



2017 CITY ATTORNEY'S REPORT

JAMES M. MESSER
CITY ATTORNEY

CITY OF FORT PIERCE
FLORIDA

OFFICE OF THE CITY
ATTORNEY

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OBJECTIVES AND DUTIES

MISSION STATEMENT

The mission of the Office of the City Attorney is to safeguard the legal, ethical and financial integrity of the City of Fort Pierce. This is accomplished by offering legal services to the City Commission, Officials and several Boards in a manner consistent with the City's Charter, Code of Ordinances, and the laws of the State of Florida and the United States, in a manner meeting the highest Standards of Professional Diligence and Ethics.

OFFICIAL DUTIES AND RESPONSIBILITIES

The position of the City Attorney is established by Section 45 of the City of Fort Pierce Charter:

Sec. 45. - City attorney.

- (a) The city commission shall appoint a city attorney for an indefinite term and fix his compensation. He shall be a practicing attorney who is a member in good standing of the Florida Bar who shall act as the legal advisor to, and counselor for, the city and all of its officers in matters relating to their official duties, and shall attend all meetings of the city commission, unless excused by the commission. He shall prepare all contracts, bonds and other instruments in writing in which the city is concerned, and shall endorse on each his approval of the form and correctness thereof, and no contract with the city shall take effect until his approval is so endorsed thereon. The city attorney, subject to the approval of the state's [state] attorney, may be assigned the duties of a special prosecuting attorney in county court at the will of the city commission. If the city attorney shall engage in private practice with the consent of the city commission, he shall, under no circumstances, accept retainerships, temporary or permanent, from the State of Florida or any of its component agencies, the County of St. Lucie, the district school board of St. Lucie County, or any other municipality or special taxing districts situate wholly within the boundaries of St. Lucie County.
- (b) The foregoing language in this section shall never be construed to require the city attorney to endorse his approval of the form and correctness on bonds and revenue certificates issued by the city.
- (c) When required to do so by the city manager or the city commission, he shall prosecute and defend[,] for and in behalf of the city, all complaints, suits and controversies in which the city is a party. He shall furnish the city commission, the city manager, the head of any department, or an officer or board not included in any department, his opinion on any question of law relating to their respective powers and duties.

A Message from the City Attorney...

July 3, 2017



I am pleased to present the first comprehensive annual report of the City Attorney's Office. This report reflects the commitment I made when undertaking this role as follows:

1. Transition from outside law firm to in-house City Attorney's Office.

Prior to my arrival, the City's legal needs were served by a private law firm. My employment was the first step in the City transitioning to an in-house legal department. Within two weeks of April 25, 2016, my first day on the job, my two Assistant City Attorneys joined the team. By July 1, 2016, we had fully transitioned to an in-house legal department.

2. Recruit and retain competent attorneys and staff.

The recruitment and retention of competent attorneys and staff was critical in establishing the credibility and enhancing the reputation of the new City Attorney's Office. Angela Wilkinson, my Executive Assistant who has been an employee of the City for over a decade, was hard at work and in constant communication with me before my official start date. A week after my first day, Lola Mosely joined the team from the Palm Beach County School Board and brought with her extensive experience in litigation and government law. A week later, Caroline Valentin relocated from Dallas, Texas to join the City from The University of Texas at Dallas, and solidified the team by adding her expertise in transactional and real property matters.

3. Improve communication with elected officials and City management to create an approachable City Attorney's Office that has a positive presence and leadership within City Hall.

It has been said that "communication is the sister of leadership." An effective leader communicates to enhance efficiency and trust within an organization. With that understanding in mind, I maintain an open door policy and actively engage with my fellow colleagues to stay abreast of current City issues and offer assistance. Likewise, I have implemented a review process in my office to ensure that legal matters are routed to appropriate departments and that all interested parties are aware and provide input on City matters.


4. Improve turnaround time for legal tasks.

As one of my first actions as City Attorney, I implemented a uniform system of requesting legal services. In doing so, I am able to accurately keep track of open matters and ensure a timely resolution of those matters. This year we received 369 formal Requests for Legal Services with an average turnaround time of about one week. My goal for the City Attorney's Office is to serve as a facilitator instead of a hindrance to City business.

