



City of Hoboken CY 2016 Introduced Budget Supplemental Materials

Office of Corporation Counsel

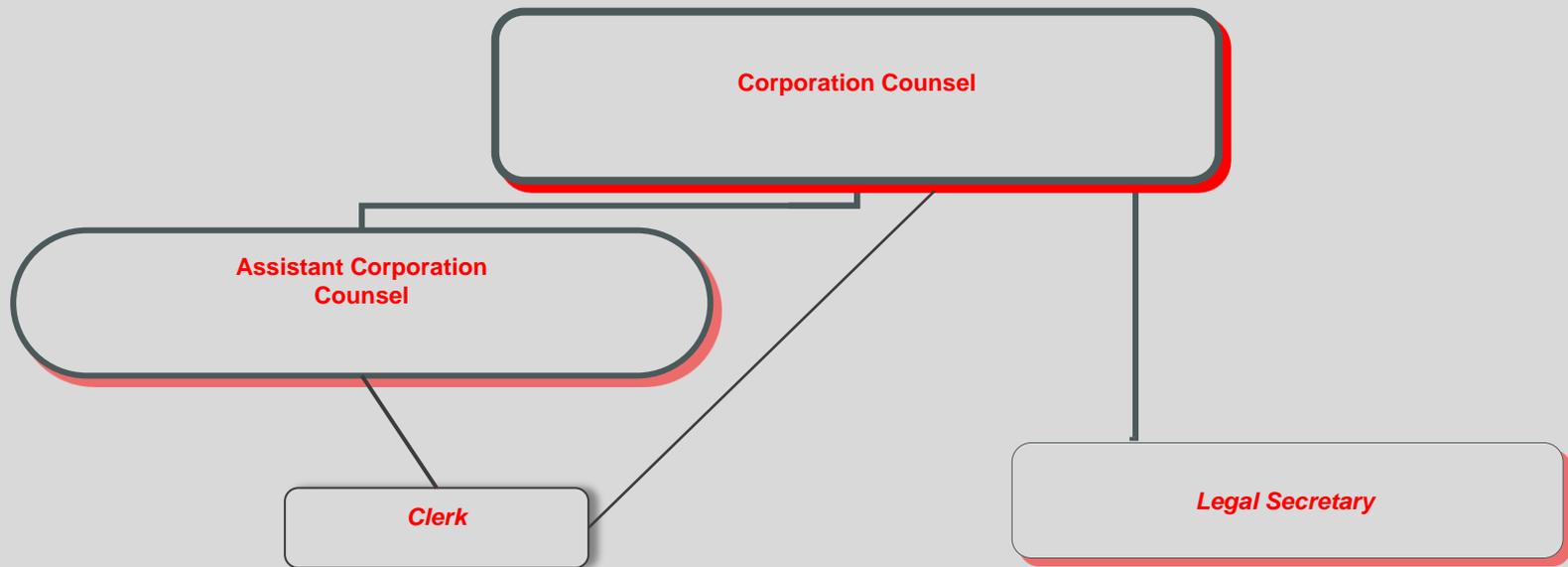
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Acting Corporation Counsel



Office of Corporation Counsel Organizational Chart (CY 2016)





Office of Corporation Counsel

Employees

- Total number of employees (2016): 2 current, 4 proposed
- Total number of employees (2015): 3
- Total number of employees (2014): 4
- Total number of employees (2013): 4
- Total number of employees (2012): 4
- Office of Corporation Counsel personnel includes one (1) full-time Corporation Counsel, and (1) Legal Secretary. The budget introduced proposes an additional one (1) Assistant Corporation Counsel and one (1) Clerk. To the extent that internal case loads increase or use of outside expertise declines, it may become necessary to hire additional staff.



