

Office Of **Mike O'Connell** **Jefferson County Attorney**



Budget Presentation
June 09, 2021

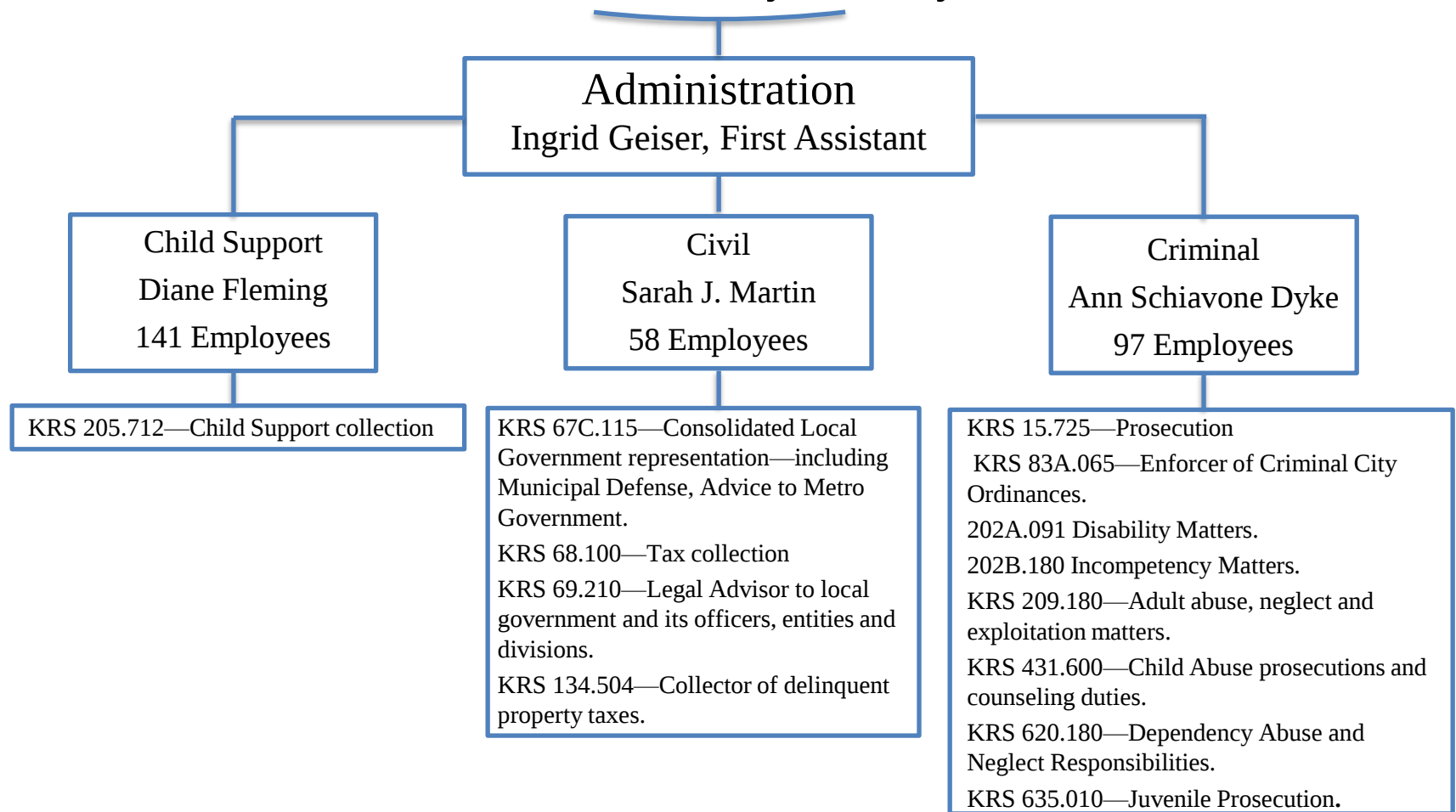
THE “COUNTY ATTORNEY SHALL . . .”

