



Agenda Item Summary

File #: 24-01100

Agenda Date: 12/10/2024

Agenda Item Name:

Special Attorney for Local Government Infrastructure Surtax Citizen Oversight Board

Presenter:

Sylvia Torres and Dave Forziano, Alachua County Attorney's Office

Description:

Approve Agreement for Professional Legal Services with Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. and authorize the Chair to execute same to secure Attorney Patrice Boyes to serve as special attorney for the Local Government Infrastructure Surtax Citizen Oversight Board

Recommended Action:

Terminate agreement with Patrice Boyes, P.A. (Attachments 1a and 1b), approve Agreement for Professional Legal Services with Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. (Attachment 2), and authorize the Chair to execute same to retain Attorney Patrice Boyes to serve as special attorney for the Local Government Infrastructure Surtax Citizen Oversight Board

Prior Board Motions:

On May 7, 2019, the Board directed the County Attorney's Office to return with authorization to secure outside counsel for the purpose of advising the Wild Spaces Public Places Oversight Committee.

On June 11, 2019, the Board authorized the County Attorney and the County Manager to secure Patrice Boyes as outside counsel for the purpose of advising the Wild Spaced Public Places Oversight Committee.

Fiscal Note:

\$15,000 is set aside in account 001.04.0490.519.3141 Attorney Services

Strategic Guide:

All Other Mandatory and Discretionary Services

Background:

A Citizen Oversight Board is required as part of the Local Government Infrastructure Sale Surtax approved by the Board by adoption of Ordinance 2002-08 and approved by referendum. On June 11, 2019, the Board approved retaining Attorney Patrice Boyes to serve as special counsel to advise the Citizen Oversight Board. At the time she was retained, Attorney Boyes was a sole practitioner, but recently she joined the firm of Stearn Weaver Miller Weissler Alhadeff & Sitterson, P.A. Therefore, her current agreement with the County must be terminated and a new agreement with her new firm needs

to be approved if the Board desires Attorney Boyes to continue to advise the Citizen Oversight Board.

The new contract expressly requires Attorney Boyes, and not some other attorney with her new firm, to provide services to the Citizen Oversight Board and it also provides for the same hourly rate (\$300 per hour) and the same annual not to exceed amount (\$11,300) as her old contract. However, in light of the fact that her new firm is a large, statewide firm with over 100 attorneys, they have asked the Board to waive conflicts of interest that the firm may currently have with the County, as well as those conflicts of interest that the firm may have in the future, for all matters that do not substantially involve surtax matters. This will enable the firm to represent other clients in matters that are adverse to the County's interests, provided that those matters do not substantially involve the surtax advice that Attorney Boyes provides to the Citizen Oversight Board.

As the County Attorney advised the Board during its regular meeting on April 23, 2019, special counsel is needed because the County Attorney's Office would be conflicted in providing the Citizen Oversight Board with specific legal advice regarding the review of Surtax expenditures by the County and municipalities. The County Attorney's Office represents the Board on all matters, including its approved expenditures of Surtax funds. As a result, there is a conflict in representing the Board and defending its expenditures while simultaneously advising the Citizen Oversight Board regarding what is a legal expenditure and what is not.