



# City of Hoboken CY 2013 Introduced Budget Supplemental Materials

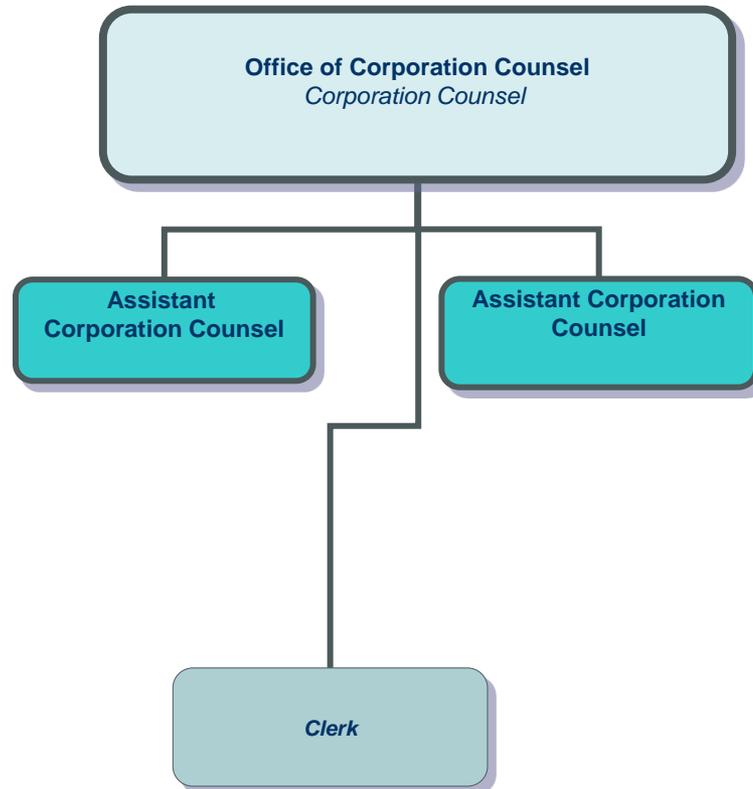
Office of Corporation Counsel

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*Corporation Counsel*



## Office of Corporation Counsel

Organizational Chart (CY 2013)





## **Office of Corporation Counsel – Goals**

### **Short term and long term goals:**

- Continue to provide exemplary legal services in a professional, ethical and cost effective manner
- Continue to manage special counsel's legal costs
- Continue to develop and refine a Progressive Disciplinary Policy and Procedure
- Continue to develop and refine a new Drug Testing Policy
- Continue to develop and implement an Employee Assistance Program
- Guide Personnel Office to enhance the management of payroll and benefit records
- Continue to update and revise employee manual
- Continue to develop and expand internship program



## **Office of Corporation Counsel - Goals**

(Continued)

- 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 develop and implement policies for Departments to enhance quality of service to the public
- 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 its employees
- Continue to develop and refine policies to ensure accountability from all Departments
- Review and process all liability, personal property and auto insurance claims for the City of Hoboken



## **Office of Corporation Counsel - Employees**

- Total number of employees (2013): 4
- Total number of employees (2012): 4
- Total number of employees (2011): 4
- Total number of employees (2010): 4
- Total number of employees (2009): 3
- Office of Corporation Counsel personnel includes one (1) full-time Corporation Counsel, two (2) full-time Assistant Corporation Counsels and one (1) full-time 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 - Responsibilities**

- **City Clerk**
  - Assist with reviewing and providing legal responses to 90% of all OPRA requests served upon the City (approximately 2,950 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 3 documents per week)
  - Provide legal advice relating to statutorily required public notices (public contract, OPMA, Fair and Open, Election, Petitions, licensing, etc.)
  - Assist the Clerk in preparing all agendas for the City Council Meeting



## **Office of Corporation Counsel - Responsibilities**

(Continued)

- Represent the City Clerk and Custodian of Records in OPRA matters brought before the Government Records Council (approximately 10 matters per year) and matters brought before the Superior Court (approximately 1-2 matters per year)
- **Construction Code Office**
  - Represent the Construction Code Official and City in all matters brought before the Hudson County Construction Board of Appeals (approximately 4 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
- **Tax Office**
  - Provide legal advice to tax collector regarding all tax sale issues (including notice, certificates, proper liens and sewage lien issues)
  - Provide legal review of all tax collector legislation (tax sales, tax appeal approvals, ademption) and ensure statutory notice and legislative language compliance (approximately 80 issues per year)