The County Attorney appears no fewer than 87 times in the Kentucky Revised Statutes. Those duties include:

- **KRS 15.245—Victims Right protection.**
- KRS 15.715—Special Prosecutions
- KRS 15.718—Training
- KRS 15.720—Reporting
- **KRS 15.725—Prosecution**
- KRS 15.727—Multidisciplinary Child Abuse intervention
- KRS 15.730—Special Prosecution
- KRS 49.330—Crime Victim Compensation
- KRS 65.065—Special District duties
- KRS 67.130—Prosecution of Civil Actions for damage to County Buildings
- **KRS 67C.115—Consolidated Local Government representation—including Municipal Defense.**
- **KRS 68.100—Tax collection**
- KRS 237.134—CCDW investigation and reporting.
- **KRS 69.210—Overarching Duties County Attorney**
- KRS 69.230—Protection of County Roads
- KRS 69.240—Collection of unsatisfied state judgments.
- KRS 70.273—Sheriff Merit Board Representation
- KRS 76.385—Sewer District representation.
- KRS 78.5302—County Attorney Employer duties
- KRS 83A.065—Enforcer of Criminal City Ordinances.
- KRS 99.727—Blighted property tax diversion duties.
- KRS 117.187—Election Officer Trainer.
- KRS 117.245—Investigator of voter qualifications.
- KRS 132.350—Tax Appeal representation of the PVA.
- KRS 133.120—Representation of the County and State in state tax appeals.
- **KRS 134.504—Collector of delinquent property taxes.**
- KRS 138.880 Illegal Drug tax collector.
- KRS 149.410—Forest Fire risk abatement prosecution.
- KRS 176.280—Department of Highways representation.
- KRS 177.082—Department of Highways condemnations
- KRS 186.574—Traffic Safety Programs
- KRS 186A.040—Representation of Dept. of Trans. For registration issues.
- KRS 189A.400 Review of interlock applications.
- **202A.091 Disability Matters.**
- **202B.180 Incompetence matters.**
- **KRS 205.712—Child Support collector.**
- KRS 209.180—Adult abuse, neglect and exploitation matters.
- KRS 231.090—Adult entertainment matters.
- KRS 249.187—Nuisance abatement on behalf of ag. Commissioner.
- KRS 262.748—Watershed Conservancy District rep.
- KRS 281.800. Dept. of Vehicle Regulations Motor Carrier.
- KRS 309.331—Prosecutor Diabetes violations.
- KRS 309.355—Massage License prosecutions.
- KRS 372.160--Litigation involving void contracts.
- KRS 416.110 Condemnation actions.
- KRS 431.073—Expungement duties.
- **KRS 431.600—Child Abuse prosecutions and counseling duties.**
- KRS 440.370, .375—Duties under extradition Act.
- **KRS 620.180—Dependency Abuse and Neglect Responsibilities.**
- **KRS 635.010—Juvenile Prosecution.**

Jefferson County Attorney's Office Organizational Chart

Mike O'Connell
Jefferson County Attorney



CIVIL DIVISION

The Assistant County Attorneys (ACA's) of the JCAO Civil Division represent more than 50 departments of Metro government, the Mayor's office, 26 Metro Council representatives, and numerous boards and commissions by acting as advisor, counselor and advocate, where appropriate.

Legislative
Services

Property

Employment
and Labor

Agency

Litigation

Tax and
Collection



Legislative Services

OUR ATTORNEYS AND STAFF: Hollie Hopkins, Alice Lyon, John Carroll, Jeff Derouen, Laura Ferguson, Travis Fiechter, Jason Fowler, Lauren Givhan, Robbie Howard, Natalie Johnson, Paul Rutherford, Anne Scholtz and Support Staff: Kathi Schadt



Legislative Services

Our work is driven by Council's legislative objectives and legal issues that arise.

Our legal advice and representation to Metro Council's 26 legislators in 2020 included:

- 181 Ordinances
- 133 Resolutions
- 108 NDF Ordinances
- 20 Formal Legal Opinions
- Approximately 500 research and information requests

Pandemic Related Legislation/Projects

- Created operating processes for Virtual Council and Committee Meetings, and special procedures for Virtual Land Use Meetings
- Covid Relief Fund
- Temporary Outdoor Dining

Protest Related Legislation Projects

- Anti-Doxxing
- Breonna's Law
- CR&AB & IG Board
- Use of Force Policy
- CR&AB & IG Board Work Group

OTHER NOTABLE PROJECTS

Metro Council Employee Handbook

Updated Metro Council Legal Services Guide

2021 General Assembly (HB 309)

Amendments and Additions to the LMCO:

- 411e Main TIF
- Accessible Parking Amendments
- Animal Abuse Registry Amendments
- Annexation Review Process Amendments
- Century Link Franchise
- Community Action Agency Amendments
- Conversion Therapy
- Equity Budget Review
- Fair Housing Amendments
- Forgivable Loans
- Golf Course Contracts and Rates Amendments
- Graffiti Amendments
- Heritage West Reverter
- Inter Carrier Network Franchise
- KBI Incentives
- LMCO Ch 51 Revisions and Bulky Waste Amendments
- Landherr Estates Annexation
- Nulu Marketplace Entertainment Destination Center
- Organ Donation Leave
- Paid Family Leave
- Residential Permit Parking Program
- Safety Zone
- SQF Franchise
- Swimming Pool Regulation
- Tobacco License Tax
- Whiskey Alley Entertainment Destination Center

Amendments and Additions to the Land Development Code:

- Apartment Amenities for Children
- Bowman Area Neighborhood Plan
- Changing Image Sign Amendments
- *Drainage Easements/Detention Basins Amendments
- *Heavy Truck Parking Amendments
- James Taylor Jacob School Neighborhood Plan
- Neighborhood Meetings Regulations Amendments
- Smoking in Retail Stores Companion Ordinance
- *Steep Slope Development Amendments
- Trees Canopy Amendments
- *Tyler Town Center Amendments

*Amendments introduced for review in 2020.

Property and Contracts

Our Property and Contract Attorneys assist Metro Government with all facets of its real property and contract needs. Examples of Departments in which our Property and Contract Attorneys play a critical role include the following:

-Develop Louisville: preparation and review of Development Agreements.

-Planning Commission, Board of Zoning Adjustment, Land Development Transportation, Landmarks Commission, Metro Council Planning and Zoning Committee: provide legal advice and representation on planning and zoning matters.

--Metro Parks and Public Works: acquire real property for public use through purchase and acquisition.

-Office of Resilience and Community Services, Public Health and Wellness, Office for Safe and Healthy Neighborhoods, Develop Louisville, Economic Development: reviewed 410 Grant Agreements for Metro Government.

--Office of Housing: prepared 42 loan packages for the Down Payment Assistance Program, 106 Grant Agreements for the Home Rehabilitation Program.

--Metro Government Agencies: reviewed and advised on 430 contract matters for various agencies within Metro Government.

Property and Contracts

LEGAL ASSISTANCE TO METRO'S COVID-19 RELIEF EFFORTS

Court Eviction Diversion Program

Program established by Develop Louisville, Office of Housing, with funding from the U.S. Treasury Emergency Rental Assistance Program, which enables Metro to provide assistance to eligible Tenants financially impacted from Covid-19 in order to prevent eviction

Small Business Continuity Loan Program

Program funded in part by METCO and administered by LHOME which provides small businesses with zero percent interest loans with no payments for 12 months in order to provide financial relief and prevent the permanent closure of small businesses during the pandemic.

METCO Loan Deferrals

Drafted 142 Loan and Mortgage Modifications for existing Borrowers to defer monthly loan payments and extend the maturity dates in order to reduce financial hardship for small business owners during the pandemic

Small Business Covid-19 Relief Loan Program

Created by Louisville Forward specifically to assist businesses affected by the Pandemic, and funded with \$2.9 million from the U.S. department of Commerce's Economic Development Administration, we assisted by preparing documents for 64 closings to facilitate disbursement of \$2.2 million to small businesses in need

Coronavirus Relief Fund Small Business Grant Program

Program established by Louisville Forward, Economic Development, with funding from the Coronavirus Aid, Relief, and Economic Security Act ("CARES"), to provide assistance to small businesses which endured financial hardship as a result of Covid-19; \$27.1 million was allocated to this program by Metro, and 824 grants were executed; we assisted with form preparation and compliance issues



Property and Contracts

LAND USE/ ZONING

Notable Cases:

- ***Peggy and Bryan Barber, et al. v. Top Golf USA Louisville***
Appeal of zoning decision. The Court of Appeals affirmed in Metro's favor on December 18, 2020. Plaintiff declined to appeal to Kentucky Supreme Court.
- ***Ann Ramser, et al v. Catholic Charities of Louisville Inc., et al***
Plaintiff challenged Metro Council's overturning of the landmark designation of the Holy Name complex granted by the Landmarks Commission. Circuit Court granted Metro's Motion to Dismiss for failure to name a necessary party (Metro Council). The decision was appealed to the Court of Appeals, and briefing was completed in December, 2020. Court of Appeals ruled in favor of Defendant, and Plaintiff's Motion for Discretionary Review was denied.
- ***Silver Hawk, LLC and R.J. Hawk, LLC v. Louisville/Jefferson County Metro Government***
Plaintiff challenged the method by which Metro Council hears ordinances and the number of readings required for proposed ordinances. Circuit Court granted summary judgment in favor of Metro on May 12, 2020 and the Order was not appealed.

