

Legal Department

2019 ANNUAL REPORT

Robin Ward

RWARD@VAH.COM | 847-368-5700

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Scope of Services

KEY SERVICES AND FUNCTIONS

Lawyers are, by their very existence, problem-solvers. Some lawyers solve problems in court and some do not. But every issue that they come in contact with, in some way, is a problem. It is the reason that so much of what we in the Legal Department do is reactive . . . someone comes to us with a problem and our job is to find a solution. Most of these solutions will not come straight from the law – if it were that simple to find the solution lawyers would be unnecessary. Solutions come from analyzing the problem, talking to the affected parties, and trying to craft a resolution.

I estimate that at least 75% of what the Legal Department does – particularly Lisa and me – is reactive problem-solving. Some problems are bigger and longer-lasting (Metropolis); some are quick (helping an employee draft a letter to a resident) but we do them all.

Because most of what we do is solve problems, there is no plan or project for that. Someone brings us a problem, an issue, a question . . . and we work to find a solution. It may be a new Code provision, it may be bringing parties together in hopes of finding an acceptable solution, it may be gathering information from another source, or it may be giving it to someone else who is better equipped to resolve the problem. But it is not something we can plan for or a project we can work on.

Because we are primarily problem-solvers does not mean that we do not do things that are proactive. We may come across something another town is doing that we think can work here, we may come across Code provisions that need tweaking, we may come up with ideas to make some of what we do more transparent, we may just come up with an idea we think is worth implementing . . . but most of what we do is handling the vast variety of issues that are brought to us – not because the person bringing them to us cannot handle the issue, but because they are looking for additional insight or an extra set of eyes.

The “routine” things we do – draft ordinances and resolutions, prepare contracts, review agreements – are handled easily. We have worked to establish form ordinances and resolutions that Lynette modifies as needed. Lisa has created simple contract forms that Paula can use for routine needs. Even the processing of routine FOIA’s is handled easily.

ORGANIZATIONAL OVERVIEW

The Legal Department has four employees – one full-time employee and three part-time employees. The work we do touches every department, the Village Board, and the members of the Village’s boards and commissions. In addition to the work we do, we have Staff members who serve on the internal Community Events Committee, Parking Committee, Plan Review

Committee and on the board of the Metropolis Commercial Condominium Association. We are the Village's FOIA Officer, Open Meetings Act Officer, and HIPAA Officer. In the past, we have served on a variety of internal staff committees, including a committee reviewing various permit processes, a task force looking at appropriate conduct in public buildings, and several committees dealing with troubled pieces of property.

Workload and Performance Data

The work of the Legal Department does not easily lend itself to quantitative analysis. We do not keep count of the number of agreements and contracts we review. Sometimes we are just tweaking an earlier version of a document, sometimes we are commenting on the other party's draft, and sometimes we are drafting fresh. The amount of time dedicated to any agreement or contract varies greatly and therefore the number does not relate to the work involved.

- Annually, we prepare an average of about 90-100 ordinances and/or resolutions. Some of these are simple; some are complex.
- We average recording about 50-60 documents annually. Recording a document can involve one or two trips downtown (depending on the document being recorded).
- There are currently five pending lawsuits that I am overseeing.
- The number of FOIAs that we keep track of has been increasing each of the last few years. In 2015, there were 1228; in 2016, that number increased to 1384; in 2017, that number increased again to 1424 and in 2018 we had 1556. In the first three months of 2019, we have already seen 361 FOIAs.
- In 2017, approximately 426 new cases were researched in the court database, with many requiring subsequent checks. In 2018, there were 469. To date in 2019, there are 175 new cases.
- The 2017 prosecution log (this is only kept for cases that are more than just routine traffic tickets) contained 933 cases. The 2018 log contained 1094 cases. To date in 2019, there have been 314 cases added to the court log.
- We are currently monitoring 211 traffic accident cases.
- There were 75 DUI cases taken to court in 2017, 71 in 2018 and 12 new cases so far in 2019.

Key Accomplishments During 2018-2019

- I oversaw the institution of the Administrative Adjudication process for Code Enforcement.
- I worked with the Engineering Department to resolve a long-standing drainage issue at Arlington Market.
- The Agreement with the Performing Arts at Metropolis was amended.
- An Agreement with the GIS Consortium was adopted.
- Significant modifications to the Zoning Code were adopted by the Village Board.
- Several changes to the Liquor Code were adopted, creating new liquor classifications.
- Lisa closed on the sale of two Village-owned vacant lots.
- Several significant amendments to the Village Code were prepared and adopted. These included modifications to the Ethics provisions, economic disclosure form, campaign contributions, creation of several new liquor classifications, and several related to minors – electronic smoking devices, truancy, and tobacco 21.
- The contract for the sale of the property at 112 N Belmont to the Library was approved and Lisa will handle the closing in the next few months.

Review of Current and Anticipated Challenges

- We are constantly doing what we can to ensure that our Village Code is kept in accordance with current law, as it changes by both court decisions and legislative changes.
- As the number of FOIA's does not appear to be decreasing, the challenge of keeping up and ensuring that they are handled properly is ongoing.
- I serve as the President of the Metropolis Commercial Condominium Association, which operates the Metropolis Theatre building. The Village manages the building. With the success of the Arlington Ale House and the expansion of Mago, as well as the continued growth of the Metropolis Theatre and the age of the building, there have been numerous challenges in the operation of the building and these are still ongoing.
- There are employee relations issues that arise on a regular basis. I frequently consult with the Human Resources Department on issues that they are confronted with.

- Both labor contracts expire at the end of this year, so we will be negotiating this fall.

Potential New Initiatives to Explore in the Future

- I will be working with the Building and Life Safety Department on modifications to the Building Code (chapters 23, 24, 25, 26, and 27 of the Village Code).
- I am working with Human Resources on updating the Employee Handbook.
- I am leading a small group of representatives from the Chamber of Commerce and the Special Events Commission in discussing the possibility of working together for the Mane Event and Taste of Arlington, particularly as it relates to sponsorship.
- Lisa is continuing to work on a possible lease for small cell equipment on one of the Village's water towers.
- We will be working with other Staff to close out the contract for the Police Building.
- I will be working with the Police Department and Planning Department to prepare for the possible legalization of cannabis.