Department of Law

Budget Presentation to Cleveland City Council

February 21, 2023
Agenda

01 Leadership & Organization Structure

02 2023 Budget Overview

03 Law Department Sections

04 2023 Priorities

05 Questions & Conversation
Leadership Team

Mark D. Griffin  
Law Director

Ronda G. Curtis  
Chief Corporate Counsel

Michele R. Comer  
Chief Counsel for Special Projects

Elena N. Boop  
Chief Trial Counsel

Aqueelah A. Jordan  
Chief Prosecutor

Delanté S. Thomas  
Chief Ethics Officer

Chief Assistant Directors of Law

- Stephanie Melnyk – House Counsel
- William Menzalora – Civil Rights & Police Practices
- Geraldine Butler – Operations & Sustainability
- Richard Bertovich – Development
- Mark Webber – Labor and Employment
- Tiffany Fischbach – Labor and Employment
- James R. Russell, Jr. – Litigation
- Amy Hough – Public Records Chair
- Aaeshah Luton – Office Manager
Leadership Structure

The Law Department is led by the City Law Director and is divided into two divisions and two specialty areas. Law Department staffing includes attorneys, paralegals, legal secretaries, investigators, claims examiners, clerks, and administrative assistants.

Civil Division
The Chief Corporate Counsel leads the transactional areas and serves as Acting Law Director in the Law Director’s absence. The Chief Trial Counsel leads all litigation areas.

Special Projects
The Chief Counsel for Special Projects is a restructured position that will oversee Code Enforcement and other department projects such as the Lead Safe Initiative.

Criminal Division
The Law Director serves as Chief Prosecutor for the City of Cleveland, but delegates that authority to the Chief Assistant Prosecutor.

Ethics Office
Led by Chief Ethics Officer and in 2022 received staff support through The Cleveland Foundation Fellowship program. Also oversees Police Accountability Team.
Budget Overview

2022 Budget: $18,848,035 | 2023 Budget: $18,623,670

2023 Budget:
• Decrease of 1.19%
• Decrease of $224,365
Budget Overview

- **General Fund Staffing Levels**
  - 2023 - Budgeted 5 slots less
  - 7 slot increase over 2022 Actual Staff
Budget Overview

Department of Law 2022 Budget vs 2023 Budget

- Salaries and Wages:
  - 2022: $7,368,330
  - 2023: $7,178,252

- Benefits:
  - 2022: $2,371,567
  - 2023: $2,297,313

- Other Training & Professional Duties:
  - 2022: $170,000
  - 2023: $170,000

- Contractual Services:
  - 2022: $3,236,269
  - 2023: $3,236,623

- Materials & Supplies:
  - 2022: $15,500
  - 2023: $9,500

- Maintenance:
  - 2022: $107,000
  - 2023: $93,000

- Claims, Refunds, Maintenance:
  - 2022: $5,520,000
  - 2023: $5,520,000

- Interdepart Service Charges:
  - 2022: $98,982
  - 2023: $79,369
Budget Overview

**Revenue and Collections**
- Total Revenue Recovered: $2,319,240.20
- Recovered $850,000 from Opiate Litigation
- City Court Costs & Lawsuit Expenses: $55,035.39
- Contingent Legal Fees: $557,590.99
Criminal Division

Aqueelah A. Jordan
Chief Prosecutor

CITY OF CLEVELAND
Mayor Justin M. Bibb
The Criminal Division of the Law Department (Prosecutor’s Office) prosecutes misdemeanor crimes, including domestic violence, assault, traffic offenses, and theft. Reviews police use of deadly force and internal investigations and mediates disputes between citizens to prevent future criminal matters.

### Felony Offenses
Reviewed 13,844 felony offenses for determination of referral to Cuyahoga County Prosecutor’s Office. From this number, 3,608 felony charges were issued, of which 404 were domestic-violence felony charges.

### Misdemeanor Offenses Prosecuted
Prosecuted 8,046 misdemeanor charges, of which 824 were domestic-violence misdemeanor charges.

