
Legal Department

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www.tampagov.net/dept_Legal

Key Public Service Areas

The Legal Department is responsible for all legal matters of the City. The Department provides legal advice and assistance to the Mayor, City Council, department heads, officers, and committees and boards, and produces legal instruments, which may be required by ordinance or by order of the Mayor or City Council.

Scope of Department Operations

Legal Department has 38 employees with an annual budget of \$2.7 million. The Department successfully negotiated more than 30 major agreements, defended City's legal matters on 10 major issues, drafted 15 new ordinances to the City's code and amended 8 major sections of the existing Code. The Legal Department also prepares other legal instruments as necessary.

Critical Issues and Areas of Concern

- No Wake Zone Ordinance and Signage Installation
- TPD Policy and Procedure Manual Amendment
- Legislative, Statutory and Rulemaking Efforts
- Tampa Bay Water Partnership II Negotiations
- Ethics Code
- Tampa Bay Lightning
- MacDill Air Force Base Traffic Calming Grant
- Chapter 11 Amendment
- General Real Estate Policy Issue
- Pending Litigation
- Stormwater Utility Fee
- Banner Program
- Parkland Estates Special Act Amendment
- Cultural Arts District Residential Project
- Sale of Reclaimed Water Negotiations
- Reclaimed Water Ordinance

Status Report

No Wake Zone Ordinance and Signage Installation. The City has yet to enact an ordinance establishing a no wake zone at Seddon Channel to implement the recommendations of the Florida Fish & Wildlife Conservation Commission and to install appropriate signs at Seddon Channel and other waterways. The enactment of the ordinance and installation of the waterways signs will need to be addressed in 2003.

TPD Policy and Procedure Manual Amendment. The Department is currently working on the Standard Operating Procedure (SOP) Manual of the Police Department. Legal staff is writing and reviewing all revisions and advising the TPD Chief on legal and policy issues arising therefrom.

Tampa Bay Water Partnership II Negotiations. Tampa Bay Water member governments, which includes the City, are negotiating with Tampa Bay Water and the Southwest Florida Water Management District (SWFWMD) the securing of additional Partnership II funding. While Partnership I was the original partnership that secured \$183 million for the creation of what is today known as Tampa Bay Water, Partnership II is attempting to acquire funding to develop alternative water sources and potable supply projects in order to offset water consumption and the pumping of waterwells. Funding sources include the federal government and SWFWMD. Legal staff will be providing support for any agreements arising out of the project.

Legal Department Status Report (continued)

Ethics Code. Pursuant to a city council motion, the Department is developing a comprehensive Code of Ethics that will be presented to City Council in early 2003. The proposed Code addresses substantially more issues and areas than the current City of Tampa Ethics Code or the State Code of Ethics. The proposed code was, literally, derived from portions of ethics codes from every major jurisdiction in the State of Florida. Given the complexity and comprehensive nature of this proposal and the broad areas of conduct it will regulate, the proposed code will likely take several months to review and discuss before it can be adopted and implemented.

Tampa Bay Lightning. Management from the Tampa Bay Lightning has approached the City for financial assistance that is needed to maintain their current operations. As a result, many agreements associated to the original operations financing may have to be restructured. This may consume a significant amount of time and resources.

MacDill Air Force Base Traffic Calming Grant. The Department is working with the Department of Planning and Management on an Enterprise Florida, Inc. (EFI) to use EFI grant funds for traffic calming devices around MacDill Air Force Base. However, there have been complications in signing off on an agreement because MacDill has not identified the scope of work and responsibilities associated to this project and because EFI is pressuring the City to sign the agreement to fund the project. [[CR-47](#)]

Chapter 11 Amendment. The Florida Fire Prevention Code and the Life Safety Code, adopted by the State Fire Marshall, were adopted by each municipality, county and special district with fire safety responsibilities. As a result, the Department is working on amending Chapter 11 of the City Codes of Ordinances and may elect to adopt amendments through the public hearing process. The Department estimates that this assignment will likely continue through much of 2003.

General Real Estate Policy Issues. The Department is working with the Real Estate Division on amending the City's Land Disposition Policy in order to have a sound instrument for the purchase and selling of City land. Additionally, the Department is working on an ordinance to address the types of uses that dedicated City Parks can have.

Pending Litigation. The Department is currently working on resolving at least six major litigation cases. These include two environmental litigation cases, one construction litigation case, two inverse condemnation cases and one breach of contract case. All of the cases are in varying stages of litigation and the Legal Department expects that much of 2003 will be devoted to resolving these issues.

Stormwater Utility Fee. The Tampa City Council passed a resolution for adoption of a stormwater utility fee using a non-ad valorem method of assessment on December 19, 2002. However, the public hearing showing the City's plan for the assessment evidencing fair apportionment and reasonable benefit has not been held and will need to get done between June 1, 2003 and September 15, 2003.

Legal Department Status Report (continued)

Banner Program. The Department, per City Council's request, is working on a draft ordinance to allow, in limited instances, banners to hang from utility poles throughout the City of Tampa. The draft ordinance has been submitted to departments for review regarding banner size and proposed locations. The proposed ordinance is expected to come before City Council after April 2003.

Cultural Arts District Residential Project. The City issued an RFP for the disposition of City owned property in the downtown cultural arts district and has commenced discussions with Byrd Corporation to develop a large residential project. Since this project is still in the discussion stages, completion of negotiations is expected to take place mid to late 2003.

Sale of Reclaimed Water Negotiations. The Department is negotiating the sale of reclaimed water to Pasco and/or Hillsborough County via a north-south pipeline. The City signed a Memorandum of Understanding (MOU) with Pasco County in Fall 2002. However, the City has revised cost estimates and these almost double the initial cost estimates. The Legal Department will be working on this issue through 2003.

Parkland Estates Special Act Amendment. The Department is working on updating the Parkland Estates Special Act Amendment, which has exists since 1953 as a Special Act of the Florida Legislature and serves to exempt Parkland Estates from the City's zoning jurisdiction, to expressly authorized the City to exercise its zoning jurisdiction and regulations. This work is being performed as a request from the Parkland Estates Civic Association, which desires to end all the zoning issues and uncertainties that the neighborhood has been experiencing for several years because of the Special Act's antiquity. This proposal has the support of the majority of Parkland Estates residents and provided the Florida Legislature adopts the amendment during the 2003 legislative session, the proposal will be implemented through an area rezoning of Parkland Estates which should occur sometime during the summer of 2003.

Reclaimed Water Ordinance. The Department is working on an ordinance that governs the use of reclaimed water. The ordinance should be in the adoption phase sometime during Spring 2003. The testing and start-up of STAR Phase One is scheduled to occur in August 2003.

Legal Department Organization Chart

The City Attorney's office is composed of the city attorney, both full and part time assistant city attorneys, legal secretaries, a contract specialist, clerical specialist, legal interns and a special assistant to the city attorney. Divisions within the department include: Outside Legal Counsel, Part-time Assistant City Attorneys, Land Use, Administration, Litigation, Tampa Police Department and Technical Support. The major function of these divisions is to provide legal oversight of City activities.