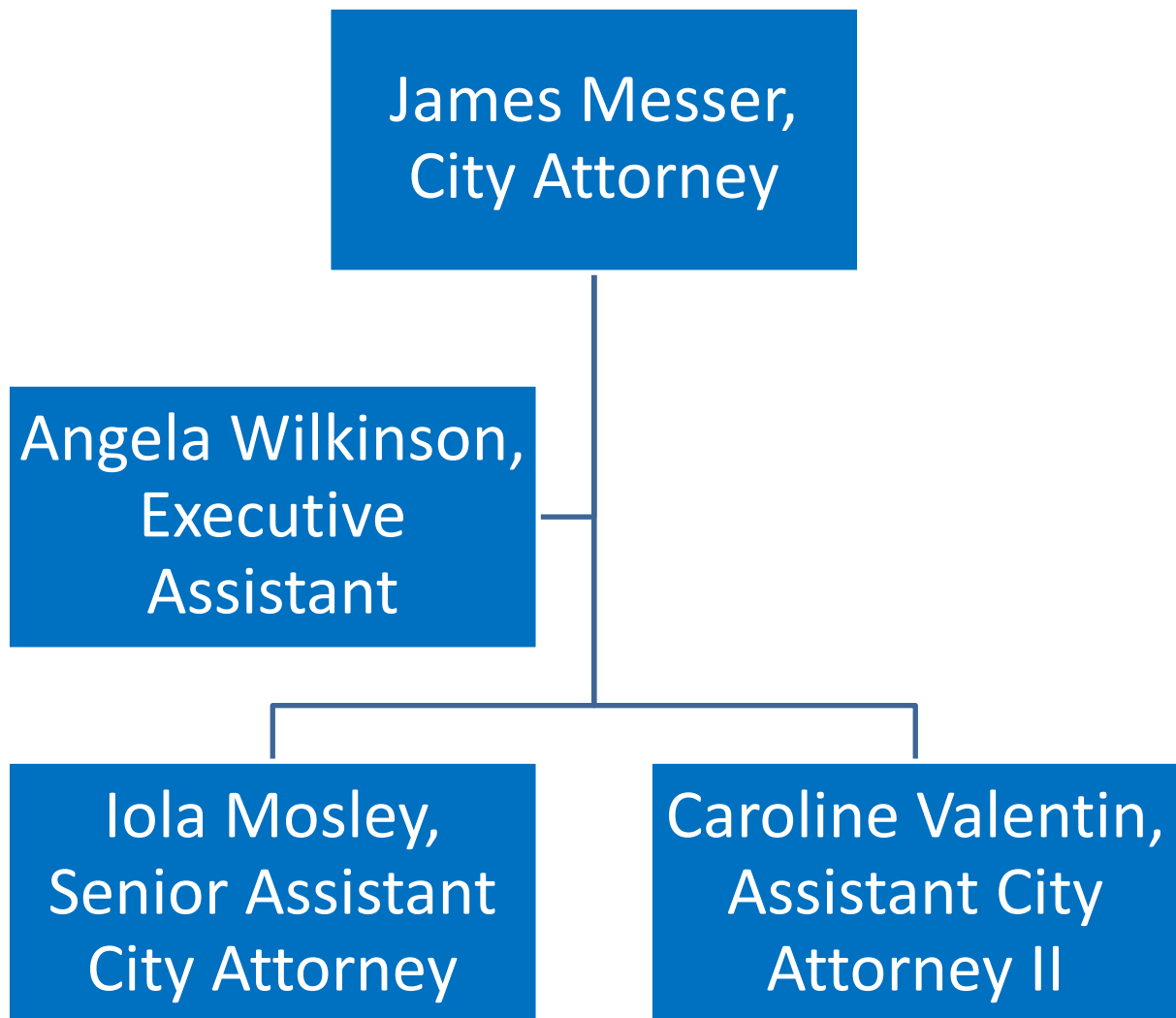
5. Proactively solve legal issues before controversies arrive.

The job of a City Attorney is not only to zealously defend the City and its Officers when controversies arise, but to also prevent controversies from arising by recognizing legal risk and proactively taking steps to minimize that risk. In that regard, I have implemented various measures to minimize risk such as providing training on quasi-judicial procedures, establishing uniform procedures for quasi-judicial hearings, and revising the structure of various City boards.

I am proud to illustrate through this report the achievements of the City Attorney's Office and the complexity and breadth of the legal matters handled.


James M. Messer
City Attorney

OFFICE STRUCTURE



JAMES M. MESSER
100 N. U.S. 1
Fort Pierce, Florida 34950
(772) 467-3039

CAREER SUMMARY / LEGAL PHILOSOPHY

More than fifteen years of local government experience representing both city and county governments with expertise in the following areas:

- The economical and efficient operation of private and public sector law offices and teams of multiple attorneys, multiple paralegals and multiple support staff
- The successful co-ordination of department heads in order to resolve both legal and policy issues in a manner consistent with the goals of the public sector organization
- The economical and efficient management of budgets ranging from a quarter of a million dollars to over a million dollars per year
- The institution of both accessibility and transparency protocols to ensure that elected officials and Department heads received timely legal counsel, feedback and cooperation
- The ultimate authority in public sector organizations to ensure compliance with the Public Records and Sunshine laws
- Able to render advice on high level, complex policy decisions in a politicized atmosphere that is subject to public discourse and reporting by an increasingly fractious press and public

My leadership philosophy is to ensure that whatever goal policy the political entity desires is obtained thru a harmonious relationship with the City Manager and the Department heads. As a leader with demonstrated legal, organizational, analytical and communications skills, I believe that public sector initiatives can only be successfully achieved if the attorney is accessible, involved and committed to the City Manager and Department heads. The City attorney must be productively involved on a daily basis with the diverse group of people that make up the work force, achievement-oriented with experience, judgment and integrity and a dedicated team player who is able to work independently as well as within an organizational framework.

My litigation philosophy is to control the outcome and costs of litigation. I work very diligently to ensure that the position of the political entity is clearly acknowledged at the outset of the case and that a theory is developed that will lead to either a successful litigation or settlement. I understand that the continual stress of litigation and the resultant publicity can take an enormous toll on the morale of elected officials and adversely affect their ability to conduct public business. I also understand that the City needs to provide services to the taxpayer and that every penny spent on litigation is a penny that cannot be directed to the provision of City services.

My legal philosophy on policy issues is to ensure that I include all interested parties in the discussion, am transparent in my reasoning and accessible to anyone who has a legitimate stake in the outcome. I make every effort to reach out to knowledgeable attorneys and managers in other jurisdictions and ensure that every reasonable step is taken to avoid potential pitfalls in both the Implementation of the policy as well as any potential legal challenge. I consider it part of my job to support the City Manager and Department Heads in every reasonable way possible.

