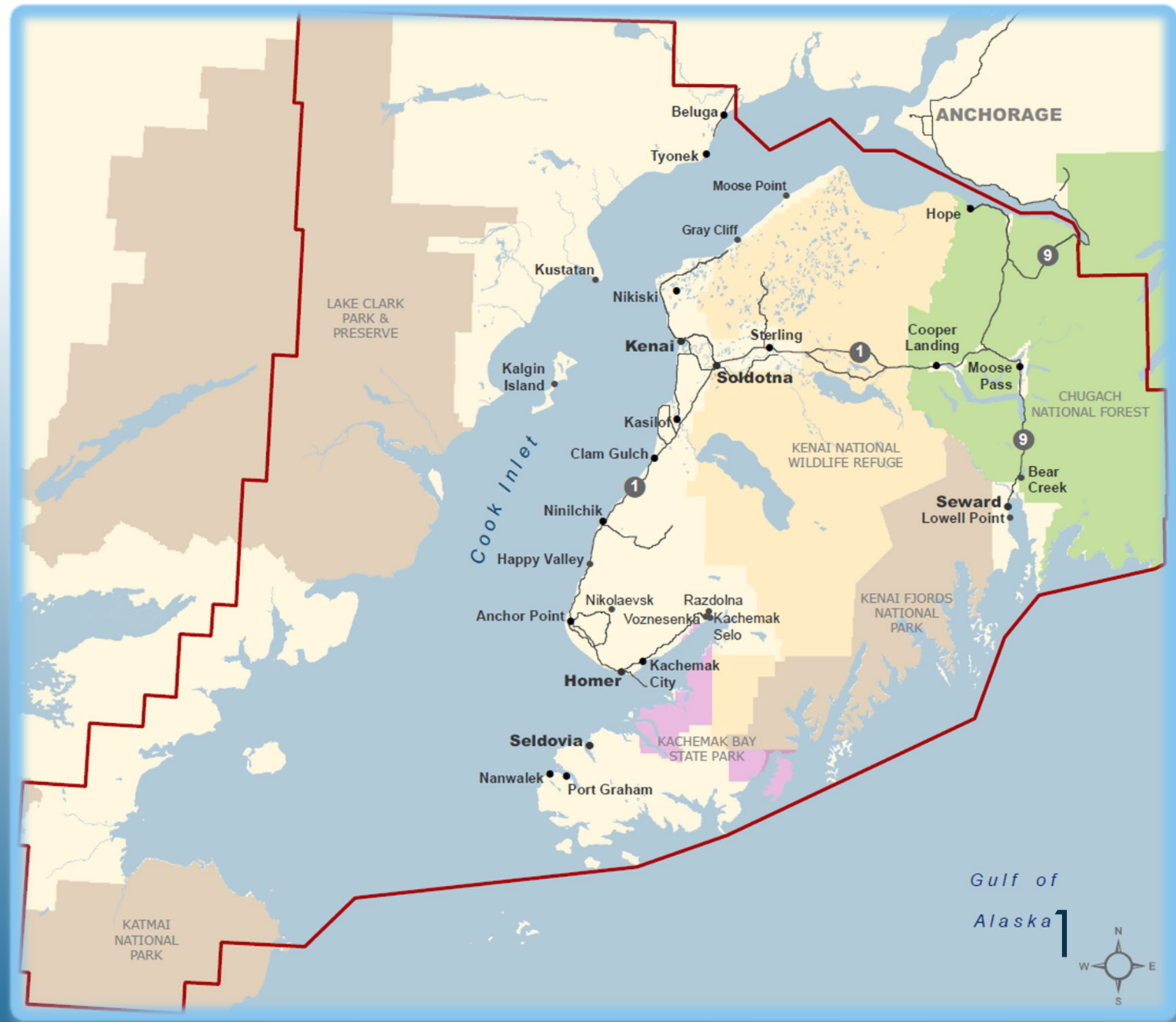




# LEGAL DEPARTMENT

FY 2023

Budget presentation





## **Mission**

To provide legal services for the Borough and School District in an ethical, timely, professional, and cost-effective manner. As this promotes legal, fiscally responsible, and respectful municipal government, it furthers the general government mission statement.

