



City of Margate

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Meeting Minutes

City Commission Workshop

Mayor Tommy Ruzzano
Vice Mayor Joyce W. Bryan
Commissioners:
Lesa Peerman, Joanne Simone, Frank B. Talerico

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

Wednesday, February 24, 2016

5:30 PM

Commission Chambers

CALL TO ORDER

The meeting was called to order at 5:42 PM.

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

In Attendance:

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

1) PRESENTATION(S)

A. ID 2016-104 CITY ATTORNEY INTERVIEWS

MAYOR RUZZANO explained that three applicants for the City Attorney position would be reviewed at this meeting.

RENEE NARLOCH, S. Renee Narloch and Associates, provided book documentation to the Commission, which included a copy of the applicant's resumes, cover letter and pages for notes. She noted that the last page in each section contained a rating sheet. She pointed out the greatest strengths and areas of hesitation and concern, which she felt were the most important; therefore, she asked that the Commission make notations in that area. She explained that after everyone was reviewed there would be a debriefing session at which a consensus would be arrived at after discussing the candidates and the strengths and areas of concern would be talking points. She stated that the last tab of the book contained a ranking of the top candidates, which she felt was a good tool that would be helpful to the Commission for this process. She explained that the candidates would be evaluated after being interviewed. She explained how to use the ranking sheet. She mentioned that everyone should have a copy of the questions and notes could be taken. She explained that the well-rounded questions were designed to illicit a lot of information from the candidates and would pertain to areas that were important to the position and the City. She suggested having the Commissioners rotate the questions, which would create a connection and dialogue. She noted that there would be an hour to ask 13 suggested questions. She said that if the Commission felt that anything was missing in the questions, they should state that now, because all of the

questions needed to be asked of all the candidates. She said that while interviewing the Commission might come up with a follow up question that would be good for the one-on-one interviews.

COMMISSIONER TALERICO asked whether he would have to have one-on-one interviews with the other people, if he really liked the first two people.

MS. NARLOCH encouraged the Commission to have one-on-one interviews because it was helpful to the candidates.

COMMISSIONER PEERMAN asked about the Commissioners all having the same top four.

MS. NARLOCH said that she did not know how it would turn out, but she felt that the process would serve the Commission well to get to a consensus. She stated that there were good candidates, which would be eminent throughout the process. She clarified that the Commission could and should ask follow-up questions; however, they should not go to a whole new set of questions. She stated that the Commission could not ask any questions or have any discussions with candidates pertaining to race, color, gender, age, religion, national origin, marital status, sexual orientation, disability and gender identity, because it was against the law. She noted that both she and Director of Human Resources Jackie Wehmeyer would be in the room to monitor that. She explained that questions were not subject to public records, but the books and the notes were a public record. She encouraged the Commissioners to wait until the end of the process to discuss candidates and not to talk amongst each other.

COMMISSIONER TALERICO asked whether salary could be discussed.

MS. NARLOCH said that she had asked the candidates their salary history and what their expectations were, but she did not feel that was a question for the group or individual process. She said that when the debriefing was done, she would let the Commission know where the candidates stood with regard to salary.

MAYOR RUZZANO clarified that each candidate review would be kept under an hour and the book needed to be returned back to the City.

MS. NARLOCH stated that at tomorrow's meeting, she would discuss the next steps.

MAYOR RUZZANO mentioned that he had one-on-one meetings tonight and tomorrow.

COMMISSIONER PEERMAN said that nobody should be ruled out for one-on-one interviews, as it would not be fair.

MS. NARLOCH stated that the Commission needed to move forward with the one-on-ones.

MAYOR RUZZANO asked whether there were any questions pertaining to where the applicants were currently working.

DIRECTOR OF HUMAN RESOURCES JACKIE WEHMEYER noted that the resumes were included.

MS. NARLOCH said that there was not a specific question addressing employment.

- MR. GARY GLASSMAN

Following City Commission introductions, the following questions were asked:

1. MAYOR RUZZANO asked Mr. Glassman to please briefly summarize his background and experience as it related to the position of City Attorney for the City of Margate.

