

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY



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Bill Type and Number: 2020-528

Introducer/Sponsor(s): Council Member Dennis

Date of Introduction: August 25, 2020

Committee(s) of Reference: F, R

Date of Analysis: August 26, 2020

Type of Action: *Ordinance Code* amendment

Bill Summary: This bill amends Section 108.507 (Representation of City Officials and employees in civil matters), Chapter 108 (Central Services), *Ordinance Code*. With the amendment, the Office of General Counsel is authorized to represent elected officials and City employees in criminal actions or investigations filed in any state or federal court if determined that the criminal action or investigation is based upon an act or omission while performing an official duty. Prior to this legislation, only civil actions were designated. This section does not authorize the Office of General Counsel to provide representation in a filed criminal matter on behalf of an accused that has been indicted or otherwise formally charged with a crime. The bill defines the protocol for attorney fee reimbursement if retaining outside counsel.

Background Information: The purpose of this legislation is to broaden the actions for which OGC may represent City officials or employees to include criminal investigations, as well as civil actions. If the official or employee retain outside counsel for representation and intend to request reimbursement for attorney's fees, they must provide notification to the OGC within thirty days of engagement or retainer of outside counsel by sending notification by certified mail. If outside counsel was retained prior to October 1, 2020 the official or employee will have thirty days after that date to notify OGC of the intent to request reimbursement. Reasonable attorney fees will be comparable to those charged within the City of Jacksonville for similar work, not to exceed \$350/hour. OGC will submit an annual report to council beginning on October 1, 2021, which will fix the customary market rate for establishing reasonable attorney's fees for purposes of reimbursement. If a reimbursement notification is not transmitted to OGC within the required timeframe, the reimbursement request goes to council to be appropriated, or not, through legislation.

Policy Impact Area: Office of General Counsel - representation and attorney fee reimbursement

Fiscal Impact: Undetermined cost to the City for attorney fee reimbursement

Analyst: Hampsey