



DEPARTMENT OF LAW

City Attorney Nina R. Hickson

QUARTERLY REVIEW

June 14, 2021

**Presented to:
PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

Council Member Joyce Sheperd – Chair
Council Member Dustin Hillis – Vice Chair
Council Member Carla Smith
Council Member Andrea L. Boone
Council Member Cleta Winslow
Council Member Michael Julian Bond
Council Member Amir Farokhi

DEPARTMENT OF LAW UPDATES SINCE FEBRUARY 22, 2021.

- COVID-19 Pandemic Response Highlights
- Law Staff Accomplishments
- Department of Law Highlights
- Division Accomplishments & Highlights
- Revenue Recovery
- Total Claims and Settlement Payments
 - Quarterly Update
 - Calendar Year-To-Date Snapshot
- Outside Counsel Report
 - Spending to Date



COVID-19 PANDEMIC RESPONSE HIGHLIGHTS

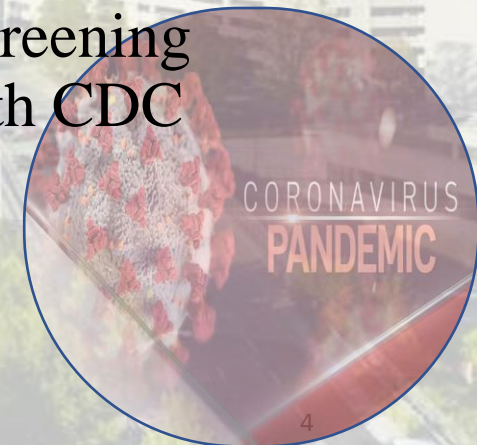


COVID-19 PANDEMIC RESPONSE HIGHLIGHTS

City Contracts and Policies in Response to Pandemic

The Contracts Practice Group completed:

- A key technology services agreement securing access to Noggin's 2.0 COVID-19 Response Software. The software will enable the City to facilitate contact tracing, mapping, case management, and development of organizational response plans based on CDC guidance.
- An essential contract on behalf of AIM to activate 200 licenses for a Back to Work Application that would allow employee pre-screening and assist with management of building capacity to align with CDC guidelines.



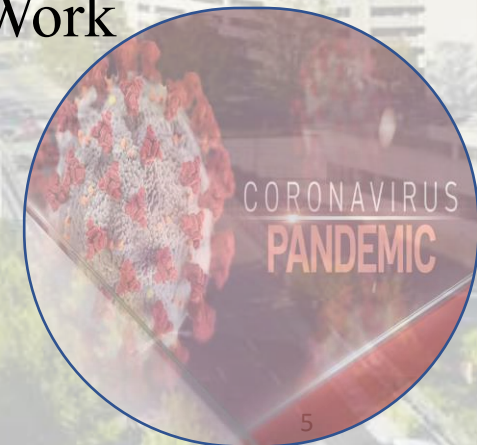
COVID-19 PANDEMIC RESPONSE HIGHLIGHTS (cont.)

City Contracts and Policies in Response to Pandemic

- Over 45 Grant Subrecipient Agreements and amendments, including agreements for Coronavirus Relief Funds-supported Programs and Emergency Rental Assistance-supported Programs.

The Special Initiatives Practice Group:

- Reviewed, Revised or Drafted the following city-wide policies:
 - Privacy COVID-19 Notification for AIM's Back to Work Application
 - Clean Desk Policy (HR)



LAW STAFF ACCOMPLISHMENTS



LAW STAFF ACCOMPLISHMENTS

GAWL Appointment

- Tyronia Smith was appointed to serve another term as VP of Special Events for the Georgia Association of Women Lawyers.

Membership

- Kelli Hooper became a member of the WIN List Leadership Academy.

ABA Appointment

- Reginald McClendon was appointed by the President-Elect of the American Bar Association (ABA) to serve as a member of the ABA Standing Committee on Election Law for a three (3) year term.

Appointment

- Kelli Hooper was named the incoming Legal Ministry Chair for Cascade United Methodist Church.