# WHO WE ARE

- ▶ Sean Kelley, Borough Attorney
- ▶ Todd Sherwood, Deputy Borough Attorney
- ▶ A. Walker Steinhage, Deputy Borough Attorney
- ▶ Cyndy Balser, Legal Assistant
- ▶ Lee Hartman, Legal Assistant - Collections



# FY23 BUDGET OVERVIEW

- No significant budget changes
  - Slight increase in personnel budget (+2.62) due to increase in health insurance costs.
  - Slight decrease in services budget (-0.58%).
  - Overall = 2.03% increase.



# **SUMMARY OF SERVICES PROVIDED**

- ❖ Advise the Assembly, boards, commissions and workgroups
- ❖ Assist both the Borough and School District administrations in attempting to resolve legal issues with contractors, the public, other governmental agencies, parents, employees, etc.
- ❖ Document drafting and review
- ❖ Provide legal opinions
- ❖ Litigation-related services
- ❖ Review public record requests for legal limitations on responses
- ❖ Risk Management Committee member – claim reviews, insurance acquisition, lawsuits re injuries to persons or property
- ❖ Legislation drafting – Assembly packet review & preparation

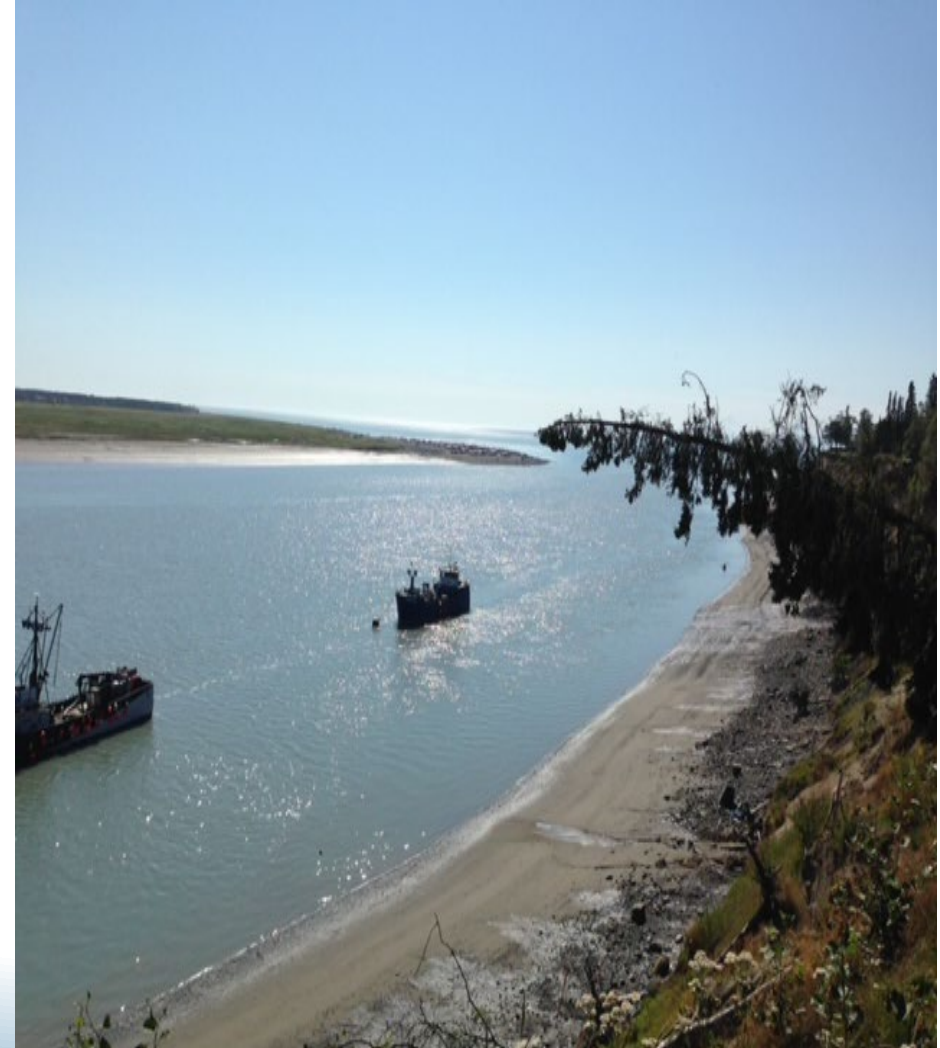
# FY2022 IN REVIEW

- **Delinquencies & Collections:**
  - The legal department actively collects delinquent tax cases referred to it by finance. In CY2021, a total of \$342,121 in delinquent taxes was collected, equating to a monthly average of \$28,510.
- **Annual Foreclosure**
- **COVID-19 Response**
- **Abandoned vehicle project**
- **Soldotna Public Safety Communications Center restructuring**
- **Added two new attorneys in December 2021**
- **Advised the Reapportionment Committee**
- **Participated in Nationwide Opioid Litigation Settlement**

# LITIGATION, ADMINISTRATIVE HEARINGS, AND APPEALS

## INTERNAL ADMINISTRATIVE HEARINGS

- ▶ **Litigation** – Representation in court matters brought by or against KPB or KPBSD.
- ▶ **Internal hearings and appeals**
  - **Board of Equalization** – hears appeals from Tax Assessments.
  - **Planning Commission** – permit appeals (includes material sites, flood plain, Anadromous Waters Habitat Protection District); Nonconforming use applications, Exception requests, Plats.
  - **Road Service Area** – ROW encroachment cases (including abandoned vehicles), permits and other roads issues.
  - **Board of Education** – expulsion/disciplinary hearings.
- ▶ **External hearings**
  - **Hearing Officer** – appeals of planning commission decisions. In-house attorney defends the process and procedure followed when alleged process issues are points on appeal.
  - **State Boards.**