MR. GLASSMAN stated that he was doing local government law for about 15 years. He noted that he was an Assistant City Attorney in Orange County, Florida for about 5 ½ years, and dealt with all types of litigation, Civil Rights and Constitutional, Land Use and Federal Cases regarding religious views. He said that he also worked with Grants personnel and Zoning and Planning. He noted he then worked with the City of Tampa where he did a lot of litigation and worked with Land Use, rewriting of the Sign Code, Human Resource work and Civil Service Board work. He added that he worked with many departments in the City. He left Tamarac after a couple of years because he had been commuting back and forth to Orlando where his family was. He said that he returned to Orlando and joined a firm that represented municipalities and school boards. He stated that he again did litigation for several Cities, such as Cape Canaveral, Winter Springs and Palm Coast. He added that he did legal employment and arbitrations, as well as working on medical Marijuana ordinances.

MAYOR RUZZANO asked whether Mr. Glassman had much experience with the Broward Codes and Ethics.

MR. GLASSMAN said that he was familiar because he kept in contact with the Deputy County Attorney from Orange County who then went to Broward County and they discussed the issues.

2. COMMISSIONER PEERMAN asked Mr. Glassman to describe his management and leadership style.

Mr. GLASSMAN said that with all of the government jobs he had, he was the leader of teams. He noted that he worked with team relationships and tried to empower people and learn from them.

3. COMMISSIONER SIMONE asked that Mr. Glassman describe his experience in Land Use Law, Code Enforcement, Utilities, Community Redevelopment Agencies, Sunshine and Open Records Law and Employment Law.

MR. GLASSMAN explained that he had litigated 50 to 70 cases in Land Use, and always worked with the Land Use Attorneys to resolve their problems with a team effort. He said that he tried to keep things out of litigation and get things resolved. He noted that he worked with Code Enforcement and Code Officers, and he also taught Code Enforcement for the past nine years through an organization. He stated that he did some utility work for the City of Tampa with regard to environmental concerns. He said that he worked with people involved with Community Redevelopment in other Cities and Counties. He explained that he worked with a lot of Sunshine issues, with regard to instructing, advising, teaching and litigation. He said that he was very familiar with and gave classes on both Sunshine and Open Records Law. He added that he gave classes to City employees and board members. Mr. Glassman said that the biggest area he worked in was Employment Law with regard to litigation, representing HR Departments when writing policies, rewriting policies and procedures, working with service boards and perk issues due to arbitrations and union problems. He noted that in Orange County there was a Step

Program for discipline and he would represent the County for each step when disciplining employees.

4. VICE MAYOR BRYAN asked how Mr. Glassman kept abreast of current legal issues facing public agencies.

MR. GLASSMAN stated that there was a lot of information on the Internet. He said that he also asked questions online with fellow attorneys. He noted that he took continuing education classes and read of a lot of Law Reviews.

5. COMMISSIONER TALERICO asked what an ideal City Attorney's office for a City the size of Margate would look like if Mr. Glassman could put it together, and which matters would be handled inside versus using outside counsel.

MR. GLASSMAN responded the general trend had always been for the in-house attorney to handle the transactions of day to day matters, while putting litigation outside; however, his main goal was to handle as much inside as possible including transactional and litigation matters. He stated that he would have to assess what could be handled in-house and what needed to go outside when coming into the position. He noted that he had been both an in-house attorney and outside counsel, and said that in Orange County and Tampa he kept much of the transactions in-house.

COMMISSIONER TALERICO asked whether Mr. Glassman worked by himself or had other attorneys at his disposal where he previously worked.

MR. GLASSMAN stated that there were about 15 attorneys in Orange County, with about 20 attorneys in the law firm in Tampa.

6. MAYOR RUZZANO questioned Mr. Glassman's opinion of what the most critical liability issues facing agencies like Margate were.

MR. GLASSMAN explained that he listened to Margate's meetings on the website and felt that the issues were to try to maintain the City while keeping the City and the board out of trouble. He said that his job was to be the legal advisor. He stated that he would propose solutions and do what the City wanted to achieve within the confines of the law.

7. COMMISSIONER PEERMAN asked Mr. Glassman to explain his understanding of the relationship between the City Attorney and the City Commission, as well as between the City Attorney and the City Manager.