Office of Corporation Counsel

Goals

Short term and long term goals:

- Negotiate and finalize Collective Bargaining Agreements with all three (3) non-uniform unions
- Continue to provide exemplary legal services to the Administrative Departments, Mayor and Council in a professional, ethical and cost effective manner
- Continue to manage and control special counsels' legal costs
- Continue to develop and refine a Progressive Disciplinary Policy and Procedure for City employment
- Continue to update and revise regulatory structure of City Code and ensure local codes are compliant with all other applicable laws
- Continue to support the City and its professionals in furthering the redevelopment, resiliency and land use projects of the City
- Continue to develop and expand the Office's internship program



Office of Corporation Counsel

**Goals
(Continued)**

- Continue to enhance procedures of Administrative Departments to ensure compliance with all government regulations
- Continue to develop and implement anti-sexual harassment training, civil rights training and ethics training for employees
- Continue to develop and implement OPRA and Management training for employees and supervisors
- Continue to monitor legal trends to enhance the City's efficiency in providing professional and cost effective legal services
- Continue to develop and refine policies and procedures to enhance the workplace for the City's employees, the residents, and the guests of the City
- Review and process all liability, personal property and auto insurance claims for the City of Hoboken



Office of Corporation Counsel Responsibilities

○ City Clerk

- Assist with reviewing and providing legal responses to all OPRA requests served upon the City (approximately 2,500 requests per year)
- Provide legal advice throughout the election process
- Provide legal advice (including conducting legal research and drafting legal memorandum) regarding OPRA and OPMA
- Review all documentation which City Clerk requests review on relating to Clerk's duties (approximately 4 documents per week)
- Provide legal advice relating to statutorily required public notices (public contract, OPMA, Fair and Open, Election, Petitions, licensing, etc.)
- Draft all legislation (40 pieces of legislation per meeting) for the City Council Meetings (approximately 25 meetings per year) and assist the Clerk in preparing all agendas
- Represent or coordinate with special counsel to manage the representation of the City Clerk and the Custodian of Records in OPRA matters brought before the Government Records Council (approximately 5 matters per year) and matters brought before the Superior Court (approximately 5 matters per year)
- Draft and review and Special/Public Meetings notices in compliance with OPMA



Office of Corporation Counsel Responsibilities

(Continued)

- **Construction Code Office**

- Represent the Construction Code Official and City in all matters brought before the Hudson County Construction Board of Appeals (approximately 8 per year)
- Provide legal advice relating to emergency construction code issues, proper service and notice of all construction code notices/violations. Provide legal assistance in procuring emergency services regarding demolitions/repairs
- Represent the Construction Code Official and City in Penalty Enforcement matters and Summary Actions to enforce construction office orders and Notices (approximately 5-10 a year)

- **Tax Office**

- Provide legal advice to tax collector regarding all tax sale issues (including notice, certificates, proper liens and sewage lien issues, discharge, etc.)
- Provide legal review of all tax collector legislation (tax sales, tax appeal approvals, ademption, and redemption) and ensure statutory notice and legislative language compliance (approximately 80 issues per year)



Office of Corporation Counsel Responsibilities

(Continued)

○ Purchasing

- Review all bid documents, assist in drafting scope of work, prior to publication (approximately 20 per year)
- Review all addenda prior to publication (approximately 10 per year)
- Work with outside consultants (e.g. engineers) to ensure their compliance with public contracting laws when submitting for contracts on behalf of the City
- Confirm legal publication of all bids, RFP's, addendum, requests for quotes, public contracts, etc. (approximately 100 per year)
- Provide legal advice to Business Administrator and Purchasing Agent regarding individual contract compliance with statutory procurement requirements
- Assist and oversee the drafting all Requests for Proposals/Interest/Quotations/Qualifications in accordance with State Comptroller Fair and Open Guidelines (approximately 20 per year)
- Review and calculate all evaluations for RFP's and competitive contract proposals (approximately 20 per year)
- Provide legal advice regarding publication, hearings, and contests on adopted legislation and respond to bid contests
- Provide internal legal advice on all bid contests and notices of dispute of contracting rules, and determine whether the matter can be handled/settled internally or if it requires assistance of outside counsel (approximately 5 per year)



Office of Corporation Counsel – Responsibilities (Continued)