DIRECTLY RELEVANT LEGAL EXPERIENCE

- City Attorney, Pensacola, FL** 2010 - 2014
Served as the contract City Attorney for Pensacola, Florida for the first Mayor elected under a new charter and also handled municipal litigation on behalf of the City. Acted as legal counsel and advisor for the City and all of its elected officials in all matters relating to their official powers and duties. Attended all regular and special meetings of the City Council. Prepared and reviewed all City contracts, ordinances and resolutions. Provided legal opinions to the Mayor and Council. Represented the CRA.
- Chief Litigation Attorney, Escambia County Attorney's Office, Pensacola, FL** 1993 – 2001
Represented Escambia County in the prosecution and defense of lawsuits brought by or against the County including torts and contracts, labor and employment, construction contracts, civil rights, insurance and workers' compensation matters.
- OTHER PROFESSIONAL LEGAL EXPERIENCE**
- Messer Law Firm, P.A.** 2005 – 2016
Plaintiffs' attorney for personal injury litigation, construction law, commercial law, county/municipal government law, Federal criminal defense. Also served as City Attorney for the City of Pensacola.
- Trial Attorney, Levin, Papantonio Law Firm, Pensacola, FL** 2001 – 2005
Plaintiffs' attorney for mass torts and personal injury litigation.
- U.S. Staff Attorney Department of Justice, Criminal Division, Washington, D.C.** 1991 – 1993
Prosecution of complex drug conspiracy and continuing criminal enterprise cases.
- Associate Attorney, Markel, McDonough & O'Neal, Orlando, FL** 1988 – 1991
Defense of construction, personal injury and product liability litigation.
- Judge Advocate Attorney, United States Marine Corps** 1974 – 1988
Prosecution of felony cases and defense of employment discrimination cases for the Department of the Navy with national media interest.

BAR MEMBERSHIPS

State Bar of Florida	United States Court of Appeals for the First Circuit
State Bar of Alabama	United States Court of Appeals for the Eleventh Circuit
State Bar of West Virginia	United States District Court for the Northern District of Florida

CERTIFICATIONS/APPOINTMENTS

Florida Board Certified in Civil Trial	1997 – 2017
County Rezoning Hearing Examiner	
Special Magistrate for Code Enforcement	

LEGAL EDUCATION

Juris Doctor, West Virginia University
Master of Law (Labor), George Washington University

UNDERGRADUATE EDUCATION

Bachelor of Arts, Political Science, West Virginia University

SOME OF MY REPORTED CASES

Bernal, Inc. v. Greystone Property Management, LLC, 2011 WL 1087485 (Alabama Supreme Court), Commercial real estate dispute.

Simms v. Meredith, 967 So. 2d 393 (Fla. 1st DCA 2007).

Status of Writ of Garnishment as an initial nonenforceable civil process pursuant to section 48.021, Fla. Stat.

Frankenmuth Mutual Insurance Co. v. Ernie Lee Magaha, et al., 769 So. 2d 1012 (Fla. 2000).
Contract ratification, effect of a non-substitution clause in a multi year lease agreement.

GJR Investments, Inc. v. County of Escambia, Florida, 132 F.3d 1359 (11th Cir. 1998).
Successfully defended 42 U.S.C. §1983 suit brought following denial of permit for RV Park; qualified immunity.

Paedae v. Escambia County, 709 So.2d 575 (Fla. 1st DCA 1998). Successfully defended 42 U.S.C. §1983 and state tort claims.

Junior v. Reed, 693 So.2d 586 (Fla. 1997).

Successfully defended 42 U.S.C. §1983 action alleging slander and the consequent economic loss to a business.

Sears v. Department of the Navy, 680 F.2d 863 (1st Cir. 1982).

Precedent setting case limiting a public sector union employee’s right to representation.

Iola Thomas Mosley, Esq.
100 US Highway 1
Fort Pierce, Florida 34950
(772) 467-3039

Education

Howard University School of Law Washington, D.C.- Juris Doctor 1986
Howard University, Washington, D.C. -Bachelor of Arts/ Philosophy 1983
Nova High School, Davie, Florida 1978

Professional Experience

Office of the City Attorney Fort Pierce, Florida

Senior Assistant City Attorney

Office of the General Counsel for the School Board of Palm Beach County, Florida March 2005 to May 2016

Senior Counsel Academic Compliance

Represent the School Board of Palm Beach County in a variety of Legal matters including

- Special education IDEA and ADA/504 and Civil Rights Litigation
- Charter school litigation support for the Charter Department 2006-2012 including; negotiation of contracts, application denials hearings at FDOE, as well as advised on variety of other administrative issues relating to the sponsorship of Charter schools.
- Provide support and advice regarding legal issues upon request or as directed by Board members, the Superintendent, and the General Counsel or Designee.
- Support and advise District administrative staff and personnel matters involving; Special Education, Immigration, Juvenile Dependency, Truancy, Criminal law and Procedure, Juvenile Delinquency, Civil Rights, Child Custody and School Attendance Zones, Student Discipline, Employment, Contracts, Civil/Family Trial Court issues affecting the District administrative staff and school centers. In addition upon request; provide assistance and support to District administrative staff for depositions, hearings, and trial testimony
- Represent the Superintendent, and District Administrative staff, in Student Discipline matters, and Expulsion Hearings on behalf of the District
- 2005-2011 Served on the Chief Counsels litigation Team (to prepare and assist attorneys for trial and preparation for litigation on behalf of the School District)
- Conducted Training for District staff in Expulsions, Family and Custody matters, Special needs of children, Homeless Education (McKinney-Vento); Develop and present training protocol for Expulsion Hearing Officers, and conduct joint trainings with Legal Aid Society for Pro Bono Attorneys who represent District student personnel in expulsion hearings
- Provided training for School Police on Custody issues 2012
- Developed training presentation for the Unified Family Court Family Law Advisory Group (F.L.A.G.) entitled “The ABC’s of Education Law” 2008
- Represented the District on the School Justice Partnership 2009-2012
- Governmental and Regulatory Compliance advised and developed Board Policies 2015

Iola Thomas Mosley, Esq.
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Assistant State Attorney Office of the State Attorney 15th Judicial Circuit Palm Beach County, Florida September 2001 to February 2005

- *Juvenile Division September 2002- February 2005-* Felony and Misdemeanor prosecutions of Juvenile offenders on behalf of the State of Florida. Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys
- *County Court Division 2001-2002-* Prosecuted Criminal Misdemeanor and traffic offenses including DWI, Domestic violence, Drug Possession, Theft, Lewd Assignations and a variety of other offenses Supervised investigative staff witness coordinators, and secretarial staff. Also mentored young staff attorneys

Assistant City Attorney for the City of West Palm Beach July 2000-July 2001

- Duties included Civil Trial Defense, Code Enforcement Litigation, Nuisance Abatement, Lien Foreclosure. Supervised Staff including secretarial and paralegal

Law Offices Whitfield & Mosley October 1996-June 2000

- Partner General Practice firm, cases included; Criminal Defense trial /appellate, Family marital law matters, Civil Litigation
- Responsible for staff supervision and direction, payroll, and all other office expenses as well as shared litigation within a small firm.

