



LEON COUNTY ATTORNEY



**Herbert
W. A. Thiele**
County Attorney
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Herb Thiele was selected by the Board in 1990 to create the County's first in-house legal department and has served Leon County for more than two decades. Under Thiele's leadership, the office continues to remain small but extremely efficient, with only five lawyers handling the legal affairs of Leon County, Florida.

The Florida Association of County Attorneys recently elected Thiele to serve as its Secretary for 2011/12, putting him in line for an unprecedented fourth term as President of FACA in 2013/14.

Thiele is active in organizations that serve local government lawyers and advance the interests of local government law, and has published numerous articles in member publications, such as "Public Officials Still Must be Aware of Honest-Services Fraud Statutes," *Quality Cities*, May/June 2011, a publication of the Florida League of Cities and co-author of "Update on PACE: Challenges and Opportunities," *The Environmental and Land Use Law Section Reporter*, December 2010, The Florida Bar.

Thiele leads a team of skilled professionals who provide high-quality, timely and cost-effective legal representation to the Board and other officials of Leon County.

SERVING THE LEGAL NEEDS OF LEON COUNTY GOVERNMENT

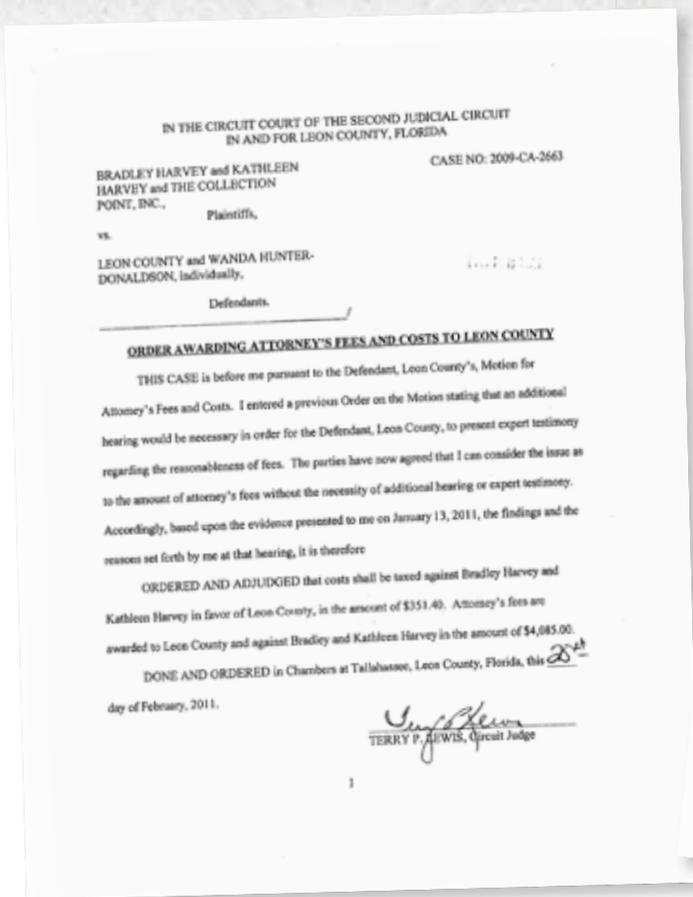
- Served as general counsel for the Leon County Research and Development Authority and assisted with transitioning to the new general counsel, which resulted in a letter of commendation from the LCRDA Chairman and a resolution of appreciation from the LCRDA.
- Provided legal support in negotiating and drafting long-term leases for three major tenants in the Bank of America building – Holland & Knight, Lewis, Longman & Walker, and Bank of America.
- Provided legal support in negotiating and drafting a 25-year capital lease agreement with Pensacola Care for the Tallahassee Developmental Center which will bring in \$150,000 per year to Leon County.
- Negotiated and finalized a settlement of the Birdwell inverse condemnation lawsuit involving the construction of park improvements by Blueprint 2000 on the Birdwell's property, which resulted in Birdwell accepting a land exchange instead of monetary compensation and all costs and attorneys' fees being paid by Blueprint 2000.
- Developed the Internet Café ordinance which was subsequently adopted by the Board of County Commissioners, regulating the operation of internet gambling devices.
- Assisting in litigation against the online travel companies:
 - » *Leon County, et al., v. Expedia, Inc., and Hotels.com, LP*, regarding non-payment by the Defendants of the tourist development tax on the retail price of hotel rooms; and
 - » *Leon County v. Expedia.com*, regarding non-payment of sales tax on rooms
- Provided legal support to Staff on matters related to the EECBG Grant and implementation of the project.
- Provided legal support to the Original Florida Tourism Task Force reorganization as proposed by the Tourist Development Council.
- Researched and drafted the audit provisions of the Tourist Development Council Ordinance.
- Provided legal support to staff, researched and drafted the social media policies, participated in the presentation to the Board of County Commissioners.
- Successfully resolved, by settlement agreement favorable to Leon County, the Division of Administrative Hearings litigation in Department of Community Affairs vs. City of Tallahassee and Leon County regarding the County's significant benefits transportation infrastructure program.
- Successfully pursued the removal of an illegal billboard in the Leon County v. Buoy litigation, wherein the First District Court of Appeal upheld the Circuit Court's ruling in Leon County's favor.



