

WALK ON County Attorney

**SUBJECT: Item 8.1. Walk-On: Request
Authorization to Engage Services of Outside
Counsel for Appellate Work**

The attached walk-on item is a request to engage the services of the Nelson Mullins firm of Orlando for defense in the case of AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County.



Marion County

Board of County Commissioners

Walk-on Agenda

McPherson Governmental Campus
601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2323
Fax: 352-438-2324

District 1 – Craig Curry, Commissioner
District 2 – Kathy Bryant, Vice-Chair
District 3 – Matthew McClain, Commissioner
District 4 – Carl Zalak, III, Commissioner
District 5 – Michelle Stone, Chair

Tuesday, July 2, 2024

9:00 AM

**McPherson Governmental
Campus Auditorium**

- 8.1.** Request Authorization to Engage Services of Outside Counsel for Appellate Work



Marion County

Board of County Commissioners

Agenda Item

File No.: 2024-15743

Agenda Date: 7/2/2024

Agenda No.: 8.1.

SUBJECT:

Request Authorization to Engage Services of Outside Counsel for Appellate Work

INITIATOR:

Matthew G. Minter, County Attorney

DEPARTMENT:

County Attorney

DESCRIPTION/BACKGROUND:

On May 20, 2024, the Circuit Court approved the County's Motion for Final Summary Judgment in the case of AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County. The developer/property owner has filed a Notice of Appeal and has engaged two separate firms to represent them in such appeal of the circuit court decision.

It is my recommendation that Marion County engage outside appellate counsel for the defense of this appeal. I have considered a number of possible firms, and it is my recommendation that Marion County engage the services of the NELSON MULLINS firm of Orlando for this matter. This firm recently successfully represented Seminole County against the same firm that represented AZ Ocala in its lawsuit against Marion County. There are a number of similar legal and factual issues between our case and the Seminole County case.

The firm's fees will be billed on an hourly basis, based on the following rates: Beverly Pohl - \$640; Todd Norman - \$450; Partners: \$450; Senior Associates \$375; Of Counsel - \$300; and Junior Associates: \$250. Assuming a successful outcome, it may be possible for the County to recover fees incurred in the case.

BUDGET/IMPACT:

To Be Determined

RECOMMENDED ACTION:

Motion to Authorize County Attorney to engage NELSON MULLINS for appellate work related to AZ Ocala Ranch, LLC and Marion Mitigation, LLC v. Marion County.

WALK ON

County Attorney

SUBJECT: Item 8.2. Walk-On: Request Authorization to File Confidential Statement Regarding Appropriateness of Appellate Mediation in AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County Appeal

The attached walk-on item is a request to determine if mediation is appropriate before moving forward with the appeal.



Marion County

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Walk-on Agenda

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Tuesday, July 2, 2024

9:00 AM

**McPherson Governmental
Campus Auditorium**

-
- 8.2.** Request Authorization to File Confidential Statement Regarding Appropriateness of Appellate Mediation in AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County Appeal



Marion County

Board of County Commissioners

Agenda Item

File No.: 2024-15767

Agenda Date: 7/2/2024

Agenda No.: 8.2.

SUBJECT:

Request Authorization to File Confidential Statement Regarding Appropriateness of Appellate Mediation in AZ Ocala Ranch, LLC, and Marion Mitigation LLC v. Marion County Appeal

INITIATOR:

Matthew G. Minter, County Attorney

DEPARTMENT:

County Attorney

DESCRIPTION/BACKGROUND:

It is standard practice in Appellate cases for the parties to decide if Mediation is appropriate before moving forward with the appeal. We have a short deadline to report back to the Fifth District Court of Appeals with the attached statements.

Based on individual conversations with each of the Commissioners, we are asking for concurrence that mediation is not appropriate in this case.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Motion to Authorize County Attorney to File Statement regarding Appropriateness of Appellate Mediation.

IN THE DISTRICT COURT OF APPEAL FOR THE STATE OF FLORIDA

v. Appellant(s),

Appellate Case No. 5D
County
Case No.

Appellee(s)

_____ /

NOT TO BE SERVED ON OPPOSING PARTY

**CONFIDENTIAL STATEMENT REGARDING
APPROPRIATENESS OF APPELLATE MEDIATION***

I believe appellate mediation is (select one): ☐ appropriate ☐ inappropriate
(Please explain in detail):

NOTE: Do not supply a recitation of facts or write a brief. Your response must be concise.

Date:

Attorney:
Counsel for:

DO NOT SERVE ON OPPOSING COUNSEL.

This form is to be e-filed with the Fifth District Court of Appeal through the Statewide Portal (myflcourtsaccess.com). Caution: Do NOT choose “serve all” when filing via the Statewide Portal; doing so will waive confidentiality.

If both parties indicate that mediation is appropriate, it will be ordered. If not, the mediation screening judge will review this information and decide whether to order mediation.

*

Download Mediation forms at: www.5dca.org.

cc:

WALK ON

Notation for Action

SUBJECT: Item 11.2. Walk-On: Request to Reschedule and Advertise a Marion County Community Redevelopment Agency Meeting to Consider Approval of the 2024 Silver Springs Community Redevelopment Area Master Plan from Thursday, July 11, 2024 at 9:00 a.m. to Tuesday, August 6th, 2024 at 2:00pm in the McPherson Governmental Campus Auditorium

The attached walk-on item requesting to reschedule a workshop.



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Board of County Commissioners

Walk-on Agenda

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Tuesday, July 2, 2024

9:00 AM

**McPherson Governmental
Campus Auditorium**

- 11.2.** Request to Reschedule and Advertise a Marion County Community Redevelopment Agency Meeting to Consider Approval of the 2024 Silver Springs Community Redevelopment Area Master Plan from Thursday, July 11, 2024 at 9:00 a.m. to Tuesday, August 6th, 2024 at 2:00pm in the McPherson Governmental Campus Auditorium



Marion County

Board of County Commissioners

Agenda Item

File No.: 2024-15751

Agenda Date: 7/2/2024

Agenda No.: 11.2.

SUBJECT:

Request to Reschedule and Advertise a Marion County Community Redevelopment Agency Meeting to Consider Approval of the 2024 Silver Springs Community Redevelopment Area Master Plan from Thursday, July 11, 2024 at 9:00 a.m. to Tuesday, August 6th, 2024 at 2:00pm in the McPherson Governmental Campus Auditorium

INITIATOR:

Christopher D. Rison, AICP, FRA-P

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

The Marion County Community Redevelopment Agency (Agency) in partnership with the Marion County Board of County Commissioners' Community Services Department contracted with Kimley-Horn Associates, Inc. (KHA), as consultants to complete the Silver Springs Community Redevelopment Area (CRA) Master Plan to create a more detailed guiding document for the Silver Springs CRA.

The draft of the Master Plan has been completed and is being finalized for consideration and approval by the Agency. This is a request to establish a special meeting date for the Agency's Master Plan approval consideration. During the regularly scheduled Board meeting of May 21, 2024, the Board approved this meeting for July 11, 2024. However, due to travel conflicts, this meeting is requested to be rescheduled to Tuesday, August 6, 2024 at 2:00 pm.

BUDGET/IMPACT:

None, advertising funds budgeted for FY 2023-24.

RECOMMENDED ACTION:

Motion to reschedule and advertise a Marion County Community Redevelopment Agency meeting to consider the Silver Springs Community Redevelopment Area 2024 Master Plan from Thursday, July 11, 2024, at 9:00 a.m. to Tuesday, August 6th, 2024 at 2:00pm in the McPherson Governmental Campus Auditorium