Office of the Public Defender for the 15th Judicial Circuit Palm Beach County January 1987 to October 1996

- *1995-1996 Training Recruitment Coordinator-* Responsible for recruitment, training and development of attorneys. Also responsible to review and recommend attorneys for promotion to various positions within the office. Supervised Staff; including new attorneys Paralegals Investigators and Secretaries.
- *1993-1995 Capital Crimes Division-* Defended Clients charged with Capital Murder. Responsible for coordinating and supervising team litigation in the grand jury, trial and penalty phase of defense case. Supervised and coordinated Investigative paralegal and secretarial staff. Also responsible for staff development of attorneys
- *1990 to 1993 Felony Division-* Responsible for defense of clients charged with 1st 2nd and 3rd degree Felonies. Supervised; Investigative paralegal and secretarial staff. Additional responsibilities included legal staff development and mentoring
- *1988-1990 Supervising Attorney for County Court South Division-* Responsible to oversee the opening and staffing of the South County Office of the Public Defender. Supervised; Attorneys, Secretaries, Paralegal. Also responsible for coordinating representation and social services provided to clients. Worked directly with the judicial staff, State Attorney's Office, County Probation, as well as the Office of the Clerk to ensure the smooth transition of the Office to the South County Courthouse.
- *1987 County Court Defended Misdemeanor Division-* Supervised secretarial and paralegal staff in developing legal defense and coordinating social services on behalf of indigent clients
- *1987 Appellate Division-* filed appeals on behalf of indigent persons accused of crimes.

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MEMBERSHIP

2017 American Bar Association	2006 to Present USDC Southern District
1987 to Present Member of the Florida Bar	2005 to Present Palm Beach County Bar Association
1989 to Present F. Malcolm Cunningham Bar Association	Member of the Florida Bar Since 1987

AFFILIATIONS

1987-1999 Fla. Association of Criminal Defense Lawyers
1993 to Present Delta Sigma Theta Sorority Incorporated A public Service Organization (Parliamentarian 1997-2002) (1997-2002 Chair Policies Procedures Committee)
1988 to 1994 Charmettes Incorporated (a public service organization) Financial Secretary
2010 to Present Charmettes, Incorporated (a public service organization) Public Relations
2012-Present Strategic Planning Committee New Bethel Missionary Baptist Church
2005 to Present Florida School Board Attorney Association

References are available upon request

CAROLINE A. VALENTIN

100 N. U.S. 1, Fort Pierce, FL 34950 • 772-467-3039

EXPERIENCE

The University of Texas at Dallas

Contracts Administrator

Grants & Contracts Specialist II

Successfully establish University's first Office of Contract Administration which serves as central unit for review of all business contracts to ensure compliance with local, state, federal and constitutional laws, and to obtain best business value for state entity. Review, draft and negotiate contracts with private industry and government entities on a wide range of matters including construction, real estate, leases, easements, professional services, other large purchases of goods and services, and revenue generating transactions. Research, interpret and apply laws and regulations governing state entities to ensure legal acceptability of contract terms and to create appropriate departmental policies and procedures. Engage in benefits/risk analysis of proposed transactions and advise departments on same.

Richardson, TX

February 1, 2015 – April 30, 2016

August 9, 2013 – January 31, 2015

Barrett, Daffin, Frappier, Turner & Engel LLP

General Counsel to NDEx West, LLC

Served as General Counsel to affiliate company of employer, NDEx West, LLC. Reviewed and advised NDEx West and its clients, major U.S. banks, on real estate matters related to foreclosures, bankruptcies, and various property disputes. Performed due diligence and reviewed and audited banks' loan files to ensure legal right to initiate foreclosures. Resolved legal issues arising during course of foreclosures. Prepared legal notices and documents related to same. Worked with title insurers to resolve title disputes over secured properties. Referred and monitored litigation handled by outside legal counsel to ensure timely resolution of legal disputes.

Addison, TX

October 24, 2012 – May 23, 2013

Dorsey & Whitney LLP

Trial Associate

Summer Associate

Represented business entities and individuals in complex civil lawsuits, arbitrations, mediations, and other legal and governmental proceedings. Researched and wrote memoranda in such areas of law as contracts, business torts, civil procedure, and real estate. Evaluated and determined best legal course of action for clients and firm, and advised partners and clients on the benefits and risks of same. Drafted and finalized legal documents including pleadings, substantive and procedural motions, and settlement agreements. Actively participated in multiple phases of litigation, including pretrial and post-judgment enforcement proceedings. Conducted and lead large-scale document reviews and productions. Successfully managed team of legal support staff to accomplish time sensitive litigation filings and document productions. Effectively communicated with in-house counsel, clients, and opposing counsel to achieve litigation and business goals.

