



City of Margate

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Meeting Minutes City Commission Workshop

Mayor Joanne Simone

Vice Mayor Tommy Ruzzano

Commissioners:

Joyce W. Bryan, Lesa Peerman, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

Wednesday, April 15, 2015

6:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Lesa 'Le' Peerman, Commissioner Frank B. Talerico, Commissioner Joyce W. Bryan, Vice Mayor Tommy Ruzzano and Mayor Joanne Simone

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

1) PRESENTATION

A. ID 14-1071 CITY ATTORNEY RECRUITMENT DISCUSSION

CITY MANAGER DOUGLAS E. SMITH said that this Workshop was to begin the discussion for recruitment options for the next City Attorney. He stated that the current City Attorney Eugene Steinfeld was retiring on April 30th, 2016. He explained that there would be general discussion at this Workshop and moving forward the appropriate Budget would be put together for whatever direction the Commission chooses to proceed with. He noted that the Commission had been provided with survey information from various City jurisdictions in the area regarding how the City Attorney position was handled, such as contracted or as a Staff employee. He said that population, Budget information and additional information was also provided as background for the discussion. He added that the City Attorney was present for any questions or comments.

MAYOR SIMONE said that discussion was needed as to whether to go with an executive search versus an in-house search.

COMMISSIONER PEERMAN said that she wanted to have a Head Hunter do a search for an in-house City Attorney. She noted that she liked what Coconut Creek did and explained that Coconut Creek hired a Head Hunter to obtain the applicants and then had Workshops with the Commission to pick the City Attorney.

COMMISSIONER BRYAN asked whether the Head Hunter obtained the applicants according to the salary range the Commission wanted.

COMMISSIONER PEERMAN said that she would like to know what salary Coconut Creek started their City Attorney with.

COMMISSIONER TALERICO questioned by Head Hunter and if Commissioner Peerman was referring to a firm, and COMMISSIONER PEERMAN agreed.

VICE MAYOR RUZZANO also wanted to have an in-house City Attorney rather than a firm, because firms had extravagant costs and it was convenient to have the City Attorney upstairs. He mentioned finding an Assistant City Attorney as soon as possible and possibly transitioning that person into the City Attorney.

COMMISSIONER PEERMAN felt that a City Attorney needed to be vetted now.

VICE MAYOR RUZZANO clarified that he would like both an Assistant City Attorney and a City Attorney.

CITY ATTORNEY EUGENE STEINFELD stated that Margate needed a certain level of Attorney. He said that for an in-house Attorney, he felt that an Attorney experienced in Broward County was necessary. He added that the Attorney should be Board Certified expert in City and County law. He felt that type of Attorney would not be willing to serve as an Assistant City Attorney for five or six months.

COMMISSIONER PEERMAN suggested leaving the option open.

CITY ATTORNEY STEINFELD believed that Coconut Creek had two Assistant City Attorneys. He said that they contract out one and have a second one as well.

COMMISSIONER PEERMAN said that they also had a Paralegal in the office.

CITY ATTORNEY STEINFELD noted that Nancy was a Paralegal; however, she was shared between the City Attorney and the City Manager; however, the Paralegal in Coconut Creek worked for the City Attorney.

COMMISSIONER PEERMAN added that she wanted a separate Community Redevelopment Agency (CRA) Attorney, because it was totally different. She spoke about conferences she attended and noted that the CRA Attorneys were experts in contracts and real estate.

CITY ATTORNEY STEINFELD said that in Broward County, there were six or seven CRA's who were represented by the City Attorney, with two being represented by a different Attorney or a firm. He noted that seminars were held by people who wanted the CRA business.

MAYOR SIMONE asked whether the pros and cons could be obtained.

CITY ATTORNEY STEINFELD said that the pros and cons were indicated on the chart. He stated that if hiring a firm or a separate CRA Attorney, it would not be an employee. He stated that it would probably cost more for a firm representing the CRA, than if someone was in-house. He noted that it was a lot of work because it was technically a separate government. He explained that the Commission would not be able to obtain answers from the City Attorney, but would have to contact the firm that was handling the CRA. He noted that the drawback of having a firm was that they were going to charge every minute by the clock. He said that if the firm was just handling the CRA they would be less of a generalist and more of a specific practice; whereas, the City Attorney had to be a "jack of all trades".

