

# CITY ATTORNEY'S OFFICE

## FY 2017-2018 Preliminary Budget

# City Attorney's Mission

The mission of the City Attorney's Office is to provide timely, accurate, and responsive legal advice.

The City Attorney is the legal advisor and counselor for the City Commission, the City's advisory boards and committees, the charter officers, and the City departments, officers and employees in their official capacities.

The City Attorney's Office prosecutes and defends lawsuits in which the City is a party. It facilitates the City's day-to-day operations by interpreting and applying the law to factual situations. The office also prepares and reviews ordinances and resolutions, interlocal agreements, contracts and settlements and other legal documents.

# Core Services

- To provide written legal opinions interpreting and applying the law to factual situations in response to requests for legal services.
- Draft ordinances and resolutions, interlocal agreements, contracts and settlements and other legal documents.
- Attend all Commission meetings and board/committee meetings as required or as requested to advise the City on the law regarding policy development and program implementation, and to interpret and apply the law to factual situations.
- To represent the City and its elected officials, employees, and advisory boards in litigation matters (except when the City's representation is provided either by contract or by a third party) and in administrative and quasi-judicial proceedings. This includes challenges to City ordinances, development regulations, inverse condemnation, employment actions, civil rights actions, torts, tax liability issues and foreclosure of City liens.

# City Attorney's Office Accomplishments To Date - FY 2016-17

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- Litigated the successful forfeiture of \$11,598 in cash for the North Port Police Department under Florida's new forfeiture laws.
- Filed two code enforcement lien foreclosure suits for Neighborhood Development Services in the Circuit Court.
- Worked with Neighborhood Development Services staff and Sarasota County Tax Collector and obtained \$42,273.79 toward payment of outstanding code enforcement liens paid from proceeds of a tax deed sale on Lot 7, Block 324, Parlay Lane, Parcel ID 0990-03-240.
- In-house litigation of appeal in the Circuit Court in and for Sarasota County initiated by The Woodlands Community Development District appealing the Orders rendered by the City's Hearing Officer in Code Enforcement Case Nos. 16-2036, 16-2037 and 16-3139.
- In-house defense of worker's compensation claim.

## Accomplishments FY 2016-17 (Cont'd)

- Ongoing legal work regarding the West Villages Utility Agreement.
- Ongoing legal work regarding the Atlanta Braves Spring Training Facility.
- Assisted City Clerk with procedures for Special Election for open Commission seat.
- Ongoing land acquisition for stormwater drainage related to Price Boulevard Widening Project.
- Researched and monitored developing legislation and relations of importance to municipalities, including State regulations relating to medical marijuana treatment centers and State and Federal regulation of wireless facilities in rights-of-way.
- Sunshine Law and Ethics training for City Advisory Boards; Quasi-Judicial Training for Planning and Zoning Advisory Board and Zoning Board of Appeals.

# Goals and Objectives

- **GOAL 1:** *Identify and reduce exposure to legal risks.*
- **GOAL 2:** *Evaluate all litigation promptly, resolving disputes where appropriate and vigorously prosecuting or defending the City's interests.*
- **GOAL 3:** *Facilitate the City's day-to-day operations by interpreting and applying the law to factual situations, and proceed as is reasonably necessary in the best interests of the organization.*

## Key Performance Measures FY 2016-17

The City Attorney's Office has opened 117 files to date in Fiscal Year 2016-17.

File totals since inception of In-House City Attorney Office in Sept. 2014:

*Total Files Opened to date: 1,222*

*Total Files Closed to date: 945*

- Attended approximately 51 Commission Meetings (including workshops, special meetings and district meetings) and approximately 26 Advisory Board hearings or meetings.
- Attended 3 court hearings in Sarasota County Circuit Court.
- Handled 15 new files involving Ordinances.
- Handled 19 new files involving Resolutions.
- Logged 1,316 hours of time in Legal Files Case Management Software.
- Provided 78 responses to Requests for Legal Opinions.

