



2023 Departmental Report

A photograph of a wooden bookshelf filled with numerous old, leather-bound books. The books are arranged on several shelves, and the lighting is warm, creating a professional and scholarly atmosphere.

City of Lima Law Department

SUBMITTED TO LIMA CITY COUNCIL

**ANTHONY L. GEIGER, LAW DIRECTOR
JUNE 17, 2024**



About Us

"In fact, the various bodies of law which comprise the "field of municipal law" are so vast that it would probably be easier to cite what is not the "field of municipal law" than what is." - State ex rel. Halak v. Skorepa, 6 Ohio St. 3d 97, 98. (1983).

Each year the Law Department works in conjunction with every City department, providing appropriate legal guidance, and helping to contribute to the efficiency and smooth operation of the City as a whole, and 2023 was no different.

During 2023, the Law Department implemented new case management software in both the Civil and Criminal Divisions, being the first City department to do so as part of the SmartCities Initiative project. The Law Department also accomplished the reclassification of certain staff members, along with reformatting the City's partnership with Crime Victim Services due to changes in victim advocacy that came about with the passing of Marsy's Law.

This report details some of the major functions of the Law Department, providing insight into the work performed by the Criminal and Civil Divisions. Attorney-client confidentiality prevents a detailed public presentation of many of the functions of the Law Department. Like every other City department, the amount of work to do in the Law Department often exceeds the time and human resources available to perform the work as quickly or efficiently as may be desired. Nonetheless, I am proud of the accomplishments of the Law Department in 2023, and I look forward to working together towards the City's continued success.

Law Department Staff

Anthony L. Geiger	Law Director
Eric M. Pheneger	Deputy Law Director
Mariah M. Cunningham	Assistant Law Director
Derek A. Younkman	Assistant Law Director (Part-Time)
E. Richard Eddy	Chief Prosecutor
Joseph C. Snyder	Assistant Prosecutor
David S. Osborne, Jr.	Assistant Prosecutor (Resigned June 2023)
Dante D'Andrea	Assistant Prosecutor (Resigned November 2023)
Matthew A. Pheneger	Assistant Prosecutor
Amanda J. Hunsaker	Law Department Manager
Miranda N. Hatfield	Legal Assistant
Toni D. Manley	Legal Assistant
Kendra L. Moore	Legal Assistant
Brittany M. Parrish	Legal Assistant
Maria A. Jacomet	Legal Assistant

I hope this report will demonstrate to Council, the Administration, and the public how "vast" our duties are, and given our resources, how well we perform them.


Anthony L. Geiger, Law Director



Meet Our Staff



Anthony Geiger



Eric Pheneger



Mariah Cunningham



E. Richard Eddy



Joseph Snyder



Matthew Pheneger



Derek Younkman



Amanda Hunsaker



Kendra Moore



Miranda Hatfield



Toni Manley



Brittany Parrish



Maria Jacomet



Law Department Functions

The Law Department is divided into two divisions – civil and criminal.

Criminal Division

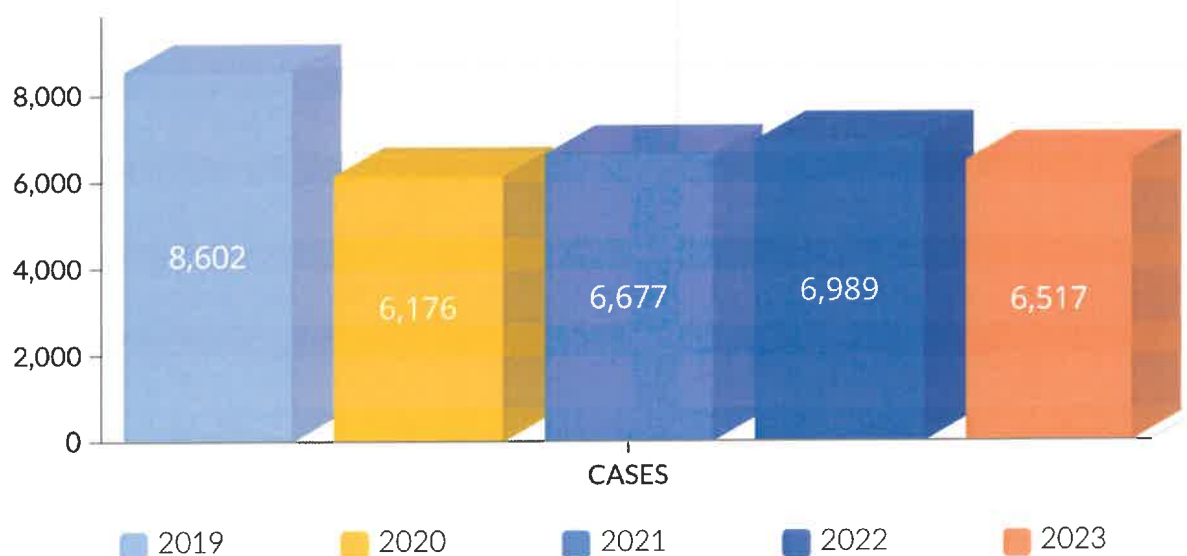
The Law Department criminal division is comprised of the staff of the City Prosecutor's Office.

