



City of Margate

Meeting Minutes

City Commission Workshop

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

*Mayor Arlene R. Schwartz
Vice Mayor Anthony N. Caggiano
Commissioners:
Lesa Peerman, Tommy Ruzzano, Joanne Simone*

*City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh*

Monday, April 23, 2018

6:30 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Lesa Peerman, Commissioner Joanne Simone, Commissioner Tommy Ruzzano, Vice Mayor Anthony N. Caggiano and Mayor Arlene R. Schwartz

In Attendance:

City Manager Samuel A. May
Acting City Attorney Shana H. Bridgeman
City Clerk Joseph J. Kavanagh

1) PRESENTATION

A. ID 2018-190 CITY ATTORNEY INTERVIEWS

S. RENÉE NARLOCH & ASSOCIATES, RENÉE NARLOCH introduced the Workshop and laid out the ground rules for the evening. She said that they were scheduled to regroup on Monday for a debriefing session to discuss candidates and to determine the next steps in the process. She said you can ask follow-up or clarification questions if desired.

RHONDA MONTOYA-HASAN explained that she had over 20 years of municipal experience and said that it was an honor and pleasure to be in public service. She said that she served 17 years at the City of Miami Beach. She explained that she was officially the legal advisor for the Building and Fire Departments which included regulatory enforcement, sitting in meetings with developers and stake holders and she helped write The Health Insurance Portability and Accountability Act (HIPAA) for The City of Miami Beach. She said that she loved construction litigation and that she regularly worked with the Public Works Department. She explained that over the years, she ventured into other areas such as the Personnel Board and employee appeals, covered as a Police legal advisor and did, personal injury cases but her main focus was litigation. She said that in Fort Lauderdale, she had more transactional experience and worked with Code Enforcement, Building, Sanitation, Utility Billing and IT. She also gained experience drafting Ordinances and Resolutions and was also a part of interviewing panels. She indicated that at her stage in her career, she had touched upon all of the different departments. She explained that at Fort Lauderdale, they worked independently and most of the attorneys she worked alongside were well seasoned and required minimal supervision. She also said that she had worked in private practice handling commercial litigation. She explained that from her experience working in two Cities, it had given her a

complete overview of what a good municipal attorney should be exposed to and she said that she was ready to step in and provide the City of Margate with good quality legal advice. She said that there were eleven attorneys in Fort Lauderdale and that her management and leadership style was very straightforward and that she liked to work collaboratively and hands on with her departments. She said that she had an open door policy for anyone and will always give an answer or opinion when asked. She explained that in Land Use Law, that was the area that she had the most limited experience in but had some experience in cross collaboration with the City of Fort Lauderdale's former land use Attorney in drafting Ordinances. She said that she had 20 years experience on the enforcement side and could do it easily without much thought and had always handled her own appeals. She said that she had handled Utility Billing at the City of Fort Lauderdale and many of those issues were very familiar to her and that she had been assigned to work in that department for the past four years. She said that she handled the construction contract side of the Community Redevelopment Agencies (CRA) which she indicated that she was proficient in. She said that with the departments she had worked in, she handled most of the public records requests, some of which were fairly intensive such as building records and emails. She said that she was very familiar with the Sunshine Law and records. She said with her experience in Employment Law, she repeated that she did Personnel Board Appeals which were trials, once per month, with Miami Beach for three years. She said that she had sat in on disciplinary proceedings for Public Works and was currently assisting external council in an appeal for the Civil Service Board for the City of Fort Lauderdale. She said that although the Interim City Attorney was a little amenable to keeping abreast of current legal issues facing public agencies, she said that it was important to attend government law seminars and that she received a lot of newsletters from local government lawyers and the Broward Bar Association. She said that pertaining to question five, she said that an ideal office for the City would be to have two lawyers. She advised that you need a lawyer that was a leader and had good municipal knowledge and had the experience. She explained that the lawyer may not be able to be in multiple places at the same time and that she has seen smaller cities such as Sunny Isles, which has had really good success with a City Attorney and a younger Assistant City Attorney, which you could cross train, bring them up and they could step in. She said that although you could do it with one Attorney, two would be better. She said that as an internal attorney, it would be great value for a member of staff to just pick up the phone or go into her office and work through an issue. She said that there was a great advantage to having an internal lawyer that knows the City and knows the governing body, staff and the department heads as you would be working and seeing them on a daily basis and that there was no substitute for that. She explained that by using an external attorney, the revenue for costs would be higher. Pertaining to liability issues, she said that there was an issue with "trip and fall" incidents, but she advised not to do a study of the sidewalks as it could be a liability issue. She said that the City Attorney's job was to provide the City with the best legal advice or opinion. She said that they were the governing body and had the choice to take or follow that advice or disregard it. She said that the City Attorney was there to assist the governing body and would have strong opinions on something that was clearly prohibited by State law, City Code or any sort of Ordinances. She said that the City Attorney and the City Manager would have to work collaboratively and that it was incumbent upon the City Manager, City Attorney and the City Clerk to get the business done. She said that it should be a cooperative and positive relationship. She said to establish and maintain a relationship was an open door policy that she always had and that she has always enjoyed a great working relationship with the departments. She said that she was very hands on and she would like people to come in and ask questions. She said that her goal was to try to be creative. Pertaining to question 9, she said the Vacation Rentals Short Term Ordinance was handled very differently in the two Cities she worked in. She said that Miami Beach got involved very early on and they had legislation

