

Introduced By: Council Member Christine Hoffman
Adopted: January 21, 2020

RESOLUTION NO. 2049-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING THE RATE FOR ATTORNEY FEES TO BE SOUGHT BY THE CITY ATTORNEY FOR REIMBURSEMENT UNDER THE CITY CHARTER CHAPTER VI, SECTION 37 AND AS AUTHORIZED BY CONTROLLING CASE LAW.

WHEREAS, pursuant to the City of Jacksonville Beach Charter Chapter VI, Section 37 the City Attorney shall prosecute and defend the City, for and on behalf of the City, all complaints, suits, and proceedings (collectively “cases”) in which the City is a party; and

WHEREAS, the City Attorney litigates cases and serves as litigation co-counsel on behalf of the City, Beaches Energy Services and the City Police Department which often result in the City being entitled to recover its attorney’s fees expended to defend or prosecute the cases; and

WHEREAS, litigation causes the City Attorney and staff to expend time and costs which reduces the time and resources available to perform other critical City work, and burdens legal and other City departments, and the City’s public funds; and

WHEREAS, Florida case law authorizes government entities, such as the City, to seek reimbursement for its in-house City Attorney’s expert legal services at the prevailing reasonable rate in the community even if that amount exceeds the cost of the particular attorney’s compensation package (salary plus benefits); *see City of Boca Raton v. Faith Baptist Church*, 423 So.2d 1021 (Fla. 4th DCA 1982); *Liebowitz v. City of Miami Beach*, 683 So.2d 204 (Fla. 3d DCA 1996); *Computer Task Group, Inc. v. Palm Beach County*, 782 So.2d 942 (Fla. 4th DCA 2001); *Broward Marine, Inc. v. Palm Beach Polo Holdings, Inc.*, 902 So.2d 855 (Fla. 4th DCA 2005); and

WHEREAS, the City Council has been advised of the Florida case law opinions and finds the rate of three hundred dollars (\$300.00) per hour falls within the acceptable and customary range of attorney’s fees charged by litigation attorneys practicing in North and Central Florida, possessing similar skill, experience, and competence in civil litigation specializing in local government as that of the City’s Florida Bar Board Certified Specialist City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

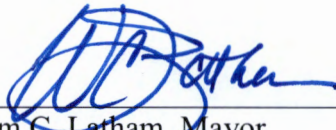
SECTION 1. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

SECTION 2. The City Attorney is instructed to attempt to obtain reimbursement for the attorney's fees expended in litigation at the rate of three hundred dollars (\$300.00) per hour in any case in which the City, Beaches Energy Services and the City Police Department may be entitled to reimbursement. This rate may be adjusted from time to time by a subsequent vote of the City Council after a public hearing.

SECTION 3. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

AUTHENTICATED this 21st day of January, 2020.



William C. Latham, Mayor



Laurie Scott, City Clerk