DEPARTMENT OF LAW

HIGHLIGHTS



DEPARTMENT OF LAW HIGHLIGHTS

Attorney Trainings

The Professional Development Committee hosted a two-session virtual CLE entitled “Navigating 2021 as a Public Sector Attorney” on May 7, 2021.

- Session I – “21st Century Public Sector Attorney” presented by Ronald Freeman, Sr. of Johnson & Freeman, LLC.
- Session II – “Unparalleled Unity” panel discussion led by Justice Adrienne Nelson of the Oregon Supreme Court. Panelists included: Nora Benavidez, Richard Deane, Jr., Ronald Haley, Jr., Nina Hickson, Michael Monahan, State Representative Sam Park, and Judge Eric Richardson.
- This program was approved for 4 GA CLE hours, including 1 ethics hour and 2 professionalism hours.
- Over 100 people attended this program, including 72 attorneys.

DEPARTMENT OF LAW HIGHLIGHTS

Attorney Trainings (cont.)

The Aviation practice group and the Professional Development Committee collaborated to obtain approval of a five-part virtual program entitled “Trademarks Success Series.”

- The weekly lunch series was led by Dayna Thomas, Esq. and provided lawyers and business people with a practical approach to trademarks law.
- The GA Bar approved this program 5 GA CLE hours.
- Over 100 people attended this program each week.

Telework Policy Collaboration

Public Safety, Policy and Special Initiatives legal team collaborated with the Department of Human Resources, Atlanta Information Management, and other City departments to develop a citywide Telework Policy and Telework Agreement, which set out the City's expectations and requirements related to working and conducting the City's business remotely, and to update the City's Acceptable Use of Assets Policy, which governs the use of City resources and assets, expanding requirements for remote use of such assets.

International Municipal Lawyer Association Presentation #1

Chandra Houston, Camille Small-Simon and Kristen Wang presented “A Contract Management Framework for Public Entities” to an audience of over 200 at IMLA’s April 23, 2021 Mid-Year Seminar:

- Shared successful techniques for the legal management of the procurement and contracting functions; and
- Resulted in requests from 16 municipalities throughout the US for one or more of the City’s standard contract templates, negotiation playbook, and/or deeper discussion of techniques shared.

International Municipal Lawyer Association Presentation #2

On April 21, 2021, Staci Miller and Joshua Foster presented at IMLA's 2021 Mid-Year Seminar with over 200 attendees. The presentation was titled "Failure to Train Theory: What you should know in Section 1983 cases".

The presentation provided an overview of the "failure to train" theory of municipal liability since the seminal case of *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989). The presentation provided a primer on what municipal lawyers should know when faced with a "failure to train" case and a real-life case study.

LITIGATION DIVISION



LITIGATION DIVISION

Carlisle v. City of Atlanta

- In November of 2018, Plaintiffs brought a suit against the City for trespass, nuisance, per se taking, inverse condemnation, and attorneys' fees after they discovered underground sanitary sewer and storm water lines traversing their property at 1030 North Virginia Avenue, in the Virginia Highlands area. In August of 2020, following both parties filing motions for summary judgment, the trial court granted Plaintiff's motion on the issue of liability and denied the City's motion. On May 17, 2021, the Georgia Court of Appeals reversed the trial court's summary judgment order in favor of Plaintiffs and ruled all Plaintiffs' claims against the City are time-barred.

LITIGATION DIVISION (cont.)

Fouts v. City of Atlanta, Live Nation

- On February 4, 2020, Plaintiffs filed a Complaint for an Assault that occurred at Lakewood Amphitheatre on May 26, 2018. The City filed an Answer denying the Plaintiffs allegations. On December 14, 2020, the City served Plaintiffs with discovery. Plaintiffs, however, failed to serve their discovery responses. On March 8, 2021, the City filed a Motion to Compel, or, in the alternative, Motion to Dismiss. Plaintiffs failed to respond to the Motion. On April 29, 2021, said Motion was granted dismissing the City from the litigation.

LITIGATION DIVISION (cont.)

Muhammad v. City of Atlanta, et al.

