



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE January 29, 2009

FROM: Marion J. Radson, City Attorney

SUBJECT: City Attorney Annual Performance Evaluation

My contract anniversary date is October 29, 2008. Section 3A of the Employment Agreement states that the City Attorney's performance, salary, and benefits shall be reviewed every year by the City Commission. In 2007, the Commission decided to review the performance of the Charter Officers at the beginning of each calendar year.

PERFORMANCE EVALUATION CRITERIA

- Does the City Attorney's Office adequately attend to the legal matters of:
 - 1) City Commission
 - 2) Charter Officers and their Departments
 - 3) Boards and Committees
 - 5) Community Redevelopment Agency
- Does the City Attorney's Office adequately represent the City in:
 - 1) Lawsuits
 - 2) Adversarial Proceedings
 - 3) Meetings (public and private)
- Does the City Attorney's Office adequately prepare/review
 - 1) Ordinances and Resolutions
 - 2) Contracts and Other Legal Instruments
 - 3) Court Pleadings, Memorandum of Law, Briefs and Oral Arguments
 - 4) Written Correspondence
 - 5) Oral Presentations
- Does the City Attorney's Office adequately keep the City Commission Charter Officers, Departments and Boards abreast of developments in the law and legal issues?
- Does the City Attorney adequately manage the City Attorney's Office in the following areas:
 - 1) Budget
 - 2) Employees
 - 3) Retain, consult and advise special counsel.
- Does the City Attorney's Office effectively represent the Commission's position to the courts, the public, the media and third parties?

- Does the City Attorney's Office respond to Commissioner's requests for service and information in a timely and professional manner?
- Does the City Attorney's Office adequately provide the Commissioners, Charter Officers, Departments, and Boards with professional legal opinions based upon the current state of the law?
- Do the City's attorneys participate in professional seminars and associations to stay abreast of legal developments and maintain a network of professional relationships?

INTRODUCTION

The Office of the City Attorney plays an integral role in the functions and activities of the City. First, the City Attorney must provide timely and competent legal advice and counsel to the City Commission, its charter officers, departments, boards and committees. Second, the City Attorney must represent the City in all cases and proceedings in all levels of court and administrative proceedings. Evaluation and appraisal of all claims is necessary to determine those cases that may be amicably settled, and those that must be litigated in the best interest of the City. Third, the City Attorney must clearly articulate the City's legal positions and arguments to the courts, the governing body, its boards and committees, the administration, the media, and the public. Fourth, the City Attorney must regularly monitor case and statutory law to evaluate their effect on the City, and advise how the changing law affects the City and its operations. Fifth, the City Attorney must manage the Office of the City Attorney by maintaining a professional staff that provides efficient and effective legal services. This also requires that costs and expenses be properly managed when outside counsel is retained. Finally, the attorneys must at all times perform their legal duties in accordance with the Florida Bar Code of Professional Responsibility, the State Code of Ethics for Public Officers and Employees, and the City's Personnel Rules and Policies. This office has earned an excellent reputation with its peers and the local bar. The Office of the City Attorney plays an integral part in the City's goal of becoming one of the top 10 mid-level cities in the United States.

SIGNIFICANT ACCOMPLISHMENTS FOR 07-08

- Client Relations Luncheon – The City Attorney's Office initiated a series of informal meetings with all City departments to improve the communications between the attorneys and the city employees with the expectation of providing efficient and effective legal services in a timely manner. These meetings have been well received and will be incorporated in the regular practice of this office. By all reports, the delivery of legal services has markedly improved as a result of these sessions.
- Large Scale Annexations – This office advised staff and prepared urban services report ordinances and annexation ordinances for the two large land areas:

Butler Plaza – The voluntary annexation required negotiations with Alachua County and the property owner to ensure a smooth and seamless transition from County jurisdiction to the City. The area had to be adjusted in consultation with all parties to conform to the Boundary Adjustment Act.

SW 20th Avenue – This annexation required negotiations with Alachua County and the identification of an area that complied with the requirements of the Boundary Adjustment Act and would result in the approval of the registered voters in the area. The City Attorney also advised staff on the legality of expending resources to support the annexation and inform the voters of the annexation.

- Homeless Issues - Provided legal advice to the City Manager's Office regarding homelessness matters including the removal of homeless encampments from "Tent City" and private lands in southeast Gainesville, the development of administrative procedures protecting the personal property rights of homeless persons, the operation of the Dome House as a homeless shelter, and the presence of homeless persons at the Farmer's Market. There are no reported lawsuits or claims arising out of these complex issues.

Advised the City Commission and staff on the siting, acquisition, development and use of property as a "One Stop Center" for the homeless. Legal issues relating to the land development code and real property law were regularly addressed by this office.

Negotiated and developed the Option Agreement for the One Stop Center at the Northeast Industrial park. The City was able to identify and develop the optional site while retaining rights on this property at the least possible cost.

- Off-Street Parking University Context Area – As a matter of first impression, the City successfully extended on street decal parking in a neighborhood that opted into the program. This program recognizes that the influence of the rental of single-family residences to students has expanded beyond the traditionally recognized university context area.
- Fire of God Settlement – Represented the City in the investigation by the United States Department of Justice into the City's land use practices under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc. In this regard, we coordinated the production of hundreds of documents and facilitated a face-to-face meeting with justice department lawyers. We then assisted in preparing and presenting related amendments to the Land Development Code to the City Plan Board and City Commission. Upon passage of amendments to the Code, the Department of Justice dropped its investigation in April of 2008. These actions avoided a possible costly and lengthy lawsuit with the U.S. Government.
- Hatchet Creek Project – As of the preparation of this memorandum, this matter is pending with the City Commission. Nevertheless, it is noteworthy due to the amount of time devoted to this land use change on a large area of property located adjacent to the airport. This Petition has raised significant legal issues that have required substantial research, analysis, consultation and coordination with City staff. The agenda item for the City Commission also required substantial time and effort to ensure its accuracy and completeness.
- Plum Creek – As of the preparation of this memorandum, this matter is pending with this City Commission. Nevertheless, it is noteworthy because of the amount of time devoted to this land use change on a large area of property located on SR 121 east of the

Deerhaven Power Plant. This Petition required substantial legal review and preparation of the policies and objectives to the Comprehensive Plan. Due to the substantial comments of the State Department of Community Affairs, this office assisted staff in working with the petitioner to develop revisions to the plan amendment that should address the DCA's concerns as well as meeting the City's requirements for this major development.