### Traffic Offenses
Addressed 18,359 traffic offense charges. Addressed 802 operating vehicle impaired (OVI) charges.

### Citizen Intakes
Processed 929 citizen complaints in Prosecutors’ office.
### Criminal Division

**Prosecutor’s Office**

<table>
<thead>
<tr>
<th>Marijuana Sealing Efforts</th>
<th>Community Outreach</th>
<th>Expanding Police Relations</th>
<th>Equitable Justice</th>
<th>Stakeholder Collaboration</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Expungement Clinics</td>
<td>• Speaking engagements</td>
<td>• Created All Day Charging Review Days</td>
<td>• Advocating for Marsy’s Law Rights</td>
<td>• Prosecutor’s Office made a concerted effort to collaborate with entities, both internal and external to support and protect the needs of residents.</td>
</tr>
<tr>
<td>• Motions Filed</td>
<td>• School Career Days</td>
<td>• Speaking to Training Academy Classes</td>
<td>• New marking program Mental Health First Aid Training for Staff</td>
<td>• City Council, Bar Associations, Courts</td>
</tr>
<tr>
<td>• Statewide Law Change</td>
<td>• Adopted a school for the academic year</td>
<td>• Weekend/holiday charging</td>
<td>• Diversion Center Training from the ADAMS Board</td>
<td></td>
</tr>
<tr>
<td>• Collaboration with Clerk of Courts and the Judges of the Cleveland Municipal Court</td>
<td>• Facilitated high school student shadow opportunities</td>
<td>• Renewal of VAWA Grant</td>
<td>• Staff now contains certified mediators to mediate citizen disputes</td>
<td></td>
</tr>
</tbody>
</table>

![Image of people at event]

![Image of man speaking]

![Image of people engaging in activities]

![Image of group of people]
Ethics

• **Newly Established Office**
  • April 2022 - Bibb Administration announced the appointment of the City’s first-ever Chief Ethics Officer
  • Provides advice and counsel to assist employees and officials avoid conflicts of interest and other violations of ethics law
  • Conducts training and outreach to City workforce to minimize and eliminate acts of misconduct

• **Engagement**
  • Launched new culture of compliance structure
  • Police reform and accountability
  • Consulted on various systemic and City operational concerns, across several departments

• **2023 Goals**
  • Centralize employee engagement policies to conform with ethics laws
  • Complete the full implementation of Community Police Commission
  • Ensure that ARPA spending complies with ethics laws
Ethics

By the Numbers
As of 12/31/2022

**Employees Trained on Govt Ethics Law**
In September 2022, the Ethics Office launched a mandatory training program for all City employees. 55% of employees stated they either have never received ethics training or did not remember receiving one.

**Ethics Inquiries Received**
The creation of the City’s Ethics Office has created a wave of questions from employees and officials. By comparison, in seven (7) months the City received more than double the inquiries that the County’s Ethics Office receives in an entire year.

**Criminal Acts Prevented**
Based on formal inquiries submitted in 2022, the Ethics Office prevented 52 violations of ethics law from occurring. Most common issues include improper gifts, conflicts of interest, and outside employment.

**Violations Referred for Investigation**
The Ethics Office is not an investigatory body, but received 13 complaints and called for immediate action by the respective departments. In two cases, complaints were referred for criminal prosecution.
Consent Decree & Community Police Commission

• Initiated & Implemented First Amendment in 7 Years to the Federal Consent Decree:
  • Worked collaboratively with the U.S. Department of Justice to jointly move, and receive, a modification of the 7-year old Consent Decree to allow for the implementation of Issue 24 and the creation of a national-model Community Police Commission.

• Issue 24 Implementation – Installed New Community Police Commission
  • Unprecedented community-involved selection process
  • Reviewed over 280 applications
  • Conducted 40+ interviews
  • 13 outstanding individuals sworn-in, Dec. 2022.

• Launched new Police Accountability Team and Hired Executive Director – Leigh Anderson, Ph.D.
  • Mayor Bibb created a Police Accountability Team to drive Cleveland closer to complete compliance with the Consent Decree. Dr. Anderson has already started to lead and shape the PAT. She brings with her extensive experience with consent decrees in Ferguson, MO and Oakland
Civil Division

Ronda G. Curtis  
Chief Corporate Counsel

Elena N. Boop  
Chief Trial Counsel

CITY OF CLEVELAND  
Mayor Justin M. Bibb
Litigation

- **Restructure**
  - In 2022, the Law Department included three different “sections” that performed litigation functions
    - Litigation
    - Labor & Employment
    - Public Safety
  - Effective, January 1, 2023: New “Practice Groups”
  - All assistant directors of law formerly in any of the prior individual “sections” are now members of all three new practice groups. The change provides more flexibility in addressing staffing needs for individual litigation and quasi litigation matters on a case-by-case basis

- **2023 Goal/Priority**
  - Decrease the reliance on outside counsel in non-conflict of interest and specialized expertise situations
## Litigation