- Plaintiff, a former Department of Watershed Management employee, alleged retaliation and wrongful termination after experiencing and reporting physical disabilities to superiors. In its Motion for Summary Judgment, the City argued Plaintiff could not establish a case for retaliation because the incident was resolved in Plaintiff's favor with no adverse employment action. Additionally, the evidence showed a legitimate non-discriminatory reason for Plaintiff's administrative-only restrictions and ultimate termination. On May 3, 2021, the Judge accepted the report and recommendation of the Magistrate Judge and the City's Motion was granted.

LITIGATION DIVISION (cont.)

Pickard v. City of Atlanta Defined Benefit Pension Plan Investment Board, et al.

- On February 3, 2021, Petitioner brought the action against City of Atlanta Defined Benefit Pension Plan Investment Board and others for reducing pension payments based on prior overpayment. Petitioner had made an appeal on October 21, 2020, at a City of Atlanta Pension Investment Board meeting. In a letter dated December 15, 2020, the Respondent Board delivered its decision to Petitioner finding that there was an overpayment. The Board moved to dismiss the case, on March 5, 2021, arguing that Petitioner sued the wrong entity and failed to follow the review process. Petitioner failed to respond to the Board's Motion to Dismiss. On April 16, 2021, the Court granted the Board's Motion and dismissed with prejudice.

LITIGATION DIVISION (cont.)

Ervin v. City of Atlanta

- Petitioner requested an adjustment of certain water and sewer charges that were unpaid to the City and subsequently appealed the City's rejection of his request. Following the denial by the City's Water and Sewer Appeals Board, Petitioner filed suit on February 3, 2020. In this iteration of the lawsuit, Petitioner did not name the Department of Watershed Management, as done in the first lawsuit, which had been filed on May 15, 2019, and dismissed on November 13, 2019. The City argued in its Motion to Dismiss, filed on July 28, 2020, that Petitioner did not satisfy the requirements of a writ of certiorari and filed suit in the wrong court. On March 16, 2021, the Court granted the City's Motion to Dismiss with prejudice.

LITIGATION DIVISION (cont.)

Abdur-Rahman v. City of Atlanta

- On March 8, 2021, Plaintiff filed suit against the City for personal injuries arising out of an alleged trip and fall caused by a damaged water meter lid. On April 8, 2021, the City filed its Motion to Dismiss, arguing that Plaintiff had not proven a waiver of sovereign immunity and the City did not have notice of the alleged defect. Plaintiff did not file a response to the City's Motion. On May 17, 2021, Plaintiff filed a dismissal with prejudice, terminating the case.

Thomas v. City of Atlanta, et al.

- Plaintiff alleged excessive force by an APD officer and demanded \$1,000,000. The District Court granted the City's Motion to Dismiss this case and all claims against the individual officer.

LITIGATION DIVISION (cont.)

Cabey v. City of Atlanta, APD Officer

- In February 2019, Plaintiff was involved in a domestic dispute. An APD Officer responded to the call, where the officer encountered the Plaintiff on the street with a knife. The Officer observed Plaintiff in pursuit of the spouse and instructed Plaintiff to put down the weapon. Plaintiff disregarded the request and attempted to stab the husband. The Officer shot once, hitting the Plaintiff in the abdomen. The Plaintiff filed suit seeking damages associated with the shooting. The City filed an Answer and scheduled a meeting with Plaintiff's counsel to discuss the merits of the case. During the meeting, a review of the body worn camera (BWC) footage showed the Officer's actions were in compliance with APD policies. After the meeting, the Plaintiff's case was voluntarily dismissed with prejudice.