- CSX Rail Trail Project – After many years of stalled negotiations, this office actively engaged CSX's representatives to reach a mutual agreement on complex legal issues. This allowed the City to finally acquire this property that will link to other rail trails to provide an important transportation and recreation facility.
- Citizens' Initiative to Amend the City Charter Re: Civil Rights - This office started offering legal advice and counsel, as soon as the petition was delivered to the Supervisor's Office for verification of signatures. This initiative initially raised novel voting rights issues including the ability to revoke one's signature prior to certification by the Supervisor. Post certification, this office thoroughly researched the substantive law regarding the constitutionality of this proposed Charter Amendment. We read and analyzed cases both locally and nationally that considered similar state constitutional provisions and local laws. We also researched the different standards for challenging the constitutionality of a charter provision either pre-election or post election. This office then prepared written and oral presentations to the City Commission so that the commission could perform its duty and reach the best decision in the interest of the public welfare. The Office prepared and submitted to the Commission the ballot language that was approved by the City Commission.
- Conservation of City Acquired Land Charter Amendment – Following the successful approval by the voters of a county charter amendment, the City Commission authorized this office to prepare a Gainesville Charter Amendment patterned after the Alachua County Charter. This office also prepared the ballot language and submitted both items to the City Commission, who approved this matter for submission to the electorate.
- Landlord Tenant Case – Kevin Daly v. City of Gainesville – This office successfully defended a legal challenge to three City ordinances (landlord permit ordinance, noise ordinance, and off street parking ordinance.) The Circuit Court upheld the City's ordinances as constitutional and valid in June of 2008. The Defendants appealed the Circuit Court's decision to the First District Court of Appeals and briefs were submitted. The case is currently pending before the First District Court of Appeals and oral arguments are scheduled in early 2009.
- Fire Services Special Assessment - In this past reporting period, this office worked with City management and outside consultants in establishing a fire special assessment and preparing the necessary legal documents. It is estimated that the office spent 350 attorney hours meeting with the consultants and city staff, researching and reviewing other local governments' procedures and ordinances, and preparing the necessary notices, resolutions and ordinances. Although the City Commission ultimately decided not to impose the assessment during this current year, this option is now readily available at any

time the commission chooses to implement this alternative funding mechanism for fire services.

MAJOR ASSIGNMENTS/PROJECTS DURING FY 07-08

CITY COMMISSIONERS, BOARDS AND COMMITTEES

- City Commission – We provided legal advice on the recent property tax reform legislation, the displaced mobile home assistance program and exceptions to the panhandling ordinance. This office prepared and reviewed eighty-eight ordinances and thirty-eight resolutions for submission to the commission during this reporting period.
- Community Development Committee – We advised the Community Development Committee on numerous matters throughout the reporting period and devoted significant time to the regulation of homeless assistance by places of religious assembly. meetings related to regulation of places of religious assembly and the regulation of homeless assistance by places of religious assembly.
- Equal Opportunity Committee – Attended Equal Opportunity Committee meetings and conducted and presented legal research regarding, for example, preference for contractors who provide domestic partner benefits.
- Ethics – We regularly advise individual officers and employees re: ethics and conflict of interest questions arising under City policies and state and federal statutes and regulations. Some of these matters require research and consultation with the regulatory authorities. Researched and prepared memoranda and provided verbal advisory opinions for City Commissioners and Board Members concerning a variety of gift, voting and conflict of interest issues.
- Quasi-Judicial Boards - This office regularly attends and provides counsel to the city quasi-judicial boards, including the Human Relations Advisory Board, the Code Enforcement Board, the Board of Adjustment, the Nuisance Abatement Board, and the Fire Safety Board of Adjustment. Additionally, this office reviews orders from the Historic Preservation Board and provides counsel, when requested, from the Development Review Board and the City Plan Board.

CITY MANAGER

We provide legal advice and counsel to the City Manager on a number of complex issues throughout the year, including matters relating to public records requests, grievance responses, trademark protection for the City's new logo, the use of the City Hall lobby for First Amendment activities, and the prosecution, defense or settlement of claims and lawsuits.

CODE ENFORCEMENT

- Civil Citations – The citations are reviewed for legal sufficiency. If correctly issued, the citations are forwarded to the Clerk of the Court for docketing. If not, the citations are referred back to the issuing department for re-issuing, or are dismissed. The City

Attorney's Office provides representation at hearings in cases where the violations are particularly egregious, involve repeat offenders, or are otherwise unusual in some way. After judgment is entered, the City Attorney's Office works with the Finance Department to pursue collection of unpaid fines.

- Code Enforcement Board – 205 new cases were filed with the Board in 2007-08. This office provides regular counsel to the Board and provides a staff assistant who serves as clerk to the Code Enforcement Board. This office prepares all Orders and charging documents. This office also participated in training sessions for board members so they can properly perform their duties within the requirements of law. (A list of the cases heard by the Board is available for review upon request.)
- Code Enforcement Liens – This office collected \$75,464.15 in fines since October 2007 in cases where code enforcement violators failed to pay their fines. This office additionally collected \$8,992.04 in costs. We also documented and charted outstanding code enforcement liens, met with the community development departmental staff to evaluate potential foreclosure properties, worked with property owners to avoid foreclosure, created standard forms for foreclosure pleadings. While the primary goal of code enforcement is compliance, this office seeks to recoup, at a minimum, the city's costs and out-of-pocket expenses in these cases.
- Code Enforcement Board Lien Foreclosures – Six cases were ready for foreclosure during this fiscal year; however, all cases were brought into compliance through additional investigation and contact with property owners. Eleven additional cases are under review for foreclosure at this time, one of which is one Respondent with 24 separate cases.

COMMUNITY DEVELOPMENT DEPARTMENT

Provided legal advice to Community Development Department on a variety of issues: public records requests, the regulation of sexually oriented businesses from a First Amendment perspective, sidewalk exaction issue, special use permit applications, sign amortization, heritage districts, conditions on special use permits and planned developments. Significant planning petitions that required a substantial amount of time included the following:

- Butler Plaza DRI – provided counsel to staff; secured special counsel for consultation as necessary. This office also sponsored a planning meeting with all internal parties to coordinate the review of the DRI.
- RLUIPA Code Amendment – This office worked closely with staff to ensure that the City's Land Development Code complied in all respects to the RLUIPA. The ordinance was adopted by the City Commission.
- Sam's Club PD Amendment – This office developed and assisted in negotiating the provisions of the PD ordinance amendment that would have permitted an expansion of the Club as well as the addition of a gasoline service station. Although this Ordinance was not adopted at the request of the Petitioner, the item was ready for adoption.

- Auto Town Center PD – This office prepared the Planned Development Zoning Ordinance that addressed for the first time in a comprehensive manner, the mitigation of wetlands issue. This model developed by this office is now used to address similar issues.
- Sign Code/Electronic Signs – After the appearance of electronic signs, the City Commission, on advice of this office, adopted a Moratorium Ordinance to allow sufficient time to study and address the issue. Ultimately, the City Commission opted to prohibit electronic signs for 5 years pending further review. No further signs were erected and no lawsuits were filed.
- 39th Avenue Municipal Service Center - Provided counsel, prepared memoranda and reviewed title search for NW 39th Avenue Municipal Service Center; reviewed Alachua County Environmental Reports.
- Proportionate Fair Share Agreement – provided counsel and developed forms that are now in regular use for applicable developments.
- Update of Land Development Code and Comprehensive Plan – Prepared 38 ordinances for LDC and Comp Plan text changes, rezonings and land use changes.
- Economic Development – Provided counsel and reviewed documents for closing of unplatted land in Airport Industrial Park to Florida Food Service. We also prepared the Declaration of Restrictive Covenants and the Escrow Agreement for closing. This office also provided counsel on several GTEC lease and management issues.
- Building Inspections – Provided counsel to staff concerning ownership, fraud and other issues arising in the context of building permit issuance and inspections.

COMMUNITY REDEVELOPMENT AGENCY

- Review/advise regarding various studies, documents, and issues regarding proposed expansions of Eastside CRA.
- Review, revise, monitor, and ultimately terminate “Gainesville Greens” redevelopment project.
- Review, revise, and create various incentive program plan documents and form agreements.
- Post STRAND re-negotiate Lot 9 development and disposition agreement (Hampton Inn) and deal with third party disputes and public record issues.
- Post STRAND re-negotiate University House development and disposition agreement.
- Review, revise Redevelopment Plan amendments.

