



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-255-5137

**CITY COUNCIL WORKSHOP
CURRENT STATUS AND FUTURE NEEDS OF THE OFFICE OF GENERAL COUNSEL**

Meeting Minutes

**April 14, 2023
9:00 a.m.**

Location: Lynwood Roberts Room, 1st floor, City Hall

In attendance: Workshop Member Brenda Priestly Jackson

Excused: Workshop Member Terrance Freeman

Also: Council Member Randy DeFoor; Maritza Sanchez – Legislative Services Division; Jeff Clements – Council Research Division; Steve Cassada – Council Public Information Division; Jason Teal, Mary Staffopoulos - Office of General Counsel; Kim Taylor – Council Auditor’s Office; Markelo Spivey, Gerrie Ford-Harden - ECAs

Meeting Convened: 9:07 a.m.

Chairwoman Priestly Jackson convened the meeting and introduced the guest speakers – Supervisor of Elections Mike Hogan, School Board Chair Dr. Kelly Coker Daniel, and Property Appraiser Jerry Holland

Jerry Holland, former City Council member, current Property Appraiser and Supervisor of Elections-elect, said the relationship between constitutional officers and General Counsels evolves over time as the individuals change. What is important is the comfort level of the officer with the General Counsel. He feels the current relationship is one of a client agency using a diversified law firm which works well because the constitutional officers have so many legal needs in different areas – contracts, litigation, personnel, etc. in addition to their particular area of expertise such as property appraisal in his case. City Council members typically come into the job with little to no government experience or knowledge so they need a great deal of assistance in their early years. He has felt in the past that the OGC acted as more of a supervisor or influencer than a partner, but that depends very much on the attitude of the General Counsel at the time and how they perceive their role. The longer a council member serves and perhaps holds other offices as he did, the more a personal working relationship can be developed. An elected

official never wants to feel that the law firm of the OGC is not properly representing them for some reason. Mr. Holland said when he was on the City Council there were no attorneys on the council; now 4 council members are attorneys so that changes the relationship dynamic somewhat. He believes there should be a mechanism for a unanimous City Council vote to remove a General Counsel if there is a complete loss of trust in their ability to serve the council's needs. He has seen no need during his time as a constitutional officer to hire his own attorney.

CM DeFoor said she felt in the first year of her council term that the Council was not being properly represented by the OGC and was very troubled by that. She said there already is a mechanism to remove a General Counsel from office by a vote of the City Council. It is important that every council member feels like they are being fully represented in every aspect of their work by the OGC. Mr. Teal confirmed that there is a mechanism in the Charter for removal of the General Counsel by a super-majority of the City Council for reasons of misfeasance, malfeasance or criminal conduct. Ms. DeFoor asked Mr. Holland if his positive relationship with the OGC was because of the particular General Counsel in office at the time or due to his length of service and development of knowledge through experience. Mr. Holland said he has heard from former general counsels that they sometimes felt pressured by the sitting mayor to act in a certain way, and it was up to them to assert their independence and refuse to be dominated. He said it is up to the integrity of the General Counsel to keep mayors and other elected officials in check when they try to push the boundaries and exert power where they shouldn't. General Counsel Jason Teal said that the General Counsel has to have a good understanding of the consolidated government and the proper roles and authorities of each of the actors and offices. It's necessary but hard in practice to require that kind of knowledge of candidates in the hiring process. Chairwoman Priestly Jackson referred back to the previous workshop and her discussion with former General Counsel Jason Gabriel about the foundation of the legal rulings from OGC. She always insists on knowing where their legal advice is based – on state law, the City Charter, the Ordinance Code, or some other authority.