Assisting Metro during Covid-19:

Helped Metro create the first, virtual meetings for the Planning Commission and Board of Zoning Adjustment, and later hybrid meetings.

EMPLOYMENT

The Employment section provides legal advice concerning labor and employment issues affecting the nearly 6,000 employees of Louisville Metro Government. These legal responsibilities and services include:

- 177 Disciplinary Reviews
- 8 EEOC Charges
- 28 Grievances
- 116 Legal Opinions/Reviews
- 6 Employment Cases with the Human Relations Commission
- 2 Unfair Labor Practice Claims
- 13 ADA/Reasonable Accommodations

AGENCY

Many of our lawyers are devoted partially or entirely to work of related Metro entities as well as boards and commissions. Here are a few highlights:

- **Air Pollution Control District (APCD):** We secured \$133,250 in penalties in 2020.
- **Metropolitan Business Development Corporation (“METCO”):** 27 small business loans closed in 2020, with loan proceeds totaling \$2,020,688.
- **KentuckianaWorks:** 23 Contracts or Contract Modifications completed in 2020.
- **Landbank Authority / Urban Renewal:** 82 deeds transferring property from Landbank to new owners; reviewed 18 deeds where property was donated; and prepared 17 deeds transferring property from Urban Renewal to new owners.

Other major entities that require significant legal representation include: Revenue Commission, PARC (Parking Authority), LAGIT / LAGGIT, Board of Health, Office of Jefferson County Coroner, Waterfront Development, Solid Waste Management District, PVA for Board of Claims, Board of Elections, and Metro Alcoholic Beverage Control.

LITIGATION



Civil Litigation

- Notable trends in Litigation:
 - No jury trials or in-person hearings after March 2020.
 - Increase in new lawsuits filed in 2020 against Metro.
 - Increase use of Outside Counsel hired to represent police officers in new cases filed against LMPD.
 - Increase in Open Records lawsuits and appeals to the Kentucky Attorney General's Office.
 - Increase *Habeas Corpus* petitions at Corrections.
- Successes for Metro in 2020:
 - We obtained \$325,807.00 for our criminal justice partners through civil forfeitures.
 - Our litigators won dismissals in 33 cases and settled 22 cases.
 - Strong Appellate Practice

TAX & COLLECTIONS



Collected \$10,646,272.32 in delinquent taxes; 18% DECREASE from 2019.



92% of the funds collected stay in the community with 40% (OVER \$4 MILLION) going to Jefferson County Public Schools



Delinquent Tax Payments to Louisville Metro \$1,912,576.06



Recovered \$597,367.36 in IPL/OMB liens. Helping clean up the community.

