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November 27, 2012

The Honorable Council Member Stephen C. Joost
At Large, Group 3
City Council
City of Jacksonville
117 W. Duval Street, Suite 425
Jacksonville, FL 32202

Re: *Legal Opinion (12-06): Separation of powers; Hiring of a lobbyist*

Dear Honorable Council Member Joost:

You have asked for an opinion regarding the separation of powers under the Charter for the Consolidated City of Jacksonville (the "Charter"), and more specifically on the application of that doctrine as it applies to the engaging and management of a lobbyist on behalf of the City Council. The guidance and opinion you seek is set forth below.

I. QUESTIONS ASKED:

- a. Is the act of engaging a lobbying firm or individual, and the directing of the lobbyist's activities, a legislative function or an executive function?
- b. If City Council were to hire a legislative counsel, whether such legislative counsel may engage in lobbying on behalf of the City?

II. SHORT ANSWERS:

- a. The act of procuring a contract for the engagement of a lobbying firm or individual, and directing of such activities, is an executive function.
- b. Legislative counsel could not be used to implement, or execute, an ordinance of the City, and is only authorized to assist in the passing of ordinances and resolutions as part of the legislative process.

III. BACKGROUND.

a. The Charter in General.

The consolidated City of Jacksonville (“the City”) is unique within the state of Florida in its form of government. Counties in Florida, with the exception of Duval County, are governed by a 5 to 9 member commission, which, with the assistance of a county manager, manage county operations. Those matters falling within county commissioner management include county roads, the payment and management of leases for the court system; the creation and operation of county parks, and the payment of expenses for the constitutional officers, among other things.

Municipalities, by contrast, are typically governed by a city council, with differing executive structures. For some, the Mayor is a member of council with a strong City manager, or for others, with a strong form of Mayoral government. The City has combined features from both the county and the municipality, with the City Council acting in lieu of a county commission, and as a city council, in conjunction with an executive branch running the day-to-day operations of the City as would a municipality. More specifically, as stated in Section 1.101(b), Charter:

The consolidated government has and shall have jurisdiction as a chartered county government and extend territorially throughout Duval County, and has and shall have jurisdiction as a municipality throughout Duval County except in the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.

b. Separation of Powers Issues within the Charter.

The Charter contains three key articles defining the powers of the City Council and the Mayor within Articles 4, 5 and 6 of the Charter, as follows:

(1) As to the separation of powers, generally, Section 4.01, Charter, provides:

The powers of the consolidated government shall be divided among the legislative, executive, and judicial branches of the consolidated government. No power belonging to one branch of the government shall be exercised by either of the other branches, except as expressly provided in this charter.

(Emphasis added).

(2) As to the City Council, the powers of the council under the consolidated government as set forth in Section 5.07, Charter, are defined as legislative as follows:

All legislative powers of the consolidated government (except such as are retained by the second, third, fourth, and fifth urban services districts) are vested in the council, and the council may legislate with respect to any and all matters which are within the powers of the consolidated government.

The council shall review the budgets and appropriate money to the consolidated government and any independent agencies which request appropriations from the consolidated government and shall also levy taxes as required to meet the budgets approved by it. . . .

(Emphasis added).

As set forth above, this is a clear and express creation of legislative powers, with no crossover into the executive branch. The method by which this legislative power is exercised is also identified in the Charter, whereby it is acknowledged and affirmed that the Council “. . . **may take official action only by the adoption of ordinances or resolutions, . . .**” (Section 5.08)(emphasis added).

Thus, the City Council, as the legislative branch of the consolidated government, holds legislative power, which it exercises through the passing of ordinances and resolutions at duly noticed public meetings pursuant to Florida’s Sunshine laws. There is no other manner in which the City Council can exercise its power, and no additional powers are granted to it outside of the legislative realm.

(3) The executive branch of our consolidated government is charged with administering the government and executing the ordinances and resolutions passed by City Council. Section 6.04, Charter provides:

The executive power of the consolidated government (except such as is retained by the second, third, fourth, or fifth urban services districts) is vested in the mayor who is the chief executive and administrative officer of the consolidated government. He shall be responsible for the conduct of the executive and administrative departments of the consolidated government .

. . .

(Emphasis added).