BUSINESS SERVICES DIVISION



BUSINESS SERVICES DIVISION – CONTRACTS

The Department of Law provided the following Contracts Legal support to Clients:

- Completed an essential services agreement to support and maintain the emergency communication system at Hartsfield Jackson-Atlanta International Airport.
- Finalized Section 8 Housing Agreements for Washington Apartments, Santa Fe' Apartments, and Vanira Village ensuring continuation of affordable housing to City residents.
- Completed Legislative Reviews on over 35 procurement-related matters.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

- Completed key FY20 HOPWA Grant Subrecipient Agreements totaling over \$18,000,000.
- Facilitated Department of Grants and Community Development staff training on Grants Contracts & the Law: New Templates and Processes for Entitlement Grant Agreements.
- Negotiated 2 service contracts to provide for emergency repairs and rehabilitation to the City's sewer system in an effort to mitigate sewer overflows and ensure the long-term structural integrity and service of the system.
- Reviewed over 15 solicitations on behalf of the Department of Procurement in advance of advertisement.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

- Finalized a \$56M contract to allow for completion of vital improvements to Hartsfield Jackson International Airport runway 9L end-around taxiway.
- Negotiated an operations & management agreement and a separate fertilizer offtake agreement on behalf of the Department of Watershed Management with Ostara USA to implement a Nutrient Recovery System at the R.M. Clayton Water Reclamation Center that will eliminate excess waste, allowing the City to re-coup some of its operational costs and comply with environmental regulations related to phosphorus pollution.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

In continuation of services provided by Contracts Legal support, the Department of Law:

- Finalized a contract with the American Association of Airport Executives (AAAE) to procure a web-based automated fingerprint capture solution which will streamline the process of performing applicant Criminal History Records Checks and Security Threat Assessments required by the Transportation Security Administration (TSA).
- Finalized an important agreement for security access and control systems operation and maintenance on behalf of the Department of Aviation, ensuring the continuation of services to manage ingress and egress to the secured areas of the Airport.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

- Negotiated and finalized an emergency agreement for the replacement and repair of the emergency backup generators at the Atlanta Detention Center.
- Negotiated and finalized a crucial technology services agreement with Milner Technology Maintenance on behalf of the Atlanta Police Department for a content management application solution that allows for the management of documentary evidence required for investigation and prosecution of crimes.
- Reviewed and finalized a key City annual services contract regarding the disposal of municipal solid waste on behalf of the Departments of Public Works and Watershed Management.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

- Assisted AIM with drafting legislation to receive a donation of in-building services valued at over \$800K to enhance wireless coverage in City Hall and the Public Safety Annex.
- Negotiated a City Digital Kiosk Solutions agreement with IKE, Inc. on behalf of AIM for the installation and operation of a series of interactive digital kiosks in the public rights-of-way across the City to improve the pedestrian experience of residents and visitors.

BUSINESS SERVICES DIVISION – FINANCE

The Department of Law provided the following Finance Legal support to Clients:

EnerGov Online Platform

- The Finance practice group helped to identify problems associated with the EnerGov platform and online payment options and helped the Department of Finance to develop a viable solution. The platform will manage and process annual business tax and licensing related revenues for the City.

BUSINESS SERVICES DIVISION – FINANCE (cont.)

The Department of Law provided the following Finance Legal support to Clients:

FY 2022 Budget Season

- The Finance practice group developed a Budget Resource Guide for lawyers and provided training for Department of Law lawyers for the FY 2022 Budget Season.
- Department lawyers staffed each of the public hearings and the Department budget briefings.

BUSINESS SERVICES DIVISION – FINANCE (cont.)

The Department of Law provided the following Finance Legal support to Clients:

Garnishment Process

- The Finance practice group reviewed the garnishment process utilized by the Payroll Department and identified areas where the City was exposed to financial liability. That review led to a revised garnishment process. As a result, the risk of the City defaulting in a garnishment case has been reduced.

BUSINESS SERVICES DIVISION – FINANCE (cont.)

The Department of Law provided the following Finance Legal support to Clients:

Legislation

- Drafted and/or provided comments on over 20 pieces of legislation for various City Departments, including the Department of Finance and the Mayor's Office of Contract Compliance.
- Reviewed over 100 pieces of legislation or bills from the 2021 session of the Georgia General Assembly.

BUSINESS SERVICES DIVISION
REAL ESTATE | LAND USE | PARKS AND REC

Highlights for the Department of Law Real Estate/Land Use practice group included the following:

General Assembly Legislative

- Reviewed over One-Hundred Fifty (150) pieces of legislation or bills from the 2021 session of the Georgia General Assembly.

