

# CONSOLIDATED CITY OF JACKSONVILLE

DEPARTMENT OF CENTRAL SERVICES

Legal Division



ANNUAL REPORT

OF THE

LEGAL DIVISION

DEPARTMENT OF CENTRAL SERVICES

CITY OF JACKSONVILLE

Year Ending September 30, 1970

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## HISTORY

### LEGAL SERVICE TO GOVERNMENTAL AGENCIES PRIOR TO CONSOLIDATION

The former governments of the City of Jacksonville and Duval County employed five full-time and one part-time attorneys in the City of Jacksonville and two substantially full-time lawyers represented the County Commissioners. There were also two private law firms representing the County Commissioners and a total of approximately 15 private law firms represented various boards, agencies and elected officials throughout the former governments. There was very little, if any, coordination or liaison between these private law firms with regard to the operations and legal problems of their various governmental clients. The total cost of legal services to all governmental agencies in 1966-67 was \$576,586 and in 1967-68 the total cost of legal services was \$529,025.

### ESTABLISHMENT OF THE CONSOLIDATED CITY OF JACKSONVILLE LEGAL DIVISION

On October 1, 1968, the Legal Division of the Consolidated Government of Jacksonville came into existence, as a part of the Central Services Department charged with the responsibility for rendering all legal services required by the officers and departments of the consolidated government and the various independent agencies and boards of the government, except for the Jacksonville Port Authority and the Jacksonville Expressway Authority who retained their private legal representation. It was one of the goals and concepts of consolidation that legal services to the government be provided by a staff of full-time lawyers working together in a coordinated effort, taking full advantage of specialization and departmentalization, much as in a large private law firm. The primary purposes of this system were to centralize, coordinate and upgrade the quality of legal services being performed for the various governmental agencies and to provide a forum for settlement of disputes between governmental agencies without resort to costly litigation.

Judge William L. Durden came off the bench to accept the position of General Counsel and organize the initial staff. The four full-time attorneys of the former City of Jacksonville and one of the attorneys for the former County of Duval, plus seven other lawyers hired from private practice, comprised the initial staff of 13 full-time attorneys located in offices on the 11th, 13th and 14th floors of the City Hall. Most of the equipment and facilities

initially were borrowed or rented. Legal files and records from the old City and County, as well as from the 15 or more law firms who had represented various agencies prior to consolidation were accumulated as quickly as possible and problem areas and clients were identified and assigned to the various lawyers over a period of several months. During these chaotic times in which the primary mission was to overcome the previously existing fragmentation of legal services and organize the division on a basis whereby it could perform its functions efficiently, the first major attack of consolidation came in the form of Jackson v. The City of Jacksonville, which attacked the charter on a broad front of constitutional and technical grounds.

A task force of full-time attorneys plus six or eight private practitioners who worked on a nonpaid basis, was formed to plan, research and defend the litigation attacking the charter. Concurrently full-time attorneys continued to address themselves to organizing the legal division and properly representing the various clients.

It was early decided that the legal division should operate as a firm of attorneys, with the General Counsel as the senior partner, and each attorney being assigned to primary responsibilities towards certain officers, departments, divisions, boards or agencies of the consolidated government, together with responsibilities for certain specialized fields throughout the government, such as litigation, contracts and real estate transactions.

During the two years since October 1, 1968, the legal division has become centrally located on the 13th floor of the City Hall. There are presently 15 attorneys assigned full-time to the legal division, each of whom have definite assignments of responsibility and representation. Major legal problems are subjected to scrutiny and conference. There is maximum emphasis on coordination and liaison between the various agencies with regard to legal problems through the respective lawyers representing their interests. Areas of dispute or uncertainty in the law are resolved by the issuance of a legal advisory opinion which has much the same usefulness and effect as an Attorney General's opinion for a State agency.

The legal advisory opinion system is designed to provide guidelines for functioning of the various governmental officials and agencies and to resolve disputes between them, subject to legislative changes by the Legislature or the City Council. This avoids resort to expensive litigation in the courts, which seldom resolves the problem satisfactorily, inasmuch as the Legislature can change the effect of the court's ruling in most instances.

April 1, 1970, James C. Rinaman, Jr. replaced Judge William L. Durden as General Counsel and has continued the general

concepts for operation of the legal division as developed by Judge Durden. A fine law library has been developed and law library facilities improved during the past year. All legal files of former governments have been centralized in the legal division and specific legal representation assignments have been made for all governmental agencies. The current list of legal division staff assignments effective October 1, 1970, is attached hereto.

#### ACCOMPLISHMENTS OF THE LEGAL DIVISION

**CENTRALIZATION** - The legal division is well established as a 15 lawyer firm operating much in the same manner as a private firm of the same size, with a \$275,000,000 corporate client having many diverse operations, functions and divisions.

