

LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

# »» County Attorney's Office Index

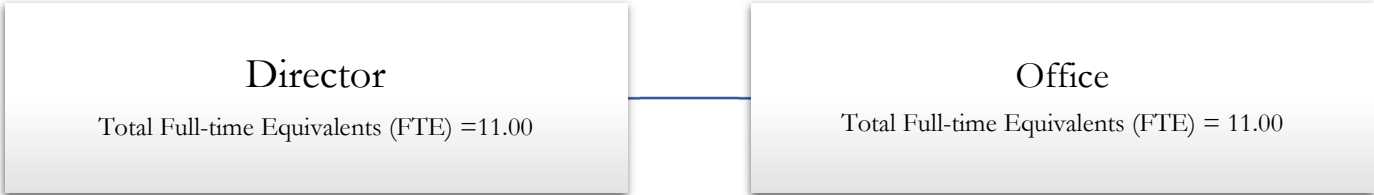
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LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

# »» County Attorney's Office Organizational Chart

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## LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

# County Attorney's Office

## Executive Summary

The County Attorney's Office section of the Leon County FY 2024 Annual Budget is comprised solely of the County Attorney's Office. This Office provides legal services to the Board of County Commissioners, the County Administrator, County departments, and certain boards and agencies organized under the Board of County Commissioners, unless they are separate legal entities or have their own legal counsel, and as otherwise directed by the Board. The Office also reviews contracts, bonds, ordinances, resolutions, and other written instruments.

### HIGHLIGHTS

The County Attorney's Office provides legal support to Leon County Government in a variety of areas, including the following litigation matters:

- Working with outside counsel to represent Leon County in the multidistrict opioid litigation against multiple opioid manufacturers, distributors, and retailers. The complaints include allegations of the manufacturer defendants' false, deceptive, and unfair marketing of opioids, as well as the distributor defendants' unlawful distribution of opioids. The Board has approved entering into numerous settlement agreements, as well as a Memorandum of Understanding with the State of Florida governing how the settlement proceeds will be distributed among the State and local governments. As provided in the MOU, all funds received will be divided into three funds (City/County Fund, Regional Fund, State Fund) after expense fund costs are deducted. It is currently contemplated that settlement payments will be paid out over 18 years, with use restricted to abatement and treatment of opioid use disorder and other limited uses. It is anticipated that most of the outside multidistrict litigation counsel will be paid through an attorney fund established at a national level, but a percentage of the local government distribution may also be used to fund attorneys' fees. On April 5, 2023, the Florida Attorney General's Office provided Florida cities and counties with partial estimated distribution numbers, and Leon County has started to receive disbursements. At the June 2022 Florida Association of County Attorneys Award Luncheon, County Attorney O'Steen was presented with FACA's annual Writing Award for her work related to the Opioid Litigation.
- Representing Leon County as a Plaintiff in the firearms preemption litigation, *Broward County v. State of Florida, et al.*; Circuit Court Case No. 2018 CA 882; *Nicole Fried, et al., v. State of Florida, et al.*; *City of Weston, et al., v. State of Florida*; Supreme Court Case No. SC21-917 and 918, wherein the Plaintiffs challenged the related penalty provisions in the Florida Statutes, which allow certain monetary damages and other penalties to be imposed against any individual who enacts or causes to be enforced a preempted firearm regulation. This matter has proceeded through the courts, and the Supreme Court of Florida accepted jurisdiction and directed briefs be filed by the parties on September 9, 2021. On January 19, 2023, the Supreme Court issued its Opinion, in which it affirmed the First District Court of Appeal's decision, holding that neither legislative immunity nor governmental function immunity prohibit the statutory actions and penalties in section 790.33(3)(c), (d), and (f), Florida Statutes.
- Handling *Leon County, Florida v. David Rainey, Shayna Rainey, U.S. Bank Trust National Association, et al.*, Circuit Court Case No. 2023 CA xxxx, an eminent domain case for the Maylor Road Accessibility Enhancement Project. Maylor Road experiences flooding during large storm events since the project area is located at the bottom of the Maylor Road Closed Basin. Known flood events have occurred in 1994, 2008 (during Tropical Storm Fay), 2014, and most recently in December 2018. The residences along Maylor Road within the project area are experiencing safety deficiencies resulting from these recurring flood events including impaired access to residential properties. The County will raise the elevation of Maylor Road and needs temporary construction easements for the purpose of driveway reconstruction and harmonizing project improvements.

Real Estate Transactions and Right-of-Way Acquisition, including:

- Assisting staff with the continued sales of County-owned real property appropriate for use as affordable housing, resulting in significant proceeds to the Housing Finance Authority of Leon County to be used for affordable housing.
- Preparing a resolution adopting an inventory list of all real property within Leon County to which the County holds fee simple title that is appropriate for use as affordable housing.
- Assisting with funding the gap for the second phase of the Orange Avenue Apartments Redevelopment Project, utilizing Federal Emergency Rental Assistance (ERA) funding, and handling the real estate closing on a forgivable loan. The project is intended to increase and preserve the stock of affordable housing through collaboration and

coordination with the City and the Housing Finance Authority of Leon County and enabled the developer to leverage significant tax-exempt financing.