- Review/prepare numerous RFPs and contracts for professional and construction related services.
- Evaluate research and monitor STRAND decision and implications for CRA's activity.
- Provided counsel to staff and implemented model block project transactions, CRA and advisory board rules, purchasing and other issues.
- Prepared and assisted in negotiation of Development Agreements and associated documents for The Palms, Jefferson on Second, University Corners and University House
- Assisted staff with the RFP process for the redevelopment of Bethel Station and Kennedy Homes.
- Prepared and assisted in negotiation of a grant agreement and associated documents for the Cotton Club/Perryman's Grocery Store project
- Supervised two CRA externs from the UF College of Law

ENVIRONMENTAL ISSUES

- Cabot Koppers Superfund Site – This office updates Senator Nelson's office, as requested, on any major developments. This office also advised staff on enforcement measures.
- Job Corps Site at Airport Industrial Park – This office spearheaded the effort to obtain the assessment reports that identified the contaminants that have migrated to the City's adjacent property and potentially threatens the City's well-field. The Report now establishes that Sperry Rand, former owner of the site, caused the contamination. The current owner is now developing a model to address the steps to clean up the site. The Florida Department of Environmental Protection is the enforcement agency that will approve the remedial plan. In the future, the City should be able to market the City-owned property for economic development.
- DEP Notice to Owner – Deerhaven Power Plant – The GRU Attorney regularly notifies the DEP whenever there is an exceedance of air quality standards or spills of hazardous waste. We advise staff on their legal obligations and duties.

EQUAL OPPORTUNITY DEPARTMENT

- Review, advise on internal EO complaints and recommended findings.
- Review, revise proposed revisions relating to EEO "handbook" (personnel policies and ordinances derived therefrom).
- Revise Code of Ordinance provisions to address issues related to Registered Domestic Partners.

- Review and revise City policies regarding relationship of registered domestic partners and dependents.
- Prepare ordinance providing for protection against discrimination on the basis of gender identity.
- Provide advice re: application of gender identity and anti-discrimination provisions to public and private facilities in general and in individual cases.

FINANCE AND PURCHASING

- RFP's, RFQ's, Bids and Purchase Contracts – This office reviewed over 250 RFP's, RFQ's, bids and purchase contracts during this reporting period. While these matters often do not come to the attention of the highest officials, they are critical to the proper operation and function of this government.
- License Tax - Researched and provided counsel to staff re: interpretation and application of the business tax receipt ordinance.

FIRE DEPARTMENT

- General Matters - This office provides legal advice to staff relating to their purchase of goods, supplies and services and training, including review of agreements to burn structures.
- Steven Mueller v. City of Gainesville – Mr. Mueller, Fire Lieutenant, grieved his demotion for being untruthful during an investigation. The case went before an arbitrator and closing briefs are currently being prepared. A decision by the arbitrator was adverse to the City and this office has advised management on the problems identified by the arbitrator and what remedial steps should be taken.
- New Fire Station – This office reviewed the legal title to the property and obtained the necessary property rights for legal access to the property. We also prepared the ordinance rezoning the property to Public Services District and included the necessary conditions for the proper development and use of the property that is located adjacent to residential development.

GACRAA

- Gainesville-Alachua County Regional Airport Authority - Review Airport Authority agendas, advise management of pending issues and deadlines for action.
- Reviewed and processed the federal grant documents that contain certifications of compliance with federal law.
- Gum Root Swamp Property – This office continues to pursue with the F.A.A. the removal of this property from the Airport Layout Map. The outcome will dictate the use of this property in the future and may result in the payment of City money to the airport

for the use of the property for non-aeronautical uses. The City acquired this property with its own funds and some state funds but with no FAA funds.

- Airport/Horse Show Grounds – Upon learning that the Grounds may have been used as a practice bombing field during WW II, this office obtained under the Freedom of Information Act all available documents to determine the nature and extent of the possible threat to the public safety and continued use of this land by the City.

GAINESVILLE REGIONAL UTILITIES

- Prosecution of Small Claims Cases for GRU – This office prosecutes small claims cases on behalf of GRU. There is a total of 8 cases which were prosecuted during the last fiscal year.
- Eastside Operations Plant – This office prepared the PD Zoning ordinance that permitted the development of the Eastside Operations Plan with conditions. The Utilities Attorney is assisting staff in the preparation and review of construction contracts.
- Solar Feed-In Tariff Ordinance – This office reviewed and prepared the ordinance and Standard Contract Documents. To the best of our knowledge, this ordinance and contracts are the first in the Country and therefore had to be carefully researched, analyzed and developed to protect the City while being attractive to the users and industry.
- Biosolids at Whistling Pines – Provided counsel to GRU concerning the application for special exception and vested rights determination for the land application of biosolids at the Whistling Pines Ranch. This office has advised staff on its legal option under the County's Code and discussed legal issues with the County Attorney. This office will represent GRU in the administrative or court proceedings.

HOUSING/CDBG/SHIP DIVISION

- Provided counsel to staff in developing policy for short-sale loan/forgiveness program.
- Provided counsel to staff concerning disputes between property owners and rehab contractors, ownership issues, contractor application process for the rehab program and issues regarding the mortgage foreclosure intervention program
- Worked with staff to establish state required Affordable Housing Advisory Committee and provided legal counsel to the Committee
- Prepared 3 ordinances for the Housing Division

HUMAN RESOURCES

Provided legal advice to the Human Resources Department related to various labor and employment matters, including FLSA, FMLA, ADA, Title VII, employment contracts (Johnson, Hunzinger and Stanton), labor relations, and disciplinary actions. Reviewed and responded to

approximately forty-five (45) Human Resources related matters (since March of 2008). Assisted in effort to revise the City's personnel policies, procedures, and practices, including drafting the telecommuting and timekeeping practices. Provided legal advice on three new Collective Bargaining Agreements – FOP, PBA, and IAFF-DC. Hosted client luncheon with the Human Resources Department, the purpose of which was to informally discuss mutual expectations between Department Managers and attorneys representing Human Resources. As a result of the luncheon, the Request for Legal Services form was implemented and a tracking system for requests to be maintained and viewable by both departments. It was also decided to continue monthly meetings to discuss general matters.

INTERGOVERNMENTAL RELATIONS:

- Interlocal Agreement for Recreation Sales Tax – In order to provide for the distribution of sales tax proceeds, the City Attorney and County Attorney jointly prepared this agreement that amicably addressed the needs of all cities and the county.
- Amendments to Boundary Adjustment Act – This office advised City staff and reviewed proposed amendments to the County Attorney. After meeting with city and county staff, including the County Attorney, the County revised the Act to the satisfaction of all parties.

LABOR AND EMPLOYMENT:

- In-House Labor Counsel - This office provides regular in-house counsel on labor and employment issues to the City Commission and management.

Specialized projects include:

- Review, revise RHS plan documents, and prepare additional plan documents for additional employees or groups.
- Review application of COBRA in general and as to particular cases i.e. tolling issues, notice issues.
- Advise/ revise collective bargaining agreements, policies, and Human Resources procedures re: FMLA Military Leave amendments.
- Evaluate, advise, and provide appropriate documentation to Management to resolve individual employee discipline/grievance matters.
- Review, and revise RTS Handbook changes and associated matters.
- Provide advice, and direction to management regarding compliance with the Fair Labor Standards Act provisions, both programmatically and in individual case basis.
- Review application and interplay of FMLA procedures, Worker's Compensation, and ADA with personnel policies and collective bargaining agreements and in individual cases.