○ **Special Counsel**

- Coordinate with special counsel to create the strategy and direction of cases
- Coordinate with special litigation counsel to ensure City completion of discovery
- Coordinate with special counsel to respond to discovery requests of adversaries
- Coordinate with special counsel to organize testimony and depositions of City employees and officers
- Coordinate with special counsel to ensure contracts for services are properly performed, payments made are in compliance with contract/resolution, and Pay to Play documentation is compliant with local and state regulations
- Contract with special counsel for newly filed, emergent, and sensitive litigation, and coordinate with special counsel on the development of the City's position in each such case through to the judgment/settlement stage



Office of Corporation Counsel Responsibilities

(Continued)

○ General Litigation

- Provide representation to the City in all small claims matters brought in the Superior Court (approximately 5 matters per year)
- File and represent the City in Penalty enforcement actions required for unpaid penalties on municipal violations (approximately 5 per year)

○ Contracts

- Draft all contracts for vendors which are approved by City Council (approximately 250 per year)
- Draft non-goods/service agreements (easements/licenses/MOU's/letters of understanding/internal settlement agreements) for the Administration (approximately 20 per year)
- Draft addendum/amendments to agreements (approximately 20 per year)
- Provide legal representation in negotiations on City contracts
- Provide legal oversight of compliance with terms and conditions of all current City contracts



Office of Corporation Counsel Responsibilities

(Continued)

- **Department of Transportation and Parking**
 - Provide daily review and legal guidance on all internal issues relating to: HPU contracting, HPU enforcement of code, HPU policies, HPU revenue and finance issues, HPU contract compliance/enforcement and HPU procurement
 - Draft legal documents relating to all proposals for pilot programs and suggested enhancement projects for parking and transportation within the City
 - Draft and provide legal reviews for all parking Legislative amendments and new legislation, and ensure compliance with engineering, planning and NJDOT standards
 - Represent HPU and the City in departmental disciplinary hearings and Civil Service appeals in the Office of Administrative Law and before P.E.R.C. and the E.E.O.C.



Office of Corporation Counsel Responsibilities (Continued)

- **Legislation**
 - Draft resolutions for all City Council meetings (approximately 40 per meeting = 900 per year)
 - Draft ordinances for consideration by City Council (approximately 95 per year)
 - Provide legal advice regarding voting rights of individual Council Members, conflicts of interest of individual Council Members, voting results of legislation, voting requirements of specific legislation and all other related issues
 - Provide legal advice to individual Council Members on the authority, applicability, and requirements for creating new and improved code sections
 - Review and analyze legislation for compliance with State and Federal law, preemption issues, constitutional concerns
 - Respond to and advise on prerogative writ issues resulting from legislation



Office of Corporation Counsel Responsibilities (Continued)

- **Public Safety (Police Department, Fire Department, Office of Emergency Management)**
 - Represent the City in public safety grievances and arbitrations including negotiating the potential resolution of grievances, appearing before the N.J. Public Employee Relations Commission
 - Represent the City in departmental disciplinary hearings and Civil Service appeals including psychological and medical disqualifications, appointment issues and employee discipline
 - Meet with police union representatives regularly to discuss potential grievances and other issues raised by unions
 - Research and provide legal advice for public safety issues, including, but not limited to, appointment, discipline and other policy issues
 - Prepare legislation for public safety-related issues, including resolutions to accept grants and ordinances for leases



Office of Corporation Counsel Responsibilities

(Continued)

- **Pay to Play Compliance**
 - Review all candidate ELEC filings for potential local and state Pay to Play violations (approximately 85 ELEC filings per year on Municipal Election years)
 - Review all vendor Pay to Play documents for potential local and state Pay to Play violations (approximately 250 forms per year)
 - Cross check all candidate ELEC filings and vendor filings to assure accuracy of information submitted on forms)(approximately 6,000 cross checks per year)
 - Conduct investigations on all Pay to Play violations complaints (approximately 5 per year)
 - Draft letters of non-compliance as necessary
 - Assist the Administration and Council members by reviewing and revising the language of the local code and internal procedural policies for Pay to Play compliance as necessary
- **General**
 - Conduct and analyze legal research for issues raised by the Administration and Council and prepare memoranda
 - Negotiate, draft and review leases, contracts, settlement agreements and memoranda of understanding
 - Review and analyze proposed City policies
 - Make recommendations to improve internal City functions



