

RESOLUTION NO. 21-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ATTORNEY TO DEFEND ALL CIVIL LAWSUITS FILED AGAINST PINELLAS COUNTY AS PROVIDED FOR IN THE PINELLAS COUNTY CHARTER; PROVIDING FOR A RECEIPT AND FILE PROCESS FOR NOTIFICATION OF SUCH LAWSUITS; PROVIDING FOR CONTINUED APPROVAL OF LAWSUITS FILED ON BEHALF OF THE COUNTY AND FOR ANY NON-CIVIL LAWSUITS FILED AGAINST THE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, all lawsuits filed against Pinellas County are currently brought before the Board of County Commissioners individually under its consent agenda as “Receipt and File” items; and

WHEREAS, the Pinellas County Charter provides in Section 4.02(c) that the Office of County Attorney shall be responsible for the representation of County government and the Board of County Commissioners, and further provides that the Office of County Attorney shall prosecute and defend all civil actions for and on behalf of County government; and

WHEREAS, in recognition of the authority provided the County Attorney under the County Charter to defend civil lawsuits on behalf of County government and in order to streamline the process for notifying the County Commission of newly filed lawsuits, the Board of County Commissioners desires to delegate to the County Attorney, to the extent the authority is not already provided by the County Charter, the authority to defend all civil lawsuits filed against the County; and

WHEREAS, the Board of County Commissioners desires to establish a process whereby the County Attorney will notify the Board of County Commissioners of all lawsuits filed against the County in a manner that maintains the transparency provided by the filing of individual consent agenda items.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, that:

Section 1. To the extent this authority is not already vested in the County Attorney by the Pinellas County Charter, the County Attorney is hereby delegated the authority

to defend all civil lawsuits and administrative proceedings initiated against County government.

Section 2. In order to maintain a transparent process for notifying the Board of County Commissioners of all newly filed civil lawsuits, the County Attorney shall place a receipt and file report on the consent agenda of the Board of County Commissioners at least monthly; notice to the Board of County Commissioners of routine administrative proceedings such as Workers' Compensation and reemployment assistance benefits is not required.

Section 3. Any litigation initiated by the County Attorney on behalf of the County and any non-civil lawsuit filed against the County will continue to appear as individual agenda items as follows:

- a. All litigation initiated on behalf of the County will be approved by the Board of County Commissioners at a regular meeting in advance of the filing, unless exigent circumstances exist that prevent the prior approval, in which case the Chair of the County Commission may approve the filing of the lawsuits. Under this circumstance, the County Attorney will bring forward an agenda item for the Board of County Commissioners to ratify the action taken at the next available meeting.
- b. Any non-civil lawsuit filed against the County will be placed on the agenda as an individual consent agenda item at the next available meeting after service upon the County.

Section 4. This Resolution shall become effective upon its adoption.

In a regular meeting duly assembled on the 27th day of April, 2021, Commissioner Long offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Gerard, and upon roll call, the vote was:

Ayes: Eggers, Justice, Flowers, Gerard, Long, Peters, and Seel.

Nays: None.

Absent and not voting: None.

Approved as to form, Jewel White, County Attorney