- Provide advise, analysis, and information to Management re: teleworking policies and implication of teleworking arrangements.
- Review/revise collective bargaining agreement proposals and agreements.
- Research, meet with and advise management re: labor relations negotiations, options thereto, and providing ongoing advice re: demands for and scope of, bargaining and contract issues.
- Ongoing meetings with Charter Officers re: personnel policy revisions and procedures, including teleworking.
- Review individual GPD internal affairs cases and provide advice regarding application of collective bargaining agreements, personnel policies, and Bill of Rights re: investigations and dispositions.
- Review, revise Charter Officer employment contracts, negotiate contract with General Manager.
- Discipline and Grievances - Evaluate, advise, and provide appropriate documentation to management to resolve individual employee discipline/grievance matters.

PENSION/RETIREMENT

- Review and revise Retiree Health Insurance Program including GASB compliance issues.
- Review various custodial investment manager contracts and other arrangements related to retirement and pension investments of the City.

POLICE DEPARTMENT

- Black on Black Crime Task Force and Neighborhood District Meetings – Attended the meetings and approved some related contracts.
- Parking Affidavits – This office reviewed affidavits of defense from alleged violators generally within two business days of receipt:

Affidavits Denied: 372
 Affidavits Granted: 274
 Total: 646

- Contraband Forfeitures – This office represented the City in Court proceedings seeking the forfeiture of property obtained incident to a lawful arrest relating to illegal narcotics or other felony offense which would subject the property to forfeiture under the Contraband Forfeiture Act. These funds are used by GPD to enhance operations:

Vehicles Seized: 3

Vehicles Forfeited: 1
Vehicles Released: 0 (released via settlement agreement)
Vehicles Pending: 2

Currency Seized: \$ 51,141
Currency Forfeited: \$ 29,490
Currency Released: \$ 10,015 (released via settlement agreement or court order)
Currency Pending: \$ 11,636

- U.S. Dept of Justice
Federal Forfeiture Sharing Forms Reviewed: 29
The Forms are submitted for review when there are federal forfeitures that involve members of the Gainesville Police Department. The forms set forth the City's share of the federal forfeiture and confirms the City authority to accept same. This action brings money to the City for crime-fighting purposes.
Review personnel files for GPD officer testifying in Federal cases.
- Legal Bulletins – This office issued 10 legal bulletins to keep the police apprised of legislative changes in the law, developing court cases, and answer to specific questions from officers.
- Municipal Ordinance (MO) Prosecutions – Our office performs intake and monitors compliance with deferred prosecution Agreements. There were a total of 953 cases filed in this fiscal year.
- Ordinances – This office researched and prepared ordinances relating to: 1) the trespass towing ordinance – revised to include permitting requirements for tow operators/companies, prohibiting temporary storage of vehicles, requiring photos of illegally parked vehicle, max rates for vehicle classes, and acceptance of major credit cards; parking garage violations; 2) revisions to the vehicles for hire ordinance; 3) researched issues relating to booting.
- Trespass Towing – This office provided legal counsel on problem areas, including successfully representing GPD in court for eleven civil citations issued to area towing companies.
- Mutual Aid Agreements – This office reviewed and approved the agreements between the University of Florida Police Department, Santa Fe Community College Police Department and GPD.
- Contracts - This office reviewed approximately 45 contracts between GPD and various agencies and vendors as well as reviewed and approved over 100 contracts that were initially reviewed by a subordinate attorney.
- Red Light Camera Enforcement - This office researched case law and data gathered from other cities on this program, and provided legal counsel to the Public Safety Committee, and prepared an initial draft of an ordinance for the City Commission's consideration.

- Underage Drinking Ordinance – This office researched, reviewed and prepared an initial draft of an ordinance for the Public Safety Committee’s consideration. After approval by the City Commission, this office, in consultation with GPD, revised the draft ordinance to address constitutional and legal issues.

PUBLIC WORKS

- Prepared 2 ordinances for the Public Works Department.
- Prepared and reviewed closing and post-closing documents for the purchase of the Hogtown Creek headwaters from Home Depot.
- Provided counsel to staff and proposed revisions to the fencing standards proposal and prepared ordinance.
- Provided co-counsel at monthly meetings of the Public Works Committee.
- Provided counsel and developed form of surety agreement for sidewalk improvements and landscaping requirements for subdivisions.
- Provided counsel on environmental wetlands code issues.
- Worked on establishing environmental review fees and traffic study fees.
- Provided counsel for City land acquisition and dispositions, and parking garage retail leases.
- Reviewed contracts and real property contracts and closing documents.

RECREATION AND PARKS/NATURE OPERATIONS

- Legal Services - This office provides legal advice to staff relating to their contracts to purchase goods, supplies and services for their many operations and activities.
- Cade Museum – Reviewing and discussing conditions of the site, analyzing development restrictions and opportunities, evaluating arrangements similar to that under consideration for Cade/Depot Park. Presently working on a modified letter of intent which takes into account the foregoing and receiving input from Cade representatives.
- Evergreen Cemetery – The City Attorney is working with staff to facilitate the identification of successors or heirs to cemetery lots. An amendment to the Code and policies are under review.
- Senior Citizen Recreation Center – Investigated controlling documents (interlocal, referendum and grant). Met with management last week to discuss very rough drafts of the interlocal agreement and lease. This office has advised the County and Elder Care, Inc. that this office will revise the interlocal and that city management will be reusing the lease.

- Thomas Center – This Office researched the issue of allowing the sale and consumption of alcoholic beverages at the Center. As a result, city management is developing revised policies to permit the sale of alcoholic beverages under limited conditions.
- Tree Preservation – Provided counsel to the City’s Arborist on drafting comprehensive revisions to landscape and tree management provisions in the land development regulations to provide clearer and more comprehensive regulation to protect all trees here in the "tree city", especially heritage trees. Within the past couple of months the item went to the City Commission and the City Commission directed Planning staff to initiate a Petition to take those draft revisions to the Plan Board.

REGIONAL TRANSIT SYSTEM

- In-house Legal Services – The City Attorney provides legal advice to staff for the purchase of goods, supplies and services of RTS. Provided legal advice on newsracks at bus stops, advertising on buses, and facilities compliance with the ADA. The City Attorney reviews the funding agreements from other entities that pay for services. This office also reviews the federal grant agreements that include legal certifications.

SOLID WASTE

- Prepared 2 ordinances for the Solid Waste Division.

LITIGATION AND ADVERSARIAL PROCEEDINGS; RISK MANAGEMENT

IN HOUSE LEGAL SERVICES

- Claims – This office reviewed claims and settlements, and negotiated and approved settlements, as appropriate. The early settlement of verified claims can result in monetary savings.
- Litigation - The City Attorney’s Office represents the City in the greater majority of all cases, including claims covered under the City’s self-insurance programs. The office is pleased with the favorable verdicts and reduction in the City’s use of outside counsel that has resulted in substantial savings to the Program. A status of all cases handled by the division is attached as Exhibit “A”. (The Report does not include cases handled solely by special counsel or counsel retained by insurance companies.) (see Litigation Report, Exhibit “A”)
- General Insurance Matters - Dealt with numerous insurance procurement and complex coverage issues during the course of the year, often times relating to ongoing or threatened litigation. Reviewed, researched, and provided advice on an update of the drug testing practices and procedures. We reviewed, revised, and prepared forms and procedures related to FMLA usage, address abuses and prevent fraud.
- Garnishments – This office represented the City in 12 garnishment actions in the courts that sought to garnish the salaries of city employees.