MR. GLASSMAN said that his job was to be the legal advisor and not a political advisor for the City Commission. He stated that he could not be in a position where he worked for only one or two Commissioners and could not play favorites or be part of one person's designs. He said that he would be responsible for all of the Commissioners and could not keep secrets. He stated that his relationship with the City Manager would be professional and he would stand by his advice. He added that the City Attorney position would be more than a 40 hour job. He stated that the City Manager was the person delegated to run the day-to-day tasks of the City. He reiterated that his relationship with the City Manager would be professional; however, his role would be to keep the City Manager and the City Commission informed and advised but not to keep secrets.

8. COMMISSIONER SIMONE questioned what Mr. Glassman's preferred relationship was with department heads, and how he would establish and maintain that relationship.

MR. GLASSMAN stated that in both Tampa and Orange County, he enjoyed getting to know his clients, Commissioners, board members and department heads and staff. He said that he liked having relationships with the department heads and wanted them to feel free to come to him with questions. He stated that his relationship with department heads would be open with a lot of connection and an open door policy.

9. VICE MAYOR BRYAN said that as the City Attorney, Mr. Glassman would likely be called to make recommendations to the Commission on issues that have strong political implications. She asked that he give an example of a recommendation that he made and to explain how it was handled.

MR. GLASSMAN replied that he tried to avoid making political decisions; however, sometimes the political question could overlap into a legal question.

10. COMMISSIONER TALERICO asked Mr. Glassman to describe an ethical dilemma he faced in the public sector and how he resolved it. He also asked if Mr. Glassman would approach the issue in the same way now.

MR. GLASSMAN said that there had been efforts by the boards to use him as the person to go between two or three groups. He stated that he had to step back and could not do that.

11. MAYOR RUZZANO questioned what Mr. Glassman felt would be his biggest challenge, based on his understanding of the City Attorney job description.

MR. GLASSMAN felt that the biggest challenge would be to initially figure out where Margate was as a City, as well as where the Commission wanted it to go. He said that he would have to sit down with the current City Attorney to determine what was pending and what needed to be done. He felt that long term, the biggest challenge was working with five people who had differences and responding to them by giving the best advice he could.

12. COMMISSIONER PEERMAN asked Mr. Glassman to discuss his career aspirations and to tell the Commission why he was interested in the City Attorney position with the City of Margate.

MR. GLASSMAN said that he wanted to be the City Attorney, because after doing all the things he did, it would be the crown achievement of his career. He said that he wanted to do this for the next 8 to 10 years, and that he wanted to be the person who sat in the chair and was responsible. He noted that he had relatives in the area who spoke about Margate, and he felt that it was the kind of City he could represent well. He added that he and his wife were interested in living in Margate and he felt he could do a good job.

13. COMMISSIONER SIMONE asked whether there was anything else Mr. Glassman would like to add or ask.

MR. GLASSMAN stated that he looked forward to working with the City, and felt he would do a good job. He added that his prior experience in all facets of City law enabled him to be a good City Attorney. He said that he would like to ask the Commission's feelings about Margate with regard to knowing why they did what they do by giving up their time for the City.

COMMISSIONER SIMONE stated that she had been in public service all her life as a school teacher and the greatest gift in the world was being able to help people.

COMMISSIONER PEERMAN said that she became a Commissioner to help the people and to help the City grow. She stated that she enjoyed being part of the decision making and talking to the residents to determine what the people want and what the City needs.

MAYOR RUZZANO stated that he had been doing work in other Cities for the last 10 years and he loved giving what he could to the City. He said that he loved helping people and trying to make a change for the positive. He noted that he lived in the City with his wife and four children for 15 years and was totally devoted to the City.

COMMISSIONER TALERICO said that he was retiring at the end of his term. He stated that he moved to Margate 38 years ago and worked for the City for 22.5 years. He said that was involved in many civic groups, such as the Kiwanis Club and his church. He noted that he served on City boards and felt he could get a lot more done as Commissioner, which was a big reward.