Given that the consolidated government calls for these separate branches of government, the Charter created a role for the general counsel in resolving disputes, by providing that opinions of the General Counsel bind all of consolidated government, and are the final authority barring a judicial decision to the contrary or an opinion from the Attorney General as to state law issues, and also provides for legislative counsel to assist the City Council in preparing its legislation. More specifically, Section 7.201, Charter provides:

There is established a department of the City of Jacksonville to be known as the office of general counsel, which shall have the responsibility for furnishing legal services to the city and its independent agencies, except that the council may create an office of legislative counsel within the legislative branch whose purpose shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct.

(Emphasis added).

As to the authority of the General Counsel, Section 7.202, Charter provides:

The head of the office of general counsel shall be the general counsel who shall be the chief legal officer for the entire consolidated government, including its independent agencies. The general counsel shall devote his entire time and attention to the business of the office and shall not engage in the private practice of law. Any legal opinion rendered by the general counsel shall constitute the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government and shall be considered valid and binding in its application unless and until it is overruled or modified by a court of competent jurisdiction or an opinion of the Attorney General of the State of Florida dealing with a matter of state involvement or concern.

c. Separation of Powers Doctrine.

1. In general.

A discourse of the theory of separation of powers in government can be traced back thousands of years to, for example, the Roman Republic, between the senate and Caesar, where the Roman constitution had three main powers, the monarchy (in the form of its yearly elected executives, the consuls), aristocracy (as represented by the Senate), and democracy (in the form of the popular assemblies, such as the Comitia Centuriata) such that no one could completely usurp the government, with its organized and segregated powers. See Ronald Schindler, Montesquieu's Political Writings¹, and Marshall Davies (September 22, 1998), *Polybius and the Founding Fathers: the separation of powers*². While some trace this doctrine to the early British parliament, others bring it to more current times under the United States Constitution. See James Madison, (8 February 1788) "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments" The Federalist Papers No. 51³. The overriding principle of this doctrine, however, is that no one branch of government: legislative, executive, or judicial, may hold complete power over the citizens that it serves. As such, each branch at some time or another is frustrated at what it sees as the sheer incompetency of another branch, but under the application of this doctrine, lacks the direct power to substitute one's judgment for that of the other.

Recently, the Florida Supreme Court has been called upon to address the differences between Florida's Executive and Legislative branches. The Florida legislature had created an Administrative Procedures Act in which the process of rulemaking was defined. *Whiley v. Scott*, 79 So.3d 702 (Fla. 2011). The Governor attempted to change that rulemaking process such that an additional layer or step had to take place before a rule could be made. The Florida Supreme Court, in rejecting the Governor's actions, noted that the imposition of his additional step not included by the legislature was beyond his authority. The Court determined that absent an amendment to the Administrative Procedure Act itself or

¹ See <http://www.rschindler.com/montesquieu.htm>

² See <http://mllloyd.org/mdl-indx/polybius/intro.htm>

³ See <http://www.foundingfathers.info/federalistpapers/fed51.htm>

other delegation of such authority to the Governor's Office by the Florida Legislature, the Governor had overstepped his authority and violated the separation of powers. *Id.* at 705.

2. Under the Charter.

As explicated upon above, the separation of powers doctrine provides in general that the three branches of government (legislative, executive, judicial) while existing largely independent of each other, also exercise some modicum of control over each other. Under the Charter the Council has control of the executive finances, and has certain delineated quasi-judicial powers, that it exercises to the exclusion of the executive branch. See Legal Advisory Opinion 97-1. The executive branch exists under the Charter as a strong form of Mayor government. See *Horkan v. City of Jacksonville*, 959 So.2d 390, 397 (Fla. 1st DCA 2007); see also Legal Advisory Opinion 5-1, which determined, among other things in addressing separation of powers:

After adoption, the Mayor has the responsibility to implement the budget through the day to day operations of the government. The City's Charter allocates executive and legislative power and responsibility between the mayor and the Council respectively. Section 4.02, Charter.

Legal Advisory Opinion 5-1, (Mayoral Authority to Transfer Funds under the Charter for the City of Jacksonville), November 4, 2005.

IV. DISCUSSION.

a. Binding opinions.

