



**CITY OF GAINESVILLE
OFFICE OF THE CITY ATTORNEY**

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TO:	Mayor and City Commissioners
FROM:	Daniel M. Nee, City Attorney <i>[Signature]</i>
DATE:	March 19, 2025
SUBJECT	Response to Fiscal Retreat Inquiry

City Attorney’s Office - Overview of Office Scope and Responsibilities

The Charter of the City of Gainesville, created by special act of the Florida Legislature, established the City as a municipal corporation with governmental, corporate, and proprietary powers. Under the Charter, the City operates per a “commission-management” form of government. A full review of the City Charter provides the comprehensive foundation of the City. For purposes of this discussion, the following Charter provisions are of particular relevance:

3.01. - Charter officers.

The charter officers provided for in this article are vested with Authority to administer the assigned duties of their offices including the employment and removal of all subordinate employees of their offices. They must make all appointments based on merit and fitness alone and, except as otherwise provided in this act, may remove nonprobationary personnel only for cause, obsolescence of position, budgetary restriction, or for other legitimate reasons. The charter officers may purchase and contract for supplies, materials, equipment, and services required to perform their assigned duties under procedures and limitations prescribed by the commission.

3.03. - City attorney.

The city attorney must be admitted to the practice of law in the state, and shall be the legal advisor to and attorney for the city. The city attorney shall serve at the will of the commission. The city attorney shall prosecute and defend all suits, complaints, and controversies for and on behalf of the city, unless otherwise directed by the commission, and shall review all contracts, bonds and other instruments in writing in which the city is to be a party, and shall endorse on each approval as to form and legality.

In short, the City Attorney’s Office plays a vital role in supporting the legislative and policy-setting functions of the City Commission, and the operational goals and actions of City management with its many departments and divisions. This office does not set or implement policy, enforce the City Code, or manage City contracts. Rather, the City Attorney’s Office

provides professional services as advisor and advocate, so that the Commission and management may carry out their duties. At all times, the attorneys and staff of the City Attorney's Office are guided by the ethical obligations that govern our conduct as attorneys licensed by the Florida Bar. In particular, we are each personally responsible for observing the Rules of Professional Conduct, and may be disciplined for failure to do so. The Rules of Professional Conduct require that, as advisor, we must exercise independent professional judgment and render candid advice to our clients and, as advocate, we cannot bring or defend a proceeding, or assert or controvert an issue therein, on behalf of our clients, unless in our opinion there is a basis in law and fact for doing so. These professional obligations require occasionally difficult, but necessary, conversations that, in the long run, best serve the organization as a whole.

Generally, the City Attorney's Office defines our general practice areas and provides an annual report to the City Commission. The annual report to the Commission details general accomplishments in the areas of Litigation; Public Safety (police and fire); Planning, Development and Neighborhood Improvement; Labor and Employment; General Government Services (public works, parks, transportation, etc.); and Utilities. The annual report is generally provided within a month after the end of the fiscal year. A copy of the "FY 2023-24 Performance Report of the Office of the City Attorney" dated November 25, 2024 is attached to this memorandum.

City Attorney's Office - Current Staffing and Budget Levels

In Fiscal Year 2025, the City Attorney's Office is budgeted for 14 positions – 9 attorney positions and 5 professional staff members. The 14 positions and operations of the City Attorney's Office are budgeted among 5 funds – the General Fund, the General Insurance Fund, the Gainesville Community Reinvestment Area Fund, the General Pension Fund, and the Miscellaneous Special Revenue Fund.

One of the 14 attorney positions has been held vacant since August 2024 due to legislative amendment to the City Charter related to governance over the City's utility system. Unfortunately, while the attorney position dedicated to the utility system remains unfilled, the bulk of the utilities-related legal work (primarily contract review and occasional counsel regarding operational matters) continues to be borne by the City Attorney's Office. In addition to the vacant position, the City Attorney's Office employs the charter officer City Attorney and 4 Senior Assistant City Attorneys who specialize in the aforementioned practice areas, and range from 13 to 37 years of professional experience as members of the Florida Bar. Also, 2 attorneys with the current title of Assistant City Attorney II provide representation in matters of procurement, contract review, and litigation. In March, 2025, the office celebrated the retirement of a Senior Assistant City Attorney with almost 37 years of experience in various government lawyer positions. The City Attorney's Office is currently working with the Human Resources Department to recruit applicants to fill that position. The Fiscal Year 2025 All Funds budget for attorney personnel expenses (salaries plus benefits) totals \$1,579,106.77, with \$1,271,220.32 funding coming from the General Fund.

The attorneys work side by side with 5 professional staff members. These professionals include 1 Senior Legal Assistant, and 3 Legal Assistant II's who work independently and in conjunction with attorneys to provide transactional and litigation support to the various City departments. Additionally, the office includes 1 Executive Assistant Senior who focuses on the physical, administrative, and budgeting functions of the office. The Fiscal Year 2025 All Funds

budget for staff personnel expenses (salaries plus benefits) totals \$418,831.93, with \$300,349.18 funding coming from the General Fund.

Aside from personnel, the City Attorney's Office is budgeted \$105,000 in Fiscal Year 2025 for Operations and Administrative Expenses. The bulk of these expenses go toward large contracts including provision for a document management system (~\$17,400), subscription to online and published legal research materials (~\$17,500), and copiers/scanners (~\$7,400). Professional membership dues and required continuing legal education expenses (~\$25,800) are also included in this sum. The entirety of the \$105,000 in Operations and Administrative Expenses is attributed to the General Fund.

In sum, the total All Funds Fiscal Year 2025 budget for the City Attorney's Office, including personnel, operations, and administrative expenses, is \$2,102,938.70. The City Attorney's Office impact to the General Fund in Fiscal Year 2025 is \$1,676,569.60.

City Attorney's Office - Historic Staffing and Budget Levels

Both in terms of the All Funds budget and the impact on the General Fund, the budget for the City Attorney's Office has remained remarkably flat over the past 16 years. In preparation for this report to the City Commission, data for every year since 2009 was compiled. The City Attorney's budget is detailed in the attached charts broken down by Object/Category Personnel (Salaries, Wages & Fringe Benefits) vs. Operating (Operating, Administrative & Capital Expenses), and also by broken down by Fund. The Fiscal Year 2025 All Funds budget for the City Attorney's Office was at its lowest point of any year throughout this entire 16-year period. The Fiscal Year All Funds budget is 5.1% lower than it was in Fiscal Year 2009, and 13.9% lower than its highest All Fund budget in Fiscal Years 2013 and 2014. The General Fund budget for Fiscal Year 2025 is up 5.3% over the Fiscal Year 2009 level, but down 2.9% over the Fiscal Year 2013 General Fund budget. More recently, since Fiscal Year 2020, the City Attorney's Office impact on the General Fund budget decreased by 1.6%. Over that same 5-year time period since Fiscal Year 2020, the City Attorney's Office's All Funds budget has decreased 10.8%.

The financial discipline exercised by the City Attorney's Office is particularly evident when compared to other historical metrics. Per the U.S. Census Bureau, the population of the City of Gainesville has increased by approximately 17.3% between 2010 and 2023. During that same time period, the number of Full-Time Employees budgeted for the City Attorney's Office has decreased from 16 to 14. As previously mentioned, 1 of the current 14 budgeted positions is currently left intentionally vacant due to uncertainties related to the future governance of the City's utility system, and determinations whether management of the City's utility system wishes to continue to avail itself of the legal services that the City Attorney's Office continues to provide. As a function of the City's overall budget, the City Attorney's Office has gone from 1.49% of the City's Fiscal Year 2011 General Fund budget to 1.08% of the City's Fiscal Year 2025 General Fund budget. Similarly, the City Attorney's Office has gone from 0.83% of the City's Fiscal Year 2010 All Funds budget to 0.46% of the City's Fiscal Year 2025 All Funds budget.

City Attorney's Office – Looking Forward to a Proposed Fiscal Year 2026 Budget

The City Attorney's Office is committed to continuing with a disciplined approach to budgeting. Of course, the employment market and inflationary pressures continue to present

challenges. The past year included the retirement of two long-term members of the office, along with the loss of another employee to a higher-paying position elsewhere within City government. Recruiting for these positions given current compensation levels and market conditions has been challenging. Through working with the City's Human Resources Department and the Office of Management and Budget, the City Attorney's Office has received estimates of Fiscal Year 2026 personnel expenses, inclusive of expected salaries, wages, and fringe benefits. At current budgeted staffing levels, the estimates call for a 3.86% increase in the All Funds budget, with a 3.96% increase to the General Fund portion. The Fiscal Year General Fund budget for Personnel for the City Attorney's Office, with no change to the number or classification of employees, is expected to be \$1,633,768.20. As to the non-personnel Operating and Administrative Expenses, the City Attorney's Office has been notified to expect an approximately 5% increase to its online legal research subscriptions. Of course, it is difficult to estimate the effect of inflation on other operating costs, but a modest increase from \$105,000 to \$110,250 may not be unexpected. At this point, the City Attorney's Office would suggest a proposed General Fund budget impact of \$1,744,018.20 for Fiscal Year 2026.

CITY ATTORNEY'S OFFICE BUDGET

Budget by Object/Category - budgeted & actuals

Year	FTEs	Salaries & Wages + Fringe [Budgeted]	Operating (+Capital) [Budgeted]	City Attorney Total [Budgeted]	Salaries & Wages + Fringe [Actuals]	Operating (+Capital) [Actuals]	City Attorney Total [Actuals]
2009	16	\$1,671,979.00	\$537,824.00	\$2,209,803.00	\$1,589,720.00	\$162,160.00	\$1,751,880.00
2010	16	\$1,691,078.00	\$521,962.00	\$2,213,040.00	\$1,532,302.00	\$176,743.00	\$1,709,045.00
2011	15	\$1,619,419.00	\$508,832.00	\$2,128,251.00	\$1,629,630.00	\$241,570.00	\$1,871,200.00
2012	17	\$1,748,924.00	\$510,182.00	\$2,259,106.00	\$1,790,290.00	\$195,536.00	\$1,985,826.00
2013	17	\$1,881,989.00	\$512,965.00	\$2,394,954.00	\$1,786,343.00	\$127,610.00	\$1,913,953.00
2014	18	\$1,892,902.00	\$502,052.00	\$2,394,954.00	\$1,803,936.00	\$114,345.00	\$1,918,281.00
2015	17	\$1,839,568.00	\$392,305.00	\$2,231,873.00	\$1,834,865.00	\$111,031.00	\$1,945,896.00
2016	17	\$1,906,854.00	\$392,573.00	\$2,299,427.00	\$1,930,806.00	\$140,307.00	\$2,071,113.00
2017	17	\$1,962,853.00	\$385,504.00	\$2,348,357.00	\$1,888,974.00	\$162,881.00	\$2,051,855.00
2018	16	\$1,994,508.00	\$373,459.00	\$2,367,967.00	\$1,821,403.00	\$218,632.00	\$2,040,035.00
2019	16	\$1,947,550.00	\$373,640.00	\$2,321,190.00	\$1,797,664.00	\$122,872.00	\$1,920,536.00
2020	16	\$1,994,012.00	\$335,140.00	\$2,329,152.00	\$1,837,991.00	\$85,294.00	\$1,923,285.00
2021	15	\$1,919,577.00	\$411,640.00	\$2,331,217.00	\$1,785,795.00	\$67,572.00	\$1,853,367.00
2022	15	\$1,857,827.00	\$411,801.00	\$2,269,628.00	\$1,799,713.00	\$112,392.00	\$1,912,105.00
2023	15	\$1,925,206.00	\$311,965.00	\$2,237,171.00	\$1,724,923.00	\$67,462.00	\$1,792,385.00
2024	14	\$1,980,325.00	\$181,500.00	\$2,161,825.00	\$1,803,177.00	\$83,220.00	\$1,886,397.00
2025	14	\$1,997,938.00	\$105,000.00	\$2,102,938.00			

CITY ATTORNEY'S OFFICE BUDGET
Budget by Fund - budgeted

Year	FTEs	General Fund (001 / 1001) [Budgeted]	CRA (111 / 1132) [Budgeted]	General Insurance (503 / 1502) [Budgeted]	General Pension (604 / 1652) [Budgeted]	Special Revenue (Legal Services) (123 / 1121) [Budgeted]	Total [Budgeted]
2009	16	\$1,591,477.00	\$88,047.00	\$527,168.00	\$3,111.00	\$0.00	\$2,209,803.00
2010	16	\$1,560,651.00	\$87,633.00	\$561,712.00	\$3,044.00	\$0.00	\$2,213,040.00
2011	15	\$1,563,073.00	\$0.00	\$563,189.00	\$1,989.00	\$0.00	\$2,128,251.00
2012	17	\$1,618,937.00	\$61,947.00	\$576,062.00	\$2,160.00	\$0.00	\$2,259,106.00
2013	17	\$1,705,595.00	\$63,516.00	\$584,913.00	\$2,430.00	\$38,500.00	\$2,394,954.00
2014	18	\$1,657,774.00	\$60,657.00	\$635,452.00	\$2,571.00	\$38,500.00	\$2,394,954.00
2015	17	\$1,594,856.00	\$61,863.00	\$529,802.00	\$6,852.00	\$38,500.00	\$2,231,873.00
2016	17	\$1,652,835.00	\$62,196.00	\$538,852.00	\$7,044.00	\$38,500.00	\$2,299,427.00
2017	17	\$1,700,669.00	\$66,378.00	\$535,595.00	\$7,215.00	\$38,500.00	\$2,348,357.00
2018	16	\$1,699,254.00	\$76,779.00	\$546,045.00	\$7,389.00	\$38,500.00	\$2,367,967.00
2019	16	\$1,655,756.00	\$74,262.00	\$545,283.00	\$7,389.00	\$38,500.00	\$2,321,190.00
2020	16	\$1,702,914.00	\$66,589.00	\$552,766.00	\$6,883.00	\$0.00	\$2,329,152.00
2021	15	\$1,639,099.00	\$83,454.00	\$523,654.00	\$8,510.00	\$76,500.00	\$2,331,217.00
2022	15	\$1,588,208.00	\$81,259.00	\$530,448.00	\$8,214.00	\$76,500.00	\$2,284,629.00
2023	15	\$1,606,060.00	\$85,778.00	\$468,833.00	\$8,709.00	\$76,500.00	\$2,245,880.00
2024	14	\$1,633,410.00	\$91,540.00	\$351,140.00	\$9,235.00	\$76,500.00	\$2,161,825.00
2025	14	\$1,676,569.00	\$92,509.00	\$324,551.00	\$9,309.00	\$0.00	\$2,102,938.00

CITY ATTORNEY'S OFFICE BUDGET
Budget by Fund - actuals

Year	FTEs	General Fund (001 / 1001) [Actuals]	CRA (111 / 1132) [Actuals]	General Insurance (503 / 1502) [Actuals]	General Pension (604 / 1652) [Actuals]	Special Revenue (Legal Services) (123 / 1121) [Actuals]	Total [Actuals]
2009	16	\$1,439,113.00	\$84,214.00	\$226,376.00	\$2,177.00	\$0.00	\$1,751,880.00
2010	16	\$1,417,956.00	\$0.00	\$287,707.00	\$2,662.00	\$720.00	\$1,709,045.00
2011	15	\$1,477,034.00	\$0.00	\$352,182.00	\$2,055.00	\$39,929.00	\$1,871,200.00
2012	17	\$1,603,698.00	\$61,787.00	\$305,248.00	\$1,867.00	\$13,226.00	\$1,985,826.00
2013	17	\$1,576,225.00	\$40,562.00	\$284,202.00	\$2,595.00	\$10,369.00	\$1,913,953.00
2014	18	\$1,512,396.00	\$62,417.00	\$335,044.00	\$2,500.00	\$5,928.00	\$1,918,285.00
2015	17	\$1,530,123.00	\$63,389.00	\$338,397.00	\$6,829.00	\$7,158.00	\$1,945,896.00
2016	17	\$1,617,023.00	\$65,733.00	\$339,448.00	\$7,102.00	\$41,808.00	\$2,071,114.00
2017	17	\$1,557,621.00	\$71,502.00	\$343,365.00	\$7,232.00	\$72,136.00	\$2,051,856.00
2018	16	\$1,499,296.00	\$75,109.00	\$346,502.00	\$2,781.00	\$116,347.00	\$2,040,035.00
2019	16	\$1,442,498.00	\$66,066.00	\$358,333.00	\$7,602.00	\$46,037.00	\$1,920,536.00
2020	16	\$1,506,171.00	\$66,512.00	\$335,171.00	\$8,323.00	\$7,109.00	\$1,923,286.00
2021	15	\$1,437,977.00	\$79,010.00	\$327,519.00	\$7,857.00	\$1,005.00	\$1,853,368.00
2022	15	\$1,541,230.00	\$84,405.00	\$242,846.00	\$0.00	\$43,613.00	\$1,912,094.00
2023	15	\$1,501,709.00	\$86,623.00	\$195,312.00	\$8,740.00	\$0.00	\$1,792,384.00
2024	14	\$1,601,731.00	\$91,208.00	\$182,141.00	\$11,317.00	\$0.00	\$1,886,397.00
2025	14						

Daniel M. Nee ♦
City Attorney



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TO:	Mayor and City Commissioners
FROM:	Daniel M. Nee, City Attorney
DATE:	November 25, 2024
SUBJECT	FY 2023-24 Performance Report of the Office of the City Attorney

Fiscal year 2023-2024 was another year of challenge and change throughout the City of Gainesville organization. Through the crucible of legislative changes and budgetary constraints, the City Attorney's Office has provided dependable, steadfast counsel and professional representation. Once again, it felt as if the year was dominated by changes mandated by the Florida Legislature, including the installation and subsequent re-installation of the Gainesville Regional Utility Authority. The City Attorney's Office has remained adaptable and available to serve, even under unusual circumstances.

Please accept this memorandum outlining the accomplishments of a high-functioning, municipal law office. It is intended that this memorandum will provide an overview of the office's recent activities, and highlight noteworthy events and activities. It is by no means comprehensive of all of the day-to-day work performed by the attorneys and staff in representation of the City of Gainesville. We remain available at all times for more specific inquiries.

**ROLE, RESPONSIBILITIES, AND PROFESSIONAL OBLIGATIONS OF
THE OFFICE OF THE CITY ATTORNEY**

It is important to understand the role and responsibilities of the Office of the City Attorney. This office serves as in-house corporate counsel to the City of Gainesville, including both General Government and Gainesville Regional Utilities sides of the organization, and all of their various departments and divisions. These are our "Clients." The Office of the City Attorney has long adhered to a "One Gainesville" concept, recognizing that all aspects of our organization are focused on serving our neighbors, businesses, community organizations, visitors, and other stakeholders.

As with many analyses performed by this office, it is best to begin the evaluation by looking to the Charter. City Charter 3.03 provides,

The city attorney must be admitted to the practice of law in the state, and shall be the legal advisor to and attorney for the city. The city attorney shall serve at the will of the commission. The city attorney shall prosecute and defend all suits, complaints, and controversies for and on behalf of the city, unless otherwise

directed by the commission, and shall review all contracts, bonds and other instruments in writing in which the city is to be a party, and shall endorse on each approval as to form and legality.

The description is succinct, but broad in responsibility.

This office has an integral, but supporting, role in many of the functions and business activities of our Clients. The characterization as a supporting role does not minimize the importance or necessity of our services, but emphasizes that it is not the function or role of this office to set or implement policy, to enforce the City Code, or to manage City contracts. For the most part, this office does not self-generate our workload. We are a service provider with two primary roles, advisor and advocate. The value of our services are generally reflected in the usefulness to our Clients in achieving their goals.

It is also important to understand the professional obligations that govern our conduct as attorneys licensed by the Florida Bar. In particular, we are each personally responsible for observing the Rules of Professional Conduct, and may be disciplined for failure to do so. The Rules of Professional Conduct require that, as advisor, we must exercise independent professional judgment and render candid advice to our Clients and, as advocate, we cannot bring or defend a proceeding, or assert or controvert an issue therein, on behalf of our Clients, unless in our opinion there is a basis in law and fact for doing so. These professional obligations require occasionally difficult, but necessary, conversations that, in the long run, best serve the organization as a whole.

OBJECTIVES AND PERFORMANCE CRITERIA

The longstanding primary objective for this office is to provide timely, competent and diligent legal counsel to our Clients in an efficient and cost-effective manner. Thereby, our aim is to assist and support our Clients in bringing projects and programs to fruition, in running the business units they manage, in achieving their objectives and strategic initiatives, and in defending and pursuing claims and litigation on behalf of the City. Traditionally, we review the performance of this office in terms of the following core objectives:

Core Objective	Notable Achievements
<p>The Office of the City Attorney must zealously advocate in all levels of court and administrative proceedings, including the preparation of documents and oral arguments before the judicial bodies. We work effectively with Risk Management and other involved departments to investigate and evaluate all claims as necessary to determine those that warrant settlement and those that should be litigated in the best interest of the City.</p>	<p>The Office of the City Attorney actively monitors and represents our Clients in over 390 open claims and filed cases combined. Primarily these involve:</p> <ul style="list-style-type: none"> • Personal injury and other torts; • Labor and employment issues; • Police liability; and • Construction and other contract disputes. <p>Cases are currently being litigated at all levels of state trial courts, at the state District Court of Appeal, and in the federal Northern District of Florida, as well as before state DOAH hearing officers and the EEOC.</p>

<p>The Office of the City Attorney must perform as advisor in public meetings held by our Clients. We provide meaningful responses to legal questions from our Clients, without disclosing attorney-client privileged information or legal strategy. Our goal is to adequately prepare, through experience and anticipatory research, to address the matters that are on the agenda or likely to arise at meetings.</p>	<p>The Office of the City Attorney provided legal counsel at regular and special meetings and workshops held by the City Commission, standing committees of the City Commission, the GRU Authority, the Development Review Board, the City Plan Board, Parking Board of Appeals, Human Rights Board, Fire Safety Board of Adjustment, and Boards of Trustees for Pension Plans. Additionally, attorneys provide regular training to the boards regarding Florida Government in the Sunshine laws, open government, public records, and quasi-judicial procedure.</p>
<p>The Office of the City Attorney must perform as advisor in transactional and regulatory matters, including our availability for meetings with our Clients, responding to requests for legal guidance, review/preparation of contracts and other legal documents and preparation of ordinances.</p>	<p>The Office of the City Attorney prepared and submitted 36 Ordinances on first reading, 37 Ordinances on second or adoption reading, and 18 Resolutions during this fiscal year.</p> <p>We also reviewed and/or drafted numerous agreements and responses to requests for legal services, and assisted our Clients with contract negotiations and disputes, including agreements with the County, Constitutional Officers (Supervisor of Elections, Sheriff, State Attorney, Public Defender), the University of Florida, utility customers (individually and large-scale developers), and a multitude of vendors.</p>
<p>The Office of the City Attorney must clearly communicate our independent legal opinions and concisely frame legal issues to assist our Clients in evaluating particular courses of action and understanding the consequences of such action. Our opinions should be based on current law and should advise how changes in the law affect our Clients’ operations.</p>	<p>The Office of the City Attorney provided legal opinions to staff and the City Commission on matters such as First Amendment and other Constitutional concerns, including signage and homeless issues; equal opportunity, including discrimination and hiring and purchasing practices; and public records, public meetings and ethics laws; along with necessary opinions related to utility revenue bond issuances.</p> <p>We also conducted training and provided legal guidance on topics of interest, including: new Commissioner orientation; public records and Sunshine Law training; provided GPD training; advised City staff of changes in the law and developing court cases.</p>
<p>The Office of the City Attorney must at all times provide legal services in a professional and ethical manner by practicing law in accordance with our Code of Professional</p>	<p>Three attorneys (including the City Attorney) have achieved Florida Bar Board Certification in City, County and Local Government Law (and one other previously maintained such distinction but opted not to re-certify). As such, we are recognized as “Specialists” or “Experts” in this area of law. Three legal assistants maintained</p>

<p>Responsibility, the Code of Ethics for Public Officers and Employees, and the City’s Personnel Policies and Procedures. We should actively participate in educational events and associations to stay informed of developments in the law and maintain a network of professional relationships.</p>	<p>professional legal assistant/paralegal certifications. Attorneys maintain membership in relevant Florida Bar practice sections, including: City, County, and Local Government Law; Labor and Employment Law; Administrative Law; and Civil Litigation. Continuing legal education and collegial networking is ensured through participation in conferences and email listservs sponsored by the Florida Bar, the Florida Municipal Attorneys Association, the International Municipal Lawyers Association, the Energy Bar Association, the Florida Association of Police Attorneys, and others. Members of this office maintain professional and productive working relationships with officials in the judiciary, attorneys with the State Attorney and Public Defender Offices, and other local Constitutional Officers, including the Clerk of Court, Supervisor of Elections, Property Appraiser, and Tax Collector.</p>
<p>The Office of the City Attorney must provide proper management of the Office by operating within budget and by maintaining a professional staff (and retention of outside counsel) to provide legal services that meet our Clients’ needs.</p>	<p>The Office of the City Attorney has been blessed with long tenures served by accomplished attorneys and staff. Unfortunately, we lost a long-term Sr, Legal Assistant to retirement this year, and another valued Legal Assistant internally to another department and a higher salary. We were fortunate to find a highly-qualified addition to our team., and have lured the retired employee back on a part-time basis while we continue to search for a viable candidate. Professional recruitment has proven to be challenging. Presently the office has 4 attorneys with in excess of 23 years’ of practice experience each (2 with more than 35!). We have 4 attorneys who have served the City of Gainesville for over 10 years. 2 legal assistants have served our Clients for over 20 years. The institutional knowledge and dedication is invaluable to providing efficient, cost-effective counsel and service to our Clients. We are presently working with Human Resources to ensure effective ways to continue making career development and advancement a priority within the office.</p> <p>In addition to the experienced in-house staff, the office retained and oversaw outside counsel to respond to excess workload demand or handle specialized matters for our Clients for which we lack sufficient in-house expertise.</p>

SIGNIFICANT ACCOMPLISHMENTS AND CHALLENGES PER PRACTICE AREA

Another way to view the responsibilities and accomplishments of the Office of the City Attorney is by general practice area. While the office is structured to cross-train and provide back-up assistance among the various attorneys, the scope of services offered is extremely broad for a staff of 7 to 8 attorneys. Consequently, while we are all generalists in the larger sense, each attorney also has a particular focus. It is difficult to capture the day-to-day counsel provided on numerous issues, but the following highlights should provide a representative sampling of the work performed in this fiscal year.

Litigation

The office's litigation team regularly and successfully handles numerous claims filed by plaintiffs' firms throughout Florida. Recently, litigation has seen a considerable uptick in activity with a surge of new lawsuits filed against the City in 2023 in response to legislative tort reform. These lawsuits arise in the areas of tort litigation (automotive and premises liability), Section 1983 civil rights claims, employment (Title VII litigation), and construction or contractual disputes. Presently, the Office of the City Attorney is handling approximately 394 tort claims against the City, but also employment, contractual, land use and other types of claims. There are 25 open and active lawsuits that are presently being litigated in the state and federal courts. A sampling of the cases that were resolved in FY 2024, the department involved, and the nature of the resolution, includes the following:

- *Dennis Dunbar v. City of Gainesville*, Case No. 2023-CA-682 [RTS] (settled)
- *Bryan Duncan v. City of Gainesville*, Case No. 2024-CA-473 [GPD] (Defense Motion to Dismiss granted)
- *Meshell Ferguson o.b.o. Karen Thorns v. City of Gainesville*, Case No. 2019-CA-3220 [RTS] (settled)
- *Naomi Hall and Naquel Hall v. City of Gainesville*, Case No. 2023-CA-000420 [Public Works] (settled)
- *Aundrae Hamilton v. City of Gainesville*, Case No. 2023-CA-625[GPD] (settled)
- *Cheryl Horen v. City of Gainesville*, Case No. 2023-CA-1107 [Public Works] (settled)
- *Jared Jacobi v. City of Gainesville*, Case No. 2023-CA-1794 [RTS] (settled)
- *Yadira Rojas Jerez v. City of Gainesville*, Case No. 2023-CA-3130 [Public Works] (settled)
- *Eulajeon Malphurs and William Malphurs v. City of Gainesville*, Case No. 2023-CA-4832 [GRU] (settled)
- *Kaleb Moreno-Griffin v. City of Gainesville*, Case No. 2023-CA-2233 [GPD] (settled)
- *Katherine Mueller v. City of Gainesville*, Case No. 2023-CA-3777 [Public Works] (settled)
- *Sandra Norris v. City of Gainesville*, Case No. 2023-CA-457 [Public Works] (settled)
- *Erica Phillips, individually, and Erica Phillips, as natural parent and legal guardian of L.M., a minor v. City of Gainesville*, Case No. 2023-CA-1241 [Parks & Recreation] (voluntarily dismissed)

- *Latoya Richardson, as Parent, Natural Guardian, and Next Friend of her minor child, GH v. City of Gainesville, a municipal entity, d/b/a Regional Transit System* Case No. 2022-CA-3390 [RTS] (settled)
- *Melvin Johnathan Sheppard v. City of Gainesville*, Case No. 2022-CA-2941 [RTS] (settled)
- *Charlotte Stone v. City of Gainesville*, Case No. 2023-CA-1459 [GPD] (settled)
- *Brenda Suggs v. City of Gainesville*, Case No. 2023-CA-1561 [Public Works] (settled)
- *Alekona Surento v. City of Gainesville*, Case No. 2023-CA-1028 [GPD] (settled)
- *Charles Telesco and Patricia Telesco v. City of Gainesville*, Case No. 2023-CA-3678 [GRU] (settled)
- *Guara Thigpen v. City of Gainesville*, Case No. 2023-CA-1928 [RTS] (dismissed)
- *Tanisha Webb v. City of Gainesville*, Case No. 2023-CA-3130 [GPD] (settled)

Aside from tort and employment litigation, the office engaged in governmental-type litigation including claims based on purported legislative preemption, challenges to regulatory measures such as the exclusive solid waste carrier ordinance, junior lien (including code enforcement) foreclosure cases, collection of user and regulatory fees, and employee wage garnishment cases.

Public Safety

The City's police and fire departments often need prompt, reliable legal counsel, as well as seasoned transactional and litigation representation. A sampling of this office's efforts to support GPD and GFR during this fiscal year include:

- Reviewing and drafting contracts for the acquisition of equipment, medical supplies, training, and those related to grants and special projects;
- Providing review, interpretation, and amendments to the City's Nuisance Abatement Ordinance;
- Assisted in the review, interpretation, and creation of the City's proposed camping related and Ordinance;
- Researching and drafting eight legislative and case law updates for GPD;
- Researching and answering frequent legal questions for GPD;
- Pursuing and litigating 4 Contraband Forfeiture cases related to drug trafficking offenses; money laundering; and human trafficking.
- Pursuing and litigating three Risk Protection Orders requiring the temporary surrender of firearms. RPOs were granted in all of the cases.
- Drafting Declarations of Emergency for hurricanes.
- Attending Public Safety Committee meetings.

Planning, Development, and Neighborhood Improvement

The Office of the City Attorney actively works with the Department of Sustainable Development and other City departments in the formulation and drafting of ordinances and resolutions. These ordinances and resolutions are the essential means through which the policies of the City Commission are carried out, and they often help define our neighbors' interactions with the City. During this fiscal year, the Office of the City Attorney has prepared and

presented approximately 36 ordinances on first reading, 34 ordinances on second or adoption reading, and 18 resolutions, along with assisting in drafting over a hundred contracts and amendments to contracts. Many of these ordinances have been land use and zoning actions affecting particular parcels of property. Other items will have more widespread and lasting effects.

Labor and Employment

The City of Gainesville has over 2300 employees (including General Government and Gainesville Regional Utilities); approximately 70% of those employees are represented by one of 5 unions under 7 separate labor agreements. The Office of the City Attorney provides counsel and representation in a wide range of interactions between the City and its community builders. This fiscal year provided many opportunities for this office to assist in forging, repairing, or improving these relationships in several ways.

- Assisting with the Hiring Practices and Background Checks – The office’s experienced labor and employment lawyer worked in support of researching the backgrounds of applicants for employment or promotions where the general background check disclosed potential issues when the decision for hiring or promotion was undecided. We made recommendations to the Human Resources Department regarding hiring or promotions relying upon objective criteria and past practice helping to ensure consistency throughout the organization. In addition, applicants that had a more serious background, we conduct follow up interviews with the applicant in compliance with EEOC guidelines in order to render our final recommendation.
- Immigration Work – This office worked in conjunction with outside counsel to petition the United States Citizenship and Immigration Services (“USCIS”) for an amended H-1B Visa for a specialty occupation that was hard to fill for an employee who changed jobs as well as an extension of the employee’s current H-1B Visa. In addition, we are in the process of petitioning the USCIS for a permanent green card for a current employee. For other employees that work for the City on Visas, we work with the employees to ensure they have the appropriate paperwork and provide HR with relevant deadlines as well as interpretations of paperwork submitted by the employee.
- General policy creation, review, and counseling – This office provided general day-to-day labor and employment counseling to Charter Officers and Department Heads on areas including, but not limited to, the Law Enforcement Officer’s Bill of Rights, grievances, Employee Notices, the use of medical Marijuana, service animals in the workplace, performance improvement plans, FMLA leave, reasonable accommodations under the ADA, the City’s EAP program, the City’s Drug-Free Work Place Policy, Internal Affairs investigations, Veteran’s Preference application in hiring decisions, GFR’s contract with new trainees, classifying City employees as exempt or non-exempt under Florida Public Records Laws, public records requests and the interpretation of the City’s policies, procedures, ordinances and each union’s Collective Bargaining

Agreements. Also, the office's labor and employment attorney assisted GPD in drafting and modifying their General Orders. On an ongoing basis, the office is working with the City Manager's office and MB Listings, TeensWork Alachua and the Children's Trust to continue a summer internship program for Alachua County Youth ages 14-18 funded by the Children's Trust. As well, the office serves on the City Wide Policy Team in drafting and modifying City policies, procedures, guidelines and practices. In that regard, the office has updated Medical Certification forms to be filled out by healthcare providers in order to obtain definitive supporting information regarding an employee's need for a reasonable accommodation. We also provided guidance on negotiations with the IAFF union (non-District Chiefs) regarding certain demands made by the union. Of course, counsel has also been provided in response to the various personnel actions and interim appointments, permanent appointments and separations from employment that have occurred including attending informal conferences and evidentiary hearings within the City.

- Human Rights Board – We provided representation to the City's Human Rights Board, including drafting training materials regarding the Board's administrative procedures, jurisdiction and powers;; attended all HRB monthly meetings; and provided procedural and legal guidance with respect to current findings.
- Labor and Employment Litigation – The Office of the City Attorney provided in-house representation and supported outside counsel in litigating a variety of matters in several different forums. We are currently actively defending a case in the Eighth Judicial Circuit alleging workers' compensation retaliation and recently prevailed in a case in the Eighth Judicial Circuit on a case brought by a law enforcement officer alleging an entitlement to a compliance review hearing. We are currently defending an age discrimination case in the U.S. District Court for the Northern District of Florida. Position Statements have been filed seeking no reasonable cause rulings in seven separate proceedings before the EEOC or the FCHR with allegations including religious discrimination, hostile work environment based on race, race discrimination and retaliation, age discrimination, sex discrimination and violations of the Equal Pay Act. As well, the office works with management to draft position statements regarding allegations of harassment or discrimination filed with Office of Equity and Inclusion as well as conducts investigations into such allegations. Finally, the office addressed a whistle blower claim brought under the Florida Statutes successfully and have counseled management on two other potential whistleblower claims.
- Legislative Monitoring and Interpretation – The Office of the City Attorney has worked with the CWA in order to ensure they meet renewal of registration requirements under the newly modified Fla. Stat. §447.305. In addition, due to the legislative act amending the City's Charter placing GRU under the authority of the Gainesville Regional Utilities Authority ("GRUA"), we have assisted CWA in filing various petitions in seeking to create two new CWA bargaining units for

the GRU employees under the authority of the GRUA and amending the certifications of the CWA for the employees employed by the City.