## **Office of Corporation Counsel - Responsibilities**

(continued)

### **○ Purchasing**

- Review all bid documents, and when necessary, 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 150 per year)
- Provide legal advice to Business Administrator and Purchasing Agent regarding individual contract compliance with statutory procurement requirements
- Draft and release all Requests for Proposals/Interest/Quotations/Qualifications in accordance with State Comptroller Fair and Open Guidelines (approximately 30 per year)
- Open and assemble all Fair and Open proposals (approximately 300 per year)
- Provide Notice of Submission for all proposals (approximately 30 per year)
- Release all evaluations to evaluation committees or each RFP, confirm non-bias of all committee members, obtain evaluations, calculate evaluations (approximately 900 evaluation sheets per year)



## Office of Corporation Counsel - Responsibilities

(Continued)

- Conduct evaluations when appropriate for RFP's
- Provide legal review of all legislation to determine authority, accurateness, and possible contests
- Provide legal advice regarding publication, hearings, and contests on adopted legislation
- Work with enforcement agencies to ensure proper enforcement of legislation in accordance with the intent and language of the legislation
- Provide legal advice to individual Council Members on the authority, applicability, and requirements for creating new and improved code sections
- Provide Notice of Evaluations for all RFP's (approximately 30 per year)
- 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 3 per year)
- Provide Notice of Evaluations for all RFP's (approximately 30 per year)
- **Special Counsel**
  - Work with special counsel to create the strategy and direction of cases
  - Work with special litigation counsel to ensure City completion of discovery
  - Work with special counsel to correspond OPRA requests of adversaries with discovery
  - Work with special counsel to organize testimony and depositions of City employees and officers



## Office of Corporation Counsel - Responsibilities

(Continued)

- Work with special counsel to ensure all matters and documents served on the City are properly forwarded to counsel representing the matter
- Work 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
- **General Litigation**
  - Provide representation to the City in all small claims matters brought in the Superior Court (approximately 3 matters per year)
  - Provide Notice of Evaluations for all RFP's (approximately 30 per year)
  - 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 3 per year)



## Office of Corporation Counsel - Responsibilities

(Continued)

- **Contracting**
  - Draft all contracts for vendors which are approved by City Council (approximately 200 per year)
  - Draft non-goods/service agreements (easements/licenses/MOU's/letters of understanding/internal settlement agreements) for the Administration (approximately 35 per year)
  - Draft addendum/amendments to agreements (approximately 10 per year)
  - Provide legal representation in negotiations on City contracts
  - Provide legal oversight of compliance with terms and conditions of all current City contracts
  - Provide legal guidance to Administration to determine responses, and provide communication to adversary counsel, when contract terms are not complied with



## Office of Corporation Counsel - Responsibilities

(Continued)

- Assist in determining when noncompliance rises to the level of requiring court assistance, and assist in determining whether outside counsel is necessary
- **Hoboken Parking Utility**
  - Provide daily review and legal guidance on all internal issues relating to HPU contracting issues, HPU enforcement of code, validity of HPU policies, and drafting of legal documents relating to all proposals for pilot programs and suggested enhancement projects for parking and transportation within the City
- **Legislation**
  - Draft resolutions (on behalf of the Administration and City Council) for all City Council meetings (approximately 25 per meeting = 600 per year)
  - Draft ordinances (on behalf of the Administration, Individual Council Members, and Subcommittees) for consideration by City Council (approximately 72 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



## **Office of Corporation Counsel - Responsibilities**

(Continued)

- **Public Safety (Police Department, Fire Department, Office of Emergency Management)**
  - Handle public safety grievances, including negotiating the potential resolution of grievances, appearing before the N.J. Public Employee Relations Commission and handling any other advocacy necessary
  - 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 40 ELEC filings per year)
  - Review all vendor Pay to Play documents for potential local and state Pay to Play violations (approximately 120 forms per year)
  - Cross check all candidate ELEC filings and vendor filings to assure accuracy of information submitted on forms)(approximately 4,000 cross checks per year)
  - Draft letters of non-compliance as necessary
  - Assist the Administration, Council members by reviewing and redrafting the language of the local code and internal procedural policies for Pay to Play compliance
- **General**
  - Conduct legal research for issues raised by Department Directors and other senior staff and prepare memoranda, when necessary
  - Negotiate, draft and review leases and memoranda of understanding
  - Draft, review and revise proposed City policies
  - Make recommendations to improve internal City functions
  - Provide legal advise including conducting legal research and drafting memoranda for Council Members on issues when necessary



