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**January 5, 2015**

**Legal Report  
For December 2014**

During December 2014, the following areas of note were addressed by the City Attorney's office:

**Council**

Attend pre-council, conference with members; Prepare for and attend Council meeting; Conference with Mayor; Conference with Councilors and department heads; Reviewed revised anti-nepotism packets and the amendments to the Indiana Code, Emails with Mayor's staff regarding completion by year end; Review email from Clerk staff regarding code revisions for new districts, review code revisions necessary to update to Class 2, Review state website to identify agencies to notify of second class city status, telephone calls and emails to State Auditors, Treasurer, Governor, draft letter re same.

**Board of Works**

Review agenda; Conferences with Mayor and attend BOW meetings; Attend department head meeting; Conference with department heads; Phone conference with HRC Chair regarding Confederate Flag issue, email to City Attorney; Conference with Mayor PC regarding parking control and NRT complaint procedures; Review records request from Journal and Courier regarding HRC, Phone conference with Betina and Megan regarding past complaints filed in 2010-2014, phone conference with Clerk staff regarding Ordinance 11-68, detailed email to Taya Flores at J&C, email to HRC chair and members regarding J&C inquiry; Research Indiana statutes and case law on clerk's duty to preserve records, prepare memo to E. Burns, review legal memo on records statute, prepare Memorandum Of Understanding on Historic public records; Review body camera policy for hospital, conference with WLDC regarding body camera policy; Multiple emails to T. Clark regarding Travelers water damage claim and need for insurance policy, Conference of City Attorney and E. McKinnis; Prepare letter to MBAH regarding Jurich Tort Claim Notice, review email and telephone call to Travellers claim professional, email to city staff to begin investigation, Telephone call from, email with and conference with J. Olds esq., review agreed order, complete entry of order on subpoena, email to claims professional, prepare

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appearance; Attend to special purchase and sole source memos from S.S., telephone call to same; Review Order on Summary Judgment regarding Winters claim, conference with PC, arrange telephone conference call.

### **Wastewater Utility**

Attend to RL Turner matter, review letter drafts, numerous emails, continue to determine strategy to close out contract, review several emails and attachments with change order and calculations, review numerous emails regarding retainage calculations, conference with CE and Superintendent, meet with Mayor and CE, review numerous emails regarding RL Turner strategy for closing project; Attend to IAW rate case with review of several emails and proposed filing, review filings at IURC, order and schedules, review emails from P. Parvin esq.; Attend to Cattail Trial with review of several emails and easement grants with exhibits; Review praecipe for sheriff's sale in Tarter matter; Attend to SRF Final Refunding Bond 2014, review closing documents, transmit for signatures at Morton, review numerous documents sent by Clerk staff for SRF preclosing, telephone call with bond counsel, review email re same and review documents received from remonstrator, begin document review to render opinion letter, review email from bond counsel regarding Opinion letter, telephone call to bond counsel regarding same, accumulate documents for review via Clerk staff, review and annotate same, draft opinion letter, conference with C. T. and Superintendent, review email from bond counsel, review notes from review of city file on Guaranteed Savings Contract, finalize and transmit opinion letter, review drafts of GSC Agreement and related documents from superintendent, review numerous emails with closing and funding details among working group, emails to/from bond counsel regarding opinion letter in SRF Bond 2014; Discussion with City attorney regarding WWTU collection history, brief review of accounts from WWTU plant.

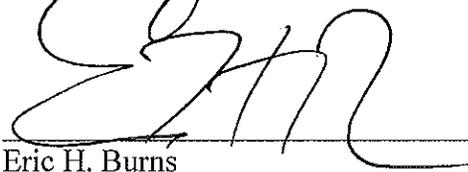
### **Development**

Review materials regarding disannexation, conference with associate and staff regarding same, prepare Disannexation Order, review email inquiry from Clerk staff and respond regarding disannexation notification procedure, respond to emails with the clerk's office regarding follow up steps to the order; Participate in conference call with consultants and working group on State Street, review file to compile task list, Meet with working group on State Street plan, conference with Mayor et al regarding financial planning; Review Cube and Morrison Agreements, respond to client; Telephone and email communication with appraiser Tom Morlan regarding Hotel appraisal on Tapawingo; Review Smitty's plat and other related documents to determine title clearing procedure on street

**Code Enforcement**

Email with staff at WLPD re parking control contract, conference with WLPC on enforcement investigation on citizen complaint; Attend to Yu ordinance case with review of appearance and motion to waive initial hearing from B. Dekker, instructions to paralegal regarding ticket, report, and hearing, reviewed officer narrative, phone conference with clerk, phone conference with B. Dekker, email to clerk to continue initial hearing, draft letter to adverse counsel, memo to paralegal re discovery; Attend to Denhart noise ordinance matter with phone conference with attorney J. Sorensen, instructions to paralegal regarding ticket and report, reviewed police report and ticket, instructions to paralegal regarding discovery, draft letter to adverse counsel; Review NRT response to Councilor regarding Britton complaint; Review HAB proposed findings regarding Ryan, draft letter to T. Brooks, meeting with T. Brooks regarding Housing Appeals Board remedies following hearing, legal research regarding same; Legal research on enforcement procedure including state statute and case law, conference with E. McKinnis to discuss additional research; Attend to Basil Ryan litigation matter with preparation of findings of fact and conclusions of law, additional review of the exhibits, conference with E. Burns, preparation and review of letter to T. Brooks, e-mail to D. Dixon and R. Walker reviewed Board's decision; e-mail exchange and phone conference with D. Dixon to discuss decision and conditional certificate, reviewed draft conditional rental certificate; e-mail to D. Dixon, conference with Z. Williams to discuss appeal issue, multiple emails exchanged with D. Dixon; conference with E. Burns to discuss appeal issues, reviewed case law on ordinance enforcement statute, conference with E. McKinnis and E. Burns, e-mail to J. Schrier, research Indiana statutes and case law.

Respectfully Submitted,



Eric H. Burns