

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 AND 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 responsibility.

- 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 (50% increase, 1,100 in 2018)
- The County Attorney's Office also assists with litigation handled by outside counsel, when warranted

Accomplishments:

- Acquisition of St. John's Heritage Parkway right of way (northern segment) and preparation for multi-million dollar jury trial. Cases settled April 2019
- Completion of Barnes Boulevard Phases 1, 2 and 3 appraisal fee litigation. Attorney fee issues pending
- Advising on construction contract disputes involving Wickham Road; resolution of Masci litigation
- U S S A /Nationals/Viera Stadium lease amendments, sales tax related issues and implementation
- Work with North Brevard Development Zone on Blue Origin litigation through bond counsel to address revisions to program as a result of judgement and standardizing grant agreements
- Researched, opined and drafted documents as needed to implement Indian River Lagoon project
- Assisted Fire Rescue with implementation of fire assessment increases
- Coordinated information for opioid litigation counsel, assisted on organization of data received to establish damages

- Filed and litigated Miller Cove Road issue
- Provided analysis of special districts, charter issues
- Analyzed multiple title issues, right of way issues and other problems involved in subdivision submittals and various disputes
- Addressed flooding issues which arose from hurricanes
- Reviewed private activity bond applications, Property Assessed Clean Energy programs (P A C E) and Vial of Life programs
- Address trademark dispute claims (Blue Life)
- Drafted or reviewed Interlocal Agreements regarding Community Re-development Agreements (C R A) with multiple municipalities
- Reviewed property exchange proposals, various property or title issues, and closing transactions as needed.
- Reviewed impact fee reimbursement agreements
- Addressed lease dispute at Valkaria Airport and evicted tenant
- Addressed numerous inquiries regarding conflict gifts and other ethical issues
- Addressed and researched former Children's Services Council challenge and disputed resolution claims
- Researched multiple issues involving Citizens Oversight Council and Save Our Indian River Lagoon plan
- Coordinated and/or oversaw various legal actions on behalf of the County, including, but not limited to: monthly Code Enforcement hearings; monthly Board of Adjustment hearings; monthly Contractor Licensing, enforcement and licensing, meetings; Foreclosures, 44 active cases as of the first quarter in 2019; Bankruptcies, 2 active cases as of the first quarter in 2019; Garnishments, 5 active cases as of the first quarter in 2019; Probate issues, 9 active cases as of the first quarter in 2019; Tort Claims, pre-suit and litigated, 25 active cases as of the first quarter in 2019
- Researched, reviewed, opined on and/or drafted numerous ordinances to be included in Brevard County Code including, but not limited to: establishing a moratorium on septic systems which do not remove 65% nitrogen; created two ordinances implementing concept for final adoption; providing for fertilizer notices; term limits for Tourism Development Council; repeal of ordinance establishing the Children's Services Council; Puppy Mill ordinance; amendment of permitted use conditions involving recreation vehicles; amendment of permitted uses involving commercial overnight parking; amending the Code to create definitions and conditions for Tiny Houses and Tiny House on Wheels; amending hotel room size; and numerous Comprehensive Plan Amendments

Initiatives:

- 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 1,100 requests (up 50% from 2018)
- Reviewed, modified, increased and enhanced 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
- Increased records custodian training by Records Management Liaison Office and formalized the training program

Trends and Issues:

- Community Re-development Agencies
- Term limits
- Save Our Indian River Lagoon initiatives
- Utility capacity reservation and construction contracts
- Ongoing eminent domain work including attorney fee hearing
- County Attorney's Office also continues to see increases in personnel matters
- Foreclosure activity remains steady
- Construction contract dispute resolution continues to occur
- Public Records Requests coordination
- County Attorney's Office continues to improve Public Records Request Tracking oversight, and Records Management

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 14 people, which is less than there was on staff 24 years ago. However, the office has experienced defections of attorneys to competing counties due to attorney salaries as predicted in prior reports.

COUNTY ATTORNEY: SUMMARY

County Attorney's Office Revenue & Expense Category	Actual F Y 2017- 2018	Final Budget F Y 2018-2019	Adopted Budget F Y 2019-2020	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	\$1,318	\$0	\$0	\$0	0.00%
Fines and Forfeits Revenue	\$0	\$0	\$0	\$0	0.00%
Miscellaneous Revenue	\$2,000	\$0	\$0	\$0	0.00%
Statutory Reduction	\$0	\$0	\$0	\$0	0.00%
Total Operating Revenues	\$3,318	\$0	\$0	\$0	0.00%
Balance Forward Revenue	\$0	\$0	\$0	\$0	0.00%
Transfers - General Revenue	\$1,529,101	\$1,620,440	\$1,650,246	\$29,806	1.84%
Transfers - Other Revenue	\$0	\$0	\$0	\$0	0.00%
Other Finance Source Revenue	\$0	\$0	\$0	\$0	0.00%
Total Non-Operating Revenues	\$1,529,101	\$1,620,440	\$1,650,246	\$29,806	1.84%
TOTAL REVENUES	\$1,532,419	\$1,620,440	\$1,650,246	\$29,806	1.84%
Compensation and Benefits Expense	\$1,445,484	\$1,484,735	\$1,493,666	\$8,931	0.60%
Operating Expense	\$79,259	\$125,705	\$146,580	\$20,875	16.61%
Capital Outlay Expense	\$7,676	\$10,000	\$10,000	\$0	0.00%
Operating Expenditures	\$1,532,419	\$1,620,440	\$1,650,246	\$29,806	1.84%
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%
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%
Total Non-Operating Expenses	\$0	\$0	\$0	\$0	0.00%
TOTAL EXPENDITURES	\$1,532,419	\$1,620,440	\$1,650,246	\$29,806	1.84%

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	\$29,806	1.84%	Attributable to Cost of Living Adjustment and F R S rate increases and increased travel costs and contracted services
Transfers - Other Revenue	\$0	0.00%	
Other Finance Source Revenue	\$0	0.00%	
Compensation and Benefits Expense	\$8,931	0.60%	Attributable to Cost of Living Adjustment and F R S rate increases
Operating Expense	\$20,875	16.61%	Due to increased travel costs and contracted services
Capital Outlay Expense	\$0	0.00%	
Grants and Aid Expense	\$0	0.00%	
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
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	Attorney I	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	Legal Office Administrator	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					\$9,500

**COUNTY ATTORNEY
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