Office of Corporation Counsel Responsibilities

(Continued)

- **Management and Administration**
 - Supervise the preparation of all contracts, deeds and other documents and all ordinances and resolutions referred to the Office of Corporation Counsel for preparation
 - Provide legal advice regarding Personnel and Human Resource Management
 - Create and draft policies and Administrative Directives for the Administration
 - Represent the City in labor/employment matters, including departmental disciplinary hearings, grievances, arbitrations, Civil Service appeals, and hearings before Office of Administrative Law, PERC, E.E.O.C. etc.
 - Provide legal guidance to Mayor, Administration, City Council, City Clerk and Department Heads (including Fire and Police Chiefs)
 - Manage and supervise special legal counsel
 - Responsible for reviewing and monitoring legal invoices from special legal counsel
 - Provide summary of legal matters to the Mayor and City Council



Office of Corporation Counsel Responsibilities

(Continued)

Management and Administration (continued)

- Prepare and manage Office of Corporation Counsel's legal budget
- Attend and provide legal guidance to City Council during Council meetings
- Responsible for implementing, drafting and issuing all discipline for all employees of the City
- Create, develop and expand the legal internship program with Seton Hall Law School and Rutgers Law and supervise legal interns for the Office of Corporation Counsel
- Reviewing press releases as necessary to ensure compliance with the law
- **Affirmative Action**
 - Meet with City employees regarding potential affirmative action/anti-harassment complaints and refer them to the Affirmative Action Officer as appropriate
 - Assist the Affirmative Action Officer as needed
 - Review investigation reports of Affirmative Action Officer with the Business Administrator and determine what action, if any, should be taken



Office of Corporation Counsel Responsibilities

(continued)

○ Representation of Administrative Boards

- **The Office works with special counsel to ensure each of the following Boards has proper legal representation and appropriate, available and effective legal advice on an as needed basis and at every Board Meeting:**
- Shade Tree Commission
 - Provide assistance to the Administration, Council members, and the Commission in updating City legislation relating to the Shade Tree Commission
 - Attend Shade Tree Commission workshop meetings as necessary
 - Conduct legal research and prepare legal memorandum responsive to legal issues of the Board
- Green Team
 - Assist in providing legal advice relating to the creation, funding, event planning, and insurance requirements of the Team
- Alcohol Beverage Control Board:
 - Attend meetings when there is a conflict for special counsel (approximately 4 per year)
 - Advise the Board (including conducting legal research and drafting legal memorandum) on all administrative activity the Board is required to perform
 - Advise the Board on procedural issues related to their meetings
 - Represent the City and Board in all appeals filed against the Board and/or City relating to Alcohol Beverage Control issues (approximately 3 litigations per year)