The firm represents the Mayor with 10 departments and 36 divisions under him, the Sheriff with 2 departments and 6 divisions, the Tax Assessor, Tax Collector, Supervisor of Elections, the School Board, Jacksonville Electric Authority, Hospital Authority, the Area Planning Board and the Jacksonville Vocational Educational Authority, the Civil Service Board and 18 appointive regulatory and advisory boards and commissions. Effective October 1, 1970, the Jacksonville Port Authority became a regular client.

In addition to these executive and administrative functions, the firm represents the City Council and its 8 committees, as well as the City's relations with the Duval County Legislative Delegation with regard to proposed charter revision. The firm also represents the Circuit Judges, the Clerk of the Circuit Court, the Criminal Court of Record Judges and their Clerk, the Small Claims Court Judges, the Justices of the Peace and the Constables of Duval County.

All legislation, legal advice, promulgation and enforcement of regulations, litigation, contracts, real estate transactions, personnel matters and general legal affairs of these officials, boards, bodies and agencies are handled by the legal division. The Jacksonville Expressway Authority and the Jacksonville Port Authority are the only local governmental agencies who retain private outside counsel. Considerable liaison and legal work is done by the legal division in regard to matters involving the Port Authority and Expressway Authority, however, and the Port Authority became a regular client as of October 1, 1970.

The firm also handles all condemnation matters for right of way acquisition by the State Road Department for secondary roads and interstate highway programs in Duval County. In addition, the General Counsel serves on the Professional Services Selection Committee, the Contract Awards Committee, the Insurance Committee and the Election Canvassing Board of the Consolidated Government.

**ORGANIZATION** - The legal division operates much the same as a large law firm with the General Counsel acting as senior

partner and Frank V. Coffee acting as Office Manager. Each of the lawyers have particular client representation assignments. Problem areas which develop, are coordinated between the lawyers representing the particular boards, officials or agencies involved, and with the lawyers who have known experience and expertise in the particular field of law involved. Within the firm is a legal advisory opinion review committee, a law library committee and a lawyer recruiting committee.

Firm meetings are held at least once a month at which, monthly reports of activities are given by each lawyer and current problems are discussed.

#### IMPROVED SERVICES AND ECONOMIES AS A RESULT OF CONSOLIDATION OF LEGAL SERVICES.

1. Establishment of the legal division. The 15 lawyers with wide variety of experience and expertise working together as a firm in representing the various officials and functions of the City is undoubtedly the greatest single benefit of consolidated legal services.

The cost of governmental legal services prior to consolidation (except for the Jacksonville Port Authority and the Jacksonville Expressway Authority not represented by the legal division), was approximately \$450,000 in fiscal year 1966-67 and in fiscal year 1967-68. Although legal services to the various governmental agencies of the consolidated City of Jacksonville have greatly increased in scope, subject matter and effectiveness, the net cost of these services dropped to \$350,000 in the first year of consolidation and to \$340,000 in the second year of consolidation. One important aspect of this decrease in net cost of legal services, was the fact that all State Road Department condemnation fees for secondary roads and for Federal interstate projects in Duval County have been paid into the general revenue funds of the City, rather than into the hands of private law firms, since consolidation (this amounted to approximately \$70,000 during the past year).

2. The system of legal advisory opinions has not only increased the efficiency and effectiveness of governmental operations, but has resulted in the elimination of resort to litigation between governmental agencies. Such litigation was common among the former governments and, of course, was extremely costly. In addition to the expense, the fact that in almost every instance the decision of the courts could be, and in many cases was, changed by the Legislature at its next session or by the City Council at its next meeting, makes such internal feuding in the courts a waste of time and money. The general rules established by Judge Durden that the legal advisory opinion would be adhered to by each official, board or agency, unless and until it was changed by appropriate legislation or council ordinance, has been rigidly adhered to by the officials of the consolidated government. The savings in governmental chaos and expense as a result thereof, is surely one of the most important results of consolidated legal services.

3. All eminent domain proceedings for agencies of the consolidated government, as well as for the State Department of Transportation's secondary road program and Federal road programs in Duval County are now handled by the legal division. With regards to DOT condemnation cases, the City general revenue fund realizes fees produced by the legal division which prior to consolidation went to private law firms in Duval County. These fees totaled \$16,489 in the first year of consolidation and went up to \$67,883 during the second year (1969-70).

We are now embarking on a large urban renewal program which will be financed primarily through Federal funds from HUD. Fees from HUD condemnation proceedings will also benefit the City. It is therefore anticipated that such revenues to the City general fund will continue to increase in future years, probably to \$100,000 or more per year. These fees from sources outside the City offset the actual cost of legal services to the government. In addition, legal division handling of these condemnation proceedings enhances coordination with the various departments and functions of the government which are affected by them.