# Outside Counsel Billing Overview

Invoices Paid to Date in FY 2016-17  
From CAO's Outside Legal/Litigation Account  
(as of 4-21-17)

<u>FIRM</u>	<u>AMOUNT BILLED TO DATE</u>	<u>MATTER</u>
Persson & Cohen, P.A. (Maggie Mooney-Portale)	\$6,530.25	Special Counsel in Neuman Case
Lewis, Stroud & Deutsch, P.L.	\$4,932.85	Special Counsel in revisions to Amended and Restated Utility Agreement - West Villages
Lewis, Longman & Walker	\$1,104.00	Counsel for City Pension Matters
Tannenbaum Law Group (James Toale)	\$3,520.50	Special Magistrate to Code Enforcement Board



## Outside Counsel Billing Overview – Continued

Paid to Date in FY 2016-17

From CAO's Outside Legal/Litigation Account

(as of 4-21-17)

<u>FIRM</u>	<u>AMOUNT BILLED TO DATE</u>	<u>MATTER</u>
Williams Parker	\$3,960.00	General Employment Matters
Williams Parker	\$55,146.73	S. Connell Employment Grievance
Total	\$75,194.33	

# Sample Employment Grievance Case

## S. Connell Employment Grievance

### Fees and Costs to the City

**FIRM**

John Hament, Esquire and Staff  
(Williams Parker and Kunkel  
Miller)

**AMOUNT  
BILLED**

\$121,965.33

**MATTER**

S. Connell - Employment  
Grievance (Case settled for  
voluntary dismissal of grievance and  
arbitration by S. Connell in  
exchange for CONP's waiver  
of claims against S. Connell  
as to fees/expenses for Connell's  
cancellation of forensic doctor  
evaluation (\$9,041.43) and  
fees/expenses for cancellation  
of arbitration \$2,700). Each  
party agreed to pay its own  
attorney's fees and any other  
costs (CONP's other costs:  
Forensic doctor arbitration  
cancellation fee of \$5,000;  
Forensic doctor casework fees  
of \$35,783.51; Arbitrator  
arbitration postponement  
fee \$2,700; Arbitrator case  
work fees \$3,000).

**TOTAL CONP COSTS: \$58,224.94**

**TOTAL OF ATTORNEY'S FEES AND COSTS: \$180,190.27 (305 hours of work)**

## Sampling of City's Legal Bills Paid By Insurance Coverage

(as of 4-21-17)

<u>FIRM</u>	<u>AMOUNT BILLED</u>	<u>MATTER</u>
Henderson, Franklin: Attorney Fees Paralegal Fees Total:	\$21,934.50 <u>10,269.00</u> \$32,203.50	J. Lemay – Dog Bite Case Police Department (Case Settled - <b>\$300,000</b> )
Henderson, Franklin: Attorney Fees to date: Paralegal Fees to date: Total to date:	\$12,832.00 <u>4,734.00</u> \$17,566.00	C. Pasha – Slip and Fall (Case Settled - <b>\$30,000</b> )
John Makholm, Esquire Makholm Law Group	\$5,125.00	F. Lombard – Tort Claim (Case Settled - <b>\$100,000</b> )
John Makholm Makholm Law Group	\$4,275.00	V. Bland – False Arrest Police Department (Case Settled - <b>\$65,000</b> )

Sampling of City's Legal Bills paid by  
Insurance Coverage - Continued  
(as of 4-21-17)

<u>FIRM</u>	<u>AMOUNT BILLED</u>	<u>MATTER</u>
John Makholm <u>Makholm Law Group</u> Attorney Fees: Paralegal Fees:	\$3,150.00 <u>\$1,197.00</u> \$4,347.00	D. Drake – Dog Bite Case Police Department
<u>AND</u>		
<u>Henderson Franklin</u> Attorney Fees:	\$28,615.50	D. Drake – Dog Bite Case Police Department (Case Settled - <b>\$35,000</b> )

**TOTAL OF SAMPLES SHOWN: \$92,132.00**

## Budget Overview FY 2017-18

- Overall budget request of \$725,500, which is an increase of \$40,400 over FY 2016-17 of \$685,100.
- Operations budget of \$226,800, which is an increase of \$25,000 over FY 2016-17 of \$201,800.
- Personnel expenditures budget of \$498,700, which is an increase of \$15,400 over FY 2016-17 of \$483,300.