



CITY OF MARATHON, FLORIDA

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MEMORANDUM

To: The Honorable Mayor and Council Members

From: David Migut, City Attorney *DM*

Cc: Chuck Lindsey, City Manager

Date: February 6, 2019

Re: Legal Report

Included below is an update of relevant matters that the City of Marathon Legal Department has recently completed or is currently working on:

I. Hurricane Response and Recovery

As the City continues its long-term recovery from Hurricane Irma, the Legal Department continues to work with other City departments on FEMA reimbursement. Additionally, all new contracts are being reviewed for harmonization with FEMA procurement regulations to ensure the City's eligibility for FEMA reimbursement in the event of a future disaster.

II. Litigation Review

Since the last litigation update, the following cases have been dismissed or settled

- Ashbritt, Inc. v. City of Marathon
- Grassy Key Beach Subdivision, Inc. v. City of Marathon And Danise Henriquez, Monroe County Tax Collector
- Grassy Key Beach Subdivision, Inc. v. the City of Marathon
- Norman Pylman v. City of Marathon

As always, I will promptly update you of any key developments in any litigation involving the City.

III. Ordinances

The Legal Department continues to draft ordinances and/or review ordinances drafted by others for legal form and sufficiency. Currently, the Legal Department is drafting an ordinance to adopt a City seal, as directed by City Council. It is anticipated that this ordinance will come before you for first reading on February 26, 2019.

IV. Budget and Personnel Update

Based on the preliminary budget numbers for the fiscal year ending September 30, 2018, the Legal Department spent only 75% of its budgeted funds. A key aspect of this low number is that the Legal Department did not hire the paralegal position that was added to the budget. This position was not filled due to the post-Irma financial constraints of the City. It is anticipated that this position will be filled in the next 3 to 6 months. Even if the position had been filled for the entire budget year, the Legal Department's expenses for the fiscal year still would have been less than 95% of its budget, a savings of over \$20,000 to the City.

V. Professional Development and Outreach

The City Attorney has been recertified as an expert in city, county, and local government law by the Florida Bar. Board certification recognizes attorneys' special knowledge, skills, and proficiency in various areas of law and professionalism and ethics in practice. Board certification is a voluntary yet rigorous process. While there are over 100,000 attorneys licensed in Florida, only 263 attorneys statewide are board certified in city, county, and local government law. All board certified attorneys must apply to be recertified every five years, and must demonstrate their continued involvement and mastery in their area of law to be recertified.

The City Attorney has been invited to be a speaker at the 25th Annual Public Interest Environmental Conference, hosted by the University of Florida law school. The City Attorney is speaking on a panel entitled "Ephemeral Places: Beaches and Islands in the Anthropocene." The panel includes speakers from DEP, FGCU, Palm Beach County, and the Florida Surfrider Foundation. This panel will take place on February 8, 2019, subsequent to the date this memo is being drafted, but prior to the date of the City Council meeting at which this report is being presented.

Additionally, the City Attorney has been reappointed as an Executive Council member of the City, County & Local Government Section of the Florida Bar for a term ending August 31, 2020. This section of the bar advocates for a lot of the same laws and policies as the Florida League of Cities.

I am available at any time to answer any questions or to provide a more in-depth review of any of these items.