

COUNTY ATTORNEY SUMMARY

MISSION STATEMENT:

To act as legal advisor to the Board of County Commissioners and Brevard County's Records Management Liaison Officer for the State of Florida.

PROGRAMS AND SERVICES:

ACCOMPLISHMENTS, INITIATIVES, TRENDS, ISSUES AND SERVICE LEVEL IMPACTS:

COUNTY ATTORNEY:

The County Attorney's Office provides legal advice to the Board of County Commissioners and over twenty County departments to ensure compliance with state and federal law and local ordinances.

- Provides legal advice to staff in interpreting ordinances, statutes and Board policy; negotiates, reviews, prepares, interprets, edits and provides advice upon the administration of contracts as well as other legal documents used in County business
- Provides legal advice to minimize or limit exposure of the County to financial liability
- Represents the County in litigation in state and federal courts and administrative proceedings
- As the County's Records Management Liaison Office for the State of Florida Records Management Program, the County Attorney provides advice on records management activities for all County Departments maintaining such activities
- In addition, the County Attorney's Office continues to experience large numbers of Public Records Requests involving many hours of researching, compiling reports and responding to the requests (over 1,470 from October 1, 2018 – September 30, 2019; over 1,540 projected for Fiscal Year 2019-2020)
- The County Attorney's Office also assists with litigation handled by outside counsel, when warranted

Accomplishments:

- Successful against appeal to 5th District Court of Appeals by Baxley Manor, L L C regarding zoning denial by Board of County Commissioners
- Successful against appeal to circuit court by Joseph Thomas regarding zoning denial by Board of County Commissioners
- Responded to Motion for Contempt in Tillman jail consent decree case in Federal Court
- Numerous real estate negotiations and/or closings for 8 departments and North Brevard Economic Development Zone; addressed 25+ mortgage modifications for federal program; drafted contracts to transfer parks.
- Interlocal Agreements with school board, cities, including Palm Bay (Roads and Housing), St. Johns Water Management District and Community Redevelopment Agencies
- Impact Fee Agreements and payment issues

- Addressed multiple conflict of interest and ethics questions; developed and presented elected officials ethics training session with Brevard County School Board general counsel
- Created a new training session on Family Medical Leave Act
- Assisted with new management team in I A F F negotiations
- Participated in the radiological emergency exercise and after-action review with the Emergency Management team
- Development Agreements, Landscaping Agreements, numerous multi-million dollar construction projects, Park Development Agreements with private participation
- Developed Standardized Contracts
- Advised Tourism Development Office, Merritt Island Redevelopment Office, North Brevard Economic Development Zone, Board of Adjustment, Planning and Zoning program, North Merritt Island Dependent Special District, Port St. John Dependent Special District, Contractor Licensing, Citizens Oversight Committee, Environmentally Endangered Lands,
- Medicare Audit hearings seeking reimbursement for ambulance services; addressed HIPPA issues
- Monitored outside litigation involving prayer, personal injury, Bert Harris claims and opioids
- Advised on First Amendment issues raised by welcome sign donation
- L G B T Q + research
- Researched application of amendment to elections law on polling areas
- Interfaced with Bond counsel and financial advisors
- Terminated Children's Services Council
- Litigation: Miller Cove Road, charter cap challenge, eminent domain litigation for beach re-nourishment and related appeals; Aquarina settlement; Crystal Bay permit litigation
- FEMA appeals - 5
- Trademarks-Renewed existing trademarks, filed for Lagoon Loyal
- Private activity bond review
- Housing initiatives, Neighborhood Stabilization Program, demolition program
- Bus benches and Bus shelter agreements
- Ordinances - drafted ordinances regarding term limits, utility issues, fats, oils and grease regulation, land development, zoning, biosolids moratorium, fertilizers, signs during elections; leaky laterals and stormwater regulations; drafted modifications to resort dwelling regulations; drafted/updated puppy mill ordinance and drafted ordinance creating animal abuse registry
- Advised and assisted with Solid Waste and recycling bid and contract for collection
- Addressed multiple Board policy issues regarding public records and procedures, competitive procurement; implemented advisory board changes
- Advised Code Enforcement Department and handled approximately 540 code cases at hearings, code enforcement litigation including closure of mini-warehouse used for housing; filed an appeal to 5th District Court of Appeals (result still pending)