VICE MAYOR BRYAN said that she moved to Margate in 1998, when another black person ran for office. She thought that she would like to see some color and she felt she could bring a different perspective coming from New Jersey. She noted that her father was the former Mayor in Newark, New Jersey, and it took her five times to accomplish her goal. She said that she really liked people and her feelings grew after being able to interact with the citizens. She felt that being a Commissioner was about serving and helping other people. She noted that she was leaving due to personal reasons, but she said that she loved the job.

MR. GLASSMAN said that when he taught the Code, the class was all week and he always asked the students why they did it. He noted that the response was always because they believed in their communities.

COMMISSIONER PEERMAN asked whether Mr. Glassman liked to argue.

MR. GLASSMAN agreed, but added that he knew when to shut up.

The meeting reconvened following a brief recess.

- MR. NOEL PFEFFER

COMMISSIONER PEERMAN disclosed that she worked with Mr. Pfeffer on the Resource Recovery Board (RRB).

Following City Commission introductions, the following questions were asked:

1. COMMISSIONER PEERMAN asked Mr. Pfeffer to please briefly summarize his background and experience as it related to the position of City Attorney for the City of Margate.

MR. PFEFFER explained that he was a career government employee. He said that he began his career at the County Attorney's office and worked his way up to Deputy. He stated that his career path gave him the opportunity to learn local government by actually performing the work. He said that had the opportunity to represent in great depth a wide variety of subject matters. He noted that he represented the Human Resource Department, Purchasing Department and the Solid Waste Department including the Resource Recovery Board (RRB). He said that he handled Public Records litigation, ordinances, referendums and Budget matters with the Finance Department. He explained

that he also handled large County transactions such as for the Convention Center. He added that he supervised a group of lawyers working with Port Everglades. He said that he was comfortable advising boards and was primarily responsible for the Tourist Development Council. He stated that he was Interim County Attorney for a period of time. He explained that when he arrived at Delray Beach he had to recruit lawyers to build the office of the Interim City Attorney. He noted that he had to recruit, as well as organize the department and managed at least 10 lawyers. He explained that he negotiated with major unions regarding complex land use matters. He added that he interacted with the Community Redevelopment Agency (CRA) and was familiar with how the CRA operated. He summarized by stating that as a result of working in a large governmental office and in the City, he had developed a diverse and broad range of subject matter.

2. COMMISSIONER SIMONE asked Mr. Pfeffer to describe his management and leadership style.

MR. PFEFFER described himself as consistent, stable and predictable. He said that he was calm and even tempered. He added that he was deliberate and had a collaborative management style. He felt that two heads were better than one and he wanted to hear all sides. He said that always took responsibility for his decisions. He stated that he liked to collaborate and hear opposing points of view. He added that he was previously told that to receive loyalty you must show loyalty; therefore, he tried to be supportive of that.

3. VICE MAYOR BRYAN asked Mr. Pfeffer to describe his experience in Land Use Law, Code Enforcement, Utilities, Community Redevelopment Agencies, Sunshine and Open Records Law and Employment Law.

MR. PFEFFER said that with regard to Land Use Law, over 1,000 residential units were built on Atlantic Avenue in Delray Beach and there was a substantial amount of commercial development. He explained that the Land Use project on Atlantic Avenue was very controversial. He said that there was a Quasi-Judicial Hearing scheduled next Tuesday on Atlantic Avenue with regard to a 10 acre mixed use project comparable to the size of Mizner Park. He said that he was litigating at the same time and had a very busy Land Use practice. He explained that it was a local practice; however, the concepts and principals were the same. Mr. Pfeffer referred to Utilities, and stated that when he was with the County he represented the Solid Waste Commission. He noted that Delray Beach had its own utility system, and that the Resource Recover Board (RRB) no longer existed. He explained that he understood the process with regard to bonds. Mr. Pfeffer spoke about the Community Redevelopment Agency (CRA), and noted that the Delray Beach CRA had an annual budget of \$29 million dollars. He said that Delray Beach had a millage over 7 percent, and that there were quarterly meetings between the CRA and the Commission. He stated that he was familiar with the CRA Florida Statutes with some sections in detail. He noted that there was a contention between the CRA and the City government; however, he believed there would be a happy ending. Mr. Pfeffer spoke about the Sunshine Open Records Law and said that Delray housed hundreds of Public Records requests. He said that it was taken seriously and he had litigated Public Records Law cases and knew how the law read. He explained that the law was written in a manner where it was predisposed on the side of the person requesting the Public Record, because they were entitled to the record. He said that exceptions must be looked at, and that he had a very active Public Records practice. He stated that proactively, there had to be good systems so when a request was made it was logged, responded to and acknowledged. Mr. Pfeffer stated that with regard to Labor Law, he had a Labor Council that was used for arbitration for Police and Fire and had negotiated a lot of issues and had experience with Labor Law and arbitrations.

