



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 22-00895

City Council

9/15/2022

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jennifer Brahier

SUBJECT:

HIRING OF LEGAL COUNSEL TO THE CITY COUNCIL

RECOMMENDATION:

That City Council begin the process of hiring an Attorney to function as Legal Counsel to the City Council in accordance with Section 4.02(a)(6) of the City Charter.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In 2014, via referendum, a Charter amendment was passed which authorized the City Council to establish the Office of the City Council, with the authority to hire certain staff:

"The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council." Section 4.02(a)(6) *City Charter*

"Legal Aide. The City Council may appoint one Assistant City Attorney, whose salary shall be in accordance with those established for other Assistant City Attorneys. Said Assistant City Attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of them by the City Attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the City Council. Said Assistant City Attorney shall not file suit or bring or defend any action in court on behalf of the City Council, Mayor, the several departments, officers and boards of the City government except with written authorization of the City Attorney. No action or opinion of said Assistant City Attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney." Section 4.02(a)(6)(B)

In 2015 City Council began the staffing process with the addition of a Council Executive, subsequently adding an Executive Assistant to the City Council, Council Assistant, Strategic Budget Planner, and Special Assistant to the Council Executive. In continuation of the staffing efforts and

needs, and in keeping with the language set forth in the City Charter as approved by the electorate in a special referendum, the position to be filled is that of Legal Aide - Legal Counsel to the City Council.

PRIOR ACTION:

July 14, 2014 - City Council approved first reading, Proposed Ordinance No. 31-14, a Charter Amendment Ordinance place the "Office of City Council" on the November 2014 ballot.

August 11, 2014 --- City Council adopted Ordinance No. 28-14, A Charter Amendment Ordinance placing the "Office of City Council" on the November 2014 ballot.

November 4, 2014 - Charter Amendment passed via referendum vote requiring the City Council to establish the Office of the City Council and to adopt by ordinance the position of budget analyst.

February 12, 2015 - City Council approved on first reading, Proposed Ordinance No. 05-15, creating Section 2-2-10 of the City Code, creating the Office of City Council in accordance with City Charter 4.02(a)(6)

March 12, 2015 - City Council adopted Ordinance No. 05-15, creating the Office of City Council.

FUNDING:

Budget: \$ -0-

Actual: \$114,900

FINANCIAL IMPACT:

Currently the Mayor's Proposed Fiscal Year 2023 Budget does not include funding for this position. However, should City Council decide to reinstate the funding, there should be sufficient funds in the FY 2023 Budget to fill this position.

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No