

Joseph W. Evans

City Attorney

Joe Evans

City Attorney's Report for November 21 , 2024 RCCM

Lawsuits Against the City and KPD

There is two active lawsuit pending against the City of Kotzebue at this time - (1) Luke Outwater vs. City of Kotzebue et al. There mater is set for trial in Kotzebue in March 2025. However, there are various dispositive motions pending which will be decided in the next several months. (The AMLJIA is providing defense and indemnity for the City in this civil matter.) Mr. Outwater has pled guilty in criminal court to Assault in the Fourth Degree for his conduct on September 8, 2022. Former KPD Sgt. David Cox has been assigned separate counsel by the AMLJIA in the civil lawsuit.

On Tuesday, June 18, 2024, the City was served with a Summons and Complaint in a case by Clement Barr Richards, Jr., captioned Clement Barr Richards, Jr. v. Maniilaq Association, Teck, and Kotzebue Police Department, 2KB-24-00006Cl. The case against KPD was dismissed by the Superior Court based on my ARCP 12(b)(6) Motion to Dismiss the Kotzebue Police Department for lack of jural authority. The case was subsequently moved to federal court.

Proiects

As the Council knows, I work with the City Manager, HR Officer, Department Heads and Supervisors on numerous personnel matters. (Note: personnel matters are by the KMC and State law confidential; therefore, I cannot identify the specific maters.)

I worked on the following matters/attended the following meetings since my last report:

- continued working on matters related to the Swan Lake Loop Failure with the City Manager, Public Works Director, DOWL and SOA including numerous phone calls, teleconferences
- extensive work on matters related to the October storm/flooding
- reviewed packet for and attended RCCM on September 23rd
- prepared numerous Resolutions and Ordinances (and extensive attachments/exhibits) for the November 21st RCCM – Resolutions 24-71, 24-72, 24-73, 24-74 and 24-75 and Ordinances 24-07 and 24-08
- worked with City Manager and Administrative Assistant on the Agenda for the November

21st RCCM

- continued work with NVOK and the Planning Director on conditions precedent and conditions subsequent regarding NVOK Real Estate Purchase Agreement for the land purchase near Ashley Johnson-Barr Park for NVOK Offices and Nikaitchuat Iļisaġviat
- continued work with DOWL, City Manager, Planning Director and Public Works Director on Water Treatment Plant issues
- reviewed weekly DOWL Services Agendas and reports for same
- reviewed various ABC and AMCO regulatory changes received throughout the month
- prepared for and attended Planning Commission meeting on November 18th via teleconference
- continued work with City Manager et al. on AHFC Housing Grant matters
- continued work with City Manager and KFD on Maniilaq Ambulance Contract matters
- worked on materials for Kotzebue Elders Council regarding House # 671 (Dickie Curtis)
- worked with the City Manager on various RFPs throughout the month
- worked with the HR Officer and Department Heads on numerous personnel matters throughout the month via extensive emails, texts and teleconferences
- worked with City Clerk and Council members for their attendance at December 2024 AML Local Government Conference in Anchorage
- worked with City Manager and City Council on administrative leave matters
- worked with City Manager on resignation issues
- worked with City Manager on transition plan
- worked with City Manager on consulting agreement
- worked with City staff on job description/job posting for City Manager position

I am also available 24/7/365 to the City Manager and Directors via teleconference, texts and emails for whatever issues/matters may develop and/or need attention.