4. All bond issues of the consolidated government, except those of the Jacksonville Expressway Authority and the Jacksonville Port Authority are now coordinated and handled through the legal division, eliminating the fees for special bond attorneys which were previously paid by all governmental agencies except the City of Jacksonville itself. Approving bond attorneys, required for sale of the bonds by the New York bond houses, must still be hired and paid, but their selection and the rate of their fees are determined upon recommendation of the General Counsel and approval by the City Council. This procedure has resulted in the selection of outstanding local approving bond attorneys, who have the confidence of the New York bond houses, and in a fee arrangement for issuance of the pending sewer bonds at a rate considerably less than has been paid by some former governments in past years. The actual savings here are difficult to calculate, as each bond issue must be considered individually, but experiences thus far have been gratifying.

5. Collection of delinquent accounts, bad checks and other debts to the City have been centralized in the legal division. In many instances, no effort was made in the past to collect such accounts. In other cases, such collections were referred to private lawyers who took a 1/3 contingent fee off the top of any collections made. Institution of the centralized collection agency through the legal division has resulted in extremely high relative return and many thousands of dollars in savings and collections by the City which were not possible under the former governments.

6. Collective bargaining became a reality in Florida at about the same time the consolidated government was created. The development and education of lawyers and administrators in the consolidated government with regard to collective bargaining legislation, negotiations, contracts and arbitration, have occupied the

equivalent of one lawyer full-time in the legal division during the past six months. A Chicago firm specializing in the field was retained as a consultant in the initial stages to assist in educating our lawyers in this new field and in drafting legislation and conducting arbitration with the firemen, which was imminent. The consultants were paid a total of \$7,750. Their services in educating our lawyers and administrators, while at the same time protecting the City's flanks during the tumultuous legislative session and firemen's arbitration, saved the consolidated government untold thousands of dollars, or perhaps even millions.

Had collective bargaining come along prior to consolidation with all of the uncoordinated and unrelated boards, agencies and governmental bodies of the former governments, it is impossible to calculate what the results would have been in terms of chaos and expense. Legal division lawyers, the various administrators of the consolidated government, the representatives of the employees' organizations, the legislative delegation and the City Council have now become well grounded in the concepts of collective bargaining and have been able to establish a stable and healthy rapport after some initial sparring. The firemen's arbitration resulted in a compromise award which was not entirely unsatisfactory or entirely acceptable to either party, but did provide for increased benefits for the firemen at a reasonable increase in cost of the taxpayers. Since that time, memoranda of agreement have been entered into with the Local 1048 general employees' union, the Fraternal Order of Police, Local 301 representing the Housing Authority employees, and the combined fraternal orders of the electric workers. These agreements have established guidelines and common grounds for stable, effective and reasonable negotiations in future years and have resulted in increased benefits for deserving employees within the budgetary capabilities of the City.

A proposed amendment to the charter to provide for employee relations in a collective bargaining atmosphere has now been introduced in the council with general approval as to content by the consolidated government agencies involved and the employee organizations.

In brief, a potentially explosive area of strife between the consolidated government and its employees organizations has been stabilized and Jacksonville is marking the trail in Florida for stable and reasonable collective bargaining with its employees, as required by the Florida Constitution of 1968.

7. Ordinance codification has occupied much legal division time and effort. The zoning code, traffic code, occupational license code and subdivision code now in effect have been major accomplishments of the consolidated government. Before the end of 1970, it is anticipated that a complete codification of the ordinances of the City of Jacksonville comprising approximately 50 separate codes, will be completed, passed by the council, and sent to the publishers for printing and binding.

8. The water and sewer program of the consolidated government has also occupied much time of the legal division. Twenty-four private water and sewer companies with 6,392 connections have been acquired by the City of Jacksonville since consolidation and will become a part of the new master water and sewer plan. The first phase of the plan is being implemented this year upon issue of the \$52,000,000 initial phase of the \$131,000,000 water and sewer bond program.

The water and sewer regulatory board has begun full scale operations in pollution control, operational and rate regulations with regard to private water and sewer companies. Promulgation and enforcement of their rules have been a legal division responsibility.

9. Pollution control. The water and sewer regulatory board, the water quality control board, and the air pollution board have all been closely advised by the legal division in the promulgation and enforcement of their rules and regulations and in developing the inter-relationship of their activities and enforcement through the new bio-environmental division of the Health and Welfare Department.

10. A vigorous and far reaching urban renewal program is currently in the making in Jacksonville and the acquisition, development and disposition of these properties will be handled through the legal division. In addition to this, the enforcement of the Minimum Housing Code of Jacksonville and acquisition and improvement of recreational areas have been implemented through the legal division.