- Junior Liens – This office is responsible for collecting any liens imposed by the City during foreclosure proceedings on local properties. During this fiscal year, we participated in 39 foreclosure cases and recovered approximately \$220.00 due and owing on various City-sponsored loans.
- Occupational License Litigation – This office collected moneys owed from violators in cases where the Finance Department was unable to successfully collect funds. This effort has enabled the City to collect thousands of dollars which includes not only the taxes owed, but penalties and court costs as well. This activity also encourages others to timely obtain their license.
- Risk Management - Review and provide to advice to staff and City Commission re: individual Worker's Compensation issues and cases.

CITY ATTORNEY'S PROFESSIONAL ACTIVITIES AND RECOGNITIONS

- The Florida Bar – The City Attorney is board certified as a specialist in City, County and Local Government Law. The litigation attorney became board certified in 2006.
- The Florida Bar – City, County and Local Government Law Section
 - City Attorney serves as an ex-officio member of the governing board.
 - City Attorney is Past Chair of the Section.
- Florida Bar's Attorney-Client Privilege Committee
 - The President of the Bar appointed the City Attorney as a member of the Committee. The Committee has recommended revisions to state and federal law to enhance the attorney-client privilege.
 - The Chair of the Committee appointed the City Attorney as Chair of the Public Sector Subcommittee. This subcommittee is recommending legislation to enhance the attorney-client and work product privileges in the public sector. The Report will be presented by the City Attorney to the Board of Bar Governors.
- Florida Municipal Attorneys Association – City Attorney serves on the Executive Board of Directors that plans the seminars and makes policy decisions on the programs of the state-wide Association.
- Florida League of Cities – City Attorney served as a judge in the fifth annual Florida Cities of Excellence Awards program honoring Florida's outstanding municipal governments, officials and staff, programs and volunteers.
- International Municipal Attorneys Association – Designation of Local Government Fellow by the International Municipal Lawyers Association at their annual conference in September 2008. City Attorney is appointed by the President as State Chair for the Association. In this capacity, the City Attorney monitors court decisions and recommends IMLA's participation as amicus curiae in select cases. The City Attorney also confers with other state members of matters of national concern to local

governments. In November 2008, the Executive Director appointed the City Attorney as the Chair of the University Cities Group that will share interests and problem solving unique to University Cities.

- UF Externship Program – This office supervised 3 externs from the University of Florida Levin College of Law for training and credit through the College of Law. The externs provide legal research and assistance to the attorney and staff thus enhancing the service delivery of the office while providing essential training to University of Florida law students.
- Federal Bar Association, Northern District of Florida – The City Attorneys are members of this association and the litigation attorney is the Past President and the Assistant City Attorney is the current President.
- Justice Training Program – Assistant City Attorneys participate in the Justice Teaching Program for 5th graders in various elementary schools.

PROFESSIONAL ARTICLES AND SPEAKING ENGAGEMENTS OF THE CITY ATTORNEY

November 12, 2008, “Current Topics in Local Government” Guest Lecturer, University of Florida, Public Works Engineering and Management Practices

October 20, 2008, “Challenges Facing Local Government From Urban Development” Guest Lecturer, University of Florida, Public Works Engineering and Management Practices

September 17, 2008, “Attorney-Client Privilege and Work Product Doctrine in the Public Sector” International Municipal Lawyers’ Association 73rd Annual Conference

March 2008, “Incentives to Promote Economic Development and Redevelopment” Guest Lecturer, University of Florida, Public Works Engineering and Management Practices

January 2008, “Restoring the Attorney-Client and Work Product Privileges for Government Entities” The Florida Bar Journal Vol. 82 No.1

October 17, 2007, “Current Municipal Issues” Guest Lecturer, University of Florida, Public Works Engineering and Management Practices

MJR/afm

Attachment

cc: Charter Officers

2008 Litigation Claims and Cases

Alachua Land Investors	Plaintiffs filed three-count Complaint, including Petition for Writ of Certiorari and two counts seeking Declaratory and Injunctive Relief, challenging City denial of design plat application.	Circuit Court upheld the City's decision in the certiorari court, and the Plaintiff is now seeking review in the District Court of Appeal. Briefs have been filed with the DCA. Discovery is ongoing in the Declaratory and Injunctive Relief counts.
Allen, Shawntak	Alleges injuries from accident with GRU vehicle.	City placed on statutory notice November 3, 2005.
Allstate Insurance a/s/o Lawson	Alleges damages from accident with RTS vehicle with their insured.	City placed on statutory notice April 12, 2007.
Arosemena, Andrew	Family alleges negligence after son was shot and killed in City parking garage.	City placed on statutory notice January 18, 2008.
Arrow Trucking	Arrow Trucking alleges damages to their tractor by a GRU vehicle	City placed on statutory notice June 16, 2006.
Austin, Marlene	Alleges unlawful seizure of her vehicle by GPD.	City placed on statutory notice January 5, 2007
Bantley, Genevieve	Alleges injuries sustained due to a MVA with a GPD vehicle.	City placed on statutory notice October 31, 2008.
Barnett, Steven	Alleges unlawful arrest by GPD.	Case settled for \$500.00. Waiting on settlement agreement and dismissal.
Bastien, Thomas	Alleges that he was terminated due to his disability.	Notice of Charge of Discrimination received September 5, 2008. Position Statement filed October 2, 2008. Awaiting EEOC finding.
Bates, Robert	Alleges being struck by a GFR vehicle while in the crosswalk.	City placed on statutory notice January 13, 2009.
Beazer East	Subrogation claim for damages to City's sewer line.	Complaint in the process of being drafted.
Bell South	Alleges GRU damaged Bell South equipment while replacing a sewer line.	Case settled by payment to BellSouth in the amount of \$3,761.08. Notice of Voluntary Dismissal entered January 14, 2008.
Berryman-Dages, Kim	Alleges discrimination and retaliation based on her gender by GFR.	Notice of Charge of Discrimination received December 18, 2008. Position Statement due February 5, 2009.
Bliton, Paul	Alleges City tree fell on house	City placed on statutory notice June 7, 2008

2008 Litigation Claims and Cases

Board of Adjustment Dunne, Ralph (Banana Planet)	Petition for Writ of Certiorari filed challenging decision of City's Board of Adjustment reversing finding that property owner abandoned legal non-conforming use.	Oral argument before Circuit Court on November 5, 2007. Circuit Court quashed Board of Adjustment's Order and found no legal nonconforming use. Current property owner appealed to District Court. Case settled 4/08 pending appeal with property owner abandoning claim of nonconforming use and agreeing to bring property into compliance with City codes.
City v. Booth, Beverly and Alexander	Defendants damaged City utility facilities in an automobile accident.	Case settled by payment to the City in the amount of \$3,500.00. Case dismissed October 10, 2008.
Boyle, Nicole and John	Alleges injuries with a RTS bus while riding her bicycle.	Lawsuit filed. Discovery ongoing.
Brooks, Allen	Alleges he fell into an uncovered manhole.	City placed on statutory Notice April 11, 2007.
Brooks, Rufus	Alleges bias by the City of Gainesville against sexual offenders and violation of his civil rights.	Filed Civil Rights Complaint March 5, 2007. Waiting on service.
Bueno, Cecilia Vargas	Alleges injuries from slipping and falling on sidewalk.	City placed on statutory notice July 26, 2007.
Building 32606	Alleges violation of property rights.	Circuit Court issued partial Summary Judgment in favor of the City's co-defendant finding that the Plaintiff does not have exclusive use and possession of subject property. Discovery is ongoing.
Burney, Earnestine	Alleges injuries from accident with RTS bus.	City placed on statutory notice February 10, 2006.
Canton, Alric	Alleges injuries from accident with GPD vehicle.	Case settled in amount of \$7,500.00 pre-litigation.
CEM Enterprises, Inc	Alleges the City breached its contract with CEM on the renovation of the creek banks.	After an adverse jury verdict, and the Judge's order denying a new trial as to liability but granting a new one as to damages, the City took an appeal. The appellate court upheld the trial court's order remanding the case for a new trial on damages. The City entered into mediation with CEM which resulted in a proposed settlement of \$900,000, which amount was approved by the City Commission. The City continues to explore partial reimbursement from other parties involved.
Chandler, James	Alleges City failed to implement system w/ADA Transportation requirement (MV Transportation)	Amended Notice of Claim received May 13, 2008.