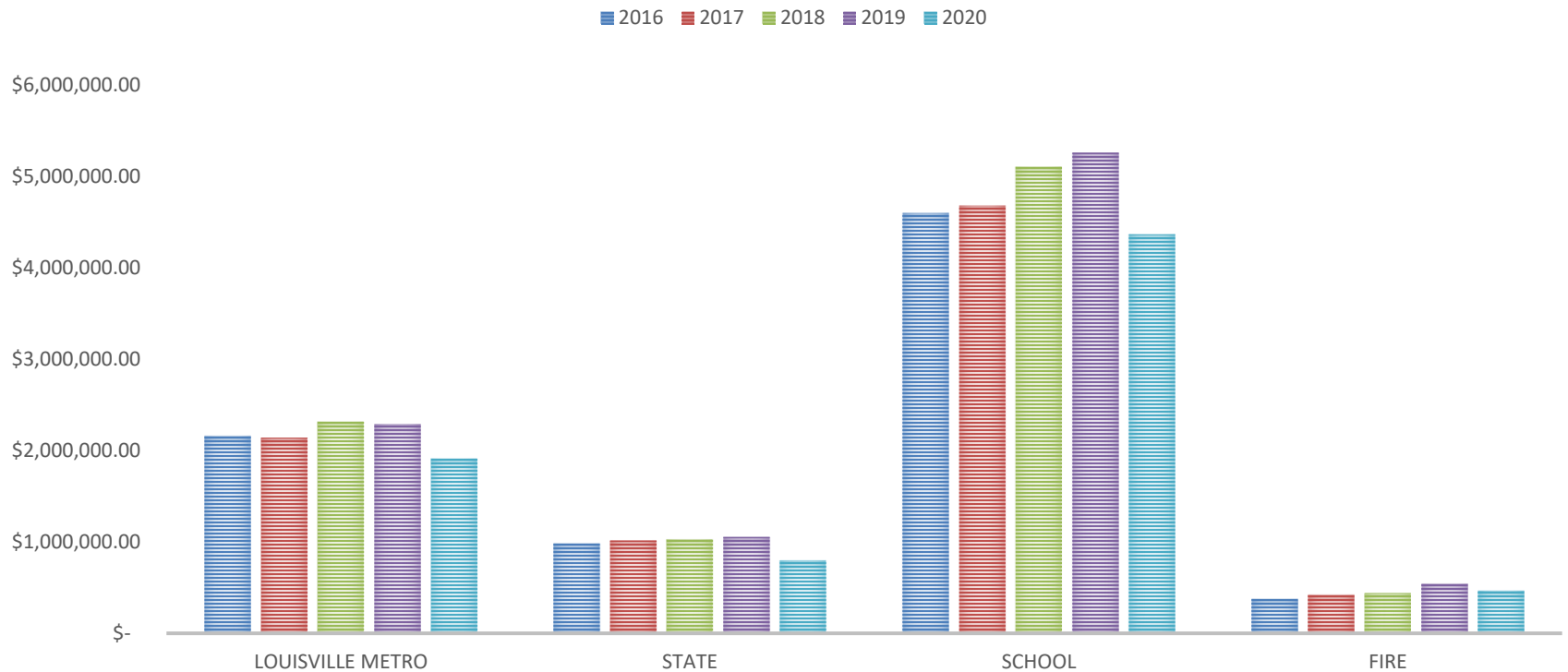


\$2,552,081.21 in direct payments to Louisville Metro!!

\$10,830,355.16

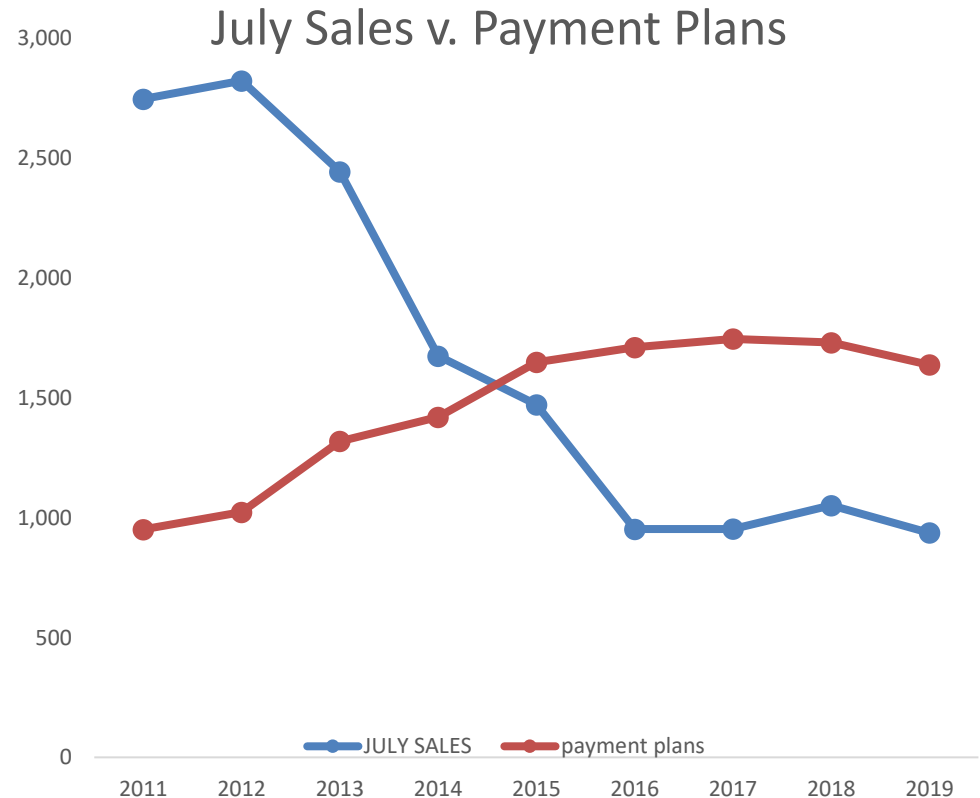
COLLECTED FOR LOUISVILLE METRO OVER LAST FIVE YEARS!!!!

