



Office of Mayor-Elect Lenny Curry

Transition Task Force (Budget)

June 17, 2015

City Hall, Mayor's Conference Room, 117 West Duval Street, Jacksonville FL 32202

IN ATTENDANCE:

Transition Team

Sam Mousa

Mike Weinstein

Shari Shuman

Kirk Wendland

Ashton Hudson

Kevin Stork

Beth Mangold

Council Auditor's Office

Trista Straits

Budget Office

Angela Moyer

Lakeisha Williams

Department: Jason Gabriel - General Counsel, Margaret Sidman, Gayle Petrie, Jean Pimental

Angela gives a review of the budget papers. Their budget is pretty flat except for one reduction in salary. Mr. Hudson asked OGC a question about the independent authorities hiring their own counsel. Ms. Shuman commented that JTA has always had their own counsel. Mr. Hudson continued that all of the independent authorities want their own independent counsel so he asks will we see a drop in this allocation? Mr. Gabriel responded that there will always be a need for their services to these authorities. They would only be obtaining an internal legal advisor but OGC would still be their legal authority. He stated that this change has not occurred yet and will be minimal if it did happen. The School Board and JAA are the only agencies that have charter authorization to hire their own legal counsel and both of these agencies only have internal legal advisors and OGC still handles all of their cases. By charter, the Inspector General will also have their own counsel.

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In the expense budget, a \$78,771 contingency by Counsel for judgment claims and loses was removed. It was explained that the \$829,338 amount for Professional Services was the pot of money from which they would engage outside counsel or expert witnesses. This was also the pot of money from which they paid for the expert witness for the actuary for the federal lawsuit for Police and Fire. Mr. Mousa recalls that the Team was told by Finance that OGC was paying and then ran out of money and they picked up the balance of the payments. Mr. Gabriel says that was a Finance issue and not a litigation issue and so it was best to come out of Finance's budget. Mr. Mousa asked OGC how they recouped these professional services actuarial costs. Mr. Gabriel said he didn't think they did. Mr. Petrie said they don't recoup those services. Mr. Mousa tells them they should. OGC should control the money and decide whether the expert is needed or not. If they decide they need the expert, the costs to obtain the expert should be tacked on to their labor costs.

Enhancements

A document management system to centralize and organize all of their documents.

This software is unique to the legal community. There was discussion about the difference between this and the Onbase system that IT is using. IT's system will not work for them. It is an imaging system. This system is a case management system with imaging capability. OGC has lost a lot of institutional knowledge in the last few years. This would help with that. This system would also address confidentiality issues with their documents. Mr. Mousa asks who would service and manage this system. The cost of the system is inclusive of a service/maintenance contract that comes with the program.

The Budget Team has a lot of questions about this system and its integration into other City systems. Mr. Weinstein tells them that the Budget Team wants to help them get to where they want to go but they want to make sure it will mesh with other City systems. Mr. Gabriel thinks that it would be helpful for OGC, ITD, and the Budget Team to get together and talk about this and how to make it work.

Ms. Shuman explains how workflow software works and why it would be useful to OGC.

Mr. Mousa asks OGC to put together a white paper on what this system does and attach any brochures the vendor may be able to provide.

City of Jacksonville



**Office of General Counsel
Fiscal Year 2015-2016 Budget**

Jason R. Gabriel
General Counsel

June 17, 2015

Fiscal Year 2015-2016 Budget Office of General Counsel

EXECUTIVE SUMMARY

I. Overview - Description of Office & Services

The Office of General Counsel's ("OGC") representation of clients results in substantial savings, key contributions to major economic development initiatives and favorable resolution of major litigation.

OGC is the most unique public law office in the State of Florida. It's the only one in the State that represents all major county and municipal entities within the county. The operating budget of its clients in the consolidated government is in excess of \$5 billion a year.

Chief Legal Officer

The unique role and responsibility of the office is the direct result of the City's Charter and consolidated form of government. As the Chief Legal Officer for the entire consolidated government, the office provides services on a diverse range of legal issues that run the spectrum of constitutional issues, land use and zoning matters, bond-related issues, contracts, redevelopment agreements, commercial real estate transactions, tort, civil rights, and wrongful death litigation, employment and labor issues and related litigation, school board teacher terminations, environmental matters and litigation, elections laws, housing and development. With presently over 1,500 pending litigation cases in play, having litigation handled in-house saves the taxpayers very substantial amounts of money.