- Advised on personnel issues, new development districts, Community Development Districts, access issues, nuisance abatement, impact fees, library use issues, comprehensive plan and zoning issues (including Banana River, L L C), Risk Management, Transit storm water, public notice issues and publication, advised on potential revisions to contract for U S S S A, economic development issues and Economic Development Commission contract. Handled 588 contract log items, 25 foreclosures, 7 bankruptcies, 10 garnishments, and 9 probates.
- Bid protests
- Supported implementation of new A O - 49 regarding electronic accessibility
- COVID-19: Attended Task Force, Policy Group and Special Board of County Commissioners meetings, addressed public hearing process, drafted orders regarding closures of beaches, beach parking, limitations on tourism during "Safer at Home" order from the State of Florida, drafted the Local State of Emergency and weekly extensions; addressed CARES Act, Families First, FEMA, E P A COVID-19 Resources; personnel and pay issues involving sick leave and annual leave; addressed constitutional issues raised by regulations, including taking issues

Initiatives:

- Formalized and expanded year-round internships to supplement summer externships with the University of Florida, to include general internship program for incoming and existing law students from numerous schools, in addition, paralegal programs have provided internship candidates on an intermittent basis
- Improved and updated monitoring of the County's public records request system as the coordinator of that system. Received and reviewed over 1,400 from October 1, 2018 – September 30, 2019; over 1,540 projected for Fiscal Year 2019-2020
- Continued to review, modify, increase and enhance public records training program, by increasing written program materials, increasing the number of live training sessions and creating a schedule for review sessions on a regular schedule for all departments
- Continued to increase records custodian training by Records Management Liaison Office and continued to formalize the training program
- Formalization of internal procedures is underway

Trends and Issues:

- COVID-19: Response will require extensive legal work with Emergency Management Department issues, contracts, tracking and appeals. The CARES Act payments will be distributed to multiple departments requiring the involvement of each department's attorney. Increased legal issues regarding COVID-19 pandemic are expected. Potential issues may include workers' compensation, work place safety, employee leave and Family Medical Leave Act. In addition to personnel issues, documentation and compliance issues with the Families First Act, the CARES Act and any future federal/state legislation are ongoing and expected to continue. Depending on the economic impact resulting from the current pandemic, the County may see an increase

in bankruptcy and foreclosure filings from both individuals and businesses. Those cases will require resources to file responses, proofs of claims and monitor accordingly.

- Community Re-development Agencies finalize interlocal agreements and follow up on existing interlocal agreements
- Save Our Indian River Lagoon initiatives
- Utility capacity reservation and construction contracts
- County Attorney's Office also continues to see increases in personnel matters
- Construction contract disputes and resolution continue to occur
- Public Records Requests coordination, County Attorney's Office continues to improve Public Records Request Tracking oversight and Records Management; changes to A O -47 require additional support to the public records coordinator, department records custodians and staff
- FEMA appeals regarding Hurricane Irma reimbursement submissions are starting to come in through the Budget Office, upon notification that a department wishes to appeal a decision, preparing an appeal submission takes significant time to work with department and budget staff, FEMA is becoming more aggressive in denying claims and does not always provide clear explanations of their decisions which results in spending more time researching the issues, in addition, finalizing appeal submissions are time sensitive and require significant support staff time. Claims made regarding Hurricane Dorian and the current pandemic will likely create additional appeals over the next year and in the future, with the COVID-19 Emergency response, these appeals are likely to increase as discussed above

Service Level Impacts:

The County Attorney's Office provides legal services – including litigation; monitors public records requests; and operates the Central Cocoa Library public records retention program with a staff of 13 people, which is less staff than 24 years ago. However, the office has continued to experience defections of attorneys to competing counties due to attorney salaries as predicted in prior reports.

