



# *Alachua County Attorney's Office*

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Michele L. Lieberman, County Attorney

## MEMORANDUM

TO: ACCESS Participants

FROM: Michele L. Lieberman, County Attorney

DATE: March 14, 2017 *MLL*

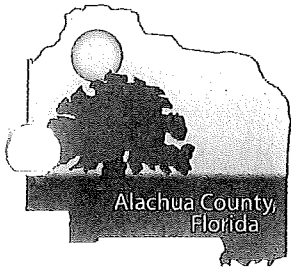
SUBJECT: *Role of the County Attorney's Office*

Attached is a memo from my predecessor, David Wagner, describing the role of the County Attorney's Office. The role of this office has not changed since the issuance of Mr. Wagner's memo, which was both concise and complete. Therefore, I am including the memo in its entirety. I hope you find this information helpful.

MLL:eeh

Attachment





# Alachua County Attorney's Office

Dave Wagner, County Attorney

## MEMORANDUM

TO: All Members, Board of County Commissioners

FROM: David W. Wagner, County Attorney

DATE: December 4, 2012

SUBJECT: *Role of the County Attorney's Office*

The purpose of this memorandum is to discuss the ethical responsibilities of the attorneys in the County Attorney's Office that apply when we provide advice and representation pursuant to the Alachua County Charter. In addition, I will discuss the general principles we apply to the day-to-day business of providing legal services.

Section 2.3, Alachua County Charter, provides that the County Attorney should provide legal services to the Board of County Commissioners (Board), County departments, and County boards and agencies as specified by County ordinance. Section 21.41, Alachua County Code, provides that the County Attorney shall provide advice and representation to the Board, the County Manager, and County staff. This section also requires the County Attorney to provide advice and representation to the Constitutional Officers if requested by such officers to do so.

Once the Board makes a decision to take an action or adopt an ordinance, it is the obligation of the County Attorney's Office to defend the Board's action. The County Attorney's Office must defend that decision if it is challenged in a legal proceeding regardless of whether the Board's decision was unanimous or made by a simple majority vote.

The primary ethical responsibility of the County Attorney's Office is to represent our clients within the rules of professional conduct governing the practice of law in the State of Florida. Our primary client is the Board, the governing body established by the Charter and the State Constitution. This means that the County Attorney's Office is ethically prohibited from representing any individual member of the County Commission. The exception to this rule is that the Board can authorize the County Attorney to represent an individual commissioner in civil litigation filed against that commissioner pertaining to scope of employment actions. However, it is important to realize that our office's obligation is to provide objective advice to the entity - the Board of County Commissioners.

The primary operational policy implemented by our office is to help all our clients accomplish the many varied tasks involved in providing local government services to the citizens of Alachua County. To this end, we generally explore all avenues of legal research and reasoning to determine if there is a lawful means by which the County can achieve its objectives.



The role of the County Attorney is to give the County the best legal advice and counsel under the circumstances presented. Another key principle we employ in our office is that it is not the function of the County Attorney's Office to advise the Board on policy issues. These responsibilities are naturally yours as the legislative body of the County. You make policy decisions based on the professional advice of the County Manager's staff and citizen input. Therefore, legal advice and opinions given by the County Attorney's Office will be based only on established local government law and an honest and balanced assessment as to the state of law.

As you know, the provision of governmental services by County government is becoming increasingly complex. Likewise, local government law encompasses so many areas of law which are ever-growing and changing that our attorneys may not be able to keep abreast of the current state of the law in every field where questions may arise. This means that I will occasionally, in response to a question from a County commissioner in a meeting, respond by saying that I will get back to you with a response as quickly as possible after we thoroughly research the question.

The County Attorney's Office is part of a team that efficiently provides high-quality governmental services to Alachua County. Therefore, our office is open for County commissioners, County employees, or constitutional officers and their staff to seek our advice. We strive to be involved in providing legal advice as early as possible in the process to ensure that the action contemplated is permissible under the law of Florida and the various laws that may apply to each action that the Board takes.

DWW:eeh

xc: Richard Drummond, County Manager