



OFFICE OF THE CITY ATTORNEY
CITY OF PORT ST. LUCIE

MEMORANDUM

TO: Honorable Mayor & Council
FROM: James Stokes, City Attorney 
SUBJECT: City Attorney Self-Assessment
DATE: May 26, 2022

During the past twelve (12) months, the Legal Department has experienced more than a few unusual issues, while maintaining its consistent and typical high workload. During this period of time, the Legal Department received **1,765 new requests for service** from among the various city departments, with 229 of those submitted as urgent requests (2-day response) and 21 of those submitted as emergency requests (same-day response).

As an initial statement, I must express that I cannot, and do not, do this job alone. This City is fortunate to have an absolutely terrific legal team, staffed by some very knowledgeable and experienced attorneys and paralegals. The work they do make me look good, and they deserve the appreciation for a job well done, many times over.

The members of the City Attorney's Office have worked very hard at establishing a working relationship with the Departments to which they are assigned (see attachment). Attorneys and other legal staff make themselves available as desired and are often engaged on projects from their inception, directing the process through any legal issues as early as possible.

In addition to the more routine items handled, the past year has seen the following:

• **Solid Waste Procurement.**

The decline of services by our current solid waste provider and the necessity of seeking a new hauler in an extremely short timeframe provided significant challenges for our Procurement personnel, and several members of the City Attorney's Office (attorneys and paralegals) were not only allocated to provide legal support, but made this project a priority.

• **Waste Pro Litigation.**

Addressing the deteriorating solid waste service was a matter which numerous attorneys and paralegals worked closely with Neighborhood Services and other City staff. Once Waste Pro improperly invoked Force Majeure as a justification to excuse its failing performance, the Legal Department stepped-up to file a lawsuit against Waste Pro. That lawsuit was amended when Waste Pro unilaterally terminated the agreement without justification and our team continues to seek judicial remedies to

keep solid waste services in place, as well as seeking monetary damages to the losses being incurred by the taxpayers.

- **Mobility Fee Implementation.**

The City's realization that the former Road Impact Fee was not fulfilling the needs of the City prompted a significant project by City staff to institute the more flexible mobility fee structure. Attorneys worked tirelessly with staff and outside consultants to get the Mobility Fee Ordinance in place with much success.

- **Chapter 164 Proceeding (Impact Fee Dispute).**

The City's decision to move forward with a Mobility Fee drew criticism from the County and a dispute between our two governmental entities. Upon the recommendation of the Legal Department, a Resolution invoking the Intergovernmental Dispute Resolution process (Chapter 164) was drafted and adopted by Council, which triggered the multi-tiered settlement discussions which ultimately lead to a new mutually agreed-upon Interlocal Agreement with the County.

- **City Center Acquisition.**

After attempts to find a buyer for City Center repeatedly failed, the City Manager pursued a plan for the City to obtain the property from the SEC court-appointed Receiver. Attorneys and paralegals from the Legal Department committed hundreds of hours negotiating, not only with the tax-deed holder, but with the numerous governmental lienholders, to obtain clear title to the City Center property without an excessive financial burden on the taxpayers.

- **Special Primary Election (including service on Canvassing Board).**

The unexpected resignation of the former Mayor resulted in the need to fill his seat, requiring a review of the City's Charter, as well as an analysis as to how the City could move forward with a special election which complied not only with the Charter, but with the superseding State Elections Code, which created numerous conflicts. Additionally, a member of Council filing for the seat necessitated guidance on resign-to-run, as well as assistance in filing the soon-to-be vacant Council seat. This included a thorough explanation of optional election items which would be decided by Council, because this special election was only dealing with a PSL question. Additionally, it required the Canvassing Board to be provided by the City.

- **Referendum Economic Development Ordinance.**

Upon discovering that the Economic Development Ordinance was sunsetting after ten (10) years as required by Florida Statute, the immediate need for a renewed Ordinance was determined. This necessitated a Referendum as required by law, which attorneys provided significant support in the drafting and adoption. From the point of adoption through the date of the Referendum, attorneys continually made themselves available

to consult and review regarding the education campaign to insure continued compliance with state law.