It has long been recognized that disputes within the Consolidated Government are resolved by binding legal opinions from the Office of General Counsel. *See, e.g.*, Legal Division Advisory Opinion No. 70-13, October 26, 1970; Mayor's Veto Power Over Council Salaries (holding that the Mayor may veto council salaries but not that of its staff), and Legal Division Advisory Opinion No. 70-6, June 17, 1970; Simultaneous Service as Acting Mayor and Councilman (holding that if the Mayor is out of the county, and there is an emergency, the Council President acts only as the Mayor and no longer as a member of Council).

Questions and discussions have arisen from certain council members as to whether after having been advised of a legal opinion, they are free to violate it or challenge it. The answer is no. *See* Legal Advisory Opinion No. 97-1, June 5, 1997, wherein the general counsel determined that the veto by the Mayor of a zoning ordinance was invalid, and further opining with regard to potential litigation:

. . . having determined that due process cannot sustain the Mayor's veto authority over the quasi-judicial actions of the Council, this binding legal opinion becomes the official position of the City of Jacksonville. Under the charter, General Counsel determinations are made to resolve conflicts of the various governmental agencies and to prohibit intra-governmental litigation. *The authority of the General Counsel to make binding legal decisions is the mortar that holds the structure of our consolidated government firm.* Consequently, no Charter authorization exists that would allow the mayor to obtain independent legal counsel to challenge the

General Counsel's determination. . . .The Council is similarly constrained. Had I determined that the mayor does indeed have veto power over variance determinations, the Council would lack the legal authority to obtain legal counsel to act on its behalf.

(Emphasis added). Legal Advisory Opinion 97-1, by Fred D. Franklin, Jr., General Counsel, June 5, 1997 (Mayor's Veto Power over a resolution granting a zoning variance.)⁴

b. Defining legislative acts

As a matter of statutory construction, words are given the definition commonly used. In this instance, there is nothing in the Charter or in previous opinions of the General Counsel that would craft a different definition for "legislative" than what is set forth in dictionaries and in common usage. The Merriam-Webster Dictionary (www.Merriam-WebsterDictionary.com) defines **legislative** as follows:

1. a : having the power or performing the function of legislating
b : belonging to the branch of government that is charged with such powers as making laws, levying and collecting taxes, and making financial appropriations — compare executive, judicial
2. a : of or relating to a legislature <legislative committees>
b : composed of members of a legislature <legislative caucus> c : created by a legislature especially as distinguished from an executive or judicial body d : designed to assist a legislature or its members <a legislative research agency>
3. : of, concerned with, or created by legislation <legislative courts>

Compare Black's Law Dictionary, which defines legislate as "To enact laws or pass resolutions via legislation," and legislative as "making or giving laws; pertaining to the function of law-making or to the process of enactment of laws."⁵ The consistent application and definition of legislative compels the conclusion that it is the *passing* of the ordinance or resolution that is legislative, and that the *execution* of the ordinance is an executive function.

Recent case law regarding the division between legislative and executive functions at the state level is expositive. In *Whiley v. Scott*, 79 So.3d 702 (Fla. 2011), the Florida Supreme Court invalidated the Governor's suspension of rulemaking by agencies, after determining that rulemaking was a legislative function:

The foregoing leads the Court to conclude that the Governor's executive orders at issue here, to the extent each suspends and terminates rulemaking by precluding notice publication and other compliance with Chapter 120

⁴ Moreover, each of the elected officials has taken an oath of office, and thus I do not anticipate any knowing violation of an opinion of the General Counsel.

⁵ See also Black's Law Dictionary definition of legislative counsel: A person or agency specially charged with assisting legislators in fulfilling their legislative tasks. Legislative counsel handles problems of research, drafting bills, legislative hearings, and other technical legislative details."

absent prior approval from OFARR—contrary to the Administrative Procedure Act—infringe upon the very process of rulemaking and encroach upon the Legislature's delegation of its rulemaking power as set forth in the Florida Statutes.

Id. at 713.