4. COMMISSIONER TALERICO asked how Mr. Pfeffer kept abreast of current legal issues facing public agencies.

MR. PFEFFER said that there was a Blog for local government lawyers where questions and information could be exchanged. He stated that his office had several CD's of information. He stated that he had five lawyers in his office and he kept updated on decisions in State and Federal issues.

5. MAYOR RUZZANO asked what an ideal City Attorney's office for a City the size and complexity of Margate would look like if Pfeffer could put it together, and which matters would be handled inside versus using outside counsel.

MR. PFEFFER said that he heard that Eugene Steinfeld did the job all alone. He stated that he needed to get his arms around the workload of the City. He said that Delray was a little larger with 62,000 people with a larger budget. He added that he had five lawyers and they worked very hard, but the difference was they did all of the litigation. He said that he was struggling to understand how one lawyer could do complete legal for the City; however, he was an outsider. He stated that complete legal advice must be followed and if it could not be done by one person, other resources would be looked into. He stated that he had a strong preference to doing as much work as possible in-house. He felt that matters of local government such as Home Rule, Public Records, and low powered litigation should be done in-house. He added that complex and specialized work such as Florida Retirement System and bankruptcy should be done outside. He said that he would do as much in-house as he could.

6. COMMISSIONER PEERMAN questioned Mr. Pfeffer's opinion of what the most critical liability issues facing agencies like Margate were.

MR. PFEFFER stated that Sovereign immunity was the one good fortune, and that the City was smart with the Florida Retirement System (FRS) without a lot of pension liability. He felt that pension costs were a national problem with the burden on local government. He said that the Police were a potential liability, as well as personnel matters, such as the unusual situation regarding a former Commissioner and attorney fees.

7. COMMISSIONER SIMONE asked Mr. Pfeffer to explain his understanding of the relationship between the City Attorney and the City Commission, as well as between the City Attorney and the City Manager.

MR. PFEFFER explained that it took him time to learn where his legal functions stopped and the City policy started. He clarified that the City Commission makes policy decisions and he now knew where my legal function stopped. He said that his job was to be a creative lawyer and to implement decisions of the majority. He said that he always had a good working relationship with the City Manager, and felt they must work together with their different roles. He stated that it would be a collaborative relationship with respect for turf.

8. VICE MAYOR BRYAN questioned what Mr. Pfeffer's preferred relationship was with department heads, and how he would establish and maintain that relationship.

MR. PFEFFER explained that he was even-tempered and was always respectful of other staff. He stated that even when in disagreement, he was respectful. He did not like when people were condescending. He said that when he gave a final opinion he was not accustomed to having staff debate the legal position. He felt that discussion was good; however, legal positions should be handled as such. He stated that his job was to make

sure that things were done in a legal and ethical manner.

9. COMMISSIONER TALERICO said that as the City Attorney, Mr. Pfeffer would likely be called to make recommendations to the Commission on issues that have strong political implications. He asked that he give an example of a recommendation that he made and to explain how it was handled.

MR. PFEFFER stated that he did not count votes before giving legal advice. He said that fundamentally, he gave the best legal advice, even though it was unpopular. He said that he managed growth issues in Delray Beach, and that all would receive the same information.

10. MAYOR RUZZANO asked Mr. Pfeffer to describe an ethical dilemma he faced in the public sector and how he resolved it. He also asked if Mr. Pfeffer would approach the issue in the same way now.

MR. PFEFFER said that he previously had elected officials ask him for an opinion on a conflict regarding a City matter. He explained that he was always careful by telling them he needed to have all of the facts before he could provide good opinions. He stated that sometimes the elected officials asked questions immediately before the meeting, which he would have to deal with at that time. He stated that normally he would ask for the information ahead of time in writing which provided everyone coverage. He said that when he gave the answer immediately before the meeting, he gave a verbal answer based on missing facts, which was a lesson for him about answering in haste.

11. COMMISSIONER PEERMAN questioned what Mr. Pfeffer felt would be his biggest challenge, based on his understanding of the City Attorney job description.

MR. PFEFFER said that he had to adapt to his Commissioners, rather than the Commissioners having to adapt to him. He noted that he had been reading all the agendas, blogs and news, as well as watching the meetings, and determined that he still had a lot to learn. He stated that he still needed to determine the legal work of the City and to see the workflow interaction before making any recommendations.

12. COMMISSIONER SIMONE asked Mr. Pfeffer to discuss his career aspirations and to tell the Commission why he was interested in the City Attorney position with the City of Margate.

MR. PFEFFER replied that this was what he did and he enjoyed it and wanted to continue. He noted that he lived in Broward County for most of his life and his wife worked for the School Board. He felt that Margate was his backyard. He noted that he liked Delray; however, it was out of limits for a reasonable commute. He stated that he knew Broward issues and felt that this would be his last job.

13. VICE MAYOR BRYAN asked whether there was anything else Mr. Pfeffer would like to add or ask.

MR. PFEFFER felt that it was a good conversation. He stated that he was fortunate to have a good job and a good career; however, he was very selective about what he wanted to do. He said that he applied for the job because it excited him as something he really wanted. He said that he not only sent in his application, but watched the meetings and read the agendas. He stated that he was humbled by the opportunity to work with the City.

COMMISSIONER PEERMAN asked whether Mr. Pfeffer liked to argue.

MR. PFEFFER said he did not; however, he would if he had to. He said that he disagreed with a closed door office, and he would never argue on the dais because it was not his nature.

COMMISSIONER SIMONE asked whether he would back down.

MR. PFERRER said that he would not. He clarified that he had no problem communicating.

The meeting reconvened following a brief recess.

• DAVID JOVE

Following City Commission introductions, the following questions were asked:

1. COMMISSIONER SIMONE asked Mr. Jove to please briefly summarize his background and experience as it related to the position of City Attorney for the City of Margate.

MR. JOVE said that he worked over 10 years in the municipal office in Hallandale Beach as City Attorney and Assistant City Attorney. He said that he dealt with Ethics, Broward County ordinances, Developers, numerous Constitutional issues, Community Redevelopment Agency (CRA) issues. He noted that he worked on the Gulfstream project approvals, which was the Crown Jewel of the City as the City Center. He added that it was a mixed use development and drew a lot of businesses. He noted that he also dealt with insurance issues with regard to Risk Management. He stated that he had been to hundreds of meetings with regard to the Planning and Zoning, CRA and the Commission. He said that he also dealt with Commissioners individually.

2. VICE MAYOR BRYAN asked Mr. Jove to describe his management and leadership style.

MR. JOVE said that his office consisted of a Deputy, Assistant and a Secretary because they were in court a lot. He stated that he was the Leader of his office crew and gave direction and assigned people to Code Enforcement, depositions, resolutions, ordinances and other research. He added that he collaborated with other departments and understood their issues, which he worked to resolve being proactive.

3. COMMISSIONER TALERICO asked Mr. Jove to describe his experience in Land Use Law, Code Enforcement, Utilities, Community Redevelopment Agencies, Sunshine and Open Records Law and Employment Law.

MR. JOVE said that the biggest Land Use project he worked on was the Gulfstream Project that was in four phases and involved the Development of Regional Impact (DRI) because it bordered on Aventura; therefore, Aventura's consent was needed. He stated that there were many Development Review Committee (DRC) meetings and an endless stream of meetings. He noted that it was also a public/private partnership and the CRA contributed to the tax increment towards the success of the project. Mr. Jove explained that there were certain thresholds that the business had to report and when the business went well, and the CRA did not provide the monies. He explained that if it was below the threshold, the CRA would help, which was sort of like Gap financing. He stated that the Community Development District (CDD) was developed, which provided another layer of

