




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.

Several white lines of varying lengths and angles are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.

- ▶ **Colette Thompson, Borough Attorney**
- ▶ **Sean Kelley, Deputy Borough Attorney**
- ▶ **Patty Burley, Deputy Borough Attorney**
- ▶ **Cyndy Balser, Legal Assistant**
- ▶ **Lee Hartman, Legal Assistant - Collections**

WHO WE ARE

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.



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



External Administrative Appeals



Internal Administrative Appeals

TYPES OF LITIGATION - OVERVIEW

▶ THE LEGAL DEPARTMENT ACTIVELY COLLECTS DELINQUENT TAX CASES REFERRED TO IT BY FINANCE. IN CY 2020 WE COLLECTED A TOTAL OF \$1,319,807 INCLUDING \$962,366 IN DELINQUENT OIL & GAS TAXES AND \$357,442 IN OTHER DELINQUENT TAXES. AVERAGE ACTIVE TAX COLLECTION CASES IN CY 2020 WAS 109 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.

COLLECTIONS LAWSUITS

**Halstead v.
Anderson,
KPBSD**

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

**KPBSD v.
Fischer**

**Fischer v.
KPBSD**

PERSONAL INJURY & NON-TAX RELATED LAWSUITS

INTERNAL ADMINISTRATIVE HEARINGS

- ▶ Board of Equalization – Hears appeals from Assessments. The legal department trains and advises the BOE, attends all hearings and drafts decisions based on board's decisions. Another attorney provides advice to Assessing as needed throughout the year and in accordance with the applicable rules of professional conduct during BOE appeals.
- ▶ 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. Ex: blocking ROW's.
- ▶ In-house attorney trains PC on general legal principles, and on occasion advises staff in some hearings before PC and Hearing Officer.
- ▶ 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 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 in-house personnel to attempt to resolve legal disputes with members of the public and contractors.

REVIEW PUBLIC RECORD REQUESTS

- ▶ 300 public records requests were received and processed in CY2020.
- ▶ 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 and the claims manager are charged with administering the management 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!