### 2022 Accomplishments

<table>
<thead>
<tr>
<th>No.</th>
<th>Litigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Nat’l Prescription Opiate Litigation</td>
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<tr>
<td></td>
<td>$850,000+ recovered, to date, on behalf of the City</td>
</tr>
<tr>
<td>02</td>
<td>Red Light Camera Litigation</td>
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<tr>
<td></td>
<td>After 12 years of litigation, Ohio Supreme Court rules in favor of City of Cleveland, relieving the City and taxpayers of a $4.1M judgment from a class action suit.</td>
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<tr>
<td>03</td>
<td>Police Promotional Litigation</td>
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<tr>
<td></td>
<td>The City prevailed after seven years of litigation in which several police officers challenged being passed over for promotion. The City successfully defended three federal suits and one state suit.</td>
</tr>
<tr>
<td>04</td>
<td>Kronos Cyberattack Litigation</td>
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<tr>
<td></td>
<td>The City successfully defended a class action suit that alleged a violation of the Fair Labor Standards Act after a cyberattack of Kronos employee time-keeping system. City provided proof that it maintained accurate timekeeping records which did not violate overtime pay rules, and the lawsuit was dismissed.</td>
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<tr>
<td>05</td>
<td>Botanical Gardens Litigation</td>
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<tr>
<td></td>
<td>Ohio Supreme Court ruled that the City is properly using the land of which the Botanical Gardens sit. The land was gifted to the City in 1882 with several conditions/deed restrictions.</td>
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<tr>
<td>06</td>
<td>Labor Negotiations</td>
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<tr>
<td></td>
<td>Assisted the administration negotiate 10 new collective bargaining agreements. Prioritized CBA’s in Division of Police to address staffing shortages.</td>
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</table>
House Counsel

Stephanie K. Melnyk
Chief Assistant Director of Law
House Counsel

The House Counsel section of the Law Department provides legal counsel to the Departments of Finance, Human Resources, and Aging, Mayor's Office of Capital Projects, Office of Equal Opportunity, Cleveland Municipal Court, Clerk of Courts, and various Boards and Commissions.

This section also provides legal advice to the City administration and City Council on all aspects of the legislative process.

Includes committed public servants. The 7-attorney section has a combined 127 years of experience in the City Law Department.

**By The Numbers**
House Counsel plays a significant role in reviewing and drafting City contracts, legislation, resolutions from the City's Board of Control, and review of CCA cases.

This does not include general legal assistance rendered by section attorneys.

<table>
<thead>
<tr>
<th>2022</th>
<th>Matter</th>
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</thead>
<tbody>
<tr>
<td>443</td>
<td>Contracts</td>
</tr>
<tr>
<td>163</td>
<td>Legislation</td>
</tr>
<tr>
<td>546</td>
<td>Board of Control Resolutions</td>
</tr>
<tr>
<td>168</td>
<td>CCA Civil &amp; Criminal Cases</td>
</tr>
</tbody>
</table>
House Counsel

2022 Accomplishments

- **Collaborated with City Council on Legislation**
  - Overhauled Complete and Green Streets legislation
  - Establishing Black Women's Commission
  - Authorizing ARPA funding for many projects
  - Cracking down on illegal dirt bikes
  - Comprehensive Revisions to Tax Abatement
  - Re-establishing the Cleveland Tree Commission
  - Amending codified ordinances related to the West Side Market

- **Contracts Improving the Lives of Youth and Families**
  - Negotiated, drafted, and executed 48 contracts and amendments, totaling $3.4M for programs to prevent violence, manage trauma, and create opportunities for better quality of life

- **Contracts Improving City Operations**
  - Drafted $4.8M contract to update, migrate, and maintain City services related to infrastructure, permitting, and licensing

- **CCA Collections**
  - Recovered $375,000 from court cases
  - Recovered $400,000 from bankruptcy cases
    - *Increase of 29.7% from 2021*
Operations & Sustainability

Geraldine J. Butler
Chief Assistant Director of Law

CITY OF CLEVELAND
Mayor Justin M. Bibb
Operations & Sustainability

• **Clients**
  • Department of Public Works
  • Department of Public Utilities
  • Department of Public Health
  • Office of Sustainability

• **Responsibilities**
  • This section of the law department provides legal assistance to our clients relative to current/new initiatives and projects.
  • Legal analysis and opinions, negotiates complex professional service agreements, and assists in resolving customer disputes (municipalities, commercial and residential).
  • Oversees outside counsel litigation.
Operations & Sustainability

2022 Accomplishments

Attorneys also spent significant time attending meetings and communicating with clients to further projects set by each department/office for 2022.

- **191** Contract Preparation Requests
- **116** Pieces of Legislation Reviewed
- **234** Contracts Reviewed for Legal Form and Correctness
- **336** Public Records Requests Approved
Development

The Development Section of the Law Department represents the Departments of Community Development, Economic Development, Building & Housing, City Planning, Port Control and assists other departments, all working with various entities as a catalyst for the expansion of businesses, housing, social services, and job opportunities to enhance the lives of all Clevelanders.

2023 Project Goals

New Cleveland Police HQ
Law is currently assisting the Mayor’s Office of Capital Projects to negotiate the development and acquisition of the historic ArtCraft Building, located at Superior Avenue.