- **Special Election vacant Council seat (including service on Canvassing Board).**

The special election for the Council seat vacated by the newly-elected Mayor was held in conjunction with the Referendum question. All optional election items needed to be revisited and analyzed in light of the added Referendum item. Additionally, the City of Fort Pierce was having a special election simultaneously with PSL's special election, which required coordination and cooperation through the Supervisor of Elections Office.

- **Clearance of Escheated Properties.**

It was discovered that for many years real property which escheated to the government were deeded to County, which turned-around and deeded most of the residential parcels to the City without notice and with no the requirement for a formal acceptance (an exception in the law). Attorneys and paralegals from the Legal Department worked with the Manager's Office to identify which parcels were useful and useable by the City and which parcels should be returned to the marketplace to accommodate development.

- **City Charter Amendments.**

The Legal Department analyzed the current City Charter and, through discussions with the City Council, worked to draft amendments which would clarify internal conflicts and eliminated items which were preempted by state law. An ordinance was drafted to facilitate this matter going to the electors at the next general election.

- **Redistricting of Council Districts.**

Upon receipt of the final numbers from the decennial census, the City's four (4) Council Districts needed to be reviewed and redrawn if needed. This necessitated the creation of a Redistricting Committee, which an attorney from the Legal Department facilitated and guided through the process. Upon completion of the Committee's work, the appropriate maps were drawn, legal descriptions obtained, and a proper Ordinance redefining the Council Districts was advanced to Council, within the timeframes required by law.

In addition, some internal housekeeping issues have taken place in the past year, including the following:

- **Restructuring of mid-level supervision in Legal Department.**

Upon the resignation of the Chief Assistant City Attorney, I decided to restructure the operational flow of the Legal Department. This took the form of replacing the one (1) Chief Assistant, with four (4) Senior Deputy City Attorneys. Each Senior Deputy was made responsible for a team, as follows:

- ✓ **Real Estate & Administrative Support** (SDCA Margaret Carland)
- ✓ **Procurement & Governmental Affairs** (SDCA Ella Gilbert)
- ✓ **Land Use & Administrative Affairs** (SDCA Elizabeth Hertz)
- ✓ **Litigation & Emergency Services** (SDCA Lee Baggett)

After approximately six (6) months, I can safely say that this model is working extremely well and the plan will be to maintain this model moving forward.

• **Adding a Grants Specialist Attorney.**

By promoting four existing Deputy City Attorneys into Senior Deputy positions, I used the extra FTE to hire an excellent local government attorney from Broward County who has significant experience working in the application for and administration of Grants. I designated her as handling any Grant issues regardless of which Department was involved (albeit with the cooperation of the attorney assigned to that department). This should facilitate Grant applications significantly and protect the City from costly mistakes in Grant administration.

• **Remodeling of Legal Department for productivity.**

The front office area of the Legal Department was recently remodeled to facilitate better communication among the non-attorney staff, as well as being more responsive to counter traffic and incoming telephone calls. The remodeling was done in-house by the Facilities Department and was completed relatively inexpensively and extremely professionally.

• **Revision of Legal Intake to provide better tracking and reporting of matters.**

Over the past several months, the Legal Department has been working with IT to refine the Legal Intake system, for the purpose of keeping better track of incoming requests for legal services, as well as monitoring case management.

During the next year, I have certain objectives and proposals, including but not limited to the following which will be pursued:

• **Mentoring Senior Deputy City Attorneys for Council Meetings.**

I have realized that we have a wide variety of experience and talent among the various attorneys working for the City. Toward the end of my responsibilities as a Mentor, I am going to begin having my Senior Deputy City Attorneys rotate attendance at City Council meetings and, on occasion, gain experience in sitting on the dais. I will remain in attendance, however, it will provide necessary depth in the Legal Department and facilitate a succession plan for the Office.

