



City of Margate

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

Meeting Minutes City Commission Workshop

Mayor Anthony N. Caggiano

Vice Mayor Tommy Ruzzano

Commissioners:

Antonio V. Arserio, Arlene R. Schwartz, Joanne Simone

City Manager Samuel A. May

Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.

City Clerk Joseph J. Kavanagh

Wednesday, January 9, 2019

5:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
Interim City Attorney James A. Cherof
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. ID 2018-734 CITY ATTORNEY INTERVIEWS.

S. RENÉE NARLOCH & ASSOCIATES, RENÉE NARLOCH explained that there were two candidates for the City Attorney position and detailed the interview process. She suggested once they had concluded the interviews, they should set aside a time to do a debriefing.

Discussion ensued on the next steps post interview, which included the process for background and reference checks.

CYNTHIA EVERETT explained that she started off her legal career as an Assistant State Attorney for the Miami-Dade County State Attorney's office as a Prosecutor and worked closely with Law Enforcement. She said she worked as an Assistant US Attorney for the Department of Justice for the Southern District of Florida. She said that she transferred from doing criminal to civil defense work where she practiced medical malpractice cases, personal injury, contractual, employment and civil forfeitures and she also had an opportunity to deal with various Law Enforcement agencies. She explained that she then went into private practice where she began as a Local Governor Attorney and for that firm, she worked at a local municipality in Miami-Dade County and was involved in contractual, personnel and Code Enforcement. She said that she was selected as a City Attorney for Opa-Locka and worked there for two years. She said that she also worