



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 Leon County for more than two decades. Under Thiele's leadership, the office continues to remain small but extremely efficient, with only 5 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, 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 elected President-Elect of IMLA in September 2014.

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

Legal matters from this past year that are of particular note include the following:

- *Fire Services Fee, Sales Tax, and Gas Tax* – the County Attorney's Office provided all legal support for three major Board projects this past fiscal year – the fire services fee extension, the sales tax extension referendum, and the gas tax extension and imposition, including preparing the various resolutions, ordinances, interlocal agreements and ballot language.
- *Business Incubator Lease* – we provided legal support to the Real Estate Division in expediting the negotiation and preparation of a unique lease agreement with Domi Education, Inc., for operation of a business incubator in the County's Amtrak Warehouse building. The transaction required a quick turn-around time and several novel approaches to a rent-free occupancy in exchange for the provision of business incubator services.
- *Okeeheepkee Road Homeless Camp* – complaints from neighbors related to noise, trash, and fires prompted investigations by the Leon County Sheriff's Office, Leon County Code Compliance, and the Health Department. The property owner was nonresponsive regarding these concerns, and the County Attorney's Office, authorized by the Board, filed an injunctive action with the Circuit Court requiring the owner to cease the nuisance activities on the property. As a result of the action, the property owner agreed to allow the County, Sheriff's Office, and Big Bend Homeless Coalition to access the property to relocate the individuals living on the site.
- *Department of Juvenile Justice – Rule Challenge* – Leon County, along with 22 other Florida counties, is challenging the Department of Juvenile Justice's proposed new rules related to the billing and collection of the county cost share for juvenile pre-disposition secured detention. The proposed rules are purportedly intended to implement the direction of the First District Court of Appeal as contained in its June 2013 Opinion. The counties disagree with DJJ's interpretation of the court's ruling and have filed a petition challenging the rule change. If DJJ prevails, this change of interpretation will generate a shift in cost to the counties of about 57%.
- *Bannerman Road Roundabout - Public-Private Cooperation Agreement* – As provided in Section 336.71, Florida Statutes, (2013), the County Attorney's Office and the Public Works & Community Development Department drafted and negotiated a public-private partnership agreement for the purpose of constructing a roundabout on Bannerman Road. This innovative agreement will result in significant safety enhancements and reduce traffic disturbance from 180 days to only 30 and save roughly \$130,000 in construction costs.
- *Bannerman Road Development Agreement* – we worked with Public Works & Community Development, the developer, and the Killlearn Lakes and Lake McBride Homeowners Associations to draft, negotiate, and implement a Development Agreement and revised covenants and restrictions. The Development Agreement authorizes development rights that will result in additional retail and service businesses on Bannerman Road. The County will receive a 17.8 acre parcel site for use as a passive park and community center as well as right-of-way for further Bannerman Road widening. The County Attorney's Office worked with the homeowners associations to receive Circuit Court approval of the Settlement Agreement amendments, as well as to amend applicable covenants and restrictions.
- *\$200,000,000 PACE Bond Validation Challenge* – the County Attorney's Office continues to represent Leon County before the Court in a bond validation challenge by a private citizen to the issuance of up to \$200,000,000 in revenue bonds by the Leon County Energy Improvement District to implement the County's



Commercial PACE Program. This matter has progressed from the Circuit Court, where the bonds were validated, and is scheduled for Oral Argument before the Florida Supreme Court in October 2014.

- *Fallschase Property Donation* – we worked with Public Works & Community Development staff to obtain a more definitive agreement with the current Fallschase developer, regarding the one-acre parcel of property owed to the County, as required by the Fallschase DRI Development Agreement. The Development Agreement contained ambiguous language concerning the location or specific use of the one acre. The Developer agreed to encumber the entire residential parcel by a restrictive covenant. This will prevent any permits from being issued until the donation of the one-acre parcel is complete and will allow the parcel to be effectively incorporated into the design of a future residential phase.
- *Engelhard/BASF Facility* – regarding the Georgia BASF nutrient contamination into Lake Talquin, the matter is currently awaiting a hearing date on an appeal of the decision to remove the issue from Georgia EPD’s jurisdiction. Leon County joined the appeal in support of the EPA in order to be a participant in the decision-making process. We continue to work with Florida DEP to keep Lake Talquin on the State’s Impaired Waterbodies List, and with DEP and the EPA in developing a nutrient loading limitation.
- *Wakulla Springs Basin Management Action Plan (BMAP)* – Coordinated County involvement in regional water quality initiative focused on reducing nitrate pollution to Wakulla Springs, and provided 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.

• *Joseph A. Childs, Jr. and Lori Owen v. City of Tallahassee and Leon County, Florida* – This lawsuit challenges the validity of Leon County’s fire services assessment and the City’s ability to collect same via utility bills. Plaintiffs’ third amended complaint was received July 29, 2013. The County Attorney’s Office continues to work with the City Attorney’s Office and outside counsel in defending this matter.

• *Abandoned Property Registration Ordinance* – worked with Development Services and Environmental Management staff to develop a registration program intended to provide a mechanism to keep lenders apprised of the condition of properties in foreclosure and to protect neighborhoods from becoming blighted through the deterioration of distressed or abandoned properties which are subject to mortgages that are in foreclosure. The ordinance creating this program was subsequently adopted by the Board.

• *Fairgrounds Property* – the County Attorney’s Office played a significant role in resolving issues concerning this property by extensively researching the 50-year contractual relationship between the County and the North Florida Fair Association regarding the lease of the fairgrounds property. Findings

were presented to the Board in a 100-page agenda item that will serve as a comprehensive resource for staff and the public in moving forward with the Sense of Place Initiative and any subsequent redevelopment plans for the fairgrounds.

- *Tax Certificates and Affordable Housing* – worked closely with the Real Estate Division, the Tax Collector, and Clerk to develop an efficient and consistent method for the County to effectively handle the hundreds of tax certificates that are issued annually in the County’s name. We assisted the Real Estate Division in effectively navigating the complicated statutory tax deed process, and the County will be taking a pro-active approach to increasing and managing an inventory of properties suitable for affordable housing.
- *Roberts & Stevens Health Center Property* – years of negotiation with the City of Tallahassee finally concluded with the execution of a Memorandum of Understanding involving the County’s Roberts & Stevens Health Center property. The City

needed the one-acre area in the rear of the property for a stormwater management project, and the County’s conveyance of the parcel to the City required consideration of many factors in order to protect the County’s interests in the remaining portion of the property. The City ultimately agreed to include several provisions in the MOA that will protect the County if future development on the property is needed.



Did You Know

The Leon County logo – seen on our website as the gold and blue seal – is a registered trademark with the U.S. Patent and Trademark Office. Use of this trademark by anyone other than the Board of County Commissioners and its divisions is prohibited, unless first authorized by Leon County, Florida.