# ADVISE BOARDS AND COMMISSIONS

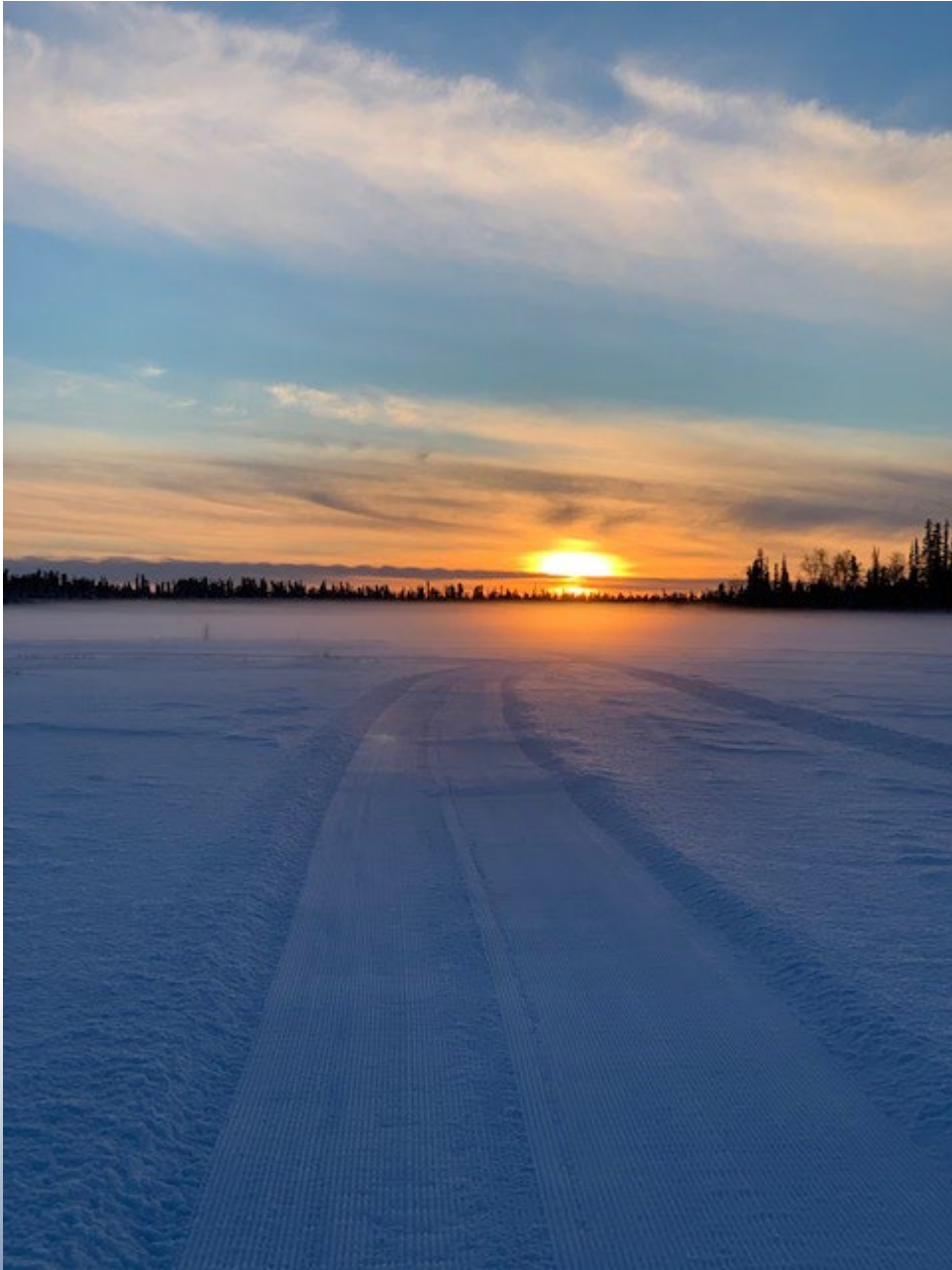
- ▶ The Legal Department attorneys provide legal advice to the following boards and commissions:
- ▶ Assembly
- ▶ Planning Commission, unless the Planning Department appears as a party or there is otherwise a conflict of interest that requires outside counsel
- ▶ Service Area Boards upon request
- ▶ Board of Education upon request
- ▶ Advisory Planning Commissions upon request
- ▶ Work groups and task forces upon request
- ▶ In addition, the Legal Department responds to individual board member questions related to their scope of work as a board member.



# PREVENTATIVE LAW

# RESOLUTION OF THREATENED LITIGATION AND OTHER PUBLIC COMPLAINTS

- ▶ Endeavoring to anticipate and prevent legal problems and litigation before they arise. This is true for a broad scope of areas, and across departments or disciplines.
- ▶ Borough and School District advice on legal issues raised through concerns brought by contractors and members of the public.
- ▶ School District issues relating to rights to access student's and/or employee's records, employment issues, contracts, and numerous other issues.
- ▶ Borough issues relating to the Borough's authority to undertake actions, code interpretation, contract interpretation, appropriate responses to bidder's requests, the legality of proposed or existing codes or policies, etc.
- ▶ The Legal Department advises KPB directors and staff regarding resolution of disputes, complaints, or threatened legal action.