11. A charter compilation of the consolidated government charter and related laws was published during 1970 and a new supplement since the 1970 session of the Legislature has been prepared and sent to the printers.

12. School integration litigation has been active during the past year and it is anticipated that we will continue to be involved in litigation and appeals on this issue during much of next year.

13. The General Counsel, or his designee, are members of the Professional Services Committee (for selection of engineers, architects, consultants, C.P.A.s and other specialized professional fields); The Contract Awards Committee (for all contracts in excess of \$1,000, which are put out on bids); and the Insurance Committee (administration of the various insurance programs and policies of the City). These committees occupy much lawyer time, but provide an opportunity for coordination and liaison through the General Counsel's office with the various programs and functions of the City.

FUTURE PROBLEM AREAS - The legal division is now well organized internally and staffed sufficiently to operate effectively.

In order to obtain and maintain the qualified individuals required for the highly specialized and critical work of the legal division, it is strongly recommended that the salary bracket of the General Counsel be established at \$30,000 to \$35,000 and that three to five Assistant Counsel positions be created in the salary bracket of \$24,000 to \$28,000. The legal division should, over the next two to five years, stabilize at approximately 20 to 22 lawyers, with the General Counsel earning \$30,000 to \$35,000, three to five Assistant Counsel in the \$24,000 to \$28,000 bracket, and the remainder ranging downward in the now established brackets of \$18,000 to \$24,000; \$12,000 to \$18,000; and \$8,400 to \$12,000, respectively. This is consistent with studies of other similar legal departments and is certainly consistent with the income of similarly situated lawyers in Jacksonville.

The establishment of these salary levels is essential to attracting a General Counsel of sufficient stature, experience and knowledge to do the job the consolidated government demands. Such a man will not only demand at least the salary recommended for General Counsel, but will also demand Assistants who cannot be procured or maintained for less than the amounts recommended.

Other problem areas which need attention and coordination through the legal division during the next year include:

1. Zoning - a plan must be formulated to decrease the complexity, uncertainty and multiplicity of hearings with regard to our zoning procedures. We are also having a problem in the legal division when the experts of the planning board make recommendations which are not followed by the zoning board or the City Council. When this happens and litigation ensues, we are hard-put to obtain expert testimony, particularly in the face of specific recommendations by experts of the planning board to the contrary, to uphold the governments position.

2. Pollution - control, standards and enforcement, as well as administrative structure, needs to be studied further and a more streamlined, effective procedure and structure evolved.

3. Professional Services, Awards Committee and Insurance Committee - require a large number of lawyer hours for purely administrative purposes. On the other hand, the presence of the General Counsel or his designee from the legal division does assist the committees in making decisions on the spot and allows for better coordination. Some method of reducing the time required in these committee meetings would be desirable.

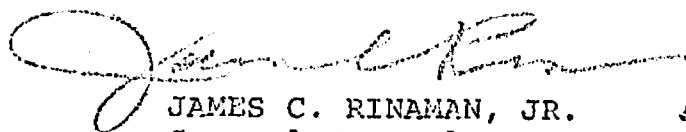
4. Collective bargaining will continue to be a major legal division concern and the related question of council-executive-civil service board powers will continue to be one of the major sources of administrative and legislative distress during the next year, unless these conflicts can be resolved by agreement and appropriate legislation.

5. The City needs to move in the area of planning and implementation of a mass transit system. Other cities, such as San Francisco, went through strenuous efforts over a period of 10 to 20 years in establishing a viable mass transit system. The consolidated government should be able to accomplish these goals with less difficulty than in other areas, and we are already late in starting. The legal vehicle by which mass transit can be effectuated can be critical. Consideration should be given to converting the expressway authority into a mass transit authority, not only for planning and financing, but also for operation of the mass transit system, while retaining the responsibilities of the expressway authority. Another alternative would be to create a separate transit authority, assuming that it could avoid getting into a competitive posture with the expressway authority and could take full advantage of existing expressway authority right of way.

6. The Health Department must be stabilized, either as a Chapter 154 county health unit, or as a city department. If the latter is the desirable course of action, then the necessary legislation, either in the form of a special act or preferably as an amendment to Chapter 154, creating special considerations for consolidated government health departments and qualification for State and Federal funds should be implemented.

7. CATV - Cable Television will be an immediate and vitally important subject for consideration and resolution in 1971. Presumably, present litigation in the Supreme Court of Florida will be disposed of soon and the questions of establishment and franchising of Cable Television for Jacksonville will require considerable study and attention from the legal division.

Respectfully submitted,



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General Counsel

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