bureaucracy that was equivalent of a special taxing district. He noted that he also dealt with variances and signs. Mr. Jove said that he had plenty of dealings with Code Enforcement issues, such as leaving trash out, demolishing structures and appeals to the Code. Mr. Jove explained that the City was full service with regard to utilities. He spoke about the CRA and stated that it took a Village to put the CRA together. Mr. Jove said that Sunshine and Open Records was a big issue. He felt that people needed to be educated, especially on the Civil Service Board. He explained that he was familiar with Public Records requests regarding the Police Department, investigations and community involvement. He said that redactions were needed; however, people wanted records immediately, which was frustrating. He noted that E-records were a pain in the neck. Mr. Jove stated that his involvement with Employment Law included disgruntled persons who thought they were passed over. He said that hearings and trials were involved. He stated that it also involved Human Resources, discrimination, whistle blowers and civil rights. He said that he dealt with promotions, demotions, the American Disabilities Act (ADA) and other contractual employment issues. He also had dealings with insurance pertaining to slip and falls and fender benders.

4. MAYOR RUZZANO asked how Mr. Jove kept abreast of current legal issues facing public agencies.

MR. JOVE replied that he used any resource he could, including the Attorney General (AG), Ethics Commission, Florida League of Cities (FLOC), Seminars and calling colleagues. He noted that another tool was Lexus or Westlaw.

5. COMMISSIONER PEERMAN asked what an ideal City Attorney's office for a City the size of Margate would look like if Mr. Jove could put it together, and which matters would be handled inside versus using outside counsel.

MR. JOVE said that Margate had a City Attorney who does everything and was one person managing everything. He stated that he was used to having his own office, but his ideal office would be to have one assistant to collaborate with and it would help when the he had to be in two places at once.

6. COMMISSIONER SIMONE questioned Mr. Jove's opinion of what the most critical liability issues were facing agencies like Margate.

MR. JOVE stated that the most critical liability situations involved the Police. He felt that another liability pertained to staying out of the hairs of the Ethics Commission, by asking the City Attorney questions prior to any event. He mentioned people registering as Lobbyists, which could be confusing. He added that sanitation could also be an issue.

7. VICE MAYOR BRYAN asked Mr. Jove to explain his understanding of the relationship between the City Attorney and the City Commission, as well as between the City Attorney and the City Manager.

MR. JOVE explained that the City Commission was the City Attorney's employer. He said that each City Commissioner had concerns and the City Attorney should try to help resolve any concerns. He said that the City Manager was in another office, and he ran the show. He stated that there were different schools of thought; however, he said that he would go with the school of thought that indicated that the City Attorney should work with the City Manager. He hoped that he and the City Manager could discuss issues.

8. COMMISSIONER TALERICO questioned what Mr. Jove's preferred relationship was with department heads, and how he would establish and maintain that relationship.

MR. JOVE said that depended on whether the City Manager wanted the City Attorney not to speak with other departments, which would make the job difficult. He stated that if the City Manager did not mind, the City Attorney could collaborate with other departments, which would be great.

9. MAYOR RUZZANO said that as the City Attorney, Mr. Jove would likely be called to make recommendations to the Commission on issues that have strong political implications. He asked that he give an example of a recommendation that he made and explain how it was handled.

MR. JOVE replied that previously Commission terms were two years and then changed to four years, which created a political storm. He said that he also had to deal with term limits. He stated that he did not want to be the lightning rod for political issues.

10. COMMISSIONER PEERMAN asked Mr. Jove to describe an ethical dilemma he faced in the public sector and how he resolved it. She also asked if Mr. Jove would approach the issue in the same way now.

MR. JOVE explained that there was a time when the City Commission wanted to fire the City Manager. He said that the Charter stated that firing the City Manager required two public hearings. He said that his City Manager asked him if he needed to attend the first hearing, and he advised him that he did not need to attend. He said that the City Manager did not attend the first hearing, but did attend the second, which was bad. He felt that his advice was accurate; however, in retrospect, it was possible that he should have told him to attend.

11. COMMISSIONER SIMONE questioned what Mr. Jove felt would be his biggest challenge, based on his understanding of the City Attorney job description.

MR. JOVE said that the biggest challenge would be doing it all alone.

12. VICE MAYOR BRYAN asked Mr. Jove to discuss his career aspirations and to tell the Commission why he was interested in the City Attorney position with the City of Margate.

MR. JOVE said that it would be an honor to work and fill Eugene Steinfeld's shoes. He stated that a City Attorney position did not come around very often. He noted that it was a tough job, but he saw nice things coming down the road with the CRA, and felt that he could do the job. He added that there were a lot of similarities between Margate and Hallandale Beach.

13. COMMISSIONER TALERICO asked whether there was anything else Mr. Jove would like to add or ask.

MR. JOVE stated that it was a pleasure meeting everyone.

COMMISSIONER PEERMAN asked whether Mr. Jove liked to argue.

MR. JOVE said that it depended on who he was arguing with.

MS. NARLOCH said that if adding an agenda item to the Wednesday night meeting, it would need to be posted.

COMMISSIONER PEERMAN pointed out that individual meetings were Monday and

Tuesday and she asked whether it could be done at the second meeting in March. She noted that the Commission wanted to meet with Ms. Narloch again after the individual interviews. She stated that she was not ready for this Wednesday.

CITY MANAGER DOUGLAS E. SMITH asked if the Commission wanted to have a workshop setting meeting next Wednesday at 5:30 PM to discuss the candidates and then follow up later with additional action.

The Commissioners were in agreement with the 5:30 PM Workshop next Wednesday.

CITY ATTORNEY STEINFELD said that action would be paring it down to three candidates.

COMMISSIONER PEERMAN clarified that the suggestion was to put Discussion and Possible Action – City Attorney, on the agenda for this Wednesday, as a generic item.

CITY MANAGER DOUGLAS said that it could be posted generically as a title.

MAYOR RUZZANO asked whether they could take action at the Workshop.

COMMISSIONER PEERMAN said that it could be narrowed down.

CITY ATTORNEY STEINFELD said that was technically action. He stated that if the Commission indicated the top candidates and did not narrow it down, no vote was needed and it could be very informal. He stated that if the Commission decided they did not want to go further with other candidates and narrowed it down to two, a decision was being made.

COMMISSIONER PEERMAN questioned whether that would be done after the individual meetings.

CITY ATTORNEY STIENFELD disagreed and said that they would have to come together as a group to pare down the candidates.

MAYOR RUZZANO clarified that it would be discussed at the Workshop.

COMMISSIONER PEERMAN clarified that it could be discussed at the Workshop and in the Discussion and Possible Action the two or three names the list was being narrowed to would be stated. She agreed with putting it as a Workshop and then putting it on the agenda as Discussion and Possible Action.

CITY MANAGER SMITH stated that the Workshop could begin at 5:30 PM, which all agreed with.

VICE MAYOR BRYAN questioned whether individual meetings were needed with all of the candidates.

MS. NARLOCH said that was the recommendation; however, the meetings could be made shorter.

COMMISSIONER PEERMAN agreed with shortening the meetings, rather than not meeting with them, which she felt would be fairer.

MAYOR RUZZANO questioned whether two meetings were needed to vote on the

applicant to be hired.

CITY ATTORNEY STEINFELD said that it would only be one meeting. He stated that the Commission would authorize him and the City Manager to negotiate a contract with the person, which would have to come back for finalizing.

MAYOR RUZZANO asked whether that would be done before voting.

CITY ATTORNEY STEINFELD explained that the Commission would provide authorization to pick one person that he and the City Manager would negotiate a contract with.

MAYOR RUZZANO asked what would happen if the person turned it down due to salary; however, the City Commission was willing to offer more money.

CITY ATTORNEY STEINFELD said that it would come back before the City Commission who can then direct the City Manager to offer different terms.

MAYOR RUZZANO asked whether the Commission would be part of the negotiation team and felt that they should be.

CITY ATTORNEY STEINFELD said that if the Commission wanted to be part of the negotiation team, they could do so.

VICE MAYOR BRYAN questioned whether the candidates would then negotiate at that time.

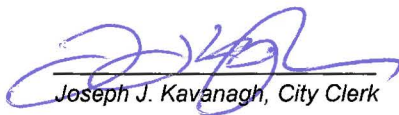
MS. NARLOCH disagreed and felt that the candidates understood the parameters.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:16 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 4/20/16