CY 2016 Introduced Budget Department of Administration

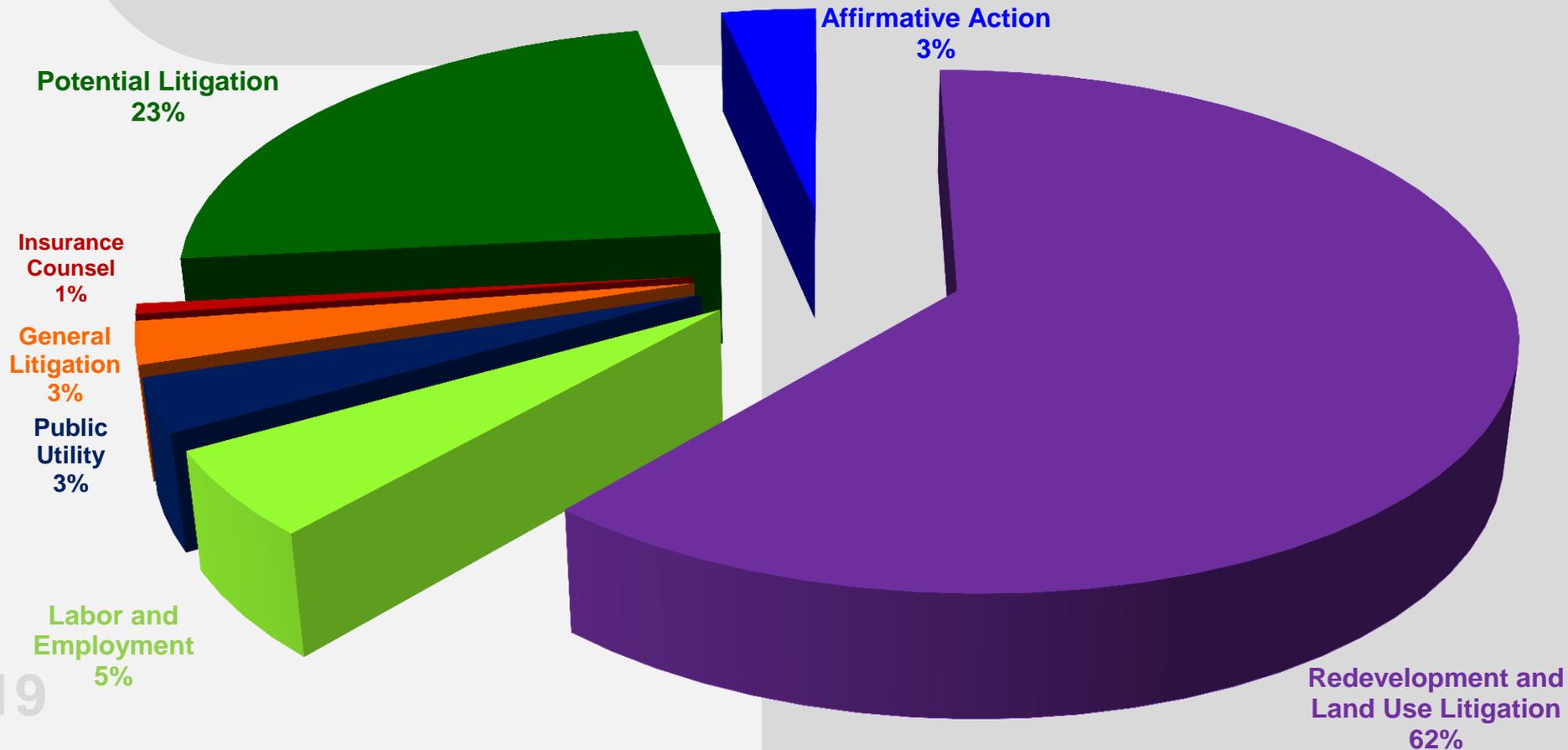


Corporation Counsel Office's Budget

	2013	2014	2015	2016
• Salaries and Wages	\$312,966.00	\$344,941.00	\$313,256.00	\$310,375.00
• Other expenses	\$166,300.00	\$76,300.00	\$46,300.00	\$28,000.00
• Other expenses-Special Counsel	\$1,664,000.00	\$1,300,000.00	\$1,190,000.00	\$1,500,000.00
• Other expenses-Expert Witness & appraisal	\$35,000.00	\$20,000.00	\$12,000.00	\$13,000.00

Other Expenses include: Office Supplies, Subscription and Publications, Printing and Stationary, Advertising, Membership and Dues, Conventions and Seminars, Legal Consultants and General Expenses

Differential of Anticipated Special Counsel Appropriations CY2016





Summary of Appropriations to Defend the City's Interests CY2016

Type of Legal Representation	2015	2016
• Redevelopment & Land Use Litigation	\$575,000.00	\$920,000.00
• Labor & Employment	\$125,000.00	\$80,000.00
• Public Utility Counsel	\$10,000.00	\$50,000.00
• General Litigation	\$70,000.00	\$40,000.00
• Insurance Counsel	\$20,000.00	\$10,000.00
• Potential Litigation	\$390,000.00	\$350,000.00
• Affirmative Action	Not Included	\$50,000.00
	<u>TOTALS:</u>	
	<u>\$1,190,000.00</u>	<u>\$1,500,000.00</u>