COUNTY ATTORNEY: SUMMARY

County Attorney Revenue & Expense Category	Actual F Y 2018- 2019	Final Budget F Y 2019- 2020	Adopted Budget F Y 2020- 2021	Difference	% Change
Taxes Revenue	\$0	\$0	\$0	\$0	0.00%
Permits, Fees & Special Assessments Revenue	\$0	\$0	\$0	\$0	0.00%
Intergovernmental Revenue	\$0	\$0	\$0	\$0	0.00%
Charges for Services Revenue	\$200	\$0	\$0	\$0	0.00%
Fines and Forfeits Revenue	\$0	\$0	\$0	\$0	0.00%
Miscellaneous Revenue	\$1,958	\$0	\$0	\$0	0.00%
Statutory Reduction	\$0	\$0	\$0	\$0	0.00%
Total Operating Revenues	\$2,158	\$0	\$0	\$0	0.00%
Balance Forward Revenue	\$0	\$0	\$0	\$0	0.00%
Transfers - General Revenue	\$1,543,056	\$1,650,246	\$1,683,800	\$33,554	2.03%
Transfers - Other Revenue	\$0	\$0	\$0	\$0	0.00%
Other Finance Source Revenue	\$0	\$0	\$0	\$0	0.00%
Non-Operating Revenues	\$1,543,056	\$1,650,246	\$1,683,800	\$33,554	2.03%
TOTAL REVENUES	\$1,545,214	\$1,650,246	\$1,683,800	\$33,554	2.03%
Compensation and Benefits Expense	\$1,435,005	\$1,493,666	\$1,526,801	\$33,135	2.22%
Operating Expense	\$104,638	\$146,580	\$146,999	\$419	0.29%
Capital Outlay Expense	\$5,571	\$10,000	\$10,000	\$0	0.00%
Operating Expenses	\$1,545,214	\$1,650,246	\$1,683,800	\$33,554	2.03%
C I P Expense	\$0	\$0	\$0	\$0	0.00%
Debt Service Expense	\$0	\$0	\$0	\$0	0.00%
Reserves-Operating Expense	\$0	\$0	\$0	\$0	0.00%
Reserves - Capital Expense	\$0	\$0	\$0	\$0	0.00%

County Attorney Revenue & Expense Category	Actual F Y 2018-2019	Final Budget F Y 2019-2020	Adopted Budget F Y 2020-2021	Difference	% Change
Reserves - Restricted Expense	\$0	\$0	\$0	\$0	0.00%
Grants and Aid Expense	\$0	\$0	\$0	\$0	0.00%
Transfers Expense	\$0	\$0	\$0	\$0	0.00%
Non-Operating Expenses	\$0	\$0	\$0	\$0	0.00%
TOTAL EXPENSES	\$1,545,214	\$1,650,246	\$1,683,800	\$33,554	2.03%

COUNTY ATTORNEY: BUDGET VARIANCES

County Attorney Revenue and Expense Category	Variance	% Variance	Explanation
Taxes Revenue	\$0	0.00%	
Permits, Fees & Special Assessments Revenue	\$0	0.00%	
Intergovernmental Revenue	\$0	0.00%	
Charges for Services Revenue	\$0	0.00%	
Fines and Forfeits Revenue	\$0	0.00%	
Miscellaneous Revenue	\$0	0.00%	
Statutory Reduction	\$0	0.00%	
Balance Forward Revenue	\$0	0.00%	
Transfers - General Revenue	\$33,554	2.03%	Attributable to Cost of Living Adjustment and F R S rate increases
Transfers - Other Revenue	\$0	0.00%	
Other Finance Source Revenue	\$0	0.00%	
Compensation and Benefits Expense	\$33,135	2.22%	Attributable to Cost of Living Adjustment and F R S rate increases
Operating Expense	\$419	0.29%	Attributable to an increase in General Liability Costs
Capital Outlay Expense	\$0	0.00%	
Grants and Aid Expense	\$0	0.00%	

County Attorney Revenue and Expense Category	Variance	% Variance	Explanation
C I P Expense	\$0	0.00%	
Debt Service Expense	\$0	0.00%	
Reserves-Operating Expense	\$0	0.00%	
Reserves - Capital Expense	\$0	0.00%	
Reserves - Restricted Expense	\$0	0.00%	
Transfers Expense	\$0	0.00%	

**COUNTY ATTORNEY
FISCAL YEAR 2020-2021 TRAVEL A&B SUMMARY**

Program Name	Description	Position	Destination	Funding Source	Total Cost
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	County Attorney	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney III	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney III	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney III	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney III	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney III	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Attorney II	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Law Clerk	T B D	General Fund	\$1,000
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Litigation Support Specialist	T B D	General Fund	\$250

Program Name	Description	Position	Destination	Funding Source	Total Cost
County Attorney	Continuing Legal Education, Litigation and County Legal Representation	Litigation Support Specialist	T B D	General Fund	\$250
Total Funded For Department					\$8,500

**COUNTY ATTORNEY
FISCAL YEAR 2020-2021 CAPITAL OUTLAY SUMMARY**

Program Name	Description	Quantity	Unit Cost	Funding Source	Total Cost
County Attorney	Miscellaneous hardware and/or software under \$10,000	T B D	T B D	General Fund	\$10,000
Total Funded For Department					\$10,000

Special Note:

In accordance with Brevard County Board of County Commissioners’ Policy BCC-24, Procurement, this form satisfies Directive III. E. 4., requiring a detailed list of approved capital outlay items and equipment to be reviewed and approved by the Board during the Budget process.