

OFFICE OF THE CITY ATTORNEY

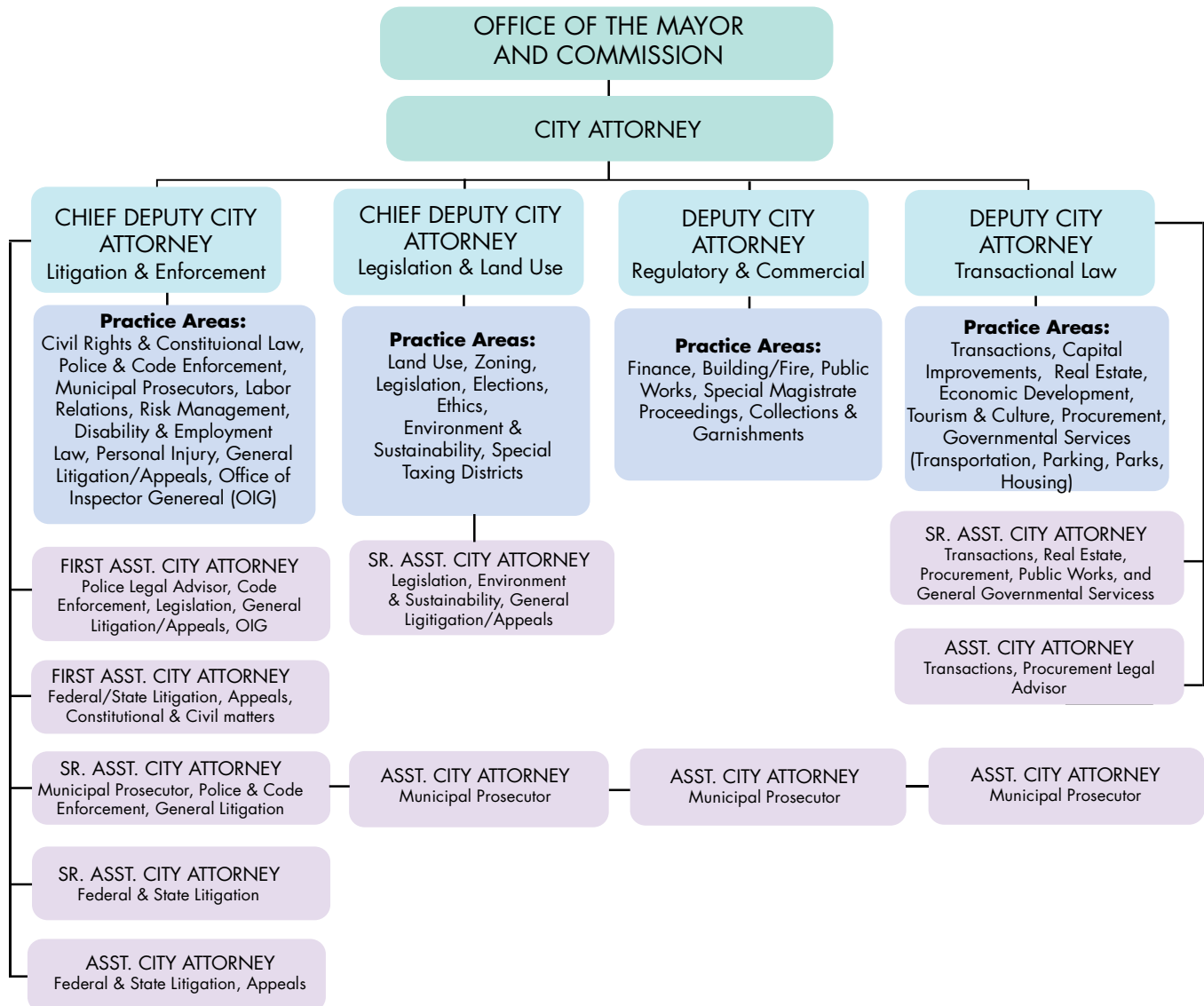
DEPARTMENT MISSION STATEMENT

The Office of the City Attorney (CAO) is dedicated to providing quality legal services to the Mayor, City Commissioners, City Manager, City departments, and over forty (40) boards and committees, consistent with the goals and objectives of the City Commission.