DISTRIBUTION COMPARISONS 2016-2020



Tax Payment Plans

- The County Attorney's Office initiated a program to aid individual taxpayers to stay in their homes and avoid foreclosure. Just this past year, 1,637 of the 2019 tax bills were put on payment plans, allowing homeowners to take advantage of our program while at the same time reducing the amount of tax delinquencies sold to outside collectors, again outpacing those tax bills sold to third parties at the tax sale. Over 2,600 tax bills are currently on payment plans!
- **NO ONE WAS REMOVED FROM A PAYMENT PLAN IN 2020 DURING THE COVID-19 STATE OF EMERGENCY**



ANSWERED OR FILED 422
FORECLOSURE ACTIONS
OVER 3,000 ACTIVE CASES

COVID EFFECT ON THE COURT
SYSTEM:
52% DROP IN METRO
FORECLOSURE CASES

LITIGATION

IPL COLLECTIONS CONTINUED,
CLEANING UP PROPERTIES
THROUGHOUT METRO

CIVIL JUDGMENT
COLLECTIONS INCREASED BY
32%



10/1/2018
Louisville
Metro refers
abandoned
property



10/2/2018
Complaint for
Delinquent
Taxes Filed



1/17/2020
Judgment
Entered



3/6/20
Metro bought
at Master
Commissioner
Sale for
\$16,000.00
CREDIT BID



7/8/2020
Metro sold to
Mirage
Properties III
LLC for
\$12,000



Mirage
Rehabbed

3410 W. Market Street



LG&E Rate Intervention

- LG&E filed a petition with the Public Service Commission to increase its electric and gas revenue by \$161 MILLION.
- Request included a \$6.00 monthly increase to the Residential Basic Service Charge.
- Metro joined Lexington to Intervene.
- No increase to Residential Basic Service Charge.
- Lowered LG&E's Request by 37% OVERALL and by 69% in Lighting!!
- 4 year "stay out" for base rates until July 1, 2025.
- Annual shareholder contributions for low-income assistance increases by 7% -- the same percentages as overall increases in revenue requirements.
- Metro finally able to convert all streetlights to LED without increasing city's lighting budget.

CRIMINAL DIVISION

WARRANT INTAKE

Jennifer Yancey

SPECIAL VICTIMS' UNIT

Erin White

DOMESTIC VIOLENCE INTAKE
CENTER

Jeff Metzmeier

DUI

Paul Richwalsky

ARRAIGNMENT

Cristin Southard

FAMILY COURT

Ingrid Federspiel

MENTAL
INQUEST/GUARDIANSHIP/CASEY'S
LAW, TIM'S LAW

Claudia Smith

ORDINAL VIOLATIONS

Susan Jones

JUVENILE COURT
Henry "Scooter" Bell

GENERAL CRIMINAL DIVISION

- More than 61,719 cases.
- Handle serious violent offenses at the early stages, all misdemeanors, and violations. The number of felony cases has increased, thus increasing the volume of probable cause hearings, some of which require a great deal of preparation. Ex. Robberies, Murders, etc.
- Work closely with LMPD to obtain high bonds for dangerous offenders.
- Conduct hearings quickly in both adult and juvenile court to transfer cases to circuit court.
- Special emphasis on gun crimes/violent offenses.

BY THE NUMBERS

Metro and Taxpayer Investment:

- Domestic Violence Intake Center
 - 3000 victims of domestic violence, sexual assault, stalking and child abuse served; (281 Limited English contacts)
- Special Victims' Unit
 - 3625 domestic violence and sexual assault cases;
- Mental Inquest, Disability, Guardianship, Casey's Law, and Tim's law
 - 3,000 contacts

BY THE NUMBERS Cont.