In calendar year 2023 the Lima City Prosecutor's office handled approximately 6,517 misdemeanor criminal and traffic cases in Lima Municipal Court. This is a decrease of 7% from 2022; for a five-year average of 6,992 cases per year.

At the typical volume of cases, and with the low attorney staffing level, it is impossible to prepare cases the way a good prosecutor would like. Plea bargaining becomes a necessary part of the system in order to timely process cases.

Due to attorney staffing levels at the prosecutor's office, for 2023 it continued to be necessary for attorneys from the Civil Division to assist the Prosecutor's Office. This, of course, means that legal work can be delayed in the Civil Division.

Prosecutor Cases





Civil Division

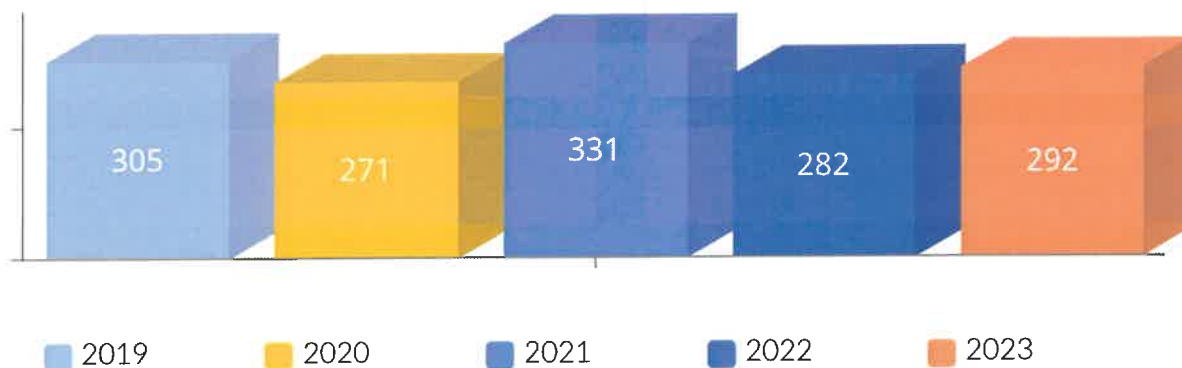
The civil division is responsible for the wide variety of civil legal matters for the City, and also provides assistance and support to the criminal division. The civil division of the Law Department handles legal issues that encompass every function of City government.

The Law Department is perhaps most visible through its attendance at City Council meetings, Council Committee meetings, and the preparation of City ordinances.



In 2023, there were a total of 29 City Council meetings, and a total of 11 Council Committee meetings attended by the Law Department. In 2023, there were a total of 292 ordinances prepared by the Law Department for council review making it the 7th highest number of ordinances since 1983. As for the City's Codified Ordinances, over the course of the year there were 2 new code sections/chapters enacted, and 23 code sections/chapters amended. The City Charter & Codified Ordinances continue to be hosted online by American Legal Publishing Corporation.