DEPARTMENT DESCRIPTION

Under the supervision and direction of the City Attorney, the CAO prepares or reviews all ordinances, resolutions, contracts, bonds, and other written instruments involving the City. The Office of City Attorney also prosecutes or defends, for and on behalf of the City, all complaints, suits, and controversies in which the City is a party.

The Office of the City Attorney is currently comprised of the City Attorney, sixteen (16) full-time attorneys, and ten (10) administrative support staff, including the City's municipal prosecution team.



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FISCAL ENVIRONMENT

The Office of the City Attorney is supported by the General Fund. The General Fund charges an administrative fee to Enterprise and Special Revenue Fund departments, the Redevelopment Agency (RDA), the North Beach Community Redevelopment Agency (CRA), and the Resort Tax Fund to cover the cost of various administrative support functions provided by the General Fund.

Litigation expenses and litigation outside counsel fees, in those limited matters where outside counsel is required, are paid through the Risk Management Fund. Other specialized matters requiring outside counsel from time to time, such as complex real estate/commercial transactions, elections matters, labor/collective bargaining, and bond counsel, and the like, are either taken into account as part of the City Attorney's annual budget review process, or are otherwise funded by the appropriate City department with responsibility for the matter.

SIGNIFICANT ACCOMPLISHMENTS

- Received favorable trial court and appellate court rulings in emergency injunction proceedings arising out of Story Nightclub's challenge to the 2:00 a.m. alcohol hours rollback in the South of Fifth neighborhood
- Continued the expansion of the City's municipal prosecution program and the prosecution of City criminal ordinance offenses, with the CAO now covering bond hearings 7 days a week, 365 days a year
- The collective efforts of the municipal prosecution team and MBPD, coupled with the initiatives recently adopted by the City Commission, have permitted the CAO to boast an impressive successful prosecution rate which, for the period from May 9, 2022 through June 30, 2024, stands at approximately 91%
- Successfully negotiated and drafted over 650 contracts, covering wide variety of procurement, construction, and real estate-related agreements
- Provided legal support for the City's extensive legislative efforts to advocate in support of the City's home rule authority, including our robust historic preservation program
- Advised the City's Ad Hoc Charter Review and Revision Board over the course of eighteen public meetings, and drafted ballot questions and proposed charter amendments which will be presented to the City's voters in November 2024

SIGNIFICANT ACCOMPLISHMENTS

- Received favorable ruling from the United States 11th Circuit Court of Appeals affirming summary judgment in favor of the City in a case (McGriff et al. v. CMB) alleging a First Amendment violation arising from the City's decision not to publicly display artwork it commissioned and owned
- Received favorable ruling in emergency injunction proceeding filed by three nightclubs challenging the City's March 15, 2024 State of Emergency declaration, imposing a limited curfew in the area located south of 23rd Street during Spring Break 2024
- Received multiple rulings in favor of the City in land use appeals challenging the development project to reinvigorate the historic Shore Club
- Received two (2) favorable rulings, in collaboration with the Attorney General's Office, from the Third District Court of Appeal (CMB vs. Guyton and CMB vs. Brockhouse) in Municipal Prosecution Team criminal cases. In both rulings, the 3rd DCA held that the trial court judges' dismissals of the City's criminal cases, without providing notice and an opportunity to be heard, constituted a fundamental deprivation of the City's due process rights and, consequently, vacated the dismissals and remanded both cases back to the respective trial courts for further proceedings (i.e., for the City to prosecute as it deems appropriate)

FUTURE OUTLOOK

The City Attorney's Office looks forward to continuing to fully support and defend the City's numerous priorities and initiatives.