School Board Chair Dr. Kelly Coker Daniel thanked Chairwoman Priestly Jackson for always inviting School Board participation in the Council's work. She echoed Mr. Holland's comments that relationships are key to success, and said the School Board's relationship with OGC is currently very good unlike at some times in the past where they felt overlooked or insufficiently represented. The school district feels like a valued client getting good service now. The district has several OGC attorneys permanently housed in their office who handle a wide variety of tasks ranging from contracts, public records, exceptional student regulations, and parent and guardian rights to facilities use agreements, expulsion orders, charter school issues, and School Board service. The OGC staff in City Hall handle their litigation, workers comp, personal injury, environmental and land use, and other issues. The in-house attorneys develop the expertise needed to handle educational issues which is good, but they like having the rest of OGC to handle other functions as needed.

Dr. Coker Daniel noted several weaknesses in the current arrangement in recent years. One involved an assignment of exceptional student education (ESE) cases on an overload basis from the in-house attorneys to OGC staff in City Hall who had no expertise in that area of law and did not properly handle those cases. Another issue is the need for a better mechanism to monitor and control billing costs in order to manage expenses. A third area that was important in the past was a better process to ensure hiring of outside counsel to perform third-party reviews where needed. The process works fine now with Mr. Teal's cooperation but that wasn't the case in the past. The School Board has felt in the past that some General Counsels have tended to side with the mayor and the board didn't feel properly represented when conflicts occurred. She offered several recommendations for consideration: ensure that School Board work is adequately prioritized; develop fixed criteria for obtaining third party outside counsel when needed; and develop a means for clients to control costs and services for their budgets. No other large school district in the state has a legal service like Jacksonville – they all hire their own counsel independent of their county. Mr. Teal said the OGC has 4 attorneys housed at the School Board as of

recently, which has grown from only 1 attorney 10 or 15 years ago. The School Board and JEA are the only two agencies that have imbedded attorneys because they are so large, specialized and heavily regulated and need specialized legal knowledge. In response to a question from Council Member DeFoor, Mr. Teal said OGC bills all clients by the billing rate of the attorney and support staff providing services in one-tenth of an hour increments. That internal billing is how the OGC covers its budget.

Supervisor of Elections and former City Council member and Tax Collector Mike Hogan said his experience with the OGC was generally good during his 8 years on the council, but there was always an undertone or feeling that the OGC was primarily responsible to the Mayor. He proposed a City Charter amendment bill when he was serving in the Florida Legislature to change the General Counsel appointment process to include a selection team composed of the Mayor (who would get 2 votes), City Council President, School Board Chair, and 1 constitutional officer chosen by lot from the group (1 vote each) to select the General Counsel. He depended heavily on his OGC attorney when he was elected Tax Collector and got great service from her during his term. The OGC also assists the Duval Legislative Delegation in doing its work. Since he's been Supervisor of Elections his office has done almost nothing but run elections and defend lawsuits, and they have gotten very good legal representation from the OGC.

Mr. Hogan said Jacksonville is different from any other government in Florida due to its consolidation and is therefore misunderstood statewide. Every other supervisor of elections hires their own legal counsel. Council Member DeFoor asked about OGC support for the SOE's office. Mr. Teal said 3 attorneys are assigned to handle electoral issues during election season but other functions (contracts, personnel, etc.) are handled by the rest of the office. Ms. DeFoor asked if OGC still supports the Duval Delegation. Mr. Teal said his office houses the Delegation Coordinator who tracks local legislation in Tallahassee, advises the City on important bills as they move through the system, and supports the Delegation's meeting needs in Jacksonville. Ms. DeFoor said it would be helpful for the OGC to flag and notify City Council about particularly consequential bills rather than council members hearing about them through the media.

Chairwoman Priestly Jackson said she will talk to the Council President about extending these workshops to have an additional meeting beyond the one scheduled for next week because she's been hearing from other people who want to address issues before work wraps up. Others have said they may submit comments in writing.

With no further business, the Chairwoman adjourned the meeting. The next workshop will be on April 21st at 9:00 am.

Meeting adjourned: 10:03 a.m.

Minutes: Jeff Clements, Council Research Division
jeffc@coj.net 904-255-5137
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