



LEON 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 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, 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

This past year, in addition to handling Leon County legal matters, the County Attorney's Office became more actively engaged with both County employees and the community through training presentations, volunteering, and a resumption of its site visits program, as well as the creation of the Legal Advisor newsletter. Legal matters that are of particular note include the following:

- *Grady County, Georgia, Dam Construction on Tired Creek* – Construction of the dam on Tired Creek will impact the flow of water into the Ochlockonee River, which feeds into Lake Talquin and Lake Iamonia, raising concerns that these lakes will be adversely affected. Leon County felt that the Army Corps of Engineers' previous permit conditions were inadequate to protect the lakes, and therefore challenged the permit. In July 2013, the Corps announced that it would modify the permit. The County is in the process of verifying the technical data to ensure that it addresses Leon County's concerns.
- *Englehard/BASF Facility* – Significant nutrient contamination coming from the BASF facility near Attapulgus, Georgia, flows into Lake Talquin. County staff worked with representatives of the United States Environmental Protection Agency to address Leon County's efforts to resolve the pollution; recently, the EPA invoked jurisdiction over the BASF permit, removing the matter from Georgia EPD's jurisdiction. This action was appealed by the Georgia EPD and BASF, and in order to be a participant in the decision-making process, Leon County has joined the appeal in support of the EPA. We are currently awaiting a hearing date. In the meantime, Leon County has worked with Florida DEP regarding its newly adopted nutrient standards to assure that Lake Talquin remains on the State's Impaired Waterbodies List.
- *Board-Appointed Committees* – In-house attorneys continue to keep board-appointed committees informed regarding the Florida Sunshine Law and Public Records Law. Presentations were made to the Commission on the Status of Women and Girls, MWSBE Committee, Science Advisory Committee, Water Resources Committee, the Sales Tax Committee, and its sub-committee, Imagine Tallahassee.
- *Orchard Pond Parkway Toll Road* – Worked closely with the property owner's counsel and Public Works staff to develop the necessary agreements for the development of the project and subsequent conveyance to Leon County, including the Tri-Party Infrastructure and Conveyance Agreement and the Toll Road Operation and Lease Agreement, all of which were approved by the Board of County Commissioners on July 9, 2013.
- *Wakulla Springs Basin Management Action Plan (BMAP)* – Coordinated County involvement in regional water quality initiatives focused on reducing nitrate pollution to Wakulla Springs, providing legal support during agency and stakeholder meetings that will result in significant policy formulation with long term impacts on capital expenditures and development patterns throughout the region.
- *Bannerman Crossing Development Proposal* – Conducted negotiations and prepared a draft development agreement related to a proposed mixed-use development governing the build-out of a significant portion of the remaining commercial capacity in the Bradfordville area. The proposed development agreement will provide a framework for the developer to proceed with land use changes to realize the objectives of the commercial center provisions of the Bradfordville Sector Plan and facilitate the construction of public infrastructure that will improve traffic mobility for area residents.
- *Refueling Assistance Ordinance* – Continue to work with citizens and industry representatives to develop a market driven approach for gas stations, to encourage participation in making stations more accessible for disabled persons.

COUNTY ATTORNEY OFFICE HIGHLIGHTS



- *Domestic Partner Ordinance* – Developed an ordinance adopted by the Board of County Commissioners allowing unmarried couples to designate their partner as a healthcare surrogate, also allowing for jail and hospital visitation, as well as inclusion in educational decisions regarding a partner's children.
- *Towing Ordinance* – County, City, and Sheriff's Office staff worked together to prepare a comprehensive county-wide towing ordinance that was subsequently adopted by the Board, and which provides to Leon County via the Leon County Sheriff's Office, total discretion over the permitting and background investigations for towing companies.
- *Joseph A. Childs, Jr. and Lori Owen v. City of Tallahassee and Leon County, Florida* – Fire Rescue Services charges – A purported class action lawsuit challenging the validity of Leon County's fire services charge and the City's ability to collect same via utility bills. The Court has dismissed the Plaintiffs' Complaint against both the City and the County twice previously. However, two of the Counts dismissed were without prejudice, allowing the Plaintiffs to file an Amended Complaint, which they have done. Presently, the parties are engaged in the discovery process. The County Attorney's Office continues to work with the City Attorney's Office in jointly defending this matter.
- *Emergency Medical Services MSTU* – Staff drafted amendments to the EMS Municipal Service Taxing Unit ordinance to increase the millage cap from 0.5 mill to 0.75 mill, for purposes of providing essential emergency medical services and facilities to persons in Leon County.
- *Stormwater Assessment* – Prepared ordinances and resolutions, subsequently adopted by the Board, which provide for the levy of a new stormwater assessment. The stormwater assessment will help fund the costs of stormwater management services

and facilities provided by the County to all parcels of developed property located within the unincorporated area of the County.

- *Emergency Management/Emergency Medical Services and Fire Services/Consolidated Dispatch* – Negotiated and prepared agreements, subsequently adopted by the Board of County Commissioners, to secure the operation of the Joint Public Safety Complex, including the Interlocal Agreement for Joint Management and Use of the Public Safety Complex Facility and the Consolidated Dispatch Agency and amendments thereto. We also negotiated and prepared a Second Amendment to the Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services, extending the agreement for an additional eleven years.
- *Local Option Fuel Tax* – An ordinance, resolution, and Interlocal Agreement with the City of Tallahassee were prepared for purposes of levying the 5th-Cent Local Option Fuel Tax. Revenue generated by the levy of the local option fuel tax can be used for the construction and resurfacing of roads pursuant to the requirements of the Tallahassee/Leon County 2030 Comprehensive Plan, and other transportation-related expenditures that are critical for building comprehensive roadway networks in the County.
- *Solid Waste* – Worked with the Sustainability and Solid Waste Divisions to develop and negotiate a Franchise Agreement for Solid Waste Collection Service with WastePro of Florida, Inc., which requires WastePro to utilize waste collection vehicles that are fueled by compressed natural gas. A Compressed Natural Gas Fueling and Royalty Agreement with Nopetro Tallahassee, LLC was created to procure, receive, compress, sell and dispense compressed natural gas fuel to WastePro. The agreement with Nopetro provides for a monthly royalty payment to be made by Nopetro to the County with respect to purchases of fuel by WastePro. A Compressed Natural Gas Fueling



Did You Know

Assistant County Attorney Laura Youmans serves on the Board of Directors for Honor Flight Tallahassee, and earlier this year traveled with World War II Veterans and other volunteers on the first Honor Flight Tallahassee to visit the World War II Memorial in Washington, D.C.

Agreement was also negotiated with the School Board of Leon County to provide for contingency fueling of WastePro's vehicles in the event Nopetro is unable to provide compressed natural gas in sufficient quantities.

- *Witness Training* – A two-hour seminar was presented on July 16, 2013, by the County Attorney's Office, in conjunction with Carr Allison and the City Attorney's Office, to over 90 County and City employees. The training encompassed a detailed overview of the "Rules of Road" in being deposed or testifying at trial in an "employee" capacity.
- *Tourist Development* – Negotiated and prepared the Interlocal Agreement between the City of Tallahassee and Leon County regarding programming for the Capital Cascades Stage and Concert Series at the Capital City Amphitheater at Cascades Park.
- *Intellectual Property Rights* – Documents were prepared and submitted to the United States Patent and Trademark Office to maintain the trademark registration for the Leon County logo. Staff also worked with OMB, Community & Media Relations, and MIS Divisions to prepare and submit documents to the USPTO to acquire trademark registration for the Let's Balance!™ budget game logo.