



LEGAL DEPARTMENT

FY 2021 BUDGET PRESENTATION

MISSION

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

Colette Thompson Borough Attorney

Sean Kelley Deputy Borough Attorney

Patty Burley
Deputy Borough Attorney

Lee Salisbury Legal Assistant – Collections

Cyndy Balser Legal Assistant

SUMMARY OF SERVICES PROVIDED

- Advises assembly, boards, commissions and workgroups
- Assist borough and school district 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.

TYPES OF LITIGATION - OVERVIEW

Lawsuits – All matters
in court concerning
the borough or school
district

External
Administrative
Appeals (RCA, FERC)

Internal
Administrative
Appeals

COLLECTIONS LAWSUITS



THE LEGAL DEPARTMENT ACTIVELY COLLECTS DELINQUENT TAX CASES REFERRED TO IT BY FINANCE. MOST CASES ARE FOR SALES TAXES. IN CY 2019 LEGAL COLLECTED \$661,881 IN DELINQUENT TAXES AND MISCELLANEOUS OTHER UNPAID FEES, AND MANAGED AN AVERAGE OF 102 CASES PER MONTH.



IN CONJUNCTION WITH FINANCE THE LEGAL DEPARTMENT ENSURES THE ANNUAL FORECLOSURE LAWSUIT MEETS LEGAL CRITERIA, FILES IT WITH THE COURT, RESPONDS TO ANY CASES LITIGATED, AND FINALIZES THE CASES WITH THE DECREE OF FORECLOSURE, THEN THE ISSUANCE OF THE CLERK'S DEED AND APPROPRIATE CONVEYANCES TO THE CITIES.

LIABILITY LAWSUITS

Halstead v.
Anderson,
KPBSD

Does 2 & 3 v.
Elliott, KPBSD
(Settled with
Doe 1)

KPBSD v. Fischer

EXTERNAL ADMINISTRATIVE ACTIONS

- FERC – AKLNG EIS application. Final EIS issued March 6, 2020. Agency comment period ends 6/4/20. Petitions may be filed within 30 days after comment period ends and FERC will issue rulings on those.
- RCA - ENSTAR Tariff re Homer Gas Line Extension – closed 8-23-19



INTERNAL ADMINISTRATIVE HEARINGS

- Board of Equalization – Hears appeals from Assessments. In-house attorney trains and advises BOE, attends all hearings and drafts decisions based on board's decisions.
- Land Use Permit appeals – Appeals of the grant or denial of a land use permit. Includes material sites, flood plain, Anadromous Waters Habitat Protection District
- Code violation appeals to board with jurisdiction.
- In-house attorney trains PC on general legal principles, but advises staff in hearings before PC and Hearing Officer.
- Work with staff to enter stipulated enforcement orders and agreements to resolve without hearing.
- Advise School Board in student expulsion hearings and draft decisions

ADVISES BOARDS AND COMMISSIONS

- The Legal Department attorneys provide legal advice to the following boards and commissions:
- Assembly
- Planning Commission on non-quasi-judicial matters, provides training on quasi-judicial matters.
- Service Area Boards upon request
- School Board upon request
- Advisory Planning Commissions upon request
- Work groups and task forces upon request

ASSIST IN ATTEMPTING TO RESOLVE LEGAL ISSUES ASSOCIATED WITH THE PUBLIC

- Borough and School District advice on legal issues raised as a result of concerns brought by contractors and members of the public.
- School District issues relating to the rights to access student's and/or employee 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 to in-house personnel to attempt to resolve legal disputes with members of the public and contractors.

REVIEW PUBLIC RECORD REQUESTS

- 289 public records requests were received and processed in CY2019.
- Legal Department reviews public record requests to ensure:
 - The requestor is not in litigation with the borough and, if so, the request does not relate to the litigation per state statute; and/or
 - Information protected from disclosure under the law is not disclosed.

RISK MANAGEMENT COMMITTEE

- Per borough code the borough attorney is a member of the Risk Management Committee along with the Finance Director and the Assistant Superintendent for the School District. It works in conjunction with the Human Resources Director and the Office of Risk Management.
- The Risk Management Committee is charged with managing risks of accidental losses and/or claims, the self-insurance program, procuring insurance and related services. It reviews and oversees claims against the borough and school district, renewing liability, property, worker's compensation, and other similar insurance coverages.



THE END.
THANK YOU!