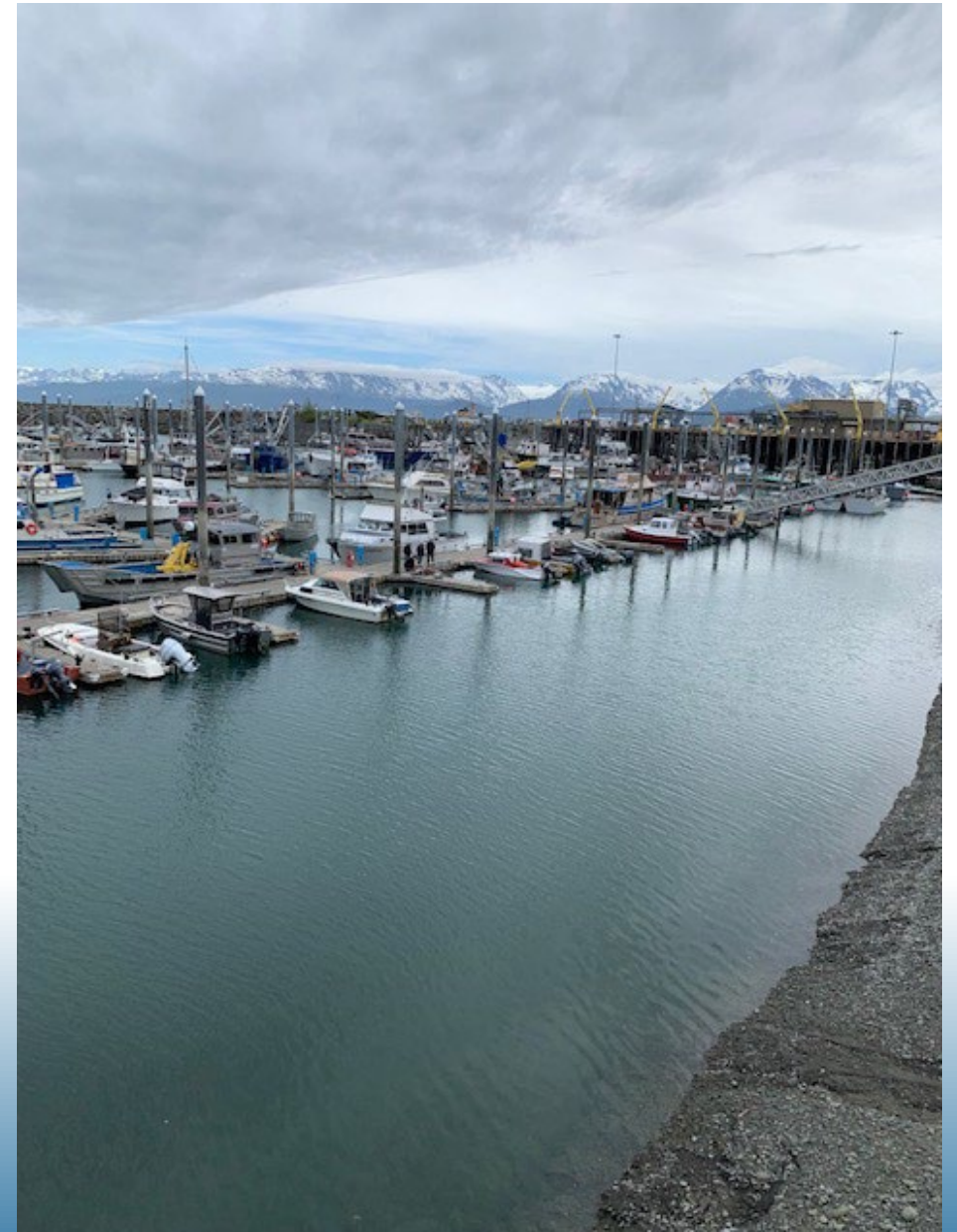


# PUBLIC RECORD REQUESTS & RISK MANAGEMENT COMMITTEE

- ▶ 322 public records requests were received, reviewed, and processed in CY2021 – ranging from one page record responses to multi-volume thousand page record responses.
- ▶ Per KPB code the Borough Attorney is a member of the Borough's Risk Management Committee.