- Juvenile Court
 - 1078 Public Offense Complaints (39.5% resulting in a diversion program and 131 Restorative Justice cases).
- Community Services - Diversion and Restitution
- Dependency Abuse and Neglect Docket
 - 3674 Cases
- Warrant Court Intake
 - 4408 citizen and police contacts;

COMMUNITY SERVICES

Restitution and Diversion

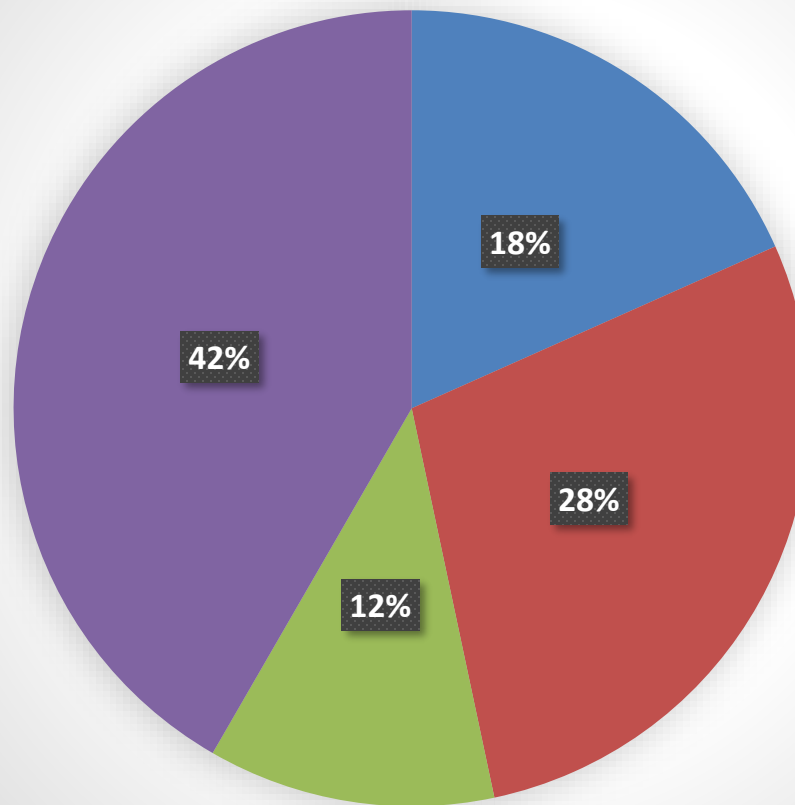
- 2019 - \$1,229,910.00 restitution collected
- 2020 - \$499,591 restitution collected
- 2021 - \$293,697 restitution collected YTD
- All monies collected are for victims of crime. JCAO does not charge for this service nor do we collect any fees

RECRUITMENT & RETENTION

- 97 total employees – 9% decrease from last year
- Lost 28% of our attorneys in the last FY
- Humana, Commonwealth Attorney's Office, other County Attorney's, private practice
- 7 open positions
- 11 attorneys 1-5 years of experience
- 17 attorneys 6-10 years of experience
- 7 attorneys 11-15 years of experience
- 25 attorneys 16+ years of experience – losing 3 before the end of the year