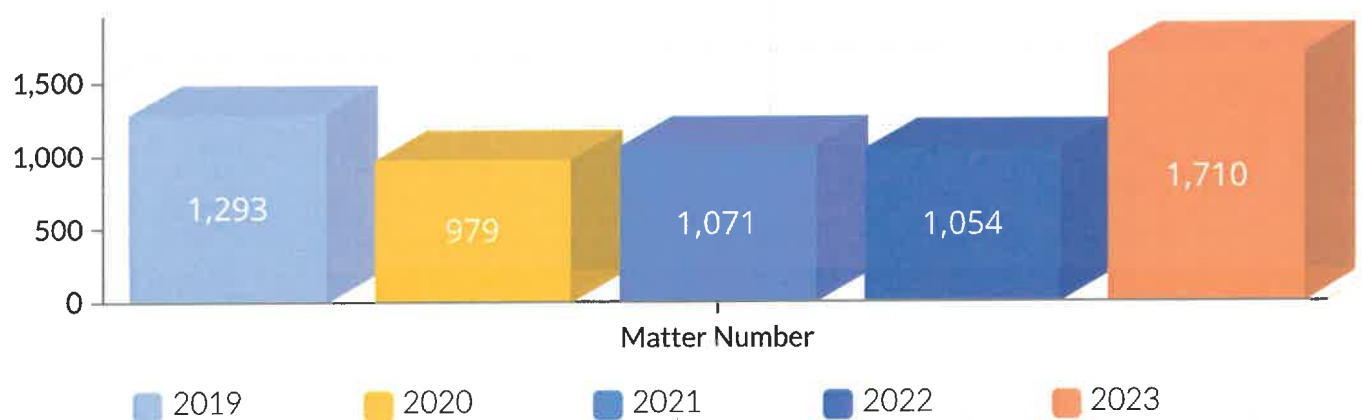
Ordinance History



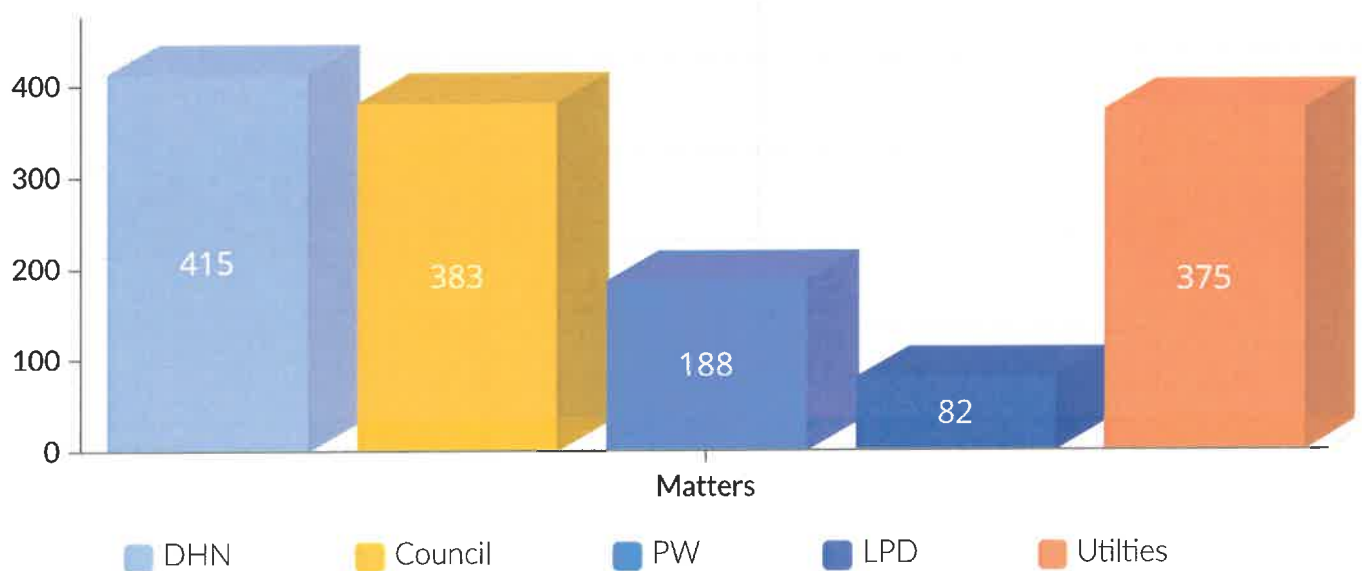


The Law Department comes into contact with every administrative department in City government – often on a daily basis. Over the last several years the civil division has acted upon the following number of legal matters, a five-year average of 1,221 matters per year:

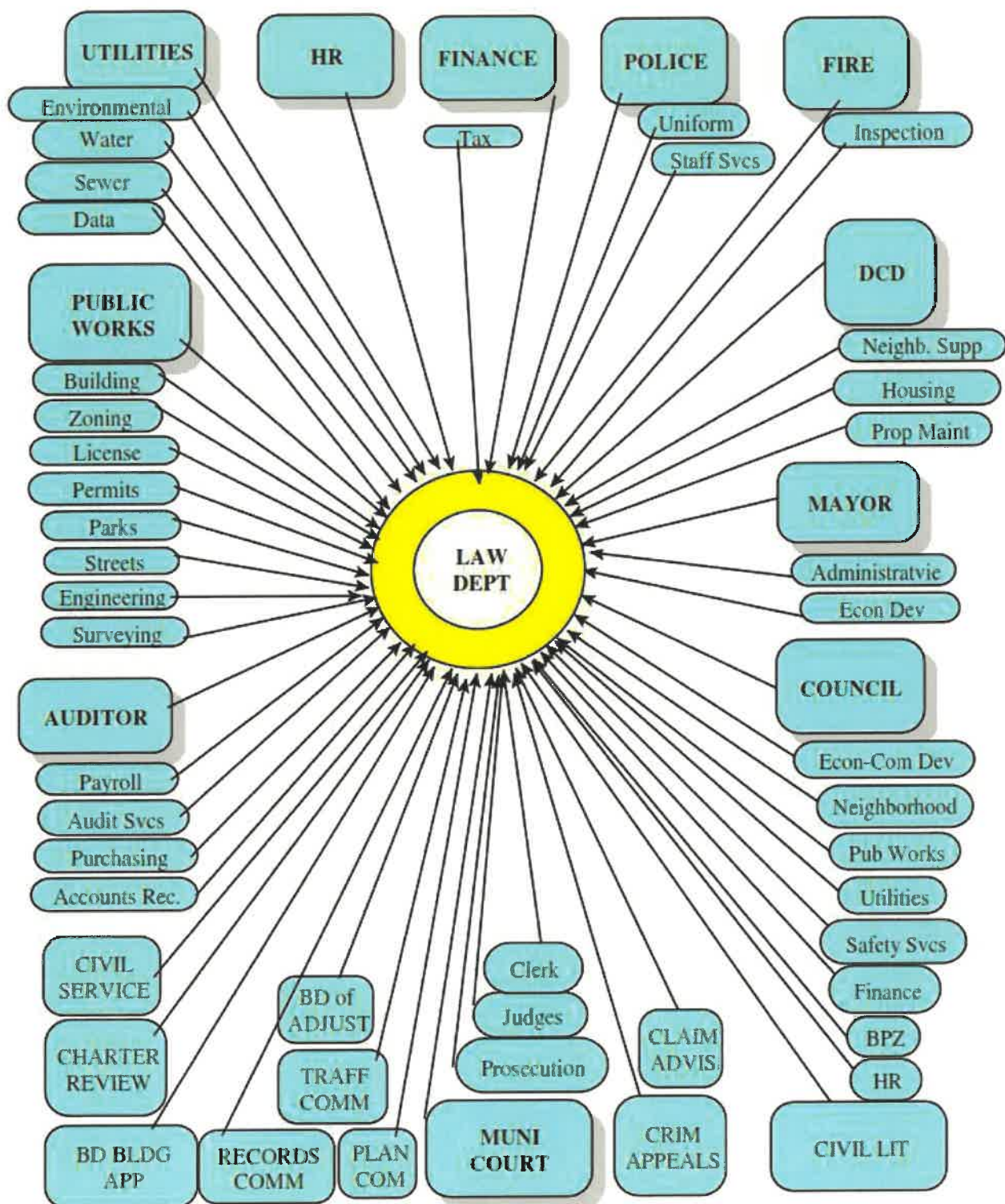
Legal Matters History



Highest Number of Matters by Dept.



The Law Department provides legal advice and services to or for the following offices and functions, represented graphically (not in any order):





Some specific examples include:

Community Development Block Grant Activities

In support of the City's CDBG funded programs the Law Department performs functions in the following areas:

- Title Searches
- Foreclosures
- Demolitions
- Contracts

This year the Law Department processed 142 Demolition Title Reports to assist the Building Department.



City Planning Commission

Modifications to zoning districts (map), zoning reclassifications, alley vacations, right-of-way dedications, and determining the location of public ways, grounds, and utilities are a few of the many matters heard before the City Planning Commission (CPC). The Law Department is present for CPC meetings, providing legal advice to the commission and drafting legal documents stemming from CPC decisions, including recording of ordinances and plats with the Allen County Recorder.



