

TO: Personnel Committee  
FROM: Kathleen M. McDaniel, City Attorney  
RE: City Attorney's Office Update  
DATE: September 28, 2016

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In addition to drafting legislation as requested by City departments, the City Attorney's Office has worked on the following projects and initiatives since our last meeting:

#### **Environmental Remediation**

- Lemberger Landfill: No major updates to report.
- Gravel Pit: Well being drilled in October on County CR, working with consultant to prepare budget for next year and get final DNR approval for remediation plan.

#### **Litigation and Prosecution**

- Assist Fire Department with obtaining warrants for properties where garbage has become a health hazard
- 1512 Washington: Weekly meetings held with DPI and CDD to monitor progress on site. Demolition manager has been selected, bid package is being prepared for demolition contractor. Fencing will be replaced in October.
- Menard's and Lowe's are both challenging their assessments in court. The matters have been referred to Stafford Rosenbaum, who serves as the City's tax counsel. This is the 3<sup>rd</sup> year in a row Menard's has filed a lawsuit.

#### **Insurance**

- Reviewed claims filed against the City and granted when appropriate.
- Property insurance renewal in progress. MPIC has expanded coverage.
- Liability insurance renewal completed in August.
- CVMIC Grant program: Our liability insurer offers a \$7,000 matching grant to each member for programs which improve workplace safety and wellness or reduce risk. In August, the City applied for the grant and in September all \$7,000 were awarded.

#### **Open Records**

- No unusual requests.

#### **Office Matters**

- Due to the late birth and illness of her child, the City Attorney will be out of the office on maternity leave until October 17, but has been working approximately 15 hours a week from home.
- Due to the early birth of her child, the Staff Attorney is out of the office and will be returning to work on October 31.
- An Alder requested our office's policy on returning aldermanic phone calls and emails. The office has not ever had a formal policy on this that I am aware of. Generally speaking, each Alder's question is answered as promptly as possible taking into consideration the complexity of the question, the status of the underlying issue, whether established procedures are in place to address questions of that nature, and after gathering all the information needed in order to provide a thoughtful, articulate, and complete response. In some instances, this may mean a turnaround time of a few minutes. In others, this may take a few hours or a few days, particularly if we are waiting for more information from another department. We recognize that many, if not all, of an Alder's questions or concerns begin with citizen comment and as such, in the sake of furthering our

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shared goals of a responsive and transparent governmental body, we treat each question seriously and with the respect it deserves. If you feel that a question is not being given its due consideration, or if you are simply curious as to the status of an issue, we ask that you simply follow up by phone or email, whichever is most convenient for you. Given the concerns raised by an Alder, we will now strive to respond to phone calls or emails within 48 hours, although the response may be that we are looking into the issue and need more information to proceed.

**Labor Matters**

- Outside counsel filed a brief on behalf of the City in the Fire Arbitration.
- Transit labor negotiations continue

**Monthly Reporting**

- Since the last report:
  - 77 Requests for Legal Services were received, 48 were closed
  - 50 new litigation matters were opened, 43 were closed
  - 114 new citations were sent over for prosecution, 62 were closed, 22 were diverted.