ATTORNEY EXPERIENCE

Distribution of Experience

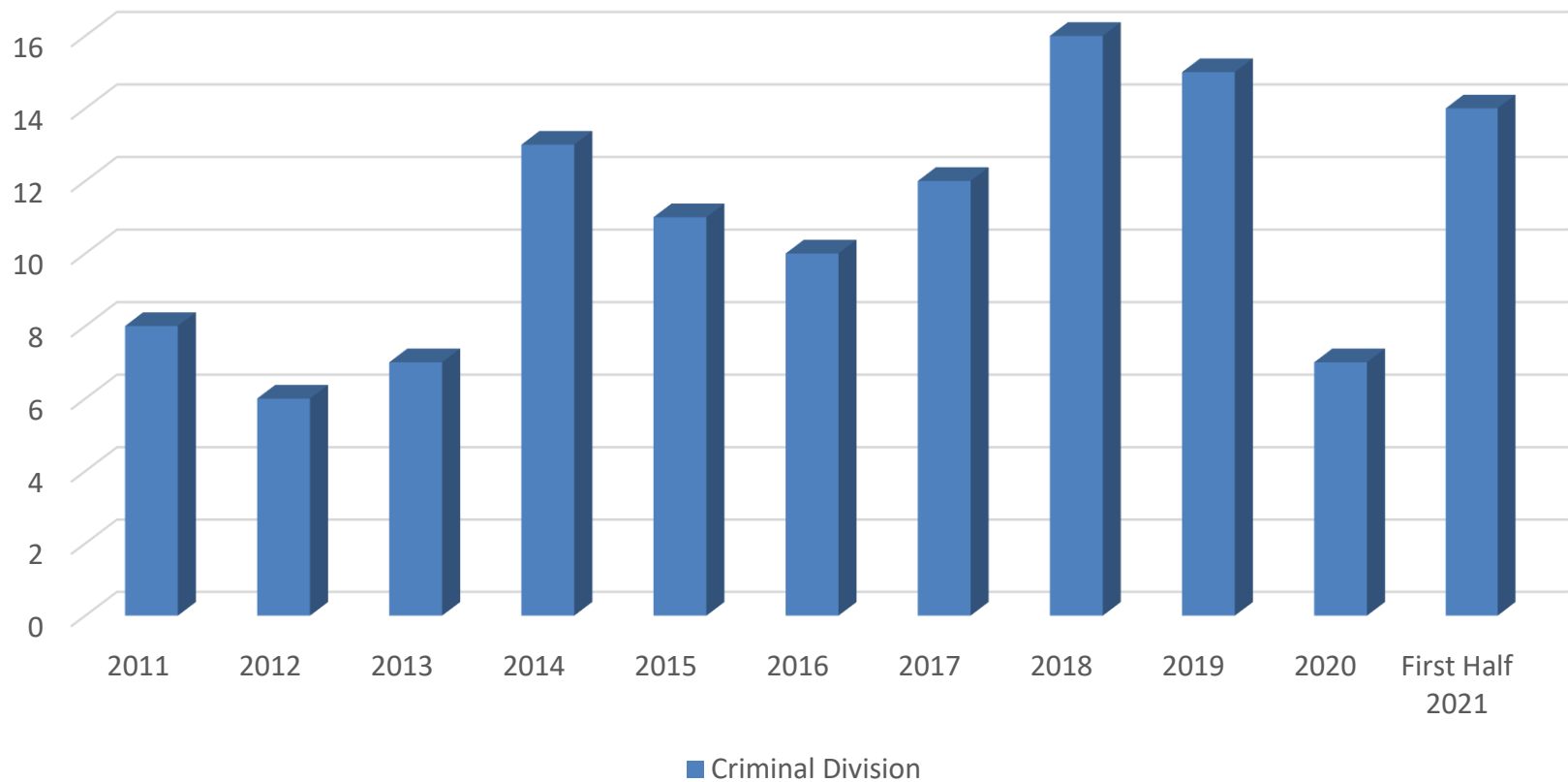


TOTAL ATTORNEYS: 60

- 1-5 years
- 6-10 years
- 11-15 years
- 16+ years

ATTORNEY TURNOVER

Criminal Division Per Fiscal Year



SPECIAL PROGRAMS

- Diversion programs: DUI offenses, Domestic Violence offenses, and general criminal offenses
- Drug Court
- Mental Health Court
- Restorative Justice Program Juvenile Court
- Restorative Justice Program Adult Court
- Traffic Safety Program: Drive Safe Louisville
- Veterans Treatment Court



Child Support



- \$9,234,760 budget
- 52,298 (as of May 2021) open cases
- 140 employees
- \$0 of Metro funding

JCAO Metro Budget

A	B	C	D	E	F	G	H	I	J	K
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY21	FY22 proposed			
	Original Budget	Original Budget	Original Budget	Original Budget	Original Budget	Original Budget	Original Budget			
Approp from Fun Bal	\$ 7,692,800	\$ 8,007,800	\$ 8,624,700	\$ 9,115,500	\$ 9,175,100	\$ 8,992,900	\$ 10,159,100			
Salaries	\$ 5,162,100	\$ 5,357,000	\$ 5,513,200	\$ 5,584,900	\$ 5,506,600	\$ 5,378,800	\$ 5,744,600	2.86% increase from FY19		
Benefits	\$ 1,882,000	\$ 1,982,000	\$ 2,160,000	\$ 2,453,800	\$ 2,528,100	\$ 2,428,900	\$ 2,760,900			
Total Personnel	\$ 7,044,100	\$ 7,339,000	\$ 7,673,200	\$ 8,038,700	\$ 8,034,700	\$ 7,807,700	\$ 8,505,500			
% salaries increased over prior year		3.78%	2.92%	1.30%	-1.40%	-2.32%	6.80%			



Office Of Mike O'Connell Jefferson County Attorney

Questions?

