Agenda Item #3D- #

#### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

| Meeting Date:  | August 19, 2014 | [X] Consent<br>[ ] Public Hearing | [] Regular |
|----------------|-----------------|-----------------------------------|------------|
| Department     |                 |                                   | 3          |
| Submitted By:  | COUNTY ATTORNEY |                                   |            |
| Submitted For: |                 |                                   |            |
|                |                 |                                   |            |

### I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Payment to the Florida Association of Counties, Inc. in the amount of \$2,500, and any subsequent invoice for a cumulative total not to exceed \$5,000, for Palm Beach County's share of costs and fees associated with the Department of Juvenile Justice Administrative Rule Challenge.

**Summary:** In response to the request for counties to participate in the litigation, the County Attorney recommended that Palm Beach County join and expend up to \$5,000. Receiving no objection, Palm Beach County was named along with the Florida Association of Counties (FAC) and 22 other counties as a plaintiff in the subject action. <u>Countywide</u> (DMN)

**Background and Justification:** FAC hired the law firm of Nabors, Giblin & Nickerson to represent FAC and 23 individual counties in administrative proceedings on the new proposed rules governing the counties' cost share of pre-disposition juvenile secured detention and the rule challenge flowing from those rules. This item requests approval of the payment to FAC of the invoice attached and payment of any subsequent invoices for a cumulative total not to exceed \$5,000.

| Attachments:     |                           |                    |                      |
|------------------|---------------------------|--------------------|----------------------|
| 1. July 16, 2014 | Memorandum & Invoice from | Florida Associatio | on of Counties, Inc. |
| Recommended by:  | VODIN                     | Mm                 | 7/24/14              |
|                  | County Attorney           |                    | Date                 |
| Approved by:     | N/A                       |                    |                      |

Date

### II. FISCAL IMPACT ANALYSIS

| Α.     | Five Year Summa  | ry of Fiscal Iı    | mpact:         |                  |                           |                    |      |
|--------|--|--------------------|----------------|------------------|---------------------------|--------------------|------|
|        | Fiscal Years   | 2014               | 2015           | 2016             | 2017                      | 2018               |      |
| -      | al Expenditures<br>ating Costs                         | \$ 5,000           |                |                  |                           |                    |      |
| Prog   | nal Revenues<br>ram Income (Count<br>nd Match (County) | y)                 |                |                  |                           |                    |      |
| NE     | T FISCAL IMPACT  | \$5,000            |                |                  |                           |                    |      |
|        | DDITIONAL FTE<br>SITIONS (Cumulativ                    | /e)                |                |                  |                           |                    |      |
| Is Ite | m Included in Curre                                    | ent Budget?        |                | Yes_X_ I         | No                        |                    |      |
| Budg   | et Account No.:  | Fund <u>0001</u>   | Depar          | tment <u>760</u> | Unit <u>7601</u>          | Object <u>3125</u> |      |
|        |  | Reporting C        | Categor        | У                |                           |                    |      |
| В.     | Recommended So<br>PBC General Fund                     | ources of Fur<br>d | nds/Sur        | nmary of Fis     | scal Impact:              |                    |      |
| C.     | Departmental Fisc                                      | al Review: _       |                |                  |                           |                    |      |
|        |  | III. <u>REV</u>    | IEW CC         | MMENTS           |                           |                    |      |
| Α.     | OFMB Fiscal and/                                       | or Contract [      | Develop        | ment and C       | ontrol Comm               | ients:             |      |
| В.     | Legal Sufficiency:                                     |                    | <u> 25 </u> 14 | Don'tract De     | J. Journa<br>evelopment a | nd Control         | 9114 |
|        | <u> </u>   | nty Attorney       |                |                  |                           |                    |      |

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

#### **ATTACHMENT 1**



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OWARD

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ARBARA SHARIEF ST VICE PRESIDENT

VTHY BRYANT

IYAN DESLOGE MEDIATE PAST PRESIDENT

JOND VICE PRESIDENT

IRISTOPHER L. HOLLEY ECUTIVE DIRECTOR

#### MEMORANDUM

| All About Florida                           | TO:   | County Attorneys   |
|---|-------|--|
|   | FROM: | Chris Holley, Executive Director                             |
| ROVER C. ROBINSON, IV                       | DATE: | July 16, 2014  |
| CAMBIA<br>ARRY V. HOLLOWAY<br>ENIDENT ELECT | RE:   | County Contribution to Costs of DJJ Administrative Challenge |

The attached invoice is for your county to assist in the costs and fees associated with the Department of Juvenile Justice Rule Challenge that was filed on June 16, 2014 by the Florida Association of Counties and 23 individual counties. The amount on the attached invoice is the contribution for the administrative proceeding only. Any appeal taken by the counties or the Department from an administrative decision will result in additional contributions.

No medium sized county will be asked to pay more than \$3,000, from this point all the way through the Florida Supreme Court and no large, urban county will be asked to pay more than \$5,000. Accordingly, for the participating counties, if the county chooses to continue participate in any appeal from the administrative challenge, a subsequent invoice will be sent, at \$2,000 for medium sized counties and \$2,500 for large urban counties.

The Florida Association of Counties has hired the firm of Nabors, Giblin & Nickerson to represent FAC and the counties in the administrative proceedings on the new proposed administrative rules governing the counties' cost share of pre-disposition juvenile secured detention and the rule challenge flowing from those rules.

Please feel free to call Ginger Delegal, FAC General Counsel, at (850) 922-4300 if you have any questions. Thank you.

Attachment

Mineram

# INVOICE

### PALM BEACH

# Terms: Due Upon Receipt

For:

County Contribution to Costs of DJJ Administrative Challenge

\$ 2,500.00

Please make checks payable to: FLORIDA ASSOCIATION OF COUNTIES, INC. 100 South Monroe Street Tallahassee, FL 32301 Phone: 850-922-4300