

COMMISSION AGENDA:

11.5.13 # 14

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Authority for County Attorney to Initiate Litigation in the Case of
Pinellas County v. Verizon Florida LLC, a Limited Liability Company

DISTRIBUTION: Robert S. LaSala, County Administrator
Virginia Holscher, Bureau Director, Risk Management

DATE: November 5, 2013

NOTICE: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY TO INITIATE LITIGATION AGAINST VERIZON FLORIDA LLC FOR INDEMNIFICATION ARISING OUT OF THE COUNTY'S ISSUANCE OF A UTILIZATION PERMIT TO VERIZON WHICH COVERS THE PROPERTY AT ISSUE.

DISCUSSION: Ms. Stegmaier alleges that on or about February 2, 2012, she was walking on South Highland Avenue approximately half way in between Seabreeze Street and Nursery Road in Clearwater, Florida on a sidewalk maintained by either the City of Clearwater or Pinellas County. Pinellas County issued a Utilization Permit to GTE in 1992, covering this portion of the sidewalk. The Permit requires GTE to indemnify, hold harmless and pay the costs of defense if someone is injured at the site in question. Verizon has been put on notice, but to date has refused to provide defense to the County in this matter. The County's Answer to the Second Amended Complaint in the underlying case was due on Monday, October 21, 2013, and a crossclaim was filed against Verizon due to its lack of accepting defense on behalf of the County. There was a notice of defense in the underlying case presented to the Board on April 9, 2013.

JLB:NSM

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