



LEON COUNTY ATTORNEY



**Herbert
W. A. Thiele**

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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 as the Leon County Attorney 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.

In addition to being active in several state and national organizations that serve local government lawyers and advance the interests of local government law, Thiele has presented lectures or published articles on many local government law topics, including the Sunshine Law, Public Meetings, the Open Records Law, and the Honest Services Act and Ethics. He serves on the Board of Directors for both the Florida Association of Counties Foundation and the International Municipal Lawyers Association, and was recently elected to serve an unprecedented fourth term as President of the Florida Association of County Attorneys, beginning in June 2013.

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

- **Public Safety Dispatch Communications** – The County Attorney's Office negotiated and prepared all of the necessary legal documents required for the consolidation of local Public Safety Dispatch Communications, including the Interlocal Agreement between the City of Tallahassee, Leon County, Florida, and the Leon County Sheriff's Office. This Agreement creates a consolidated dispatch agency for the purposes of dispatching law enforcement, fire and emergency medical services personnel. Further, our office prepared the Joint Management and Use of the Public Safety Complex contract for purposes of delineating the operational responsibilities of the City and County in regard to the facility, as well as the Visualization and Collaboration System, the Custom Furnishings and Consoles, and the Telecommunications and Technology Agreements.
- **Englehard/BASF Facility** – The County Attorney's Office has met with representatives of the United States Environmental Protection Agency to address Leon County's efforts to deal with significant nutrient contamination coming from the BASF facility near Attapulgus, Georgia, and flowing into Florida's Lake Talquin. The nitrogen discharges coming from this one plant are the equivalent of the nitrogen content that a city of 300,000 to 400,000 people would generate in its sewage. According to analysis conducted on the County's behalf by ATM and Hydroqual, most of this material flows into Lake Talquin. Lake Talquin is impaired for nutrients and dissolved oxygen. BASF's discharges may account for over 50% of the nitrogen flowing into the lake. Leon County and the Florida Department of Environmental Protection continue to work together in attempting to have the Georgia Environmental Protection Department reissue the long-overdue five-year BASF permit, this time with significant restrictions on nitrogen-based contaminants.
- **PACE Update** - Leon County, along with other local governments around the country, has been engaged in litigation against Federal government agencies regarding our local PACE (Property Accessed Clean Energy) Programs and the FHFA's (Federal Housing Finance Agency) efforts to undermine the County's residential Leon Energy Assistance Program. While the litigation is still ongoing, the FHFA has issued an Advance Notice of Proposed Rulemaking, to which we have submitted comments and objections on behalf of Leon County. If adopted, the proposed rule would allow Fannie Mae and Freddie Mac to bring default proceedings against homeowners with PACE assessments that are not paid off on demand; prohibit Fannie Mae and Freddie Mac from consenting to a PACE assessment; and direct Fannie Mae and Freddie Mac not to underwrite mortgages with PACE assessments. Leon County's case is presently pending before the U.S. 11th Circuit, with oral arguments set for October 30, 2012.
- **Grady County, Georgia, Dam Construction on Tired Creek** – The construction of the dam on Tired Creek will impact the flow of water into the Ochlockonee River. This river feeds Lake Talquin and Lake Iamonia, both located in Leon County, and both serving as water supply sources for Leon County. Leon County is concerned that changes in flow from Tired Creek during construction, filling, and subsequent operation of the Tired Creek



Did You Know

Since the County Attorney's Office was brought in-house in 1990, the Board of County Commissioners has adopted nearly 2,000 resolutions and ordinances, all of which the County Attorney's Office has either written or reviewed.