2008 Litigation Claims and Cases

Chase, Judith	Alleges violation of civil rights by actions and policies of the City and ACSO.	City amended its solicitation and panhandling ordinance to ban transactions with vehicles while in traffic. Plaintiff filed a Motion for Order to Show Cause August 8, 2007 for alleged violation of settlement agreement and Court Order of 2006. Oral argument held Nov. 2007. In March 2008 the Court found the City did not violate the Order to Show Cause.
Chavarria, Jose	Alleges injuries while attempting to construct an additional section of the Sugarfoot electrical substation.	Lawsuit filed. Awaiting service of process.
City of Gainesville vs. Cazabella, Inc.	Defendant damaged electrical utility lines of GRU.	Case settled by payment in amount of \$3,107.84 to the City. Notice of Voluntary Dismissal filed February 8, 2008.
City of Gainesville vs. CFC Construction Co.	Defendant damaged utility lines while doing tree limb removal	Case settled by payment to the City in amount of \$150.00 per mediation.
City of Gainesville v. Ed Crapo, Property Appraiser, et. al. Case Nos. 2003-4664-CA, 2004-4560-CA, 2005-CA-4536, 2006-CA-4843, 2007-CA-4802	City Commission authorized the filing of a Complaint requesting a declaratory judgment that City property should not be subject to taxation.	The City of Gainesville has been in litigation with the Alachua County Property Appraiser and the Florida Department of Revenue for many years over the taxation of certain of the City's assets. On October 22 and 23, 2008, a two day bench trial was held before the Honorable Robert E. Roundtree, Jr. The Court found that the City's entry into the telecommunications market met all of the proper public purposes set out by the Florida Supreme Court and is thus exempt from taxation. The Property Appraiser and the Florida Department of Revenue have not pursued an appeal from that ruling, which is now final.
Clark, Anthony	Alleges injuries when electric wire snapped and struck him.	City placed on statutory notice April 28, 2008.
Daly, Kevin	Alleges codes for landlord tenant, street parking and noise are unconstitutional.	Complaint served November 9, 2007. City prepared a response. Both parties filed for summary judgment which was granted in favor of the City by the court in June 2, 2008. The Dalys appealed. The appeal is pending in the First District Court of Appeal. Briefs have been filed and oral argument is scheduled in February, 2009.
Davis, Donald and Debra	Alleges injuries from accident with Waste Management vehicle.	City placed on statutory notice February 21, 2005.

2008 Litigation Claims and Cases

Progressive Ins. a/s/o Delgado, Victor	Subrogation claim alleging damages from an accident with a GPD vehicle.	Case settled by payment to Progressive in amount of \$2,500.00. Notice of Voluntary Dismissal filed March 12, 2008.
Delgado, Victor	Alleges injuries from an accident with a GPD vehicle.	Case settled by payment to Delgado in amount of \$15,000.00. Notice of Voluntary Dismissal filed July 18, 2008.
Dell, Sallie Parker	Alleges being struck by a GPD vehicle in a crosswalk	City placed on statutory notice December 4, 2008.
Derway, Connie d/b/a Grapevine Deli	Alleges fraud and misrepresentation by City officials regarding leased property – Grapevine Deli	After litigation, case dismissed with return of security deposit to Plaintiff/tenant, and termination of lease.
Dexter, Melinda	Alleges injuries after her vehicle became lodged in a hole when a storm drain's steel grate covering gave way	City placed on statutory notice April 25, 2006.
Diaz-Palma, Miguel	Alleges injuries after being struck by a RTS bus	City placed on statutory notice September 25, 2005.
Diez, Carlos	Alleges injuries sustained after being struck by a Public Works vehicle while on a motorcycle.	City placed on statutory notice January 13, 2009.
Dunbar, Charles	Alleges GRU bill was too high.	Case settled at mediation by GRU agreeing to go to Mr. Dunbar's place of residence to show him how to read his meter.
City v. Dunmore, Veralla	Subrogation claim for damages to GRU power lines.	Settlement Agreement in which Defendant obligated to payment plan. Payments are in default. Debtor is currently in bankruptcy proceedings. Enforcement of agreement is stayed.
Espenschied, Ellen	Alleges RTS violated Constitutional right to freedom of speech	City placed on statutory notice January 10, 2008.
Ewell, Kimberly	Alleges injuries from an auto accident with a GRU vehicle.	Case settled by payment to Ewell in amount of \$4,500.00. Notice of Voluntary Dismissal filed January 11, 2008.
Fields, Jazelle	Alleges injuries from auto accident with GPD	City placed on statutory notice May 24, 2007.
Ferguson, Albert	Alleges injuries from an auto accident with a RTS vehicle.	Complaint filed. Discovery ongoing.
Ferrara, Anthony	Alleges damages to home when electrical surge by GRU.	City placed on statutory notice April 14, 2008.
Fleming, Joanne	Alleges injuries resulting in being rear-ended by a RTS bus.	Case settled by payment to Fleming for \$20,000.00 in pre-litigation.

2008 Litigation Claims and Cases

Floyd, Gerrell	Alleges injuries from multiple gunshot wounds fired by a resident of Candlelight Estates.	City placed on statutory notice June 1, 2008.
Floyd, Rebecca	Alleges injuries from multiple gunshot wounds fired by a resident of Candlelight Estates.	City placed on statutory notice June 1, 2008.
FOP Arbitration	FOP challenge to the City's staffing on holidays, alleged that City management could not make FOP members take the holiday off if it was a regularly scheduled workday.	Arbitrator ruled against the City. Parties negotiated a settlement which included a change in the contract language.
Frazier, Torrence	Alleges injuries due to falling into a hole on City property.	City placed on statutory notice December 5, 2008.
City v. Gainesville Tree and Stump	Subrogation claim for damages to GRU facilities.	Final Judgment entered March 19, 2008 against Gainesville Tree and Stump in the amount of \$1,012.29.
Gamble, Eugene	Alleges injuries resulting in being rear-ended by a RTS bus	Complaint filed. Discovery ongoing. Trial set for May 2009.
Gillis, Ricky	Alleges injuries from an RTS accident	Case settled by payment to Gillis of \$7,500.00 in pre-litigation.
Goulborne, Sheila	Alleges injuries from an accident with GPD vehicle	City placed on statutory notice July 26, 2005.
Graham, Kenneth	Alleges that money which was seized by GPD in an arrest was returned to his mother and not to him.	City placed on statutory notice November 26, 2007.
Grant, Megan	Alleges discrimination based on sex (pregnancy).	Notice of Charge of Discrimination received February 12, 2008. Position Statement filed March 10, 2008. Awaiting EEOC ruling.
City v. Grapevine Deli and Grapevine Ice Cream Parlor	Eviction action by City of Gainesville for failure to pay rent.	City's Complaint for eviction was dismissed by County Court. City prevailed on appeal. Owners vacated premises.
City v. Griffin, Bridgette	Subrogation claim for damages to GRU streetlight pole.	Case settled by payment to City of \$3204.03 in July 2007 pursuant to Settlement Agreement. Payments are in default. City will seek to enforce.
City v. Harris, Alex	Subrogation claim for damages to GRU streetlight pole.	Final Judgment filed September 12, 2007 against Harris in the amount of \$1,921.15