Board of Building Appeals

Appeals from building code and property maintenance orders are heard before the Board of Building Appeals. The cases involve orders of demolition and property maintenance issues requiring abatement of hazardous housing conditions. The Law Department provides legal advice to the Board and represents the Board in administrative appeals made to the Common Pleas Court.

Board of Adjustment

The Board of Adjustment reviews zoning determinations and has the authority to grant variances, special permits, and special use permits. The Law Department provides legal counsel to the Board of Adjustment on matters related to the interpretation or enforcement of the zoning code. Additionally a representative from the Law Department will conduct pre-hearing conferences if assigned, and assist the Chair in procedural matters related to adjudicative hearings.

The Law Department also supports administration actions related to the Board. Specifically, the Law Department assists staff by reviewing orders, investigating factual support for petitions when requested, and providing counsel on subsequent legal requirements, such as legislation or requests for appellate review.

Land Bank I & II:

Since the creation of the LAND Bank Program, the Law Department has provided legal advice and support services to the Community Development LAND Bank administrator and staff. The Law Department attends monthly LAND Bank committee meetings and coordinates with the Allen County Prosecutor's office to file appropriate foreclosure proceedings for the parcels approved by the committee. Once the property has been through the court process and is transferred into the City's LAND Bank, the Law Department prepares the necessary documents to transfer the property to the pre-qualified applicant. The Law Department also assists in the review and revision of LAND Bank policies and procedures.





LITIGATION

The Law Department is also involved directly, or in conjunction with the City's outside attorneys, in every lawsuit filed by or against the City. With the exception of the insurance company coverage and specialized legal services, all legal services are performed by the Law Department, which operates at a substantial savings to the City in comparison to using outside attorneys.



The City of Lima is one of many municipal and county governments participating in a nationwide lawsuit against the companies which make and distribute opioid prescription drugs. The lawsuit seeks to recover costs of law enforcement and emergency medical services from the opioid epidemic.

Although the lawsuit is not over, settlement agreements have been reached. The City has received \$84,426 to-date as the result of these settlements, with more payments to come. As of December 28, 2023, there were 5,283 documents appearing on the case docket. All documents filed are reviewed by the Law Department.





COLLECTIONS

General Collections

The Law Department collects money on the City's behalf for various departments. Collections include, but are not limited to: recovery of funds involving demolitions, property maintenance charges, utilities, false alarm fees, damage to City property, foreclosures, promissory notes, and money collected through bankruptcy. In 2023 the Law Department filed 150 lawsuits and collected \$211,226¹.

Collection History



¹ \$66,971 of this total was received as part of the Opioid Lawsuit settlement.

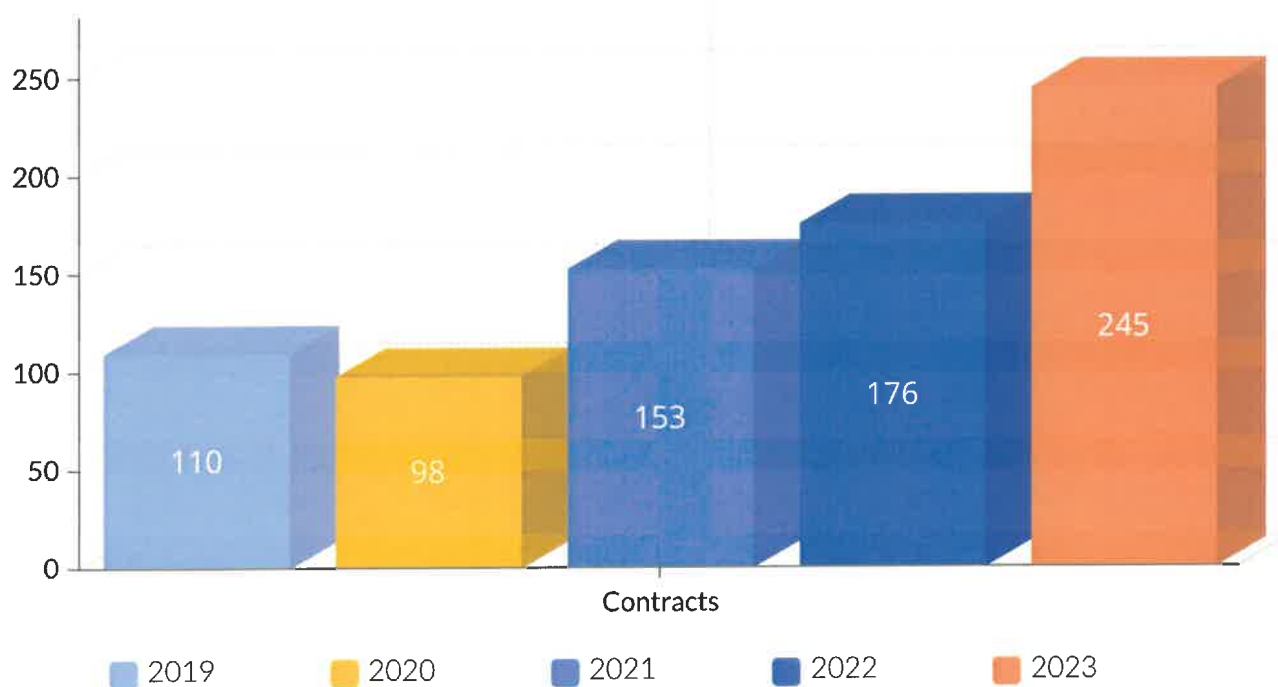
² In 2021 the City received \$498,190 for playground equipment from the estate of Gloria Jean Lawrence