- **Mentoring Deputy City Attorneys for Board & Committee Meetings.**

In a similar manner, I will have some of the more junior attorneys in the Office begin attending and, on occasion, sitting on the dais during Board and Committee meetings, for the purpose of getting comfortable in public settings and in guiding collegial bodies.

- **Monthly Reporting to Department Directors on Workflow & Clearance Rates.**

As the Legal Intake system is refined, the plan is to start providing a month report to each Department Director, showing the items which were sent to Legal, which remain pending, which were completed, and how long each item was pending in Legal. This will be intended to aid the Department Directors in managing their own departments in addition to helping the Legal Department be more responsive to the staff.

- **Continuing to Improve Communication and Responsiveness to Council.**

As the next year rolls out, I am going to work at increasing communication to the City Council on new and pending issues, keeping Councilmember informed so that they can better represent the public. If there are specific items, issues, or methods which are desired, I am always open for suggestions.

It continues to be a pleasure to provide legal services to the City of Port St. Lucie and I thank the Mayor and Council for the confidence place in me to perform this vital function.

Respectfully Submitted.

Attachment: Current Attorney/Staff Assignments



Office of the City Attorney
CITY OF PORT ST. LUCIE

ATTORNEY | STAFF ASSIGNMENTS

ATTORNEY:	CAL:	DEPARTMENT:	PARA:
Jim Stokes	DS	City Council	DS
		Ethics	DS
<i>Real Estate & Administrative Support</i>			
Margaret Carland	BB	Real Estate	BB
		Mobility Fees	BB
<i>Procurement & Governmental Affairs</i>			
Ella Gilbert	MS	Procurement	MS
		Information Tech.	MS
		Legislative	MS
		Business Develop.	MS
		Affordable Housing	DA
		RARs	DA
		Assessment Rolls	CS
Michele Samaroo	CS	NSD	CS
		Solid Waste	CS
		Public Works	CS
		Facilities	CS
Camille Wallace	DA	Grants	DA
		Parks & Recreation	DA
		Event Center	DA
		Building & CEB	DA

Cal = Responsible for Calendaring & Messages

All Scheduling & Time-off Requests: MMC & JDS

ATTORNEY:	CAL:	DEPARTMENT:	PARA:
<i>Land Use & Administrative Affairs</i>			
Elizabeth Hertz	MS	CRAs & CDDs	MS
		Planning & Zoning	MS
		Southern Grove	MS
		Utilities	MS
Frank Moehrle	BB	Code Revisions	BB
		City Clerk	BB
		Public Records	BB
<i>Litigation & Emergency Services</i>			
Lee Baggett	CS	Police Dept.	CS
		Animal Control	CS
Sebastian Poprawski	AM	Litigation	AM
		Human Resources	AM
		Lien Services	CS
		Finance/OMB	CS
		Foreclosures/BKs	CS
Amber Mosley	AM	Police (co-advisor)	AM
		Special Magistrate	AM
		Emergency Mgt.	AM
		Risk Management	AM
		Communications	AM

Labor Matters: Weiss Serota (outside counsel): **Milton Collins**

Complex Financial Matters: Nabors Giblin (outside counsel): **Steve Miller**

Attorney:

ALM	<i>Amber Moseley</i>
ELH	<i>Elizabeth Hertz</i>
EMG	<i>Ella Gilbert</i>
FXM	<i>Frank Moehrle</i>
JDS	<i>Jim Stokes</i>

Attorney:

LJB	<i>Lee Baggett</i>
MMC	<i>Margaret Carland</i>
MxS	<i>Michele Samaroo</i>
SKP	<i>Sebastian Poprawski</i>
CAW	<i>Camille Wallace</i>

Staff:

AM	<i>Ashely McClure</i>
BB	<i>Betty Bollinger</i>
CS	<i>Chuck Snyderman</i>
DA	<i>Dana Archer</i>
DS	<i>Dee Sanchez</i>
MS	<i>Meredith Schiller</i>
RL	<i>Renata Lukaszuk</i>