Costa Mesa, CA

January 10, 2011 – October 17, 2012

June 1, 2009 – July 31, 2009

EDUCATION

University of Southern California, Gould School of Law

Juris Doctor, May 2010 GPA: 3.36

Honors:

Hale Moot Court Honors Program, Sonnenschein Scholar

Activities:

Co-President, Corporate Law Society; Treasurer, Public Interest Law Foundation; Co-Founder and Board Member, Diversity Committee

High Honors Grade:

Hale Moot Court Brief

Relevant Honors Grades:

Accounting for Lawyers; Advanced Legal Writing and Advocacy; Appellate Advocacy; Contract Drafting and Negotiation; Deposition Strategies; Law, Language and Ethics; Real Estate Finance; Real Estate Transactions Problems; Remedies; Taxation; Torts

The University of Texas at Dallas

Bachelor of Arts, *Summa Cum Laude*, Criminology, May 2007 GPA: 4.0

Activities:

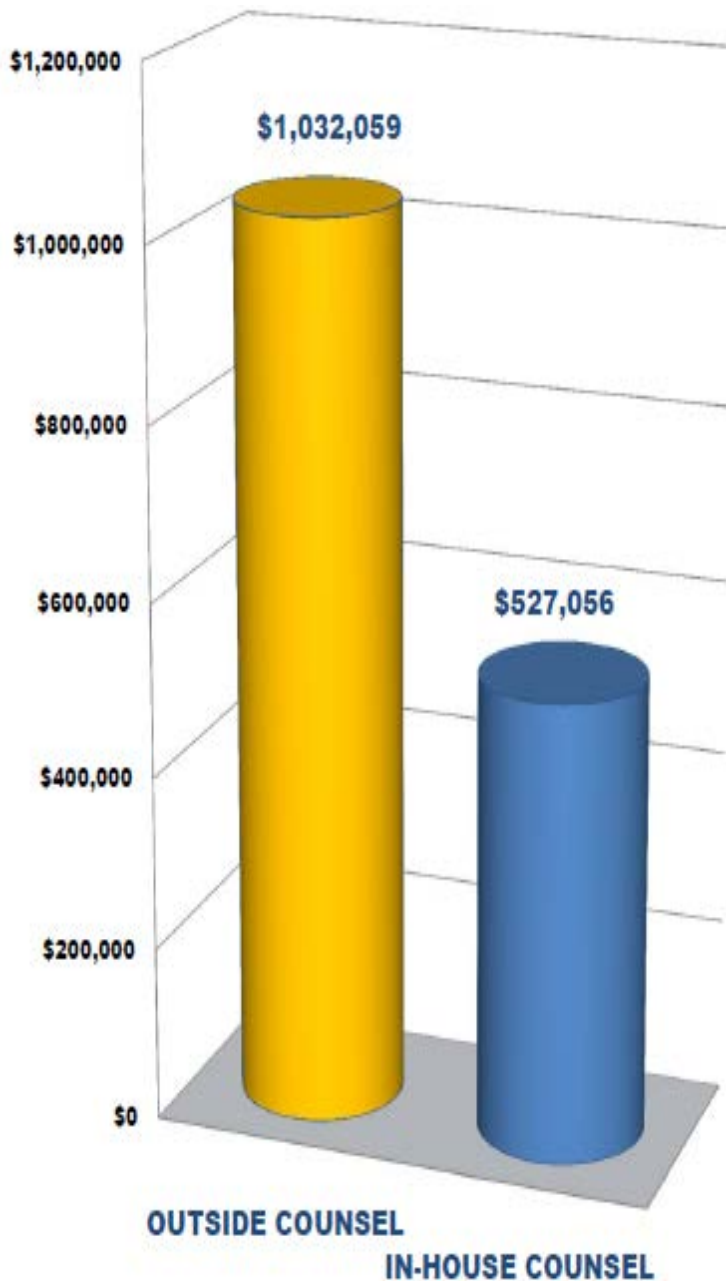
President, Criminology Club; President, Alpha Phi Sigma

LICENSES

State Bar of California (2010), State Bar of Florida (2016)

BUDGET ACHIEVEMENTS

PERSONNEL COSTS



HIGHLIGHTS

- ✓ \$505,003 saved in legal personnel costs.
- ✓ Increased the economy and efficiency of the City Attorney's Office by a reduction of attorneys from 5 to 3.
- ✓ Eliminated the necessity of a paralegal by requiring attorneys to do their own research and writing.
- ✓ Reduced retention of outside counsel by utilizing the Florida League of Cities liability insurance policy in order to provide maximum coverage and defense to lawsuits brought against the City.