## **Office of Corporation Counsel - Responsibilities**

(Continued)

- **Management**
  - 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 Personnel and Human Resource Management
  - Create and draft Policies for the Administration and Administrative Directives
  - Represent the City in labor/employment matters, including departmental disciplinary hearings, grievances, arbitrations, & hearings before Office of Administrative Law, PERC, etc. whenever possible
  - 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 legal guidance at City Council Meetings
  - Provide summary of legal matters to City Council



## **Office of Corporation Counsel - Responsibilities**

(Continued)

- **Managerial**
  - Responsible for drafting and managing legal budget
  - Responsible for attending and providing legal guidance at all City Council meetings
  - Responsible for implementing, drafting and issuing all discipline for all employees of the City
  - Responsible for creating legal internship program and supervising all legal interns for the Office of Corporation Counsel
  - Responsible for supervising two Assistant Corporation Counsels, administrative assistant
  - Responsible for managing Municipal Prosecutors, Public Defenders, Alternate Municipal Prosecutors and Alternate Public Defenders for both and Municipal Judges
  - Responsible for reviewing all press releases to comply with the law



## **Office of Corporation Counsel - Responsibilities**

(Continued)

### **○ Affirmative Action**

- Meet with City employees regarding potential affirmative action/anti-harassment complaints
- Accept affirmative action/anti-harassments complaints, including providing notice to all necessary parties
- Investigate affirmative action/anti-harassment complaints, including receiving evidence and interviewing witnesses
- Prepare investigation reports for those complaints, which includes making factual findings, researching legal issues, making a determination of probable cause for employment discrimination and suggesting remedial action when necessary
- Handle inquiries for situations where immediate remedial action is necessary
- Ensure Administrative Directive 2012-006 distributed to all City employees
- Follow up on the resolution of affirmative action/anti-harassment complaints
- Review on investigation reports of Affirmative Action Officer and determine what action, if any, should be taken.



## **Office of Corporation Counsel - Responsibilities** (continued)

- **Representation of Administrative Boards**
  - Historic Preservation Commission
    - Attend meetings as necessary (approximately 4 per year)
    - Conduct legal research and draft legal memorandum responsive to legal issues presented to the Board
    - Provide legal assistance to the Board secretary relating to her position
    - Provide assistance to the Administration, Council members, and the Board in updating City legislation relating to Historic Preservation
  - Shade Tree Commission
    - Provide assistance to the Administration, Council members, and the Commission in updating City legislation relating to Shade Tree Commission issues
    - Attend Shade Tree Commission Board meetings as necessary
    - Conduct legal research and draft legal memorandum responsive to legal issues of the Board



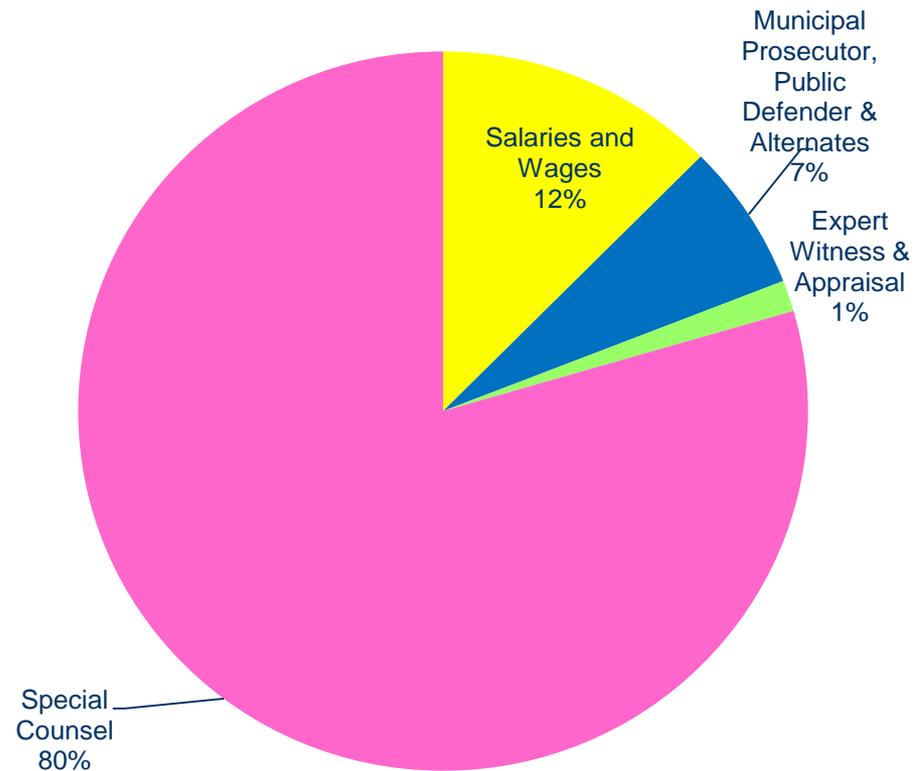
## Office of Corporation Counsel - Responsibilities