- Overseeing the drafting of an affordable housing incentive joint ordinance with the City of Tallahassee.
- Reviewing lease agreements for County-owned properties, such as the Leon County Government Annex and the Lake Jackson Town Center.
- Acquiring utility easements, drainage easements, whole parcels, and other right-of-way needed for the County's capital improvement projects, including the Woodville area septic-to-sewer projects, the Maylor Road drainage improvements project, and the Old Bainbridge Road/Capital Circle NW intersection improvement project, the North Gadsden Street Sidewalk Project, the Belair/Annawood Septic-to-Sewer Project, and the Blountstown Highway Sidewalk Project to serve the Fort Braden School area as part of the Safe Routes to School Program.

Procurements, Transactions, and Assessments, including:

- Providing legal guidance in developing the solicitation and agreement for an exclusive franchise for solid waste collection services for unincorporated Leon County that would include competitive rates for residential and commercial customers.
- Assisting staff with the imposition of special assessments to recoup the costs of the Tower Oaks 2/3 Program for road improvements, as required by the 2/3 Program. The project included road upgrades, sidewalk replacement, and improvements to the stormwater control and drainage system associated with the roads.
- Assisting in the review and development of a Request for Proposals for qualified vendors to provide decedent transportation services for the Leon County Medical Examiner. Providing legal review on subsequent contracts with qualified vendors following the closing of the solicitation.
- Assisting staff with the solicitation of bids for renovation of existing warehouse space to provide a new 12,376 GSF evidence storage facility for the Leon County Sheriff's Office.
- Developing solicitations, assisting staff with procurements, and preparing agreements related to outside Bond Counsel and Disclosure Counsel.
- Providing legal support in developing the Syringe Exchange Program agreements, the springs restoration grant amendment for the Woodville Sewer System Project, and the TESLA Supercharger License Agreement for Huntington Oaks Plaza.
- Providing legal support to staff with updating special assessments for fire rescue, solid waste, stormwater management, and the Emergency Medical Services MSTU.

In the past 12 months, the County Attorney's Office has responded to nearly 1,400 requests for legal advice or assistance, including reviewing, preparing, and/or signing ordinances, resolutions, proclamations, agenda items, contracts, various housing, land use, and other real estate documents, as well as employment, procurement, and litigation documents, responding to public records requests and advertising public hearings. Included in this number are 416 agreements, 316 agenda items, 344 public records requests, 80 resolutions, 12 ordinances, and 11 policies. The County Attorney's Office worked with staff to develop and implement rules of procedure for the Trusted People Neighborhood Engagement Steering Committee, as well as trained staff and Committee members on compliance with the Sunshine Law and public records laws. The County Attorney's Office provided legal support to the Planning Department for the 2023 Comprehensive Plan cycle and the Department of Development Support and Environmental Management in the approval of all Land Development Code revisions and applications for development approvals. The County Attorney's Office also represents Leon County before the Tallahassee-Leon County Planning Commission, the Board of Adjustment and Appeals, the Code Enforcement Board, and the Development Review Committee. For the 2022 elections, the County Attorney's Office represented the Leon County Canvassing Board. Office personnel have assisted with significant revisions to the Code of Laws concerning the Leon County Energy Improvement District, Animal Control, Land Development Code, Pre-Development Environmental Analysis Reviews in the Environmental Protection Act, and Lake Protection, as well as amendments to various elements of the Comprehensive Plan. The County Attorney's Office continues to be active in efforts to keep the County's lakes clean and has worked diligently with the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency to reduce nutrient levels coming into Lake Talquin from Georgia, including implementation of the 2022 Lake Talquin TMDL Rule.

The County Attorney's Office has also been reviewing a notification from the Florida PACE Funding Agency (FPFA) purporting to materially alter the way in which it operates in Leon County. As authorized by the Board, the County Attorney's Office has issued a cease and desist letter to the FPFA. At the June 2023 Florida Association of County Attorneys Award Luncheon, County Attorney O'Steen was presented with FACA's annual Friend Award for her leadership on the FACA PACE Task Force, which she Chairs.

## LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

 County Attorney's Office

<b>Budgetary Costs</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Adopted</b>	<b>FY 2024 Continuation</b>	<b>FY 2024 Issues</b>	<b>FY 2024 Budget</b>	<b>FY 2025 Budget</b>
Personnel Services	1,514,824	1,604,759	1,649,700	-	1,649,700	1,700,516
Operating	247,553	574,729	575,769	-	575,769	575,769
Capital Outlay	5,212	-	-	-	-	-
Total Budgetary Costs	1,767,589	2,179,488	2,225,469	-	2,225,469	2,276,285

<b>Appropriations</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Adopted</b>	<b>FY 2024 Continuation</b>	<b>FY 2024 Issues</b>	<b>FY 2024 Budget</b>	<b>FY 2025 Budget</b>
County Attorney	1,767,589	2,179,488	2,225,469	-	2,225,469	2,276,285
Total Budget	1,767,589	2,179,488	2,225,469	-	2,225,469	2,276,285

<b>Funding Sources</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Adopted</b>	<b>FY 2024 Continuation</b>	<b>FY 2024 Issues</b>	<b>FY 2024 Budget</b>	<b>FY 2025 Budget</b>
001 General Fund	1,767,589	2,179,488	2,225,469	-	2,225,469	2,276,285
Total Revenues	1,767,589	2,179,488	2,225,469	-	2,225,469	2,276,285

<b>Staffing Summary</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Adopted</b>	<b>FY 2024 Continuation</b>	<b>FY 2024 Issues</b>	<b>FY 2024 Budget</b>	<b>FY 2025 Budget</b>
County Attorney	11.00	11.00	11.00	-	11.00	11.00
Total Full-Time Equivalents (FTE)	11.00	11.00	11.00	-	11.00	11.00

## LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

## »» County Attorney's Office

### County Attorney's Office (001-120-514)

<b>Goal</b>	The goal of the County Attorney's Office is to provide high quality legal representation on behalf of the Board of County Commissioners, all departments and divisions under the Board, the County Administrator, Leon County employees in their employment capacity, and certain other boards and officials of Leon County as directed by the Board of County Commissioners.
<b>Core Objectives</b>	<ol style="list-style-type: none"> <li>1. Advise, counsel, and provide legal opinions to clients.</li> <li>2. Represent clients in litigation matters before the courts.</li> <li>3. Represent clients before administrative agencies such as the Division of Administrative Hearings, Code Enforcement Board, and Board of Adjustment and Appeals.</li> <li>4. Represent clients in employment related matters before agencies such as the Florida Commission on Human Relations, the Equal Employment Opportunity Commission, and the Agency for Work Force Innovation.</li> <li>5. Prepare materials and presenting workshops to the Board of County Commissioners.</li> <li>6. Research and drafting for Board consideration legal documents such as contracts, ordinances, resolutions, and policies.</li> <li>7. Review documentation relating to subdivision approval, including plats, maintenance agreements, and restrictive covenants.</li> <li>8. Prepare and review legal advertisements relating to the adoption of ordinances and certain meetings of the Board of County Commissioners.</li> <li>9. Represent clients in negotiating real estate contracts.</li> <li>10. Commence eminent domain lawsuits on behalf of Leon County, when necessary.</li> <li>11. Represent clients in road widening projects and drainage improvement projects.</li> <li>12. Provide legal education seminars to Senior Management staff.</li> </ol>
<b>Statutory Responsibilities</b>	Chapter 112, Florida Statutes, Public Officers and Employees; Chapter 119, Florida Statutes, Public Records; Chapter 73, Florida Statutes, Eminent Domain; Chapter 74, Florida Statutes, Proceedings Supplemental to Eminent Domain; Chapter 127, Florida Statutes, Right of Eminent Domain to Counties; Section 2, Leon County, Florida, Charter; Section 2, Leon County Administrative Code.
<b>Advisory Board</b>	None

## LEON COUNTY FISCAL YEAR 2024 ADOPTED BUDGET

 County Attorney's Office

## County Attorney (001-120-514)

<b>Budgetary Costs</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Adopted</b>	<b>FY 2024 Continuation</b>	<b>FY 2024 Issues</b>	<b>FY 2024 Budget</b>	<b>FY 2025 Budget</b>
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County Attorney	1.00	1.00	1.00	-	1.00	1.00
Deputy County Attorney	1.00	1.00	1.00	-	1.00	1.00
Assistant County Attorney	3.00	3.00	3.00	-	3.00	3.00
Sr. Assistant County Attorney	1.00	1.00	1.00	-	1.00	1.00
Legal Administrator	1.00	1.00	1.00	-	1.00	1.00
Paralegal	1.00	1.00	1.00	-	1.00	1.00
Sr. Paralegal	1.00	1.00	2.00	-	2.00	2.00
Legal Records Manager	1.00	1.00	1.00	-	1.00	1.00
Sr. Legal Assistant	1.00	1.00	-	-	-	-
Total Full-Time Equivalents (FTE)	11.00	11.00	11.00	-	11.00	11.00

The major variances for the FY 2024 County Attorney budget are as follows:

## Increase to Program Funding:

1. Costs associated with the County's portion of retirement rates passed by the Florida Legislature, health insurance premium rates at 6%, and funding for 5% raises for all employees. These increases are offset by a decrease in workers compensation costs.