In holding that once the legislature created the Administrative Procedures Act and its requisite rulemaking, the executive branch could not effectively negate its operation through executive order, the Court acted to preserve the separation of powers so critical to the operation of government as we know it; *See also I-4 Commerce Center v. Orange County*, 46 So.2d 134 (Fla. 5th DCA 2010) (where the court held that the setting of storm water utility rates is a quintessentially legislative function); *Florida House of Representatives v. Crist*, 999 So.2d 601 (Fla. 2008) (where it was determined that the Governor could not enter into a contract allowing gambling where the state legislature had passed laws prohibiting such).

c. Defining executive powers

The City's government follows a structure known as a "strong-mayor" model. *Horkan v. City of Jacksonville*, 959 So.2d 390 (Fla. 1st DCA 2007), *citing*, Richard C. Schragger, Can Strong Mayors Empower Weak Cities? On the Power of Local Executives in a Federal System, 115 Yale L.J. 2542, 2544-45, 2570-77 (2006). Further, the Mayor's veto power over the legislation passed is one of the checks and balances within the consolidated government: "[t]he City's Charter allocates executive and legislative power and responsibility between the mayor and the Council respectively. *See* Section 4.02, Charter. Section 6.05, Charter provides broad veto power to the mayor, restricting the veto authority in only seven specific areas . . ." *Horkan*, 959 So.2d at 397.

The Merriam-Webster Dictionary (www.Meriam-WebsterDictionary.com) defines executive as follows:

1a : of or relating to the execution of the laws and the conduct of public and national affairs b : belonging to the branch of government that is charged with such powers as diplomatic representation, superintendence of the execution of the laws, and appointment of officials and that usually has some power over legislation (as through veto) — compare judicial, legislative

2a : designed for or relating to execution or carrying into effect b : having administrative or managerial responsibility >

3: of or relating to an executive

Compare Black's Law Dictionary, which defines executive as follows: "As distinguished from the legislative and judicial departments (i.e. branches) of government, the executive department is that which is charged with the detail of carrying the laws into effect and securing their due observance."

In so determining that the passing of an ordinance funding a legislative lobbyist is a legislative act, but the contracting for such services is an executive action, this opinion is in conformity with well-recognized legal principles. Once the legislature has made an appropriation for the executive branch, the requirement of fiscal committee approval of contracts made pursuant thereto by the executive branch is an unconstitutional intrusion into the executive branch of the government. As Justice Grimes stated in his dissent in *Opinion of the Justices*, 110 N.H. 359, 366, 266 A.2d 823, 827 (1970):

By requiring the approval of the Fiscal Committee of the legislative branch, executive powers are sought to be conferred on a committee of the General Court. Such a device would make the exercise of the executive function dependent upon prior approval of this legislative committee.... [I]f such control can be upheld in this instance, it could pave the way to complete domination of the executive by the legislative department."

Several other cases are illustrative, as follows:

In so holding, we come to the same conclusion that other courts have reached when confronted with questions similar to those posed to us. *Alexander et al. v. State*, 441 So.2d 1329, 1341 (Miss.1983) ("Once taxes have been levied and appropriation made, the legislative prerogative ends and executive responsibility begins...."); *State ex rel McLeod, Atty. Gen. v. McInnes et al.*, 278 S.C. 307, 317, 295 S.E.2d 633, 637 (1982) ("[A]dministration of appropriations ... is the function of the executive department."); *Anderson v. Lamm*, 195 Colo. 437, 447, 579 P.2d 620, 627 (1978) ("[T]he requirement for Joint Budget Committee approval unconstitutionally infringes upon the executive's power to administer appropriated funds."); *In re Opinion of the Justices to the Senate*, 376 N.E.2d 1217, 1222 (Mass.1978) ("[T]he activity of spending money is essentially an executive task."); *State ex rel Schneider v. Bennett*, 219 Kan. 285, 301, 547 P.2d 786, 797 (1976) (State Finance Council overseeing use of budget appropriations held to be an unconstitutional encroachment on powers of the executive); *In re Opinion of the Justices to the Governor*, 369 Mass. 990, 341 N.E.2d 254, 257 (1976) ("[T]o entrust the executive power of expenditure to legislative officers is to violate [the mandated separation of powers] by authorizing the legislative department to exercise executive power."); *State ex rel Meyer v. State Board*, 185 Neb. 490, 500, 176 N.W.2d 920, 926 (1970) *719 ("[The legislature] cannot through the power of appropriation exercise or invade the constitutional rights and **198 powers of the executive branch of the government. It cannot administer the appropriation once it has been made."); *People v. Tremaine*, 252 N.Y. 27, 56, 168 N.E. 817, 827 (1929) (Crane, J., concurring) (holding unconstitutional a requirement that a legislative committee sit with the governor in decisions regarding spending of money on state buildings (see separate opinion of Justice Crane)).