2008 Litigation Claims and Cases

Harris, Holden	Challenged constitutionality of City's front-yard parking ordinance.	County Court upheld City ordinance.
Hayes III, Carl	Alleges false arrest and other damages.	Case dismissed by Court. Final Judgment of Dismissal entered February 2008.
Hayes II, Carl	Alleges violation of 4th, 8th and 14th constitutional rights by GPD	City placed on statutory notice October 27, 2008.
Hevel, Lane	Alleges injuries sustained at the Ironwood Golf Course	City placed on statutory notice December 1, 2007
Hayes, Frankie	Alleges injuries from an accident with an RTS bus.	Case settled by payment to Hayes of \$5,000.00 in pre-litigation.
Hill, Addie	Alleges damages due to GRU failing to notify her of power shut off in order to do utility work around her home.	City placed on statutory notice March 31, 2008.
Huggins, Tooneshia	Alleges injuries from an accident with an RTS bus.	City settled for \$2,500.00 in pre-litigation.
Irby, Rhonda	Alleges injuries from an accident.	City placed on statutory notice January 26, 2005.
Irving, Bessie	Alleges false arrest by GPD.	City placed on statutory notice December 7, 2006.
Jackson, Sharon	Alleges injuries when falling on sidewalk.	City placed on statutory notice May 27, 2007.
Jerlelds, Marvin	Alleges racial discrimination for failure to provide a polygraph test	City placed on statutory notice February 14, 2007.
Johnson, Wandella	Alleges injuries received from vehicle accident with RTS	City placed on statutory notice July 28, 2006.
Johnson, Matthew	Alleges injuries sustained in parking garage from an unknown assailant.	City placed on statutory notice August 12, 2007.
Johnson, Rafe	Injunction action to stop evictions of tenants by Codes due to code violations.	Filed February 20, 2008. Awaiting service on the City.
City v. Progressive Insurance a/s/o Kapadia, Rasila	Subrogation claim arising out of an accident with GPD vehicle.	Case settled by payment to the City of \$1,500.00. Notice of Voluntary Dismissal filed April 16, 2008.
Kennedy Homes	Alleges discrimination due to race.	All cases settled with payment by AIMCO.

2008 Litigation Claims and Cases

Lamar, Linda	Alleges false arrest, imprisonment due to OCSO mistaking her for her daughter.	City placed on statutory notice April 2, 2007.
Kilgore, Cindy	Estate alleges wrongful death due to airplane hangar door falling on her, causing her death.	City placed on statutory notice December 8, 2008.
Langley, Carol	Alleges injuries from accident with an RTS vehicle.	City placed on statutory notice June 26, 2008.
Lee, Latoria	Alleges injuries from a GPD vehicle backing into her vehicle	City placed on statutory notice November 4, 2006.
Lewis, Robert vs. Asplundh, City of Gainesville and Pete Evans	Alleges violation of civil rights	Lawsuit filed in Federal Court. Assisting outside counsel. Court granted summary judgment in favor of the City. Lewis appealed to the 11th Circuit where the case is pending. The 11th Circuit reversed the case on a procedural issue, saying that the lower court should have given Lewis notice before the imposition of summary judgment. The case has been remanded to the trial court.
Little, et. al v. 300 Club and City Development Review Board	Petition for Writ of Certiorari challenging DRB's Order allowing extension of legal non-conforming use.	Circuit Court discharged Writ and upheld DRB Order. Circuit Court denied Petitioner's request for rehearing. Court granted Petitioner leave to amend count for declaratory and injunctive relief.
Long, Betty	Alleges injuries while descending stairs at GRU	Lawsuit filed. Discovery ongoing. Trial set for June 2009.
Louder, Kevin	Alleges discrimination based on race.	Notice of Charge of Discrimination received on October 1, 2007. Position Statement filed March 21, 2008. Awaiting EEOC ruling.
Lyons, Justin	Alleges injuries sustained at Hawthorne Park	City placed on statutory notice October 13, 2007.
Mackey, Darren	Alleges injuries from accident with a GRU vehicle.	City placed on statutory notice July 19, 2007.
Malone, Carole	Alleges injuries when she slipped on carpet at GRU.	City placed on statutory notice August 21, 2008.

2008 Litigation Claims and Cases

Malu, Steve	Alleges he was denied the position of EEOC Charter Officer due to his race and national origin and suffered retaliation by not being selected for the position.	Outside counsel took the case to trial in July, 2007. The Court entered a directed verdict in favor of the City, and dismissed the case. Mr. Malu filed an appeal which was denied by the 11th Circuit. The trial court awarded the City \$27,029.50 in attorney fees. The City has made demand on Mr. Malu for the fees and will proceed to collect the fees.
Maraist, Michael	Alleges his dog was run over and killed by a car when a GRU meter reader left Maraist's gate open.	Ongoing
Marraffino, Lawrence	Alleges the moratorium on electronic signs is unconstitutional.	City placed on notice July 26, 2007
Martinez, Narciso	Alleges discrimination based on race.	Notice of Charge of Discrimination received on May 23, 2008. No Cause determination issued July 30, 2008.
McCarron, James	Alleges injuries as a result of an accident with GPD.	City placed on statutory notice June 24, 2005.
McCullers, Mike	Alleges damages as a result of erroneous and harmful employment information reported by GPD.	City placed on statutory notice May 26, 2005.
McManus, Pete	Alleges violations of housing code.	Complaint filed in Federal Court. City has filed response. Plaintiff has taken an appeal on the court's denial of his request for change of venue.
Meyer, Benjamin	Alleges injuries due to a MVA with a City street sweeper.	City placed on statutory notice December 18, 2008.
Mitchell, Brenda (Estate of Donald Mitchell)	Donald Mitchell was shot to death by a resident of Candlelight Estates.	City placed on statutory notice June 12, 2008.
Mobley, Tony	Alleges injuries from being rear-ended by RTS.	Case settled by payment to Mobley of \$6,500.00 in pre-suit
Moore, Elias	Alleges injuries when riding his bicycle into an RTS bus.	City placed on statutory notice July 2, 2008.
Morris, Betty	Alleges injuries resulting from being a passenger on an RTS bus involved in an accident.	City placed on statutory notice August 2, 2007.

