

OFFICE OF THE CITY ATTORNEY

Department Mission/Purpose Statement

We are dedicated to providing excellent legal services, consistent with the City's goals and objectives to the Mayor, City Commissioners, City Manager, City Agencies and Committees.

Department Description

Under Article III of the City Charter, the City Attorney is the legal advisor to the City and all of its officers on matters relating to their official duties and responsibilities.

The City Attorney prepares and reviews all ordinances, resolutions, contracts, and related legal documents.

The City Attorney also prosecutes or defends complaints, suits, and controversies, when the City is a party, before State and Federal courts, Special Masters and administrative agencies.

The Office is presently composed of ten (10) full time attorneys. The support staff consists of an office manager, a legal administrator, five (5) legal secretaries, a paralegal and a receptionist (who is shared with the Mayor's Office and the Office of the City Manager).

The Office does not generally establish public policy. There is a clear separation of powers between the City Commission (Legislative), the City Manager (Executive) and the City Attorney. There are occasions, however, when the City Attorney may initiate change. For example, the Office strives to develop new and more efficient methods of providing legal services (research, computer updates, document production, and continuing education). These initiatives are internal to the department.

The Office also addresses legal implications arising from proposed City action and takes steps to reduce potential legal risks or financial exposure. The City Attorney also advises the City Commission and Administration on changes in the law.

**City Attorney -
Jose Smith**

**Chief Deputy City Attorney -
Raul Aguila**

Transactions, Procurement,
Legislation, Ethics and Sunshine Law

**Chief Deputy City Attorney -
Don Papy**

Litigation, Civil Rights &
Constitutional Law, Labor Relations,
Appellate, Disability Law

**First Assistant City Attorney -
Debora Turner**

Legislation, Land Use, Code Compliance,
Appeals, Sunshine Law

**First Assistant City Attorney
- Steven Rothstein**

Foreclosures and Garnishments,
Litigation

**First Assistant City Attorney -
Gary Held**

Land Use, Litigation and Appeals

**Senior Assistant City
Attorney -Emomotimi Brisibe**

Personal Injury, Litigation

**First Assistant City Attorney -
Rhonda Montoya Hasan**

Building Department, Code Enforcement, Fire
Department, Litigation

**Senior Assistant City Attorney
- Rob Rosenwald**

Employment, Labor Relations, Civil
Rights, Litigation

**Senior Assistant City Attorney
- Aleksandr Boksner**

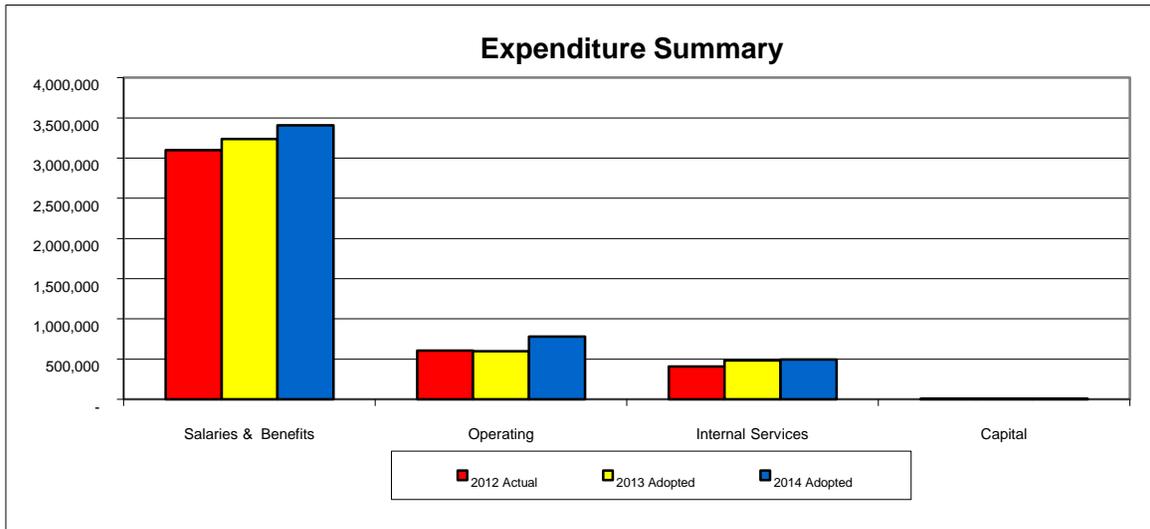
Forfeitures, Code Enforcement, Police Legal
Advisor, Litigation

Significant Prior Accomplishments:

- Drafted six Charter amendments which passed during the 2012 Primary and General Elections; successful handling of candidate and canvassing issues during local elections held November 2012.
- Drafted Resolutions relative to important local and national policies regarding firearms and assault weapons, bath salts, synthetic drugs, and the use of CDT funds for convention center development.
- Recovered unprecedented revenues from fines imposed by the Special Master for code violations, foreclosure of city liens and civil forfeiture proceedings.
- The City and Commission on Ethics successfully defended the Planning Director's interpretation, upheld by the Board of Adjustment, under City Code section 2-459, concerning a developer's inability to lobby on projects in which his business associate, a Planning Board member, was involved.
- The City successfully defended in the Appellate Division of the Circuit Court, and the Third District Court of Appeal, the Design Review Board's decision requiring a height reduction in a project, against a challenge by a developer to the Board's authority to impose reductions in height pursuant to the design review criteria.
- Prepared Easement Agreement with County – sewer main through South Pointe Park
- Successfully argued an appeal in the Third District Court of Appeals affirming the trial court's denial of a Temporary Injunction in a short term rental controversy.
- Successfully defended numerous police misconduct cases and personal injury lawsuits either through obtaining dismissals or favorable settlements.
- The City successfully sued the Police & Firefighter Pension Board and obtained a precedent setting Third District Court of Appeal opinion conclusively determining that collective bargaining is the final word on pension benefits and does not require a public referendum.

Departmental Financial Summary

<u>Expenditure Area</u>	2011 Actual	2012 Actual	2013 Adopted	2014 Adopted
Salaries & Benefits	2,993,526	3,098,951	3,236,625	3,408,000
Operating	569,162	605,599	597,867	780,000
Internal Services	435,823	407,157	482,553	494,000
Capital	0	623	955	2,000
Total	\$3,998,511	\$4,112,330	\$4,318,000	\$4,684,000
Budgeted Positions	18.67 + 0 PT	18.67 + 0 PT	18.67 + 0 PT	18.67 + 0 PT



Budget Highlights

- A significant component of the increase for all departments are increases in employee costs such as a maximum of 3 percent for CWA and 2 percent merit increase for other employees. Merit increases apply within existing pay ranges. The personnel services budget reflects a ten percent (10%) increase in health insurance costs over the FY 2012/13 experience.
- The budget reflects a net increase of \$175,000 or 29.7% from last year in City contributions to the pension plan. Pension increases are primarily driven by the continued recognition of investment experience losses in FY 2007/08 and FY 2008/09 as well as continued decreases in the assumption for rate of return on investments.
- Operating expenses are budgeted to be above the FY 2012/13 budget by \$182,133 or 30.5%. This is primarily due to increases in professional services and outside legal fees.
- The budget includes a \$11,447 increase in Internal Service Fund charge-backs primarily due to similar increases in salary, health and pension costs as described above.