CONTRACTS

Contracts are reviewed by the Law Department throughout the year, involving various City departments. In 2023 the Law Department reviewed 245 contracts. The total dollar amount of contracts reviewed in 2023 amounted to \$51,672,674.

Contract History





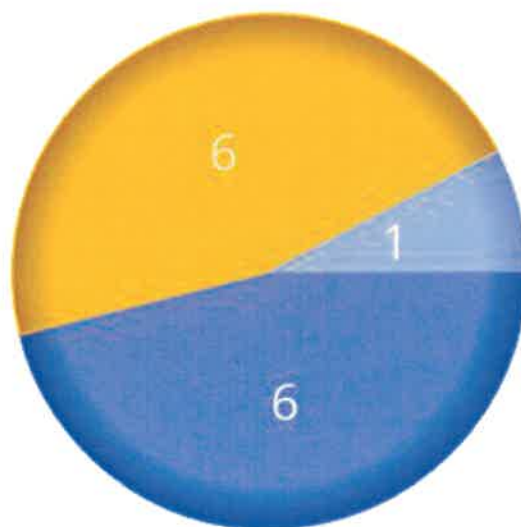
CLAIMS ADVISORY

The Law Department coordinates the claims advisory process when smaller, informal claims are filed against the City. A recapitulation of those claims is as follows:

Number of Claims Administered

Year	Number of Claims	Claims Allowed	Amount Paid
2023	13	3	\$946.00
2022	18	7	\$9,359.00
2021	21	4	\$9,637.00
2020	8	3	\$705.54
2019	21	5	\$1,947.00