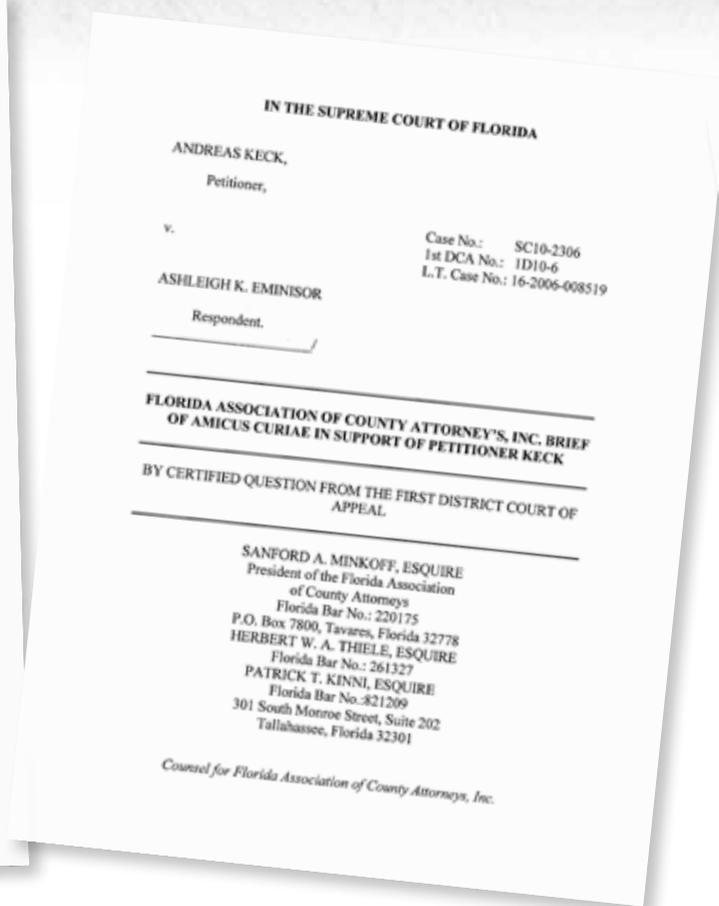
Did You Know

The County Attorney served on the Florida Association of Counties' Joint Oil Response Task Force and Oil Legal Task Force in the aftermath of the Deepwater Horizon oil spill. The task force analyzed many new and unique legal issues arising for Florida's counties.

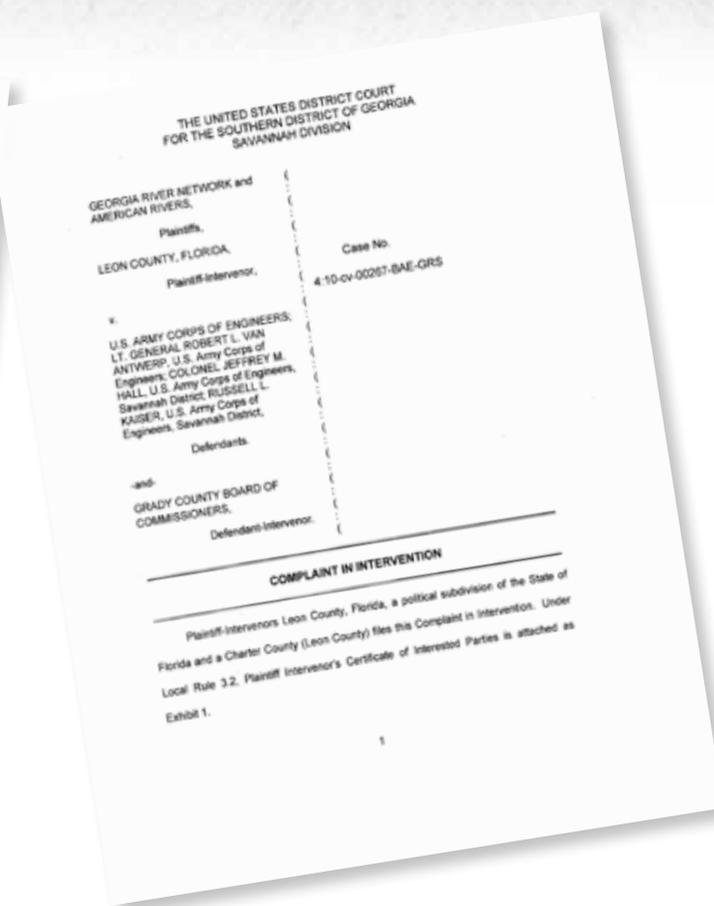
COUNTY ATTORNEY OFFICE HIGHLIGHTS



Successfully defended Leon County in *The Collection Point and Harvey, et al., v. Leon County*, concerning Leon County Probation's drug testing program, resulting in a dismissal of the litigation against Leon County and an award of attorneys' fees and costs of over \$4,500, plus interest, to Leon County.



Filed an Amicus Brief with the Florida Supreme Court in the matter of Keck v. Eminisor, regarding local, non-elected officials' sovereign immunity, on behalf of the Florida Association of Counties. This matter is pending before the Court.



Filed Motion to Intervene in the Grady County dam litigation. On August 1, 2011, U.S. Magistrate Judge, G. R. Smith rendered an Order granting Leon County's Motion to Intervene. Leon County has filed its Complaint in Intervention, which is pending before the Court.