in place that survived the preemption. She said that Fort Lauderdale did not have any legislation in place and was therefore, preempted. She said that she worked with a land use lawyer to carve out as much as she could. She explained that that legislation was probably the most complex to navigate and enforce in both jurisdictions. She said advised that with Miami Beach, a lot of the ethical dilemmas involved enforcement of the Building Code. She said that she recalled a situation with a Commissioner who was challenging the veracity of an unsafe structure. She said that it involved a Commissioner who wanted the ruling changed but it was outside of her jurisdiction and the Building Official did not want it changed. She said that she stood by the Building Official's authority to make that call and not direct him to make that change. She provided another example with her own client who was a building official. She said that there would be a learning curve in getting to know the Commission as elected officials and the City administration. She said that going from the meetings, they had a lot of time sensitive issues which would be capable of trying to get up to speed on those things. She said that she planned on staying in municipal government for the rest of her career which she enjoyed and said that she likes the variety of work and working with the public and elected officials. She said that at this juncture in her career, it was a natural step to get a chance to run the show which she said that she could effectively do in a City of this size. She said that she was looking forward to individually meeting them on Wednesdays where she may have some further questions. She thanked everyone for the opportunity and said that it was an honor for her to be considered as one of their finalists. She said that she looked forward to working with the Commission and was available for any supplemental questions.

COMMISSIONER TOMMY RUZZANO discussed contracts in the City and said that he looked forward to the one on one sessions on Wednesday.

Meeting went into Recess.

Meeting Reconvened.

PHILIP N. SHERWIN said that he possesses all of the competences that they were looking for in their next City Attorney. He said that he had 15 years in-house and local government experience certified by the Florida Bar as a specialist in City, County and local government law. He said that from 1992, he was a Supreme Court dispute resolution civil circuit court mediator and county court mediator. He said that he has the breadth of experience based on his private and public law experience to be the next City of Margate Attorney. He said that he was a blend of a litigator and transactional lawyer. He discussed and explained work certification. He said that in terms of a leadership style, he said that he was leading himself as he did not have an office to lead. He explained that he had excellent human relation skills and worked well with others. He advised that he had broad cultural experiences as he also lived in Mexico City for three years and worked for an attorney whose uncle founded a political party. He said he got along with people and that he was a terrific problem solver. He said that he was unsure how to answer a leadership question as he was the only person in the office but if he was leading a group of attorneys, he said that the style would vary depending on the circumstance. He explained that everything they do in government is a collaborative effort and that no one did anything on their own and advised that he has worked with a variety of large teams. He said that he had also worked with various lawyers and utility entities in Central Florida which formed Central Florida Water Cooperative. He said that he was responsible for a \$100,000,000 per year of procurement at Polk County for reviewing and revising approving legal efficiency. He said that he did land use substantially in Polk County and some in the City of Cape Coral and discussed a controversial case which occurred in the latter City. He also gave an example which touched on the question of