See Knotts v. S.C. Dept. of Natural Resources, 348 S.C. 1, 558 S.E.2d 511 (2002).

d. Separation of powers; Means of checks and balances.

The need to provide checks and balances through this separation of power has been argued, and adopted, from Montesquieu in our own federal constitution. To quote Montesquieu on this point: "[w]ere the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers." Montesquieu, *The Spirit of the Laws*, p 1748.

To prevent one branch from becoming despotic, the separation of powers doctrine created three branches, with the judiciary acting as a check on the legislative and the executive, and the legislative and executives acting as checks on each other. This additionally caused the need to cooperate for the benefit of the populace as a whole. *See Philosophy & Philosophers*, Montesquieu, 2012; see also Montesquieu, *The Spirit of the Laws*, p 1748.

e. Separation of powers; Defining and properly allocating “lobbying” actions.

It is well recognized that the craft of “lobbying” involves the conduct of activities aimed at influencing public officials, especially members of a legislative body regarding legislation, to promote or secure the passage of legislation by influencing public officials or to attempt to influence or sway another toward a desired action.

The Council, as a collegial body subject to Florida Sunshine Laws, has tools at its disposal to influence other parties, including the State Legislature – through such mechanisms as the power of passing formal expressions of opinions through collectively approved resolutions, under the Duval County Legislative Delegation process set forth in Article 7, Part 3. In the Charter, whereby an established non-partisan office serves as the liaison between the delegation members (consisting of the Florida House of Representatives and Senate members who represent Duval County) and local governments, community organizations and citizens with scheduled meetings in Jacksonville to consider Duval County matters, and of course the authority of controlling the local government’s purse-strings (e.g., the power of budgetary and appropriation, financial control) – the notion of Council hiring its own executive-level or administrative officers to undertake tasks already established for the Executive Department, including for example the retention and engagement of a lobbyist(s), infringes on the proper delineation between those two spheres of governmental administration and ascribes a power to the legislative branch already held by the executive branch. The separation of powers doctrine is based upon the longstanding recognition that the powers of the branches of government are co-equal and distinct from one another – the power to *make law* being the purview of the legislature (or Council), the power to *execute law* to the executive and the power to *interpret law* to the judiciary. *See Power River County v. State*, 60 P.3d 357 (2002) and *Com. v. Morris*, 771 A.2d 721 (2001).

The separation of powers doctrine serves a dual function: it limits the exercise of power within each branch, yet ensures the independent exercise of that power. Its primary purpose is to prevent the commingling of different powers of government in the same hands – preventing any one governmental branch from aggregating unchecked power which might lead to oppression and despotism – a fundamental governmental notion that must be strictly construed. *See Bullet Hole, Inc. v. Dunbar*, 763 A.2d 295 (App. Div. 2000) and *Elk Horn Coal Corp. v. Cheyenne Resources, Inc.*, 163 S.W.3d 408 (Ky. 2005).

There are 67 counties in the State of Florida, and only two consolidated governments, Miami-Dade and the City of Jacksonville. Even when compared to Miami-Dade, Jacksonville remains unique in that Miami-Dade County retained its county government, whereby Jacksonville’s consolidation resulted in the elimination of two governments, replacing them with one consolidated municipal and county political subdivision known as the City of Jacksonville. *See Fla. Constitution (1885)*, art. VIII, Sec. 9, held over by *Fla. Constitution (1968)*, art. VIII, Sec. 6(e). The doctrine of separation of powers is steeped in American jurisprudence and acutely relevant in a government such as Jacksonville’s consolidated

version with its vast authority as delegated from the State. *See Larabee v. Governor of State*, 880 N.Y.S.2d 256 (App. Div. 1st Dep't 2009).