Westside Park Affordable Workforce Housing Overlay District

- Assisted the City Council and the Department of City Planning in the development of legislation to enact the Westside Park Affordable Housing Overlay District. In keeping with the City's goal to provide affordable housing choices, this legislation requires that all new developments of ten (10) or more rental and/or for sale housing units set aside a certain percentage of those units as affordable housing.

BUSINESS SERVICES DIVISION

REAL ESTATE | LAND USE | PARKS AND REC (cont.)

The Department of Law Real Estate/Land Use practice group provided the following support to various City Departments:

Land Use Restrictive Agreements

- Provided support to the Department of City Planning's Office of Housing and Community Development ("DCP/OHCD") to create a form of "Land Use Restriction Agreement" ("LURA") to be used by DCP/OHCD to establish and record housing affordability land covenants applicable to developments in the Beltline, Westside and Westside Park Affordability Zoning Overlay Districts. This work also included advising DCP/OHCD with respect to provisions in the LURA to market affordable for-sale housing units to "Qualified Administrators" causing the units to be placed into land trusts to ensure long-term affordability.

BUSINESS SERVICES DIVISION

REAL ESTATE | LAND USE | PARKS AND REC (cont.)

The Department of Law Real Estate/Land Use team provided the following notable Legislative Support to various City Departments:

- Assisted the Department of City Planning, Office of Housing and Community Development in creating legislation to place vacant City land (3 homesteaded properties and 1 commercial property) with the Fulton-Atlanta Land Bank Authority, and Invest Atlanta, respectively, to be developed into affordable and mixed-use housing developments.
- Assisted the Department of Planning/Office of Housing and Community Development in drafting legislation to authorize the City to enter into agreements with developer owners of properties subject to certain code enforcement liens (“Abatement Properties”) to create or preserve workforce affordable housing units by requiring the construction of workforce affordable housing on Abatement Properties and make such housing available to qualifying individuals and families in exchange for lien cancellations.

A faint background image of a pair of scales of justice, symbolizing law and equity. The scales are centered and extend across the width of the slide.

BUSINESS SERVICES DIVISION

REAL ESTATE | LAND USE | PARKS AND REC (cont.)

The Department of Law provided the following Real Estate/Land Use support to the Department of Aviation, City Planning and Development, Enterprise Asset Management, Parks & Recreation, ATL/DOT, Public Works and DWM:

- Drafted and/or provided comments on over twenty-five (25) pieces of legislation.
- Drafted over fifteen (15) leases, licenses or other agreements.
- Prepared over fifteen (15) encroachments and/or easements.

BUSINESS SERVICES DIVISION

PUBLIC SAFETY | LEGISLATIVE | SPECIAL INITIATIVES

The Department of Law provided the following Public Safety/Legislative/Special Initiatives Legal support to Clients:

APD

- Supported the APD License and Permits Team through the provision of legal advice and analysis, participating in cross-departmental collaboration and coordination on nuisance property enforcement,
- Drafted new section to the City Code establishing Violent Conduct Nuisance, which establishes that properties could be considered a nuisance if owner/ property manager fails to remedy conditions contributing to violent conduct or crime after being placed on notice.

BUSINESS SERVICES DIVISION (cont.)

PUBLIC SAFETY | LEGISLATIVE | SPECIAL INITIATIVES

The Department of Law provided the following Public Safety/Legislative/Special Initiatives Legal support to Clients :

Atlanta Police Department

- Enabled APD to increase nuisance property charges by 52% and increase due cause packages by 167%.
- Reviewed and provided legal guidance on the GBI Anti-Gang Task Force agreement between APD and the GBI enabling a multi-agency/multi-jurisdictional effort to combat criminal street gangs across Georgia.

BUSINESS SERVICES DIVISION (cont.)

PUBLIC SAFETY | LEGISLATIVE | SPECIAL INITIATIVES

The Department of Law provided the following Public Safety/Legislative/Special Initiatives Legal support to Clients:

DGCD -HUD Section 3 Update

- Support the Department of Grants and Community Development through the provision of legal advice and analysis of new HUD Section 3 regulations, which require use of best efforts to employ low- and very low-income persons on HUD funded housing rehabilitation and construction projects and reviewed and commented on DGCD Office of Administrative and Technical Services new contract documents, guidelines, and forms for contractors on HUD grant funded construction bids.