2023 Claims Administered - Total: 13 Claims

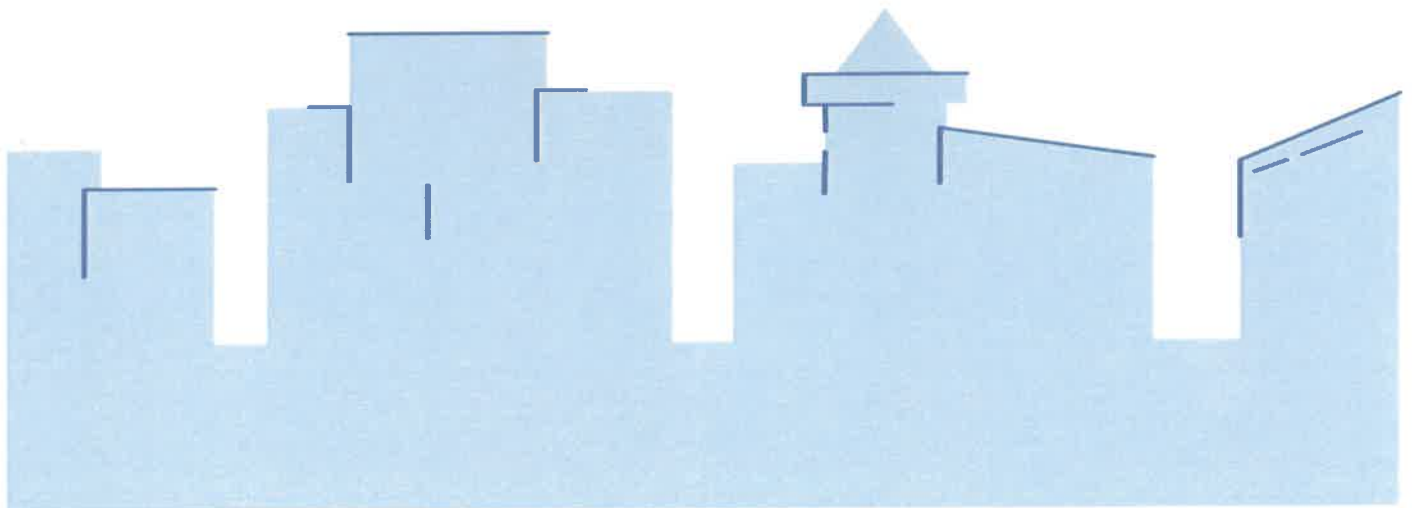


■ Utilities ■ Public Works ■ DHN



HIGHLIGHTS

- ✓ The Criminal and Civil Divisions began utilizing SmartCities software.
- ✓ Coordinated the acquisition of 113 properties from the Allen County Land Reutilization Corporation
- ✓ Everyone in the Law Department is Cybersecurity certified to avoid compromising sensitive information involving law enforcement and the court.
- ✓ Began assisting the Utilities Department with collections.
- ✓ A restructured partnership with Crime Victim Services so that our office is Marsy's Law compliant.
- ✓ Law Department reorganization of staff members and the development of the new Law Department Manager position held by Amanda Hunsaker.

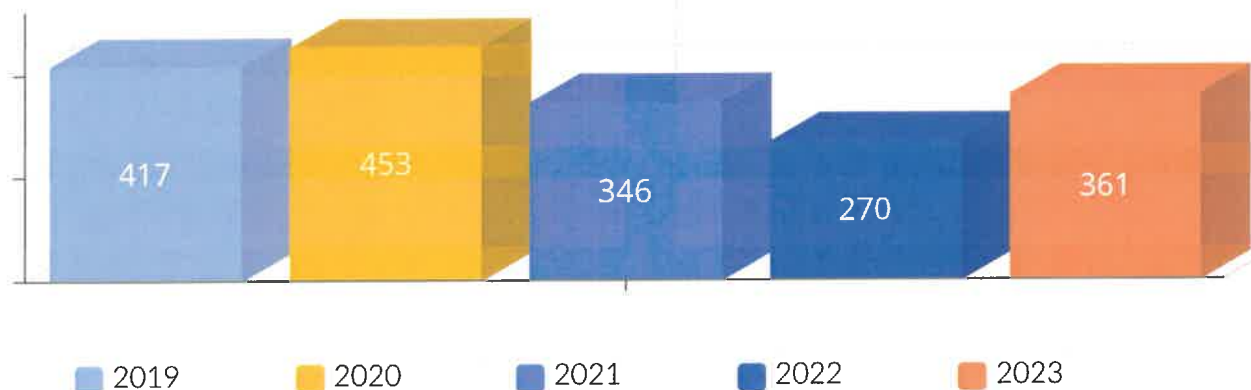




MEETINGS

Employees of the civil division attended a myriad of meetings throughout the year. In 2023, Law Department employees attended approximately 361 meetings, not including Council and Council Committees. This is an average of 7 meetings per week.

Meetings Attended



CONCLUSION

This report was designed to provide a brief overview of some of the major functions of the Law Department. Obviously, space — as well as confidentiality — precludes a full description of legal services in a report like this.

The countless hours of legal research, drafting, and analysis cannot be adequately described to understand their full importance to the operations of the City of Lima.

Abraham Lincoln is credited with the quotation that “a lawyer’s time and advice are his stock in trade.” The lawyers in the Law Department have 136 combined years of legal experience, and provide valuable advice to City officials. The Law Department support staff also have a combined 44 years of experience in legal support positions. The “stock” of the Law Department lawyers and support staff is indeed a valuable asset to the City of Lima.

Anthony L. Geiger
Law Director
June 17, 2024



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are his stock-in-trade.”