Within the Office of General Counsel is the General Counsel, who is the chief legal officer for the entire consolidated government. The Office of General Counsel is responsible for furnishing legal services to the City and its independent agencies. Along with providing legal services, the General Counsel issues binding legal opinions, which constitute the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government. These opinions are considered valid and binding in their application unless and until overruled by a court or by an opinion of the Florida Attorney General. Chapter 2 of Article 7 of the City's Charter establishes the Office of General Counsel.

Centralized Legal Services

With approximately 35 attorneys, the General Counsel's office is one of the largest law firms in Jacksonville. Because of the unique nature of the consolidated City of Jacksonville, the Office of General Counsel offers a diverse civil law practice, including practice areas such as

litigation, real estate, land use, environmental law, labor and employment law, personal injury, bankruptcy, eminent domain, municipal finance, contract negotiation and drafting, and a variety of economic development and transactional areas.

These various specialties are divided among the Office's three departments: (1) General Litigation; (2) Governmental Operations and Commercial Law; and (3) Legislative Affairs.

Since the City's Charter created the Office of General Counsel, the Office has managed to eliminate the inter-governmental litigation of the pre-consolidation era. Furthermore, in recent years, the Office of General Counsel has reduced the need for outside counsel while continuing to meet the demands of its various clients, including the Mayor, the City Council, the Sheriff's Office, the Tax Collector, the Clerk of the Court, the Supervisor of Elections, the Property Appraiser, the Duval County School Board, and all of the independent agencies.

II. Cost Savings & Efficiencies

The same legal services provided by OGC over the last year in the private market would likely cost over *three* times the OGC budget. OGC provides legal services at a deep discount to the market rate, with billable rates between \$120.00 and \$185 per hour. The market rate is generally more than double and sometimes triple this rate or more.

Additionally, the consolidated government benefits from the municipal law expertise developed within OGC. In the private sector, acquisition of the municipal law expertise required to handle matters of the consolidated government would require significantly more billable time to effectively handle such matters.

The most significant savings to the consolidated government results from the legal work of OGC. The legal services provided by OGC limit the liability of the consolidated government, and prevent future claims against the consolidated government. OGC strives to limit the City's exposure either via litigation (defense and in some cases pursuit of claims) and through preventive measures through our transactional and administrative side.

III. Description of Personnel

	Budget	Budget	Budget
	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
1. Number of Attorneys:	36	36 ¹	36
2. Number of Paralegal/Assistants:	<u>25</u>	<u>25</u>	<u>25</u>
TOTAL:	<u>61</u>	<u>61</u>	<u>61</u>

Attorney Positions Since 1997

<u>Fiscal Year</u>	<u>Attorney Positions</u>
1. 1997-1998	38
2. 1998-1999	34
3. 1999-2000	34
4. 2000-2001	33
5. 2001-2002	35
6. 2002-2003	37
7. 2003-2004	38
8. 2004-2005	40
9. 2005-2006	40
10. 2006-2007	40
11. 2007-2008	40
12. 2008-2009	42
13. 2009-2010	41
14. 2010-2011	40
15. 2011-2012	35
16. 2012-2013	36
17. 2013-2014	36
18. 2014-2015	36

¹ Currently (as of June 15, 2015) there are 22 litigators, 10 government operations attorneys, and 2 legislative affairs attorneys, in addition to the General Counsel himself.

IV. Clients, Services & Revenue

A. Clients

1. Legislative Branch: City Council (19 Council Members)
2. Executive Branch (Office of the Mayor and several executive departments)
3. Independent Agencies:
 - (a) JEA
 - (b) Jacksonville Aviation Authority (JAA)
 - (c) Jacksonville Port Authority (JPA)
 - (d) Jacksonville Transportation Authority (JTA)
 - (e) Jacksonville Housing Authority (JHA)
 - (f) Jacksonville Housing Finance Authority (JHFA)
 - (g) Duval County School Board (DCSB)
 - (h) Downtown Investment Authority (DIA)
 - (i) Police and Fire Pension Fund Board of Trustees (PFPP)
4. Constitutional Officers (5 Officers):
 - (a) Sheriff
 - (b) Property Appraiser
 - (c) Tax Collector
 - (d) Supervisor of Elections
 - (e) Clerk of the Court
5. Boards and Commissions of the Consolidated Government (over 50)

B. Services

OGC provides comprehensive legal services to all entities of the Consolidated Government, inclusive of special projects (such as the development and modification of Community Redevelopment Agencies like the DIA, legislative initiatives and redistricting).