COMMISSIONER BRYAN asked whether it was possible to look for a hybrid, which she referred to as someone who had general expertise but had a sub specialty in real estate development or economic development.

CITY ATTORNEY STEINFELD agreed that the City could get someone who was a City Attorney who writes for the fund and does mostly real estate, but the problem was that most experts in real estate were not experts in local government law.

MAYOR SIMONE suggested that a CRA in-house Attorney be obtained rather than a firm.

CITY ATTORNEY STEINFELD said that an Assistant City Attorney with expertise in CRA law could be used.

VICE MAYOR RUZZANO asked whether hiring an Assistant would allow for that individual to come on board knowing that they would be the future City Attorney.

CITY ATTORNEY STEINFELD did not agree, because the City needed an experienced City Attorney and not someone who was an Assistant City Attorney for three or four years. He felt that it should be a City Attorney who had a number of years in Broward County, who was already an Assistant City Attorney that would be paid a larger salary.

VICE MAYOR RUZZANO understood; however, he suggested having the Assistant City Attorney here for six months until the City Attorney retired.

CITY ATTORNEY STEINFELD agreed, but felt that the Assistant City Attorney should be hired a month or so before the transition. He did not feel that an Attorney would take the position for six months, and that the Attorney would want the City Attorney salary for those six months if they were experienced.

COLMISSIONER PEERMAN suggested getting a consensus.

CITY ATTORNEY STEINFELD said that there was also a pro for having a firm, which was that many firms have experts in certain fields. He explained that the large municipal firms generally had a Senior Attorney who concentrated on one area. He stated that the drawback was that they charge every time someone had a question, as they charge by the hour. He noted that it was tougher for Department Heads and employees to see the City Attorney because he would not be upstairs.

MAYOR SIMONE asked for a consensus to get a Head Hunter for an in-house City Attorney.

The consensus passed 5-0.

COMMISSIONER BRYAN asked whether the Commission would be able to set the parameters before it went out to find a Head Hunter.

COMMISSIONER PEERMAN added that there would be Workshops to meet with and interview them. She requested that the Workshops not be on the same day as the Commission meetings. She felt that if interviewing with City Attorneys, it should be separate than the Commission meetings.

MAYOR SIMONE agreed, and asked for a consensus on having an Assistant City Attorney for the CRA.

VICE MAYOR RUZZANO felt that it would be great to have an Assistant City Attorney that specialized in business and real estate.

COMMISSIONER PEERMAN agreed that the City Attorney should not be the CRA Attorney; though she agreed with having an Assistant City Attorney with the right type of background for being a CRA Attorney.

COMMISSIONER TALERICO clarified that the suggestion was to hire an Assistant City Attorney who would fill in when needed for the CRA and fill in when needed for the City.

COMMISSIONER PEERMAN disagreed and explained that she wanted a separate CRA Attorney.

VICE MAYOR RUZZANO expressed concerns that the Attorney might only do CRA then.

COMMISSIONER TALERICO questioned whether the Commission wanted someone to just focus on CRA, as well as a City Attorney.

COMMISSIONER PEERMAN said that the CRA Board could hire the CRA Attorney.

CITY ATTORNEY STEINFELD agreed that the CRA Attorney would do exclusively CRA work.

VICE MAYOR RUZZANO felt that it should not be exclusive because he did not want the Attorney bound to just the CRA; therefore, he felt that an Assistant could be used who knew the field and could be utilized in different ways. He said that the City Attorney was here for 37 years and had hard shoes to fill; therefore, to have one person replace him would be tough. He felt that Nancy was great; however, somebody else was needed to help out, which he did not want to be specifically a CRA Attorney.

COMMISSIONER TALERICO asked whether the direction of the CRA required a full time CRA Attorney.

