



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: June 16, 2015

TITLE: City Attorney Annual Performance Review and Merit Adjustment

The City has employed Cynthia A. Everett as City Attorney since July 1, 2013, and the Employment Contract dated June 18, 2013, provides that the City Commission may grant merit increases to the City Attorney to such extent as the City may determine that it is desirable to do so on the basis of an annual performance review.

I take this opportunity to bring to the City Commission's attention some of my Office's achievements during the past year to wit:

The City Attorney's Office measures productivity of its legal staff by producing regular reports tracking litigation cases and related expenses, tracking the receipt and completion of assignments including requiring requestors of legal services and assigned attorneys to establish target completion dates to ensure a timely delivery of legal services.

Most recently, I instituted a monthly status report regarding all items referred by the City Commission, and also instituted a weekly meeting with the City Manager to discuss pending matters, identify current issues, and to foster communication between the City Attorney's Office and City departments.

Since July 1, 2014, the Office has completed the following:

General Government

- Prepared and reviewed numerous contracts, agreements, task orders, contract amendments, and change orders for the various departments, some of which have involved complex, lengthy, and intrinsic issues for such matters as aviation, banking, real estate, technology-related purchases, health benefits for employees, and construction.

- The City Attorney's Office prepared all ordinances and resolutions adopted by the City Commission. These include a broad range of issues from aviation to zoning and other land use issues, as well as ordinances addressing some of the most pressing public health, safety, and welfare issues.
- This past year, at the direction of the City Commission, the City Attorney's Office drafted several public safety ordinances. Care was taken to balance community needs against constitutional rights. These ordinances prohibit activities that pose potential threats to residents, such as outdoor storage on public property, unauthorized camping on public lands, and solicitation in the city's roadways. An ordinance strengthening the regulation of social service facilities was also drafted and enacted. Although a portion of the ordinance has been challenged, the remainder of the ordinance has been successfully implemented.
- The City Attorney's Office also prepared an ordinance creating a street artist and street performer program, which expressly encourages street artists and street performers to apply for and obtain permits to display their talents in numerous areas of the City, including the City's Riverwalk District and portions of the Central Beach. Through the foregoing, the City Attorney's Office has also been able to bring to an end, and potentially prevent, protracted First Amendment litigation.
- Conducted an administrative review of the City Prosecutor's Office and drafted the attached report for consideration by the City Commission. (See Exhibit 1.)

Litigation Division

- The litigation division continues to reduce outside counsel expenses with an estimated savings to the City in the amount of \$400,000.00 for the past year. The majority of the litigation matters in which this office protects and defends the interests of the City are personal injury and false arrest cases, but also include significant civil rights and constitutional matters. The City Attorney's Office most recently successfully represented the City in the matter of *Gino Jamison and Claudette Grant v. City of Fort Lauderdale, et al.*, which undertook an unsuccessful challenge to Sec. 3.03 of the City's Charter regarding appointed and non-elected Commissioners seeking re-election, and which unsuccessfully attempted to enjoin a Commissioner from access to the certified ballot for the 2015 municipal elections.

City Prosecutor's Office

- The City Prosecutor's Office successfully handled the increased workload of public safety arrests, and working with the Police Department, has collected \$376,000.00 in fines and fees to date. (See Exhibit 2.)

Police Legal Division

- The Police Legal Division continued its work in support of the Police Department and its related task forces. The police legal advisor conducted legal training for incoming and existing sworn officers and public service aides, provided legal updates regarding changes in the laws relating to law enforcement, advised on criminal investigations, advised on the dissemination of public records and Police media information dissemination, reviewed task force agreements and Police Department related contracts.
- The Police Legal Division has handled 126 forfeiture cases and related matters, has defended and coordinated the defense of red light camera traffic cases, and has collected \$345,000.00 for the City's Law Enforcement Trust Fund. (See Exhibit 2.)

Fostering Professionalism and Maintaining City and Civic Relations:

- Attended a wide range of events including the Broward Days Kickoff Reception for this year's Legislative Session featuring the 2015 Speaker of the House of Representatives, the Broward County Mayor, and Broward Legislative Delegation; the Village Square speaker series; the 2015 Walk Through History Celebrating Black Lives Matter; City of Fort Lauderdale Police Department promotional ceremonies, and toured the Broward County Urban League headquarters;
- Sponsored and staffed a table at the City's annual Neighbor Support Night, providing informational pamphlets from The Florida Bar on legal topics affecting our neighbors and engaging in discussions on how our Office functions and the attorneys' areas of responsibility;
- The City Attorney's Office continues to participate in The Florida Bar City, County and Local Government law clerk grant internship program, reflecting the Office's leadership and mentoring philosophy by enabling law students to become

familiar with local government law, community building, and delivery of professional legal services to Florida municipalities. The Office is considering developing a legal fellowship program modeled on the ICMA management fellow program. This program would embrace the new Florida Bar “Residents at Law Program,” and place the City of Fort Lauderdale at the cutting edge of the evolving legal education and training model.

- Initiated the first ever City Attorney’s Office Retreat for attorneys, featuring Broward County Attorney Joni Coffey and Samuel S. Goren, Esquire, of Goren, Cherof, Doody & Ezrol, P.A., as speakers, as well as the first ever City Attorney’s Office Support Staff Retreat, featuring Dr. Ianthe Lambie of the City’s Wellness Center and Dr. Wilhelmena Mack, Ph.D., President of W Mack and Associates, Inc., as speakers.

Attorneys in the Office have attended and participated in various Florida Bar, Federal Bar Association, Broward County Bar Association, and Florida Municipal Attorney’s Association continuing legal education courses and events. The Legal Administrative Assistant and the Paralegal Assistants attend and participate in events sponsored by the national and South Florida Association of Legal Administrators, and the Paralegal Association of Florida, Broward Chapter.

Prepared by: Cynthia A. Everett, City Attorney

Charter Officer: Cynthia A. Everett