Airlines Master Lease Agreement
Law is currently in the process of assisting the Department of Port Control in negotiating a multi-year renewal of the Master Lease Agreement with all of the Airlines that occupy or use Cleveland Hopkins International Airport.
## Development

### 2022 Major Project Successes

<table>
<thead>
<tr>
<th>Community Reinvestment Act</th>
<th>Redevelopment of Huntington Bldg</th>
<th>Skyline Cleveland Residence</th>
<th>Opportunity Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worked with Community Development, Mayor’s Cabinet, and City Council to overhaul City’s tax abatement program. New program reduces tax abatement for stronger markets and encourages development of affordable housing.</td>
<td>Worked with Economic Development to negotiate $15M HUD loan to begin redevelopment of 1.4M sqft building into 868 affordable housing units, hotel, office, and retail space – creating 300 jobs.</td>
<td>Negotiated Tax Increment Financing Agreement with Skyline Investments Inc. for the $56M renovation and rebranding of the Renaissance Cleveland Hotel at 24 Public Square.</td>
<td>Worked with Economic Development to assemble land to construct a Cold Storage facility on the Opportunity Corridor. The $31.5M project will call for 330 new and existing jobs.</td>
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Code Enforcement

Michele Comer
Chief Counsel for Special Projects
Code Enforcement

• **Overview**
  • Works on behalf of the City to improve the quality of life issues through enforcement of the City’s building, housing, zoning, fire, health, and sidewalk codes.

• **Responsibilities**
  • Prosecuting criminal and civil nuisance abatement cases in Cleveland Housing Court
  • Representing the City in administrative appeals before Board of Zoning Appeals, Board of Building Standards, and Board of Sidewalk Appeals
  • Defending decisions of the Housing Court and Administrative Boards in Common Pleas Court and the Court of Appeals
  • Providing legal review of search warrant requests, prosecution requests and demolition files
  • Providing legal assistance to departments in addressing and resolving property nuisances

<table>
<thead>
<tr>
<th>Statistics</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search Warrants</td>
<td>273</td>
<td>197</td>
<td>152</td>
</tr>
<tr>
<td>B&amp;H Prosecutions</td>
<td>1002</td>
<td>1570</td>
<td>1264</td>
</tr>
<tr>
<td>Demolition Files Reviews</td>
<td>376</td>
<td>426</td>
<td>648</td>
</tr>
</tbody>
</table>
## Code Enforcement

### 2022 Accomplishments

<table>
<thead>
<tr>
<th></th>
<th>01</th>
<th>Cleveland Hopkins Intn’l Airport</th>
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<tbody>
<tr>
<td></td>
<td>Worked with Operations and Sustainability section to successfully address fuel spills and other related life safety issues revealed at the airport.</td>
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<tr>
<th></th>
<th>02</th>
<th>Dike Elementary School</th>
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<tr>
<td></td>
<td>Fire protection system at Dike was found to be non-compliant and Code Enforcement attorneys worked closely with Fire Marshal to successfully address safety issues. Dikes serves over 400 children.</td>
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<thead>
<tr>
<th></th>
<th>03</th>
<th>JBI Scrap Processors Facility</th>
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<tbody>
<tr>
<td></td>
<td>On site fire at east side facility resulted in violations of safety and environmental requirements and numerous community complaints. Code Enforcement closely monitored progress and violations have been resolved.</td>
<td></td>
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<thead>
<tr>
<th></th>
<th>04</th>
<th>Demolition File Review</th>
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<tbody>
<tr>
<td></td>
<td>Completed thorough review of 648 demolition files of which 300+ were files subject to grant funding from the Ohio Department of Development. Code Enforcement attorneys are continuing this effort to protect City interests and reduce liability.</td>
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</tr>
</tbody>
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Public Records

Amy K. Hough
Public Records Chair

CITY OF CLEVELAND
Mayor Justin M. Bibb
Public Records

• Newly Expanded Section
  • Created the Public Records Chair.
  • Added a full-time Chief Public Records Clerk.

• Created a Guide to Help Requesters
  • Simple explanations of legal requirements.
  • Examples of Do’s & Don’ts.
  • Automatically sent with every request for clarification.

• Expedited Media Requests & Outreach
Public Records

By the Numbers
As of 12/31/2022

**Received**
A total of 31,283 public records requests were submitted.

**Faster Response Time on City Records**
Average wait time is down from 33 days to 10 days for requests from City Departments including Public Health, Building & Housing, and Public Works.

**Faster Response Time on Public Safety Records**
Average wait time is down from 14 days to 4 days from requests from the Divisions of Police, Fire, EMS and Animal Control.
Department Priorities

- Code Enforcement
- Lead Safe Initiative/Nuisance Abatement
- Consent Decree/Police Reform
- Staffing