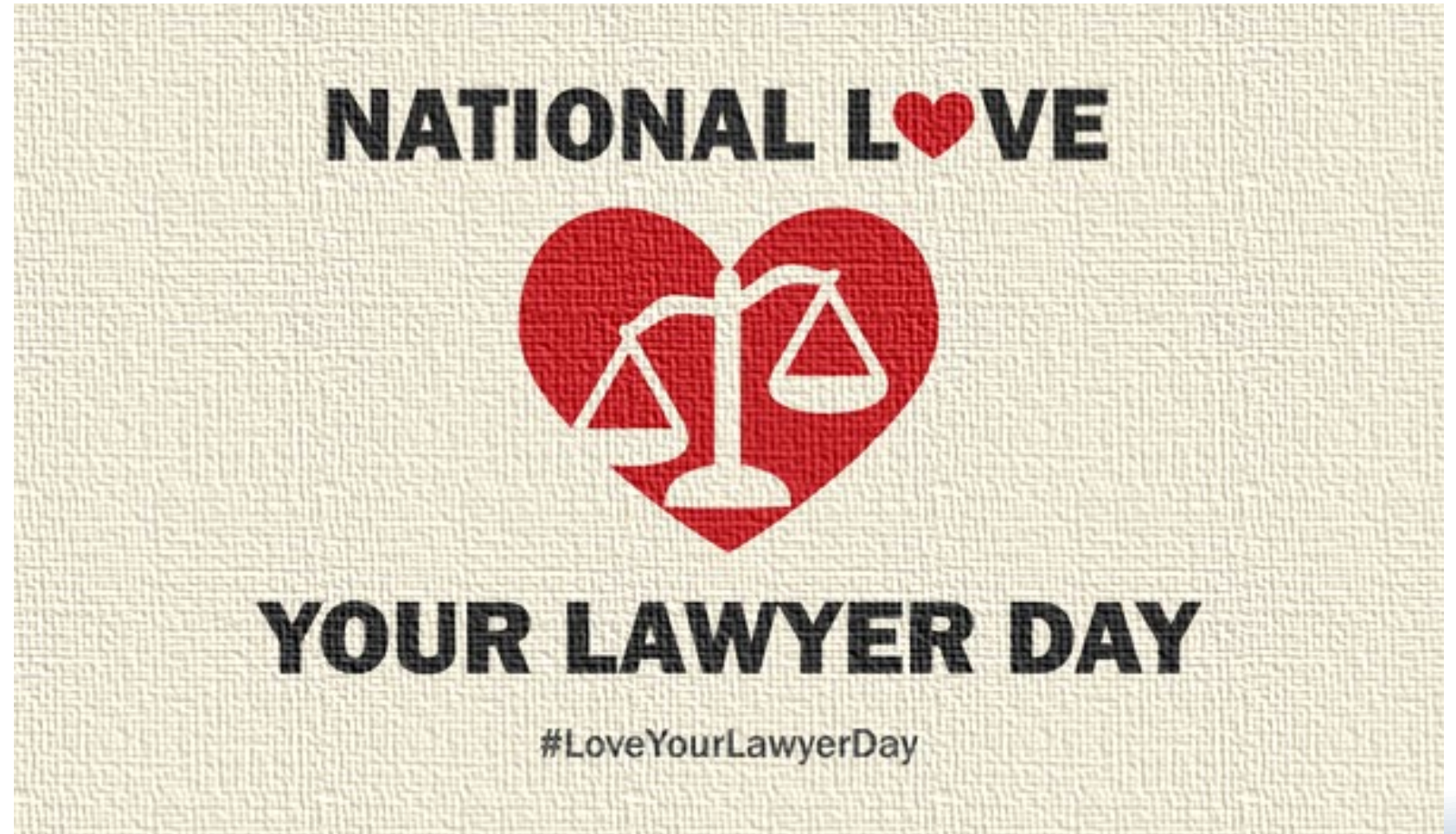
# LONG TERM GOALS

- Align Borough code with changing times and current needs.
- Contract standardization.
- Securely digitizing department research and opinion files.
- Increase trainings offered to boards, public officials and management level staff.
- Preventative law measures to get ahead of what appears to be an increase in land use conflicts and litigious issues.





THE END.  
THANK  
YOU!



(Nov. 4, 2022)