




Office of the City Attorney
CITY OF PORT ST. LUCIE

MEMORANDUM

DATE: | October 8, 2020
TO: | Mayor & City Council
FROM: | James D. Stokes, City Attorney 
COPY TO: | Russ Blackburn, City Manager
SUBJECT: | Fiscal Year 19-20 Intake Report

This is a report on the requests for legal services (Intake items) received by the City Attorney's Office from October 1, 2019, through September 30, 2020. The total number of requests received during the fiscal year is **2,059**. The disposition of the requests are as follows:

Completed:	1,766
On Hold (<i>note 1</i>):	30
On Hold by CAO:	6
On Hold by Department:	12
Assigned/in-progress (<i>note 2</i>):	165
Pending Assignment:	2
Reopened After Closure:	3
Declined by CAO (<i>note 3</i>):	16
Declined as duplicate:	54
Withdrawn by Department:	5

Note 1 (*On-Hold Items*):

Items which are placed "on hold" have routinely been matters which are submitted for legal assistance and then determined, either by the CAO or the Department, that the item needs to wait for some reason. These mostly involve land use issues where we are waiting for a developer or property owner to submit additional documentation to finalize a plat, a rezoning, or some other land use relief. Other items which are often placed on hold are union issues where negotiation is continuing in an attempt to resolve an issue prior to further action being taken.

There are several situations where an item lingers in an "on-hold" status for no apparent reason and with no movement on the item. These are generally when a Department submits something, and then indicates that they are "not ready" to bring the item to conclusion.

I have instructed my attorneys and staff that, moving forward, we will be closing those items out and notifying the Department to "resubmit" when they are actually ready to proceed. Very often, after these items remain on-hold for a long period of time it translates into a loss-of-memory as to why the items has not been completed and it become a "we're waiting on legal" situation. My attorneys and staff have been instructed that anything that is assigned to them is to be completed in a timely fashion without exception.

A list of the items reflecting as (1) on-hold; (2) on-hold by CAO; or (3) on-hold by Department, is attached as an exhibit to this memorandum.

Note 2 (*Assigned Items*):

Items currently in the status as “assigned” indicate an open matter which is currently being handled by an attorney in the Office. While it appears that a large number of items are currently open, this includes 31 litigation matters, which includes general disputes, foreclosure defense, forfeitures, risk protective orders, and bankruptcies. By their very nature, these issues take months or years to resolve. It also includes 15 matters which involve a comprehensive rewrite of particular chapters of our Code of Ordinances. The assigned attorney has been diligently working with the various Departments on their parts of the Code, but this was acknowledged as a major, long-term project from the start.

Note 3 (*Declined Items*):

Items are frequently declined if they are duplicates of previously submitted items. Confirmation and coordination with the Department always precedes an item being declined as a duplicate to ensure that there is nothing new or different about the second item.

Items which are not duplicates, but are nonetheless declined, often involve a request which is sent to the CAO despite not properly being a legal matter. Usually, it is an issue better handled by the Department, or involves an action that only the City Manager’s Office or an outside agency should handle. Any item which is going to be declined is first brought to my attention. The City Manager and the requesting Department Director are consulted before any item is declined by the CAO.

Request by Department:

The following is a Department breakdown as to the requests for legal services submitted to the CAO. Upon requesting service, the Department can seek an Urgent response (which will get a response in 24 to 48 hours) or an Emergency response (which will get an immediate response). Of the 2,059 requests received in fiscal year 19-20, approximately ten percent (207) requests were submitted as Urgent requests, while approximately one percent (22) were submitted as an Emergency request. These are set forth below:

Requestor:	Total Requests	Urgent	Emergency
Animal Control	9	1	0
Building	146	1	0
City Clerk	51	2	0
City Council	23	5	0
City Manager	173	14	4
Code Enforcement	2	0	0
Code Revisions	1	0	0
Communications	13	5	2
Event Center	19	4	0

Facilities	1	0	0
Finance	54	5	0
Human Resources	128	10	3
IT	43	10	0
Legal	42	5	1
Legislative	35	3	3
Lien Services	43	26	0
Litigation	58	0	0
Neighborhood Services	94	13	1
OMB	5	3	0
Parks & Recreation	77	10	0
Planning & Zoning	254	3	1
Police	182	13	1
Procurement	121	30	6
Property Inquiry	15	0	0
Public Works	235	22	0
RAR	105	0	0
Research	7	1	0
Risk Management	21	0	0
Utility	94	21	0
Utility Billing	8	0	0
Totals:	2,059	207	22

Request for Reasonable Accommodation (RAR):

The City Attorney’s Office administers and monitors the requests from property owners for a reasonable accommodation in the application of the City’s ordinances, rules, policies, and procedures. Requestors can be persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and/or the Americans with Disabilities Act, Title II (42 U.S.C. Section 12131, et seq.) ("ADA"). The City’s procedure in this regard is codified in Section 158.233, Code of Ordinances.

In addition to the 105 RAR items which were received and addressed in fiscal year 19-20, the City currently has twenty-five (25) approved RARs, as well as eleven (11) applications which are either pending review, or have been denied and are under appeal. The list of addresses along with the details of each RAR is attached as an exhibit to this memorandum.

Adjustments Moving Forward:

The CAO is always looking for ways to improve the service we provide, as well as the record keeping of the Office. Towards that end, I have already recommended the following changes which have been, or will be, made in the near future:

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- Attorneys and staff have been instructed to keep the turn-around time on their items short and, if an item has been placed on-hold, to make sure it is appropriately coded (many cases coded as “assigned” are actually on-hold, but improperly coded);
- Attorneys and staff have been instructed to close the cases where the Department has informed the CAO that it is not ready to move forward or no longer needs legal assistance, thus keeping the record keeping accurate; and
- We are requesting IT to add two new “status” categories to the Intake system: (1) **pending litigation**; and (2) **pending bankruptcy**. These are items which, by the very nature, are not items which can turn around quickly. Accordingly, these new status categories will properly identify such items.

Conclusion:

The attorneys and staff of the City Attorney’s Office are committed to being a resource and support for all the operations of the City government. It is a pleasure to be at the service of the City and we all continue to strive for excellence. If anyone has questions, concerns or comments, please feel free to reach out to myself or any member of my Office.

cc: CAO Attorneys & Staff

attachments: (1) Assigned Items
(2) Completed Items
(3) On-Hold Items
(4) On-Hold by CAO Items
(5) On-Hold by Department Items
(6) Active RARs
(7) Pending RARs