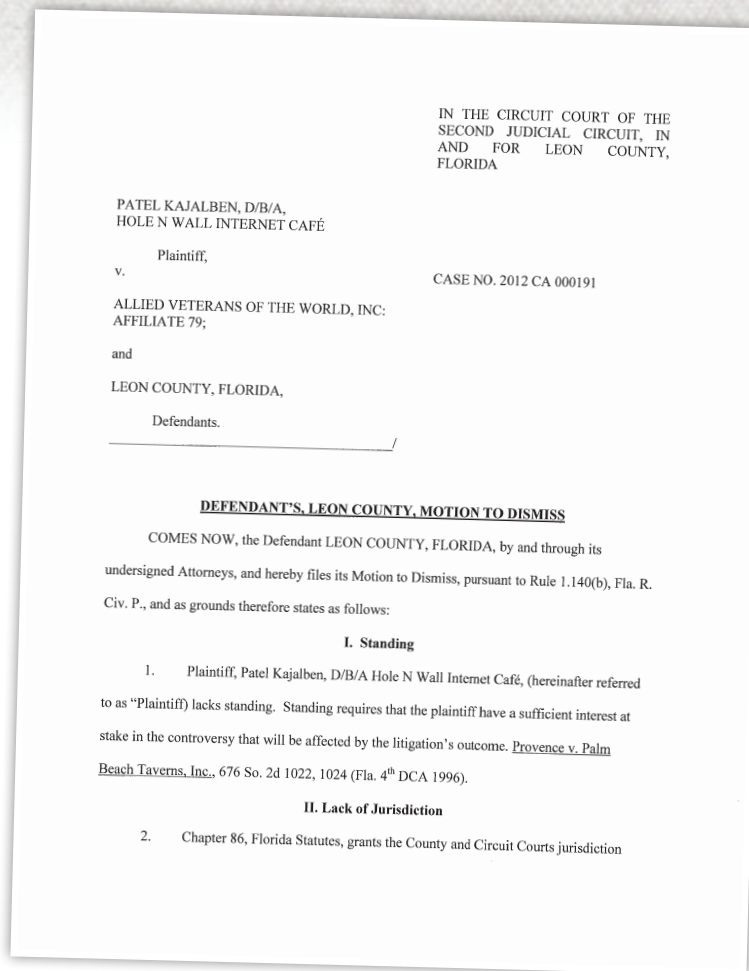
COUNTY ATTORNEY OFFICE HIGHLIGHTS



Dam will adversely affect both Lake Iamonia and Lake Talquin. The Army Corps of Engineers' permit conditions do not sufficiently address maintaining adequate flow to recharge Lake Iamonia or coordination of Tired Creek Dam releases with operations at Lake Talquin during flood conditions. Coordination is needed to protect drinking water quality and supply, as well as public safety, and the preservation of several endangered or threatened species. We are working with both our federal lobbyists and members of Congress in our efforts to have Grady County's permit revised by the Corps to adequately address all of Leon County's concerns.

- Countywide Environmental Standards – The County Attorney's Office negotiated and prepared the Interlocal Agreement between Leon County and the City of Tallahassee, implementing the countywide minimum environmental standards, thereby completing Phase 2 of the local governments' plan to have established procedures for both amending their respective environmental standards and providing for an amicable resolution of any dispute that may arise in the amendment process.
- New Voter Registration Rule at Libraries - Assisted library staff in implementing new voter registration Rule 1S-2.048, Florida Administrative Code, promulgated by the Department of State, requiring libraries to keep additional records and make additional reports regarding voter registration applications completed at public libraries.
- Acquisition of Conservation Connector - Acquisition of Alford Greenway/Goose Creek Conservation Connector: took the lead in acquiring the Observation Pointe conservation area and two 30-foot strip parcels to create a connection between Alford Arm Greenway and Goose Creek Conservation Area.

- Fairbanks Ferry Emergency Access Road Project - Provided legal support and lead negotiation in resolving the acquisition of easements and consents needed from developer, home owners association, and lot owners for the project.
- One-Half Cent Sales Tax Referendum – The Leon County School Board requested that the Board of County Commissioners place the question of whether the School Board may levy a one-half percent (.5%) School Capital Outlay Discretionary Sales Surtax on the November 2012 general election ballot. We worked with the School Board and wrote a resolution, subsequently adopted by the Board, placing this matter before the voters.
- Medicaid Litigation - Section 409.915, Florida Statutes requires county governments to fund a portion of inpatient hospital stays and nursing home expenses incurred by county residents enrolled in Medicaid. To offset the cost to the State of Florida, each county is required to pay for these services for its residents receiving Medicaid benefits, regardless of where in the State services are rendered. In 2012, the Legislature passed a bill that requires counties to pay a monthly share of the cost, revises the methodology for determining a county's eligible recipients for the purpose of county contributions to Medicaid, and revises the methodology of collecting those funds. The Florida Association of Counties and 55 counties (including Leon County) have filed suit against the State of Florida challenging the legality of the Medicaid bill, HB5301, which was signed into law on March 29, 2012. The case is currently pending, but is being held in abatement.



Internet Café Litigation - Leon County currently has 17 simulated gambling facilities (Internet Cafés). Chapter 11, Article XXIII of the Code of Laws of Leon County, Florida, was enacted to regulate simulated gambling facilities and the use of simulated gambling devices. There have been three separate lawsuits involving these simulated gaming facilities filed in Circuit Court in which Leon County is a named party. (1) Patel Kajalben, D/B/A Hole N Wall Internet Café v. Allied Veterans of the World, Inc.: Affiliate 79, and Leon County, Florida, Case No. 2012-CA-191, seeking Declaratory Judgment, Damages and Injunctive Relief against Allied Veterans of the World, Inc.: Affiliate 79, and Leon County, Florida; motions are pending before the Court; (2) Southside Internet Café, LLC v. Allied Veterans of the World, Inc.: Affiliate 79 and Leon County, Florida, Case No. 2011-CA-001864, case was dismissed; and (3) Top Internate Café, LLC v. Cyber One Café, LLC and Leon County, Florida, Case No. 2011-CA-002257; case was dismissed.