To ensure that each governmental branch power remains independent from influences by the other branches, each of the governmental branches possesses its own unique sphere of authority that cannot be encroached into or exercised by another branch. *See California School Boards Ass'n v. State*, 90 Cal Rptr. 3d 501 (3d Dist. 2009). Of course, this completeness of powers separation and their mutual independence does not extend to the point that those in authority in one department can virtually ignore the acts of another department conducted by virtue of the authority vested in them – as can be illustrated for example in the power of the chief executive to nullify the actions of the council through the use of the veto in certain instances, or for that matter a two-thirds Council override of same. The separation of powers principle does not require that the branches of government be hermetically sealed as the cooperative accommodation of the branches of government toward each other is highly encouraged in furtherance of mutual goals, however, comity has limits because constitutional separation of powers does not permit one branch to usurp an essential power of another. *See In re Petition of New Hampshire Bar Ass'n*, 855 A.2d 450 (2004).

Putting aside for a moment the delineated lobbying opportunities available to Council, some of which have been identified above, the function of the City hiring lobbyists for particular purposes has historically been, and currently is, that of the Executive. The Mayor, pursuant to the Charter, is charged with the responsibility of administering, supervising and controlling all departments and divisions created by the Council and administering the laws and ordinance enacted. There is but one unified consolidated City of Jacksonville with its organized branches of government – the Council, and its power of *passing* laws, appropriating funds and urging consideration through resolution on the one hand, and the Executive on the other, with its power of *executing* those same laws, administering its duties subject to appropriation and pursuing the interests of the City as the elected executive leadership for the local citizenry. The confusion that would result from having two potentially different official agendas being pursued from different branches of the same unified consolidated government would result in undue complication and incoherence, the antithesis of the principles supporting consolidated government, and the very incongruent danger which the doctrine of separation of powers seeks to avoid. The engagement of lobbyists is a mayoral function under the control of day-to-day executive-level management with the inherent dexterity necessary to be able to pursue, amend, change course and move swiftly in the often shifting environs of the State and Federal halls of power.

In reviewing the proper organization of powers and seeking to keep as clear as possible within reason the dividing lines of power between governmental spheres of authority, consideration is given to the nature of the power being exercised, the degree of control by one department over another, the objective to be attained and the practical result of the blending of powers as shown by actual experience over time. *See State v. Donald*, 10 P.3d 1193 (Ct. App. Div. 1 2000), *State v. Beard*, 49 P.3d 492 (2002) and *Rushing v. State*, 50 S.W.3d 715 (Tex. App. Waco 2001).

Lastly, an inquiry has been raised of whether Council could, pursuant to Section 7.201, Charter, employ its own hired legislative counsel to pursue lobbying activities on City Council's behalf. Legislative counsel cannot be used to implement, or execute, an ordinance of the City, but to assist in the creation and enactment of ordinances and resolutions as part of the legislative process. See footnote 5, *supra*, page 6.

The Charter sets forth that such legislative counsel's purpose "shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct." These powers are expressly limited to legislative actions by the limits of authority that Council itself retains, let alone what it is capable of delegating to other officers for that matter – with Council's responsibilities of passing legislation, and the Executive's charge of executing and administering same.

The powers authorized within the Charter to such legislative counsel are further restricted by the established responsibilities of the General Counsel's position itself in that such legislative counsel's duties are pertinent to assisting Council in the *passage* of legislative enactments, always subject to the binding opinions of the consolidated City's Chief Legal Officer who in the words of the Charter is "*the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government and shall be considered valid and binding*" unless overruled by a court of competent jurisdiction or the State's Attorney General. *See* Section 7.202, Charter. Put another way, in the words of a former General Counsel, such binding opinion authority as delegated through the Charter is in fact "...the mortar that holds the structure of our consolidated government firm." *See* Legal Advisory Opinion 97-1.

V. CONCLUSION.

The purpose of the doctrine of separation of powers, in line with a principle of unified consolidated government is to properly allocate authority and power, to appropriately set forth the lines of protection from undue encroachment and usurpation, and to allow for the uninhibited exercise by each branch of government's necessary functions. The Council (as the legislative branch of City government) may pursue its authorized channels of influence including but not limited to the passing of resolutions and its pursuit of legislation including J-Bills and coordinated efforts via the Duval Delegation. However, in the analysis of the separation of powers, the hiring of a lobbyist, whether third party or in-house, is an executive-level duty to be administered by the Executive branch of government.

Very truly yours,



Cindy A. Laquidara, Esq.
General Counsel