GUIDELINES FOR WORK ASSIGNMENTS

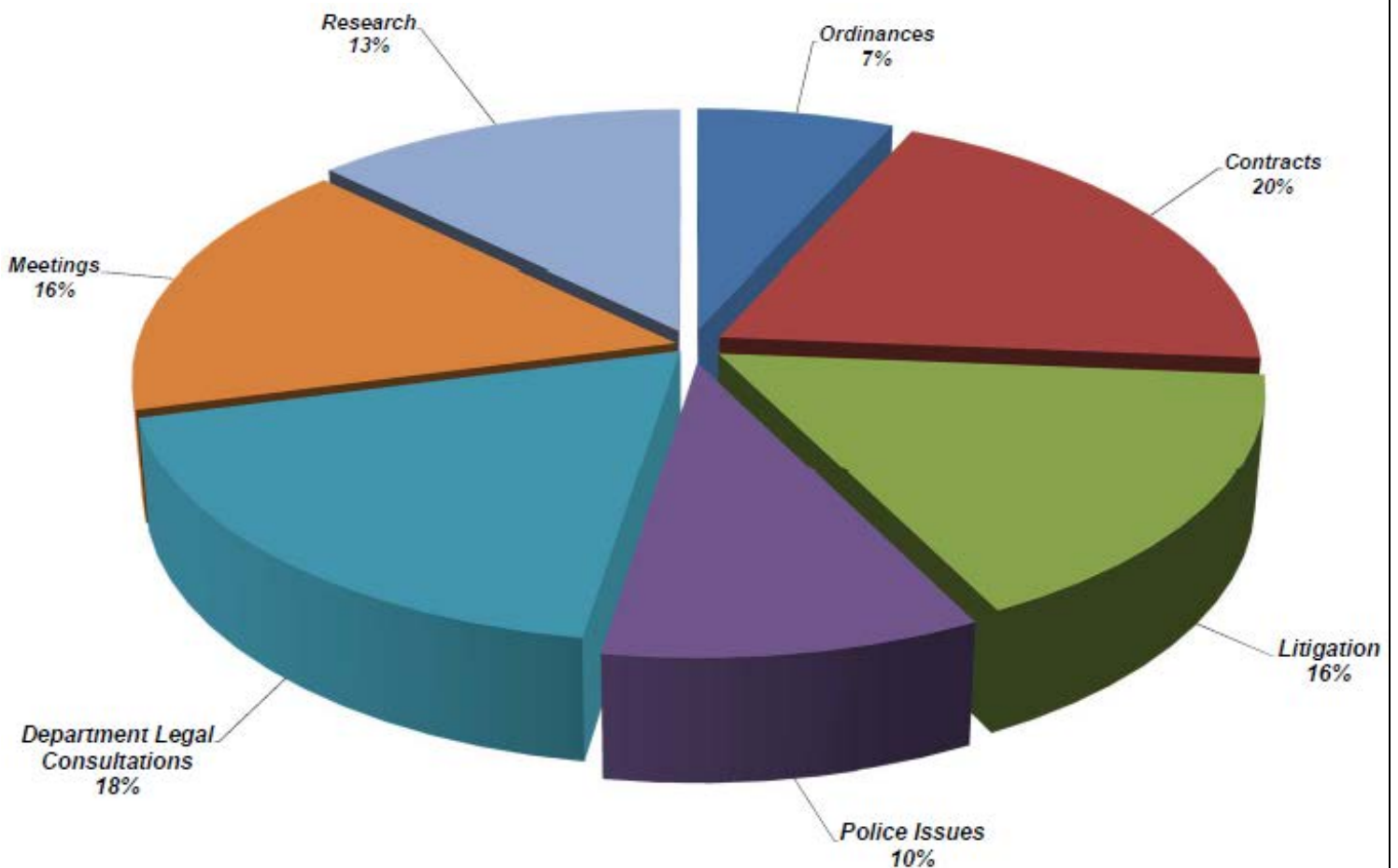
- I. The City Attorney's Office will undertake any work assignment directed by a majority of the City Commission consistent with applicable law, the City Charter, Article V, §45 and the contract between The City of Fort Pierce, Florida and the City Attorney. No attorney in the City Attorney's Office is required to render legal services where to do so would violate applicable ethical standards or create a conflict of interest.
- II. The attorneys in the City Attorney's Office maintain an attorney-client relationship with the City Commission as a collegial body. The City Attorney's Office intends to avoid any action that undermines or jeopardizes the confidence and trust that are essential to maintenance of the attorney-client relationship. In the absence of a legal or ethical mandate, the City Attorney's Office will not knowingly undertake action that is inconsistent with the will of the majority of the City Commission.
- III. The ordinary mission of the City Attorney's Office includes routine handling of legal issues that are the subject of Request(s) for Legal Services from managerial level City employees pertaining to City business, routed through the City Manager's office, without waiting for specific City Commission direction. Where Request(s) for Legal Services come from someone other than a majority of the City Commission (e.g., a Commissioner, the City Manager or a Department Director), attorneys in the City Attorney's office ordinarily will utilize the following guidelines in responding:
 - A. City Commissioners are charter officers and are entitled to legal advice regarding issues related to the performance of their duties as Commissioners. Therefore, unless precluded by other considerations, a City Commissioner is entitled to a complete response to a Request for Legal Services regarding such issues.
 - B. The City Attorney's Office will follow normal legal/ethical principles in determining the priority to be given to work assignments, such as the approach of deadlines, the significance of the matter at issue, the consequences of a delay in responding, etc. Other things being equal, City Commission requests and requests from the City Manager or Department Heads, acting at the behest or direction of the majority of the City Commission, shall have priority over other requests.
 - C. The City Attorney's Office will not undertake legal work that entails an inordinate commitment of time or other resources in the absence of direction from the City Commission.
 - D. The City Attorney's Office will not undertake to draft an ordinance, resolution or other formal expression of City policy if there is reason to believe the majority of the City Commission does not support it.
 - E. The City Attorney's Office does not review the propriety or legality of actions or omissions of a Commissioner in the absence of a request to do so from the involved Commissioner.
 - F. The City Attorney's Office does not respond to requests which pose hypothetical or speculative fact situations.
 - G. When legal service has been undertaken on a matter, whether or not pursuant to City Commission request, and it appears that completion of the service may demand considerably more resources than anticipated at the outset of service, the City Attorney's Office may request City Commission direction on whether to continue the service.
 - H. The City Attorney's Office will not review past decisions of the City Commission for legality in the absence of a majority request, unless there is reason to believe that the past decision could result in serious future loss or damage to the City Commission or the City and that legal review could lead to corrective action that would prevent or mitigate the loss or damage.
 - I. The City Attorney's Office does not represent and does not furnish legal advice to Commissioners or other City employees regarding their personal business or legal problems encountered outside the scope of their duties as City employees.
 - J. Matters that ordinarily would not be addressed may be reviewed if it appears that failure to undertake such review and advise the City Commission could adversely affect the interests of the City Commission or the City or that the review deals with issues which the City Commission must consider in the future.
 - K. In the absence of extraordinary circumstances, the usual protocol is that Request(s) for Legal Services are directed to the City Attorney, either through the office of the City Manager or directly from the City Commission, who will then assign them to an Assistant City Attorney for response.

REQUESTS FOR LEGAL SERVICES

This year, the City Attorney's Office implemented a uniform system of requesting legal services which ensures City Management is informed of the legal issues facing the City and that this Office is provided comprehensive details surrounding a request.

Entitled the "Request for Legal Services" or "RLS", it also assists the City Attorney's Office in tracking pending requests and response times. The City Attorney's Office received a total of 369 formal requests for legal services this year. The average response time for an RLS was about one week.

BREAKDOWN OF REQUESTS FOR LEGAL SERVICES BY CATEGORY



TOP SIX

NOTABLE REQUESTS FOR LEGAL SERVICES

1

SALE OF MORTGAGE LOANS

Facilitated and closed sale of mixed performance mortgage loans to Harbor Community Bank for \$729,300.00

2

VOLUNTARY CLEANUP TAX CREDITS

Closed the sale of Brownfield tax credits for remediation of the H.D. King Power Plant site affected by environmental contamination. The City received \$440,000 as a result of the sale.

3

BOARDS OVERVIEW, ANALYSIS & OPTIONS

Extensive analysis of the City's boards and committees and comparison to five model cities. The City Attorney's Office drafted ordinances implementing recommended changes that will place the resolution of most quasi-judicial decisions in the hands of a special magistrate, as well as change the representation paradigm to ensure that Department Heads are represented by the City Attorney's Office.

4

FORFEITURE PROCEDURES AND RELATED TEMPLATES

Established uniform procedures for civil forfeitures and templates to ensure consistency. The City Attorney's Office also conducted training for members of the police department on forfeiture proceedings and use of the templates. Shortly after implementing the uniform procedures, the City obtained \$19,717 in seized money in a forfeiture proceeding.

5

BODY WORN CAMERA POLICY

Reviewed and provided suggested revisions in order to finalize the Police Department's Body Worn Camera Policy.

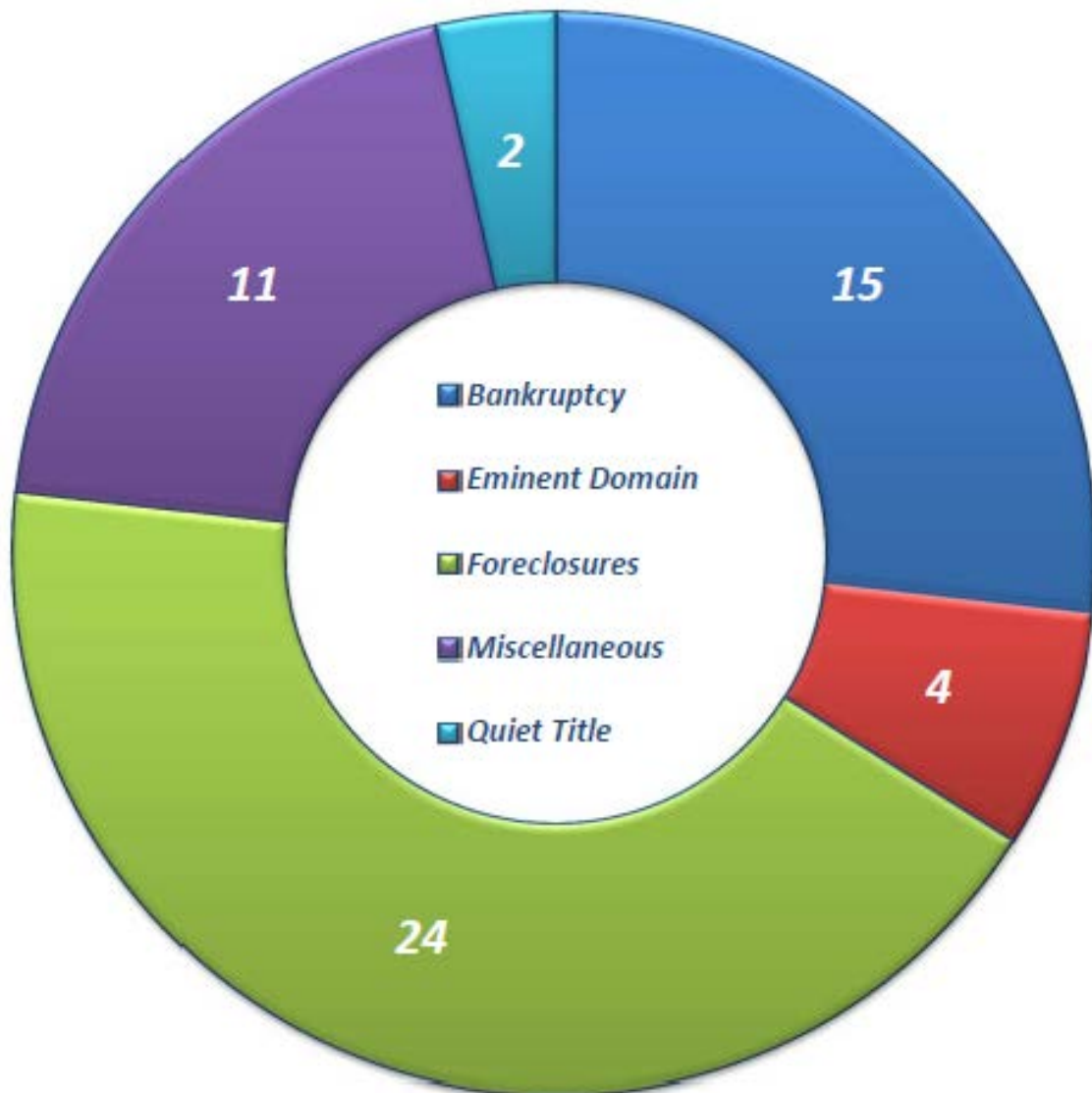
6

MARINA DOCK SLIP LICENSE

Reviewed the City's existing twenty year old dockage license agreement for the City Marina. After consultation with neighboring Cities and an outside board certified maritime attorney, the outdated license agreement was revised and implemented.

LITIGATION

NUMBER / TYPE OF CASES HANDLED BY CITY ATTORNEY'S OFFICE LAST YEAR



NOTABLE ADVERSARIAL PROCEEDINGS

CASE/COURT	RESULT
HAVEN DETOX V. CITY (US District Court)	Successful assertion of qualified immunity defense resulting in dismissal of two individually named Commissioners from Federal lawsuit.
ALEMAN PROPERTIES CORP V. GRIMSLEY FUENTES V. JIMINEZ BAYVIEW LOAN SERVICING LLC V. PHILLIUS (Circuit Court)	Successfully obtained dismissal of City from lawsuits to avoid unnecessary litigation.
CITY V. ROBERT LEE BARNES (Circuit Court)	Pursuant to the Florida Contraband Forfeiture Act, the City Attorney's Office successfully recovered \$19,717 of seized money which will be used for the Fort Pierce Police Department law enforcement trust fund.
CLERK V. CITY (Circuit Court)	Following a tax deed sale, the City was awarded surplus funds for storm water fees owed to the City.
BENJAMIN CAPITAL GROUP V. TULLIS (Circuit Court)	Successfully asserted priority of liens in foreclosure suit resulting in judgment for the City.
CITY V. JONTEZ STEVENS (County Court)	Successfully gained custody of an abused Pitbull and awarded costs for care of the animal. Defendant also enjoined from possessing any animals within the City limits.
CITY V. GRIFFIN (Special Magistrate)	Successfully prosecuted code enforcement violation concerning doing business without a tax receipt and without a conditional use approval. Appeal by violater is currently pending in the Circuit Court of the 19th Judicial Circuit.
CITY V. WILSON (WILSON'S GAME ROOM) (Special Magistrate)	First time Special Magistrate proceeding utilized to enforce nuisance abatement proceedings to achieve compliance with City Ordinances.



ORDINANCES AND RESOLUTIONS

This year the City Attorney’s Office participated in reviewing, drafting and/or revising all ordinances and resolutions. The following examples highlight a few notable ordinances and resolutions.

<p>Ordinance 16-022 Amending the Current Alarm Ordinance</p> <p>Ordinance had been languishing for quite some time and required extensive coordination between the County, law enforcement agencies and the City.</p>	<p>Ordinance 17-015 Eliminating Participation by Uncertified Alternate Board Members</p> <p>Ordinance ensures that participating members are held accountable for their final decision.</p>
<p>Ordinance 17-016 Eliminating Compensation for Members of City Appointed Boards</p> <p>Ordinance eliminates a putative violation of the Charter which prohibits compensation of board members.</p>	<p>Ordinance 17-017 Abolishing the Code Enforcement Board</p> <p>Ordinance transfers decision making of complex legal issues to a legally trained special magistrate.</p>
<p>Ordinance No. 17-019 Amending Chapter 15 - Signs and Billboards</p> <p>Ordinance had been languishing in the Office for some time and required extensive coordination with the County.</p>	<p>Resolution 17-R16 Establishing Quasi-Judicial Hearing Procedures</p> <p>Resolution ensures an orderly proceeding that is able to withstand judicial scrutiny on appeal.</p>

OTHER NOTABLE ACHIEVEMENTS

Florida League of Cities Legislative Policy Committee for Urban Administration

The City Attorney was appointed to serve on the Florida League of Cities Legislative Policy Committee for Urban Administration for two consecutive years. The Committee is tasked with developing the League's Legislative Action Agenda detailing priority issues that are most likely to affect daily municipal governance and local decision making during the upcoming legislative session. Policy committee members also help League staff understand the real world implications of proposed legislation and are asked to serve as advocates throughout the legislative process.



Training for City Commission and City Officials



The City Attorney's Office coordinated training for the City Commission and/or City Officials in the following areas:

- Quasi-Judicial Procedures
- Civil Forfeitures
- Leadership
- Probable Cause

Enhancement of Security at the City Attorney's Office

Rule 4-1.6 of the Rules Regulating The Florida Bar require that "[a] lawyer must make reasonable effort to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." To ensure compliance with this duty, the City Attorney's Office installed a security system that prevents unauthorized access into the office and records traffic in and out of the office.



City Attorney's Report



The City Attorney's Office instituted metrics as a way of measuring performance with its First Quarter City Attorney's Report and its Annual City Attorney's Report.

Wireless Communication Towers

City Attorney's response letter was used as a model by the Florida League of Cities regarding wireless infrastructure companies seeking permits to construct wireless communication towers in the City right-of-way. The City Attorney's Office was also specifically tasked by the Florida Leagues of Cities to comment on proposed legislation by wireless infrastructure companies relating to the same.



PROFESSIONAL DEVELOPMENT



The City Attorney's Office participated in the following continuing education seminars:

FLORIDA MUNICIPAL ATTORNEYS ASSOCIATION 35TH ANNUAL SEMINAR

This three day seminar occurs annually exploring recent developments in municipal law and discussing hot topic relating to municipalities. Some of the topics covered in 2016 included defense of land use permit decisions, public records law update, homelessness, police and civil rights liability, and labor and employment liability issues affecting the city.

NATIONAL BUSINESS INSTITUTE BOUNDARY AND EASEMENT LAW

This day-long training reviewed the fundamentals of easements and boundary related disputes, exploring such topics as defining easement types, creating and enforcing easements, and resolving and litigating boundary disputes.

ADVANCED REAL ESTATE AND CERTIFICATION REVIEW COURSE

This two day seminar explored a broad scope of advanced real estate topics such as the Marketable Record Title Act, title insurance, foreclosures, lien priorities, bankruptcies, zoning/permitting, surveys and easements, and conveyances.

LABOR AND EMPLOYMENT LAW ANNUAL CERTIFICATION AND REVIEW

This two day seminar explored a broad scope of advanced labor and employment topics such as constitutional employment claims, Public Employee Relations Act, common law employment claims, various labor related statutes, and unemployment appeals.

PALM BEACH COUNTY BAR ASSOCIATION BENCH BAR CONFERENCE

This day-long conference explored a broad range of topics such as civil appeals, mediation and arbitration, and updates on civil litigation.

FLORIDA LEAGUE OF CITIES MEDICAL MARIJUANA WEBINAR

Following medical marijuana's approval by a constitutional amendment and statute, the Florida League of Cities hosted a webinar to discuss related municipal issues, exploring such topics as zoning regulations, building permit concerns, labor and employment concerns, and moratoriums.

COMMUNITY INVOLVEMENT



Tunnel of Hope



Job Fair



Kids at Hope Reading Event



Moore's Creek Cleanup



Leadership St. Lucie Chamber of Commerce



Highwaymen Festival