CITY ATTORNEY STEINFELD said that he did not know of any City with a full time CRA Attorney, unless they were in-house part of the City Attorney Staff. He stated that in Broward County a firm was generally hired exclusively for CRA.

VICE MAYOR RUZZANO referred to the chart of Staff and felt that it should not go backwards.

COMMISSIONER PEERMAN agreed and suggested that an Assistant City Attorney be found with CRA background and government background.

CITY MANAGER SMITH said that the Commission might want to consider having the future City Attorney involved in the hiring process for the Assistant City Attorney, which could be included in the recruitment material or could be discussed with the candidates. He said that the future City Attorney might already have someone that would be a good fit.

VICE MAYOR RUZZANO asked whether the City Attorney recommended hiring someone from Broward County.

CITY ATTORNEY STEINFELD agreed; however, he did not say someone from Dade

County or Palm Beach County or anywhere in Florida could not be hired. He just felt that someone was needed who was an experienced Broward County Attorney.

COMMISSIONER PEERMAN suggested finding out what some of the starting salaries were for other Cities.

COMMISSIONER BRYAN said that she acquired some information online that showed a range in the United States for City Attorney salaries as \$55,000 to \$155,000.

CITY ATTORNEY STEINFELD said that might be an average of the whole country; however, that was not in Broward County, Dade County or Palm Beach County.

COMMISSIONER PEERMAN suggested finding out what Head Hunter Coconut Creek used.

CITY MANAGER SMITH said that he had that information.

VICE MAYOR RUZZANO noted that the Commission was provided information in writing to cover them; however, he wondered if the same applied to an Assistant City Attorney.

CITY ATTORNEY STEINFELD said that the Assistant City Attorney could write the answer; however, the City Attorney would have to sign off.

CITY MANAGER SMITH said that the salary range could be discussed with the search firm once selected. He noted that the firm might also be able to meet with the Commission to obtain input on what type of qualities and characteristics the Commission wanted recruited so they could customize the recruitment materials appropriately.

COMMISSIONER TALERICO asked whether the fees were negotiable with the firms and whether the City paid or the person being hired paid.

CITY MANAGER SMITH said that the City paid for it, but the City could try to negotiate based on information received from Coconut Creek. He said that the base professional fee was \$17,000 to \$25,000, with additional expenses for travel, etc., in the amount of \$7,500.

CITY ATTORNEY STEINFELD clarified that the Charter stated that the Assistant City Attorney was hired by the Commission.

MAYOR SIMONE stated that the consensus was for an in-house City Attorney with a Head Hunter to locate one. She said that Margate would be looking into who Coconut Creek used. She added that an Assistant City Attorney for the CRA was also agreed upon.

CITY ATTORNEY STEINFELD said that it would be premature if getting candidates applying for the City Attorney, because they would not wait nine months or a year to take the job. He explained that Coconut Creek started out originally with using a firm or individual, and then went through a cycle where they did not want the firms anymore so they did another round for individuals. He noted that it was a couple of months before the City Attorney retired. He felt that Margate should not start until December or January, as he was leaving in April. He felt that having two City Attorneys on board for more than a month or two would not help the transition.

CITY MANAGER SMITH said that he could proceed with getting proposals for the Head

Hunter, as well as getting recommendations.

COMMISSIONER PEERMAN asked whether a discussion could take place regarding having a separate Paralegal put in the Budget, and CITY MANAGER SMITH agreed that could be discussed.

CITY ATTORNEY STEINFELD stated that the City had a Paralegal and the Commission might want Nancy to continue as the City Paralegal, while having another Secretary exclusively for the City Manager.

COMMISSIONER PEERMAN asked what Nancy wanted to do, and Nancy said that she would leave that decision to her bosses.

CITY ATTORNEY STEINFELD stated that Nancy knows Broward County, Litigation and the City of Margate.

COMMISSIONER PEERMAN suggested putting a Paralegal in the Budget and make an opening for a Secretary to the City Manager.


CITY MANAGER SMITH stated that based on the starting discussion at this Workshop, Staff would come up with something for the Commission to review when going over the Budget recommendations.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 6/16/15