C. Revenue

OGC generally derives its revenues from billed time to clients. The Budget Office has provided a recommended projection (for a total amount of \$8,647,149.00) for the 15/16 Fiscal Year as follows:

1. Interfund-Internal Service Fund Fees: \$5,756,259.00.
2. Independent Authority-Internal Service charges: \$2,181,295.00.
3. Miscellaneous sales and charges: \$14,000.00.

4. Interest from Investment Pool Earnings: \$35,595.00.

5. Transfer from Retained Earnings: \$660,000.00.

V. Highlights of Legal Services

OGC provides a diverse array of legal services to the consolidated government including practice in the areas of land use, environmental, commercial litigation, personal injury, labor and employment, contracts, municipal finance, redevelopment agreements, real estate, procurement, and legislative drafting.

These various specialties are divided among the Office's three departments: (1) General Litigation; (2) Governmental Operations and Commercial Law; and (3) Legislative Affairs.

1. General Litigation Department

The approximately twenty-two (22) lawyers in the General Litigation Department defend the consolidated government against contract, commercial, constitutional, eminent domain, education and employment discrimination lawsuits in state and federal courts, and before arbitrators and administrative law judges. They also bring suits on the City's behalf when necessary as, for example in tax collection or contract compliance situations. The Department's attorneys provide advice to their clients on an ongoing basis on all these subjects, including means of avoiding litigation when possible. At any given time the General Litigation Department has over approximately 1,000 cases pending (exclusive of code enforcement, animal control and foreclosure cases).

As of June 1, 2015, the following open matters exist:

(1) Commercial Litigation:	856
(which include Constitutional and Civil Rights cases, labor/employment cases, property appraiser/tax collector cases, DOAH proceedings, EEOC matters, Quiet Title actions, tax deed matters, eminent domain and other general litigation)	
(2) Evictions:	69
(3) Civil Service Board Actions:	5
(4) Bankruptcy:	108
(5) Tort Litigation:	615
Total:	1,653

Despite its heavy workload, the Litigation Department, nonetheless, has maintained a high standard of excellence in carrying out all these functions and will endeavor to continue doing so in the future.

2. Government Operations and Commercial Law

The Government Operations and Commercial Law Department (the "Department") has a ten (10) attorney team that handles the transactional matters for the Consolidated Government (e.g., Mayor's Office, City Council, constitutional officers, independent authorities, executive branch department and divisions, boards and commissions). The Department's practice is quite diverse, and includes bond transactions, redevelopment agreements, real estate transactions (purchases, sales, loans, leases) and other real estate matters (easements, plats, road closures), environmental matters, land use and zoning matters, state and federal housing program contracts, public service grants, federal grants, construction and related contracts, city and independent agency Board counsel, charter interpretations, annual budget analysis, pension issues, legislation, animal care and control issues, State of Florida legislative issues, contract defaults and pre-litigation issues, ethics, sunshine law (public records and public meetings), elections law, landfill and waste collection issues, and general and specific advice (e.g., solicitation review) regarding procurement issues. The Corporation Secretary duties as defined by the City Charter, which duties include the attesting, safekeeping and custody of all contracts executed by the Mayor, are also handled by designated Department attorneys.

A significant portion of this Department's practice (in addition to what is described above) includes responding to daily city and independent agency client requests for legal advice via telephone, email and meetings. Another substantial part of this Department's practice includes the representation of numerous city and independent agency boards and commissions in monthly or more frequent meetings. Government Operations work includes, and is not limited to: (1) bond transactions, (2) redevelopment agreements, (3) other transactional contract matters, which include real estate transactions (e.g., purchase, sale, lease, plat reviews) and a broad category of contracts, which include construction-related agreements, public service grants, professional service contracts (non-construction) and other contracts, (4) land use and zoning matters, and (5) city legislation.

3. Legislative Affairs Department

The Legislative Affairs Department, and the two (2) dedicated attorneys therein, provide legal representation to the Jacksonville City Council bi-weekly Standing Committees of Finance, Rules, Recreation, Community Development and Public Health and Safety, and Transportation, Energy and Utilities.