Utilities where he was involved in collaborating with an external attorney to bring about the first inter-district transfer of water between two water management districts, South Florida Water Management District and the South West Florida Water Management District. He also said that he had enough experience with Code Enforcement and working with Fire Codes in Cape Coral. He said that he was the founding Director and member of the Cape Coral Firefighters Memorial which was dedicated to promoting fire safety and education. He said that in Cape Coral, he did a lot of Code Enforcement. He said that referring to the CRA, he was very familiar with tax and financing and understood the concept of frozen value and the increment of how it worked. He said that he was aware of the issue that Margate's CRA was having concerning the New Urban Communities lawsuit. He said that in his covering letter, he mentioned that he did a PowerPoint presentations on the Sunshine Law and Public Records and recently attended the 2018 Sunshine Law and training program and the Ethics for Public Employees and Officers. He said that he read the Broward County Annual Report to see the different types of violations that were occurring in that County. He said that in terms of Employment Law, he was a Personnel Attorney for a period of time and was a generalist in that area. Pertaining to question 4, he said that he did his research by using the internet and the Florida League of Cities. He said that he listened to the last meeting where Renee presented the candidates to the Commission. He said there was a concern and explained that there were different statutes but that the legal concepts were the same regardless of whether it was a City or a County. He said that he also attended seminars. Pertaining to question 5, he said that he would expect a City of this size to have a dedicated paralegal/legal secretary and an Assistant City Attorney and City Attorney. He said that you have to have the resources to successfully do the job and would hope that the City Commission would move in the direction in whichever way they felt appropriate. Pertaining to question 6, he said that a lot of problems came out of land use and Code Enforcement decisions which were usually appealed. He explained that as an in-house City Attorney, they were being proactive in heading off lawsuits and would need to be able to reduce the risk. Pertaining to question seven, he said that as a City Attorney, he would represent the City Commission and would have to maintain his independence as their legal advisor. He said that he would also have to work collaboratively with the City administrator and that if you have a close working relationship with them, you can head off such problems and identify risks. He said that he would have to establish a level of trust as some people were very terrified by lawyers. Pertaining to question 9, he explained that they would have to be apolitical as the City Attorney but also be politically savvy. He explained that he would make recommendations based on what the law is and not any political pressure from the outside. He said that if there was a controversial issue, he would speak to each Commissioner individually so that he was not violating the Sunshine Laws and give them the ramifications of what they were planning to do. Pertaining to question 10, he said that he had been blessed not to have dealt with that on a personal level in his capacity as an Assistant City Attorney or a Senior County Attorney. He explained that he was very careful about following the rules of professional responsibility. He said that his biggest challenge would be establishing quite quickly a level of trust with everybody within the City. He explained that he was interested in the City Attorney's position as it was a natural progression for his career. He advised that he had been an Assistant City Attorney and Senior County Attorney and that it had always been a career goal to be a City Attorney or a County Attorney. He asked the Commission if they had a particular concern about what they saw on his résumé.

COMMISSIONER LESA PEERMAN asked him what part of Illinois he was from.

PHILIP N. SHERWIN said that he was from Chicago and thanked the Commission for inviting him to the interview.

Meeting went into Recess.

Meeting Reconvened.

JOSEPH DINOVO advised that he has been working as an Assistant County Attorney in Hernando County for almost five years. He said that he focused mainly on land use, zoning and Code matters and was a Board Council for the Planning and Zoning Commission and that he also provided legal assistance to those respective departments. He said that prior to working at Hernando County, he did land use work as a Staff Attorney for the Circuit Work where he would handle appeals through County Court or through the local land use administrative agencies. He said that he also represented a non-profit in Monroe County who were involved in land use matters. He said that he had also worked in New York, was an Assistant Attorney General for the state of Ohio and clerked for the Supreme Court of Ohio for a number of years where he was involved in a number of cases including the Clean Water Act. He advised that he had also done civil and criminal appeals in various areas and was successful in overturning the rule of law for a ground water use case. He said that at the Hernando County, there are four Attorneys and often they are asked to do things which were not in their principle area which could include the Building, HR and Fire Departments. He said that he also handled Liens for foreclosure matters for the County. He said that in terms of his management and leadership style, he explained that he generally believed in surrounding himself with good people and trusting them to do the right thing. He said that having worked in both the private and public sector, he found them to be hardworking people who want to do a good job and take pride in their work. He said that it was not productive to micromanage people but instead, would set clear goals and expectations. He explained that he had been dealing with a number of land use issues for the County and have addressed certain issues with regard to vacation rentals and was involved in litigation to the Ordinance for the sale of fireworks permits. He said that Code Enforcement was an area that he worked with quite frequently. He explained that generally, his County Attorney handled the Code Enforcement cases but he explained that he was involved in the Zoning Department. He discussed the moratorium and how the state law interplays with ongoing Code Enforcement cases. He advised his Utilities Department with regard to certain development agreements that had come before them in terms of private developers. He indicated that he was aware of the CRA in Margate and said that he was involved with a Planner who worked at Spring Hill. He explained that there were similarities with Hernando County and Margate in what they were trying to achieve in terms of a new downtown such as walkable communities and mixed use developments. He said that every January, he advises and updates the Planning and Zoning Commission on the Sunshine law and the formalities of a quasi-judicial proceeding and Florida and Federal Land Use Law. He explained that he had been involved in Labor Arbitration involving Public Works and also the overlap with Fire and Building departments concerning coding and conducting inspections. Pertaining to question 4, he said that every year at the Florida Association of County Attorneys, they have a legal education program which had great instructions. He said that they were also on Listserv which he found very helpful and that he always attends the yearly Public Interest and Environmental Seminar at The University of Florida that deals with governmental issues at the local level. He also indicated that the Florida Bar Journal was a good resource of keeping abreast of legal issues. Pertaining to question 5, he explained that the principle responsibility of a City Attorney was to provide timely and accurate legal advice to the City Commission. He advised that giving proper legal advice to the departments within the City was essential. He said that pertaining to complex litigation and specialized transitional issues, it would be money well spent to hire a firm that deals with those particular issues which would also cover the administrative support and that he uses Westlaw frequently. He said that day to day issues being handled by outside Council would not be cost effective and

thereby, addressing those issues in-house.

MAYOR SCHWARTZ asked if he was aware that the City previously had one in-house lawyer and how he felt about that.

MR. DINOVO said that he was not qualified at this stage to know the quantity of legal work that was entailed but in an ideal situation, he said it was always good to have a back-up. Pertaining to question 6, he said that they always would have to worry about liability in general. He explained that at Hernando County, they have an insurance company that deals with most liability issues. He advised that in terms of methods used for employees, he said that it was important to give some form of guidance to them. He said that he believed that the City Attorney's role was to provide legal advice to the Commission and gave an example in his current role. Pertaining to question 8, he explained that he would like to have the opportunity to walk through the departments and see how they operate, what their concerns were and how they go about carrying out their responsibilities. Pertaining to question 9, he explained that there was an issue at Hernando County concerning the vote of the people for environmentally sensitive lands fund. He advised that it was basically a sales tax for acquiring basic environmental parcels throughout the County which was also a bond issue. He said that there could be some ethical dilemmas in a small community where there would be a limited number of people who could provide various services and goods and also provided an example of a situation that occurred in the Planning and Zoning Commission at Hernando County and their processing system. He explained that initially, his biggest challenge would be to familiarize with the community and its needs. He advised that democracy could also be contentious as well as it being fun but throughout the whole process, he said that it was important to be respectful. Pertaining to question 12, he said that he could use his extensive background and he loved working with legal issues and solving problems. He said that although he has worked in the private sector, he has always been drawn to the public sector as representing the public was the most satisfying aspect of the law. He explained that his goal as a City Attorney would be to use his skills and ability to improve the community by giving this Commission and the departments his best advice and was excited by the prospect. He asked the Commission if they had any opinion on what they were looking for in terms of that position.

MAYOR SCHWARTZ said that was a good one-on-one question for the Commission to think about. She said that they looked forward to seeing him on Wednesday.

MS. NARLOCH advised that the interviews were concluded for this evening and that on Wednesday, there will be one-on-ones with the candidates and on Monday, May 30th, regrouping to deliberate. She also explained the post-interview process for the Commission to follow.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:05pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk

Date: _____

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

DRAFT

CITY OF MARGATE, FLORIDA
CITY ATTORNEY

Interview Questions

1. Please *briefly* summarize your background and experience as it relates to the position of City Attorney for the City of Margate.
2. Describe your management and leadership style.
3. Please describe your experience in the following areas. Include detailed examples of each.
 - Land Use Law
 - Code Enforcement
 - Utilities
 - Community Redevelopment Agencies
 - Sunshine and Open Records Law
 - Employment Law
4. How do you keep abreast of current legal issues facing public agencies?
5. If you could put together an ideal City Attorney's office for a city the size and complexity of Margate, what would it look like, and which matters would you handle inside versus using outside counsel?
6. In your opinion, what are the most critical liability issues facing agencies like Margate?
7. Please explain your understanding of the relationship between the City Attorney and the Commission? Between the City Attorney and the City Manager?
8. What is your preferred relationship with other department heads of the City? How would you expect to establish and maintain that relationship?
9. As the City Attorney, you will likely be called to make recommendations to the Commission on issues that have strong political implications. Give an example of one such recommendation that you have made and tell us how you handled it.
10. Describe an ethical dilemma that you have faced as a public sector attorney and how you resolved it. In reflecting back on the experience, would you approach this issue in the same way now?
11. Based on your understanding of the City Attorney job description, what do you feel will be your biggest challenge?
12. Discuss your career aspirations and tell us why you are interested in the City Attorney position with the City of Margate.
13. This concludes our questions. Is there anything else you would like to add? Are there any questions you would like to ask?