2008 Litigation Claims and Cases

Mueller, Stephen	Mr. Mueller, Fire Lieutenant, grieved his demotion for being untruthful during an investigation.	The case went before an arbitrator and closing briefs were prepared. A decision by the arbitrator was adverse to the City and this office has advised management on the problems identified by the arbitrator and what remedial steps should be taken.
Neville, Robert	Alleges injuries from a GPD canine bite.	Lawsuit filed in federal court. After discovery and dispositive motions, case dismissed June 12, 2008.
City v. O'Steen Brothers	Subrogation claim for unauthorized use of GRU's water distribution/wastewater system.	City preparing claim.
Owens, Paris	Alleges sexual harassment by GPD officer.	Owens filed complaint with EEOC. The City responded. Awaiting EEOC finding. Plaintiff also placed City on statutory notice September 13, 2007. Plaintiff received right to sue letter from EEOC in December 2008.
Parker, Taylor	Alleges false arrest on a loud noise citation	City placed on statutory notice September 13, 2007.
Patrick, Marilyn	Alleges injuries when she fell while a passenger on an RTS bus.	Lawsuit filed. Case settled at mediation for \$1,000.
Pennyworth Plumbing	Subrogation GRU claim	Trial held in January 2009. Parties are filing written closing arguments due in February 2009. Awaiting ruling by the Court.
Pena, Andrea	Alleges injuries from an RTS accident	City placed on statutory notice April 18, 2006.
Reddish Janice o/b/o her son Theodore Nevels	Alleges negligence on behalf of city and/or State for use of unnecessary and excessive force resulting in the death of her son	City placed on statutory notice April 6, 2006.
Rhodes, Sheila	Alleges injuries resulting in a trip and fall on Alachua County School property.	City placed on statutory notice December 6, 2006.
Richards, Gary	Appeal of decision of City CEB denying rescission of fine.	Circuit Court on appeal affirmed decision of CEB December 2007.
Ripley, Tyisha	Alleges injuries resulting from vehicle accident with GRU vehicle.	City placed on statutory notice April 4, 2008.
Ritch, John	Alleges GPD committed assault and battery and false arrest.	Lawsuit filed, assisting outside counsel.
Robinson, Dexter	Alleges injuries as a result of a vehicle accident with GPD.	City placed on statutory notice May 30, 2007.

2008 Litigation Claims and Cases

Roberts-Demetree, Laura	Alleges injuries as a result of a vehicle accident with RTS	City placed on statutory notice April 18, 2006.
Selwach, Richard	Alleges false arrest.	City placed on statutory notice June 13, 2008.
Senft, John	Alleges injuries from vehicle accident with GRU	Lawsuit filed. Discovery ongoing.
Shannon, Karen	Alleges GPD failure to return computer equipment confiscated during criminal investigation.	Lawsuit filed. Discovery ongoing.
Shockley, Eric	Alleges police harassment and threats by GPD	City placed on statutory notice August 5, 2008.
Silber, Saul	Alleges violations of property rights.	Lawsuit filed. Related to Building 32606 case. Case ongoing.
Smith, Robert	Alleges injuries from vehicle accident with RTS bus	Settled by payment to Smith of \$25,000 in pre-suit litigation.
Smith, Roger	Alleges injuries from vehicle accident with RTS bus	Settled by payment to Smith of \$25,000 in pre-suit litigation.
Solomon, Mark	Alleges assault from Building Inspector walking into home unannounced and uninvited and causing fear to the inhabitants.	City placed on statutory notice Nov. 8, 2006
City v. Southern Underground & Directional Boring, Inc.	Subrogation claim for damages to GRU electrical equipment	City reviewing and preparing claim.
Spikes, Frank Lee	Filed Writ of Mandamus for failure to provide breathalyzer test in a public records request.	Case dismissed by Circuit Court Sept. 2008.
Spikes, Frank Lee	Alleges negligent acts for failure to provide breathalyzer test.	City placed on statutory notice October 15, 2008.
Stallworth, Felicia	Alleges injuries due to a confrontation with an off-duty GPD officer.	City placed on statutory notice December 5, 2008.
Stewart, Michael	Alleges injuries due to being tased by a GPD officer.	City placed on statutory notice November 6, 2008.
Taylor, Cory	Alleges injuries from multiple gunshot wounds fired by a resident of Candlelight Estates.	City placed on statutory notice June 12, 2008
Tedford, George	Injunction relief complaint filed to stop Clerk of Court from selling property to satisfy City lien.	Hearing for emergency injunction held October 27, 2008.

2008 Litigation Claims and Cases

Thomas, Corey	Alleges GRU light pole obstructed vision of other driver causing him to dump his motorcycle causing him injuries	City placed on statutory notice August 9, 2007
Torres, John	Alleges contract violations under the Collection Bargaining Agreement by GPD	Lawsuit filed May 2007. Case settled February 2008 with employee's resignation.
Turner, Jeremy	Alleges injuries sustained from accident with GPD	City placed on statutory notice July 3, 2008.
Trower, Elainea	Alleges injuries from vehicle accident with GRU vehicle.	City placed on statutory notice April 4, 2008.
Vinson, Martin and Mary	Alleges injuries from accident with City vehicle.	Case settled by payment to Vinsons of \$35,000.00. Waiting on signed releases.
City v. W.A. Underground	Subrogation claim for damages to GRU	Final Judgments entered against W.A. and in favor of City in amount of \$5,099.17.
Walker, Carla	Alleges injuries when exiting an RTS bus and driver closing door on her leg.	City placed on statutory notice March 21, 2007.
Watson Construction Co. vs. City of Gainesville	In 2005, Watson filed a civil rights action against the City as a result of a moratorium the City enacted in 2001.	After extensive discovery and the filing of motions, the federal district granted summary judgment in favor of the City. Watson appealed to the 11th Circuit and the 11th Circuit upheld the grant of summary judgment on all issues, with the exception of a remand on the taking claim. The City also requested attorney fees for defending against the frivolous suit. The district court denied the attorneys fee request, the City filed an appeal, but the Court's order denying the award of fees to the City was upheld. The City collected \$63,743 in costs from Watson.
City v. AIG (Watson)	In 2005 after the filing of Watson's case, AIG denied coverage for the defense of the case, alleging several grounds. The City pursued litigation against AIG.	The parties voluntarily mediated the case which resulted in AIG paying \$458,554 to the City.
Weiss, Arthur	Alleges violation of civil rights and breach of contract arising out of an annexation agreement entered into between the Plaintiff and City in October 1989.	Lawsuit ongoing, assisting outside counsel. Motions for Summary Judgment filed. Awaiting ruling of the Court.
Wells Fargo, Inc. vs. City of Gainesville	Alleges being first mortgagor with interest rights not to have property demolished due to code violations.	Petition for Injunction for Protection filed, City answered. Waiting on Court decision.

2008 Litigation Claims and Cases

White, Juanita	Challenges the City Commission's approval of a petition finding petitioner's property meets the criteria for a Significant Ecological Community District overlay.	City received a Petition for Writ of Certiorari on September 25, 2007. Circuit Court dismissed Petition upon granting the City's motion.
Williams, Anthony	Alleges injuries sustained while a passenger on an RTS bus.	Lawsuit filed, defending case.
Williams, Lillian	Subrogation claim due to damages arising from an accident with a GPD vehicle.	Complaint filed. Case ongoing.
Williams, Sara	Alleges injuries sustained by a vehicle accident with RTS bus.	City placed on statutory notice November 7, 2006.
City v. Wiring Technologies, Inc.	Subrogation claim for damages to a GRU gravity sewer main.	Claim to be prepared and filed.
Wohl, Michael and Diana Osborn	Alleges violation of the Fair Labor Standards Act.	Lawsuit filed. Discovery ongoing.
Young, Azie	Alleges excessive stormwater runoff from construction site that ran off onto her property.	City received Summons and Complaint January 28, 2009. Will prepare response.