The Jacksonville City Council has empaneled numerous Special Committees requiring legal expertise. The following Committees rely on the legal advice and institutional knowledge of the legislative affairs attorneys: Capital Improvement Projects Special Committee, Economic Development Incentives Special Committee, Personnel Committee, JEA Agreement Special Committee, Jacksonville Neighborhoods Blight Special Ad Hoc Committee, Vehicles for Hire Special Committee, and Transfer Stations Special Committee.

The Legislative Affairs Department is called upon by the Administration to draft legislation for the \$1.9 billion City Budget (excluding the Independent Authorities and Agencies), which includes Millage and Budget related pieces of legislation as well as Capital Improvement Plan legislation and the Banking Fund legislation. Once the Mayor approves the filing of the budget legislation, the Legislative Affairs Attorneys assist the City Council in the summer-long review of the budget legislation and the myriad of amendments and finalization of the Council work product for the October 1 annual budget deadline.

The 19 elected City Council members engage their attorneys in drafting hundreds of bills that are annually introduced, and prepare amendments on others. After being filed, each ordinance or resolution is subject to amendment or substitution at the will of each Council committee or the full Council at its regular or special meetings. In each year, hundreds of amendments and substitutions are prepared by Legislative Affairs Department attorneys.

The legislative affairs attorneys are actively engaged in the review of candidates' qualifications and applicability of the constitution and dual office holding for the Administrative appointments for the 60 plus Boards and Commissions. The Jacksonville Sheriff's Office relies on the legislative affairs attorneys for drafting legislation for the Sheriff Office appointments of Directors and Chiefs.

The legislative affairs attorneys also devote legal services to the Jacksonville Ferry Commission, the Jacksonville Waterways Commission, and the Jacksonville Planning Commission.

The Legislative Affairs Department of the Office of General Counsel is focused upon quality representation, timeliness, drafting expertise, and integrity.

Organizational Chart

The Office of General Counsel is currently led by Jason R. Gabriel, General Counsel, is Board Certified in City, County & Local Government Law by the Florida Bar; he is one of only six (6) attorneys in the City of Jacksonville certified in this area of law.

Mr. Gabriel joined the Office of General Counsel in March 2010. Prior to joining the Office of General Counsel, Mr. Gabriel specialized in the areas of Land Use, Zoning, and Local Government Law as well as Real Estate and Financial Transactions, Development and Preservation initiatives, with the law firm of Edwards Cohen. Mr. Gabriel represented and advised clients in obtaining various Land Use, Zoning and Entitlement approvals, permitting navigating through the various regulatory processes, as well as negotiating, drafting and closing multi-faceted Commercial and Real Estate transactions and closings.

Mr. Gabriel currently provides counsel in the areas of City, County and Local Government law including Constitutional Law, Elections Law, Land Use and Zoning Law, Planning and Development, Community Redevelopment, Economic Development, Ethics, Procurement, Legislative Affairs, Labor and Employment and General Litigation.

Mr. Gabriel received a Bachelor of Arts Degree, Cum Laude, from the University of Florida in 1998 with a major in Philosophy, and a Juris Doctorate Degree, from the University of Florida in 2001.

While in law school Mr. Gabriel clerked for the Honorable Toby S. Monaco in the 8th Judicial Circuit of Florida, and served as a Legal Research & Writing and Appellate Advocacy Training Assistant.

Mr. Gabriel is a member of the Florida Bar, a member of the City County and Local Government Law Section of the Florida Bar, and a member of the U.S. Middle District Court of Florida. Mr. Gabriel also serves as the State Chair of Florida for the International Municipal Lawyers Association ("IMLA") and is an active member of the Florida Association of County Attorneys ("FACA").

Mr. Gabriel has been recognized as a Legal Elite™ attorney by *Florida Trend Magazine* has received an AV Preeminent® Peer Review Rating™ by Martindale-Hubbell®. Mr. Gabriel is a Board Certified Specialist, as designated by the Florida Bar, in City, County & Local Government Law.

The current organization of the Office is as set forth in the two (2) charts below. The first chart depicts the general attorney structure of the Office and the second chart illustrates the ongoing structure of the office.

Office of General Counsel
June 1, 2015