BUSINESS SERVICES DIVISION (cont.)

PUBLIC SAFETY | LEGISLATIVE | SPECIAL INITIATIVES

The Department of Law Public Safety/Legislative/ Special Initiatives team had the following highlights:

General Assembly Review:

Reviewed approximately 165 public safety related bills for this legislative session

OPERATIONS DIVISION



OPERATIONS DIVISION **LABOR AND EMPLOYMENT GROUP**

The Department of Law provided the following Labor and Employment Group Legal support to Clients:

Training

Labor and Employment initiated a Lunch and Learn program to discuss development of best practices concerning common labor and employment law issues. The first Lunch and Learn was successfully completed on May 10th with five (5) HR professionals in the Watershed Department. Labor and Employment will eventually conduct this program with other departments at the City.

OPERATIONS DIVISION **LABOR AND EMPLOYMENT GROUP (cont.)**

Creation of New Lactation Policy

Labor and Employment collaborated with Human Resources professionals within the City to develop an employee lactation policy in light of changes in applicable law. The policy was initially intended for employees in the E911 unit but was ultimately expanded into a policy applicable City-wide. The HR and Labor and Employment teams worked together to craft a policy that complies with the law and can be practically applied to all departments within the City.

OPERATIONS DIVISION – WATERSHED

The Department of Law provided the following Watershed Legal support to Clients:

- The Department of Law assisted the Department of Watershed Management in drafting and successfully negotiating a new, long-term intergovernmental agreement with the City of Hapeville for the provision of drinking water.
- The U.S. Supreme Court ruled in Georgia’s favor in the long-running Florida v. Georgia litigation over water apportionment. The Court found that Florida failed to prove that water consumption in Georgia caused the collapse of Florida’s oyster fisheries or harm to its river ecosystem. In the ruling, Justice Amy Coney Barrett wrote, “Considering the record as a whole, Florida has not shown that it is ‘highly probable’ that Georgia’s alleged overconsumption played more than a trivial role in the collapse of Florida’s oyster fisheries.” The City, in cooperation with other metro-area water providers, supported Georgia’s legal efforts by both briefing the Court and helping to develop expert testimony.

OPERATIONS DIVISION **TRANSPORTATION & TAXATION**

The Department of Law provided the following Transportation & Taxation Legal support to Clients:

Training

- The Transportation and Taxation practice group partnered with the Watershed legal team to present “Legislation 101” a comprehensive legislative training for 68 Department of Aviation staff members.
- Provided training to 22 clients in ATLDOT, Public Works and Office of Revenue on the Department of Law’s new Legal Services Request Form.
- Attended training provided by the United States Citizenship and Immigration Services (“USCIS”) for a SAVE program tutorial and recertification of the City’s license.

OPERATIONS DIVISION **TRANSPORTATION & TAXATION (cont.)**

The Department of Law provided the following Transportation & Taxation Legal support to Clients:

Federal Funding Compliance

The Transportation and Taxation practice group led the City's completion of the Federal Transit Administration (FTA) Federal Fiscal Year 2021 Certifications and Assurances package. The Annual Certifications and Assurances are required as a condition of receipt of FTA grant funding by the City of Atlanta during each Federal Fiscal Year.

OPERATIONS DIVISION **TRANSPORTATION & TAXATION (cont.)**

The Department of Law provided the following Transportation & Taxation Legal support to Clients:

General Assembly Bill Reviews:

From January to March, the Transportation and Taxation practice group provided in-depth legal review General Assembly bills that could potentially affect the City of Atlanta. A total of 89 bills were completed by this team:

- Number of House Bills/Resolutions: 76
- Number of Senate Bills/Resolutions: 13

OPERATIONS DIVISION **TRANSPORTATION & TAXATION**

Legislation:

Since January, the Transportation and Taxation practice group reviewed 137 pieces of legislation and also drafted legislation to authorize the following:

- **Pension Reform:** drafted legislation to provide that appeals made by the Administrative Committees (General, Police and Fire) would be heard by the governing Investment Board instead of the Administrative Committee that made the initial decision.
- **Parking Management Contract:** worked with the Department of Transportation to amend the parking management contract with SP Plus to reflect the impact to parking revenues as a result of the COVID-19 pandemic.
- **Keep Atlanta Beautiful:** overhauled the governance of the Keep Atlanta Beautiful Commission and drafted legislation to reduce the number of Commission members to help the Board meet quorum requirements⁸.

OPERATIONS DIVISION **TRANSPORTATION & TAXATION (cont.)**

License Review Board:

The Transportation and Taxation Team represents the APD License and Permits Unit before the License Review Board. Since January, this team has successfully represented the City's interests before the LRB, enabling the City to collect \$7,000 in fines and a total of 60 days suspension of licenses.

Examples include:

- License renewal denied for Brooklyn Kitchen Lounge.
- \$2,500/20 day suspension for Monaco Hookah Lounge on charges related to hours of operation.
- \$2,500/30 day suspension for Republic Atlanta, Inc. on charges related to hours of operation and failure to supervise.

OPERATIONS DIVISION

TRANSPORTATION & TAXATION (cont.)

License Review Board:

Since January, this team has successfully represented the City's interests before the LRB, enabling the City to collect \$7000 in fines and a total of 60 days suspension of licenses.

Additional Examples:

- \$1,000/5 day suspension for Ben Hill Package Store on charges related to furnishing alcohol to a minor and failure to supervise.
- \$1,000/5 day suspension for Chevron Food Mart on 336 Joseph E. Lowrey Blvd. on charges related to furnishing alcohol to a minor and failure to supervise.

OPERATIONS DIVISION – AVIATION

The Department of Law Aviation practice group provided the following training to Clients:

- The Aviation Practice Group provided a 5-part Trademark Training Series to the Department of Aviation with over 20 attendees, over a 5-week period in March and April 2021. The training included:
 - Trademark Basics & The Importance of Trademark
 - Trademark Process
 - Trademark Strategy
 - Specimen and Class Identification
 - Trademark/Branding Pitfalls & Common Solutions.

OPERATIONS DIVISION – AVIATION (cont.)

The Department of Law Aviation practice group provided the following training to Clients:

- The Aviation Practice Group worked to secure expedited legislative approval for the City's Consent to Assignment of 5 airport contracts (valued at approximately \$100 million).
- The Aviation Practice Group worked with Department of Aviation to draft expedited concessions relief legislation that will allow the airport to work toward resumption of pre-covid operations.

REVENUE RECOVERY



REVENUE RECOVERY

Revenue Recovery

- Between January and March of 2021, the Litigation Division received 128 Quiet Title and Interpleader petitions. In response, the City filed 68 claims for payment and recouped over \$234,000 for water bills, property taxes, and other liens.
- The Watershed Division assisted the Department of Watershed Management in collecting \$630,782 in delinquent water and sewer charges.

REVENUE RECOVERY (cont.)

Revenue Recovery (cont.)

- With respect to nuisance abatement properties, the Law Dept assisted in obtaining ownership, collecting on liens or securing foreclosure orders on a total of 104 properties.
- The City recovered \$20,631 of available excess funds generated from a tax sale in an interpleader action

PENDING, NEW AND RESOLVED CLAIMS UPDATE

Q3



UPDATE ON PENDING, NEW & RESOLVED CLAIMS – Q3

Q3 Pending Claims

- The Department of Law maintained 495 pending claims from January 1, 2021 to March 31, 2021.

Q3 New Claims

- The Department of Law received 188 new claims between January 1, 2021 and March 31, 2021, an average of 63 new claims per month.

Q3 Resolved Claims

- The Claims Team has resolved 211 claims during the past quarter, an average of 70 claims per month.

UPDATE ON CLAIMS & SETTLEMENTS

FY21 Q3

Itemized Claims and Settlement Payments by Department

FY21 (Q3) Litigation Cases Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Aviation	\$300,000	\$40,000	Aviation
Police	\$595,000	\$58,000	General Fund
Public Works	\$250,000	\$32,250	General Fund
Watershed Management	\$1,074,820	\$376,000	Water & Sewer
TOTAL LITIGATION SETTLEMENTS	\$2,219,820	\$506,250	

FY21 (Q3) Claim Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Fire Rescue	\$500	\$500	General Fund
Parks & Recreation	\$904	\$904	General Fund
Police	\$98,103	\$20,023	General Fund
Public Works	\$8,375	\$1,000	General Fund
Transportation	\$50,979	\$15,864	General Fund
Watershed Management	\$22,228	\$17,709	Water & Sewer
TOTAL CLAIM SETTLEMENTS	\$181,089	\$56,000	

TOTAL FY21 LITIGATION & CLAIM TOTALS **\$2,400,909** **\$562,250**

UPDATE ON CLAIMS & SETTLEMENTS

CONSOLIDATED FY21 Q1-Q3

Itemized Claims and Settlement Payments by Department

FY21 (Q1-3) Litigation Cases Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Aviation	\$300,000	\$40,000	Aviation
Fire Rescue	\$855,000	\$185,000	General Fund
Police	\$598,357	\$61,357	General Fund
Public Works	\$298,807	\$59,405	General Fund
Watershed Management	\$1,200,681	\$441,384	Water & Sewer
TOTAL LITIGATION SETTLEMENTS	\$3,252,845	\$787,146	

FY21 (Q1-3) Claim Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Fire Rescue	\$41,156	\$25,376	General Fund
City Planning	\$100,255	\$32,800	General Fund
Executive Offices	\$1,800	\$1,500	General Fund
Parks & Recreation	\$1,554,334	\$39,194	General Fund
Police	\$19,042,656	\$110,428	General Fund
Public Works	\$80,447	\$42,644	General Fund
Transportation	\$118,079	\$63,955	General Fund
Watershed Management	\$188,873	\$102,774	Water & Sewer
TOTAL CLAIM SETTLEMENTS	\$21,127,600	\$418,671	

TOTAL FY21 LITIGATION & CLAIM TOTALS

\$24,380,445

\$1,205,817

UPDATE ON CONSOLIDATED CLAIMS & SETTLEMENTS

Q1-Q3

- The Department of Law has successfully and effectively litigated case settlements that resulted in the City only paying \$787,146 when the demand amount was \$3,252,844.
- The Department of Law has successfully and effectively negotiated claims settlements in FY21 Q1-3 that resulted in the City only paying \$418,671 when the demand amount was \$21,127,600.
- The Department of Law has successfully and effectively litigated and negotiated case and claims settlements that resulted in the City only paying \$1,205,817 when the demand amount was \$24,380,444.

OUTSIDE COUNSEL SPENDING REPORT

FY22 FISCAL YEAR-TO-DATE ACTUALS

	FY20	FY21	
	<u>July – June. 2020</u>	<u>July – June. 2021</u>	<u>%Chg.</u>
<u>SPENDING TO DATE</u>			
AVIATION FUND	1,155,838	607,148	-47%
WATERSHED FUND	2,408,599	1,888,838	-22%
GENERAL FUND	4,700,341	4,978,971	6%
TOTAL SPENDING COMBINED FUNDS₁	\$8,264,778	\$7,474,957	-10%

- ₁Total Spending Combined Funds excludes DOJ Investigation expenses.
- There is currently a decrease overall of 10% in FY21 July - June 2021 outside counsel spending compared to FY20 July - June 2020. In terms of the Enterprise Funds, there is a decrease of 47% in Aviation Fund outside counsel spending and a decrease of 22% in Watershed Fund spending due to fewer outsourced matters. In terms of the General Fund, there was a 6% increase in General Fund outside counsel spending due to a high number of water/sewer cases, 2020 summer protests, other Litigation matters and one-time expense occurrences such as the Kemp Lawsuit, the Disparity Study and the Independent Review of the Office of Contract Compliance.

QUESTIONS