Necessary Government Services

The City is the governmental body that is closest to the people. As such, the City provides services that impact our neighbors on a daily basis. The City's community builders are instrumental in providing these services and this office is dedicated to supporting the consideration and resolution of the many issues that arise in providing these services.

- Virtually all contracts for goods, equipment, and professional services are vetted for form and legality by the Office of the City Attorney, but many, especially the more complex contracts, involve attorney negotiation and drafting. The office is enhancing focus on an influx of IT contracts, which require special terms related to data breach.
- The office regularly provides training and counsel regarding public records and open government issues. Researched law regarding ADA compliance in fulfilling public records requests. Developed written guidelines to staff.
- Monitored developments in technology and cybersecurity in order to advise departments in drafting contracts, city policies, and application of public records law to sensitive information of the city.
- The Office of the City Attorney provided legal support regarding the fire assessment, including reviewing schedule and rate resolutions and answering staff questions regarding application of fire assessment to specific properties.
- Drafted new contract templates for city departments.
- Researched statutes regarding business taxes and advised staff regarding their ability to change the business tax structure
- Assisted staff in collecting delinquent business taxes by sending letters to delinquent business owners.
- Assisted city staff in drafting agreements related to the exclusive franchise ITN, which was eventually abandoned.
- Assisted solid waste department with negotiations related to ITN for exclusive franchise, including providing legal advice regarding procurement issues and public records law surrounding the ITN.
- Updated interlocal agreements with Supervisor of Elections to conduct city elections. Update polling place agreement.
- Drafted extensive revisions to False Fire Alarm ordinance.
- Provided counsel related to smoking lounge, bottle club, and nuisance abatement ordinances.
- Advised City Auditor regarding how to proceed with RFP for external auditor services in light of recent GRU split.
- Reviewed civil citations for solid waste department.
- Assisted staff with questions regarding implementation of rules for special events.
- Participated in ongoing conferences and negotiations with the University of Florida regarding transit services.

Utilities

Prior to the ongoing Legislature-initiated changes at the City's utility, The Office of the City Attorney dedicated an attorney with specialized experience to matters involving Gainesville Regional Utilities. That attorney chose to separate from the City in August 2024, but the bulk of the legal work has been re-distributed among several attorneys within the City Attorney's Office. For example, counsel related to contracts, debt-related issues, and real estate matters is still being sought by GRU management, and provided by attorneys from this office. This fiscal year was demanding and eventful from a legal perspective. The transition to the GRU Authority mandated by special act of the Florida Legislature presented unique and effort-consuming challenges. An overview of the legal services provided to the utility include:

- GRU Bond Activity. The Utility is reliant upon a complex system of financing, and receives services from several highly capable financial professionals sourced in-house and outside of the organization. This past year, this office assisted and liaised with outside counsel, financial managers, and internal financial professionals to close on multiple transactions, including:
 - Requests for Extensions of Stated Termination Dates for 2005C, 2008A, and 2012B
 - Refunding of 2014 Series A
 - Substitution of Liquidity Facilities Related to 2012 Series B
 - Mandatory Tender of the 2005C and 2006A Bonds
 - Third Allonge to 2018A Bond
 - Allonge to Amended and Restated 2020A Bond
- Reviewed, edited, and approved approximately 500 simple contracts and amendments;
- Reviewed and approved approximately 92 easements and real estate transactions for GRU;
- Conducted extensive legal research on 50 matters at the request of the GM or GRU staff to provide GRU with legal analysis in the form of memorandums, legal policies, or PowerPoint presentations;
- Provided legal review and advice regarding interconnection agreement with City of Alachua;
- Provided legal review and advice regarding potential transmission substation to other utility provider;
- Provided legal review and advice regarding natural gas rebates;
- Provided legal review and advice regarding utility boundaries and annexation;
- Provided legal review and advice regarding the effects of the updated sections of PURPA;
- Provided legal review of the Code of Business Conduct for the Gainesville Regional Utilities Authority;
- Reviewed and provided advice on GRU's Request for Proposal for banking services;
- Provided legal review of notices from Origis regarding the Origis Power Purchase Agreement;

- Reviewed Magellan Broadband Report and provided legal guidance to staff regarding report. Interviewed and retained outside counsel to assist with business plan;
- Provided construction contract review and advice for: Preliminary Planning phase of the Progressive Design Build Agreement for Main Street Wastewater plant;
- Reviewed and advised draft Progressive Design Build contract for new Groundwater Recharge Wetland Project;
- Reviewed TEA Agreements and TEA Electric Guaranty;
- Filed Trademark renewals for GRU with the US Patent and Trademark Office;
- Worked with GRU regarding General Government's regulation/management of its ROWs (i.e., utility placement, regulation, fees, etc.);
- Advised GRU on various issues involving land regulation/development and its effect on the provision of utilities on private and public land;
- Finalized the Interlocal Agreement between Alachua County and the City of Gainesville for the Acquisition of the Trunked Radio System and related defeasement of debt; and
- Researched the potential applicability of the Rate Stabilization Fund, the Fuel Levelization Fund, and the ConnectFree Programs related to efforts to provide utility bill relief to customers.

cc: Charter Officers
Human Resources Director