(Continued)

- 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 all meetings (approximately 24 per year)
  - Review all tavern sheets with Director of Public Safety to determine probable cause (approximately 8-10 per month = 96-120 per year)
  - Research available charges on all tavern sheets demonstrating probable cause, draft charges, file charges, present charges to Board, write resolutions of Board decision on each charge (approximately 20% of all tavern sheets = 20-25 per year)
  - Advise the Board (including conducting legal research and drafting legal memorandum) for all administrative activity the Board is required to perform
  - Advise the Board on all 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 5 pieces of litigation per year)



## Office of Corporation Counsel - Budget





# Corporation Counsel - Budget

(CONTINUED)

**2012**

**2013**

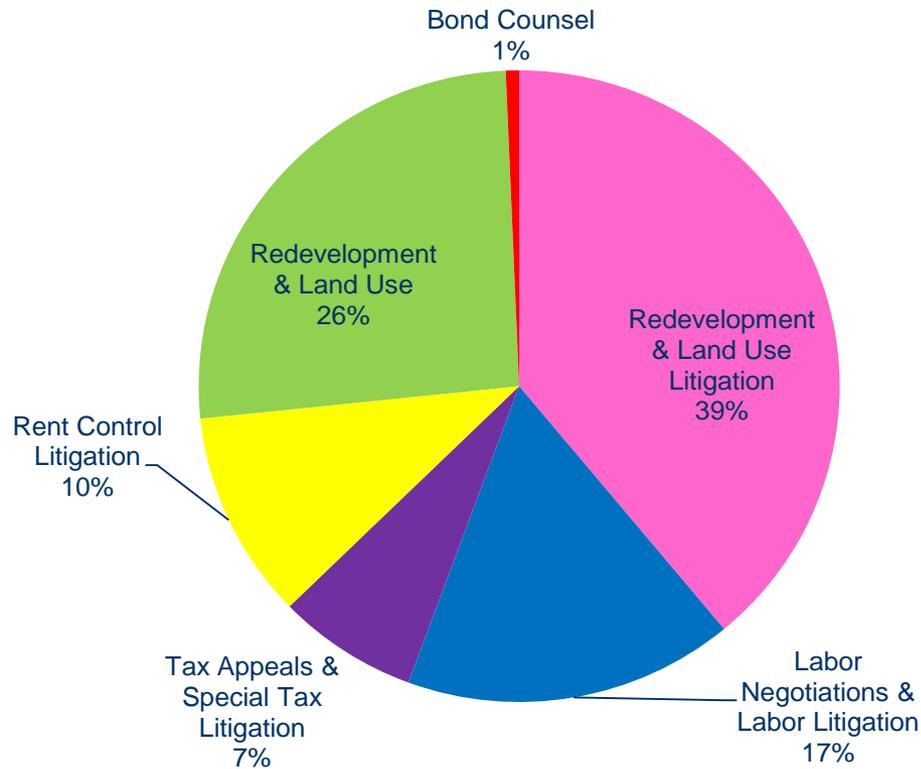
● Salaries and Wages	● 262,666.00	\$312,966.00
● Other expenses	● 194,225.00	\$166,300.00
● Other expenses-Special Counsel	● 1,442,000.00	\$1,994,000.00
● Other expenses-Expert Witness & appraisal	● 50,000.00	\$35,000.00

Salary and Wages includes: Corporation Counsel, Assistant Corporation Counsels (2), and Clerk

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



## Office of Corporation Counsel – Special Counsel



The budget for Special Counsel includes a \$500,000.00 contingency for unanticipated litigation, expenses and matters.



## Summary of Money Spent Defending the City's Interests in Litigation of Continuing and Ongoing Matters

● Redevelopment & Land Use Litigation & Planning	\$970,000.00
● Labor Negotiations & Labor Litigation	\$249,000.00
● Tax Appeals & Special Tax Litigation	\$106,000.00
● Rent Control Litigation	\$159,000.00
● Bond Counsel	<u>\$10,000.00</u>
	\$1,494,000.00 Total amount to defend the City's interests in over 50 ongoing matters
Projected Costs of New Litigation	\$500,000.00
	<u>\$1,994,000.00 Total Budget</u>



## **Summary of Money Spent Defending the City's Interests in Redevelopment and Land Use Litigation & Planning in Continuing/Ongoing Matters**

### **Redevelopment & Land Use Litigation & Planning TOTAL: \$970,000.00**

- City of Hoboken v. Shipyard Associates, HUD-L-1238-12
- Block 112 Development, LLC v. City of Hoboken, Docket No. HUD-L-6010-10
- URSA Development v. City of Hoboken, HUD-L-6449-11

#### **AFFORDABLE HOUSING CASES:**

- Fair Share Housing Center v. City of Hoboken Zoning board (third Party Complaint Advance at Hoboken v. City of Hoboken HUD-L-5052-11
- Fair Share Housing Center v. City of Hoboken Zoning Board (Third Party Complaint 1415 Park Ave., LLC v. City of Hoboken) HUD-L-5052-11
- Fair Share Housing Center v. City of Hoboken Zoning Board (Third Party Complaint 9<sup>th</sup> Monroe LLC v. City of Hoboken HUD-L-0733-12



## **Summary of Money Spent Defending the City's Interests in Redevelopment and Land Use Litigation & Planning in Continuing/Ongoing Matters**

### GENERAL LAND USE

- Affordable Housing Ordinance/Fair Share Plan/Spending Plan/Related Ordinances
- Objection to Use Variance filed by International Realty, LLC at 38 Jackson Street
- Zoning Officer Appeals
- General Land Use Inquiries

### REHABILITATION CASES

- RCD Enterprises LLC v. City of Hoboken et. al. HUD-L-3804-12
- International Realty v. City of Hoboken, et. al. HUD-L-3867-12
- Neuman Leather Co. v. City of Hoboken HUD-L-6146-11

### OTHER LITIGATION

- City of Hoboken v. Shipyard Associates HUD-L-1238-12
- Block 112 Development, LLC v. City of Hoboken, Docket No. HUD-L-6010-10
- URSA Development v. City of Hoboken, HUD-L-6449-11



## **Summary of Money Spent Defending the City's Interests in Redevelopment and Land Use Litigation & Planning in Continuing/Ongoing Matters**

- Acquisition of Open Space Property (HC-201-6)
- Kane Properties LLC v. City of Hoboken, A-3903-10T4
- NJDEP v. City of Hoboken
- UGAZ and Theander v. Red Bridge Homes/Hoboken ZBA
- 100 Paterson Realty v. City of Hoboken, HUD-L-2981-11
- General Redevelopment Advice



## **Summary of Money Spent Defending the City's Interests in General Litigation in Continuing/Ongoing Matters**

- Castellano v. Zimmer, et. al. A-002559-12T4
- Castellano v. Zimmer, et. al. A-2053-12T4
- Mile Square Towing v. City of Hoboken HUD-L-5733-11
- In re Contest of the November 6, 2012 Election Results for the City of Hoboken, Public Question No. 2 HUD-L-5773-12
- Tax Appeals and Tax Board Cases
- Andriani v. City of Hoboken CSV 10214-2010N
- Andriani v. City of Hoboken A-004484
- Bond Counsel
- Affirmative Action Investigation AA-2012-018
- A&P Real Property LLC, Block 79, Lot 9, 614-632 Clinton Street



## **Money Spent Defending the City's Interests in Litigation Outstanding/Continuing**

**Labor/Litigation, Negotiation Matters      \$249,000.00**

- General Labor guidance on Civil Service, benefits, wage and hour issues
- Campbell v. City of Hoboken CSV-13994-2010N
- Arezzo v. City of Hoboken CSV-04026-2011N
- Tartaglia v. City of Hoboken HUD-L-6038-10
- Hoboken/Firefighter Vacation Accrual Arbitration L-L-2011-008
- Hoboken v. United Textiles Fabricators Corp.
- Police Dispatchers UPC
- Andriani v. City of Hoboken, A-004484-10
- Andriani v. City of Hoboken. CSV 10214-2010N
- Negotiation of Hoboken Municipal Supervisors Association labor contracts
- Negotiation of Hoboken Municipal Employees Association labor contracts
- City's Termination of a Construction Contract with EIC for repairs to the Pier at Castle Point and Sinatra Park
- James Marnell v. City of Hoboken, CSC-2012-2877
- Thomas Sweeney v. City of Hoboken, A-5011-11T1
- Daniel Chirino v. City of Hoboken, CSV-115441-2012N, CSR-14173-2012N
- Independent Affirmative Action Investigation – C.S. v. A.R.



## **Money Spent Defending the City's Interests in Litigation**

### **Outstanding/Continuing Rent Control Litigation**

**\$159,000.00**

- DeNardo v. City of Hoboken HUD-L-00690-10
- Taddese, et. al. v. Hoboken Rent Leveling & Stabilization Board & the City of Hoboken HUD-L-1460-10 consolidated with Heyert et. als. v. Taddese et. als. HUD-L-1247-10; Melaku et. al. v. Hoboken Rent Leveling & Stabilization Board and the City of Hoboken HUD-L-1108-11
- Megan Burns v. City of Hoboken HUD-L-4551-10
- Walsh v. City of Hoboken HUD-L-1659-11
- Tumpson v. City of Hoboken HUD-L-2375-11
- Burns II v. City of Hoboken HUD-L-474-11
- Rent Leveling Ordinance (rent Control Ordinance Chapter 155-1 et. seq.)
- Bloomfield 206 v. City of Hoboken HUD-L-3112-07
- Bloomfield 206 v. City of Hoboken II
- King v. City of Hoboken
- Rent Leveling Board Attorneys

# Special Counsel

Matter Type	Firm	January 1, 2013-April 30, 2013	January 1, 2013 - December 31, 2013
Litigation	McElroy Deutsch Mulvaney & Carpenter	\$25,000.00	25,000.00
Litigation	Chasan Leyner & Lamparello	\$4500.00	\$4500.00
Litigation	Florio & Kenny	\$7,500.00	\$9,000.00
Rent Leveling Board	Florio & Kenny	\$7,500.00	\$9,000.00
Litigation	Grieco Oates DeFillippo	\$10,000.00	\$10,000.00
Labor/Employment/Negotiation	Florio Perucci Steinhardt & Fader	\$25,200.00	\$43,000.00
Rent Control	Lite DePalma Greenberg	\$75,000.00	\$150,000.00
Labor/Employment	Weiner Lesniak	74,000.00	\$181,000.00
Redevelopment, Land Use, Litigation & Planning	The Buzak Law Group	\$35,000.00	\$85,000.00
Redevelopment, Land Use, Litigation & Planning	Maraziti Falcon & Healey	\$68,500.00	\$230,000.00
Redevelopment, Land Use, Litigation & Planning	McManimon & Scotland	\$45,000.00	\$95,000.00
Redevelopment, Land Use, Litigation & Planning	Vogel Chat, Collins & Schneider	\$50,000.00	\$200,000.00
Redevelopment, Land Use, Litigation & Planning	Weiner Lesniak	\$230,000.00	\$360,000.00
Tax Appeals/Special Tax Litigation	Vincent LaPaglia	\$18,000.00	\$96,000.00
Special Tax Litigation	Forman Holt Eliades Ravin & Youngman	\$1,000.00	\$1,000.00
Bonds	Parker McCay	\$5,000.00	\$10,000.00
<b>TOTALS</b>		<b>\$678,200.00</b>	<b>\$1,499,500.00</b>



## Comparison of Prior Years Budgets

### 2011

### 2012

- In 2011, \$760,000.00 was budgeted for Special Counsel and \$1,415,250.00 was actually spent.
- In 2012, \$1,547,000.00 was budgeted for Special Counsel and \$1,501,981.75 was actually spent.



## Projected Costs in Potential Litigation

- In 2012, many unanticipated intricate matters were added to the budget. These matters include: City of Hoboken v. Shipyard Associates, LLP, NJ Transit Redevelopment Project/Hudson Yards Redevelopment Agreement, URSA Development v. City of Hoboken, RDC Enterprises v. City of Hoboken, International Realty v. City of Hoboken, 118 Clinton Street v. City of Hoboken, In the Matter of A&P Property LLC, and Castellano v. Zimmer, to name a few.
- It is likely many more intricate development issues will arise in 2013.
- The City must be prepared to immediately defend itself.
- This City Council has made it clear that it will not vote for emergency appropriations or transfers; even though the 2012 budget demonstrates that the single transfer provided to this department (for Monarch) was not fully utilized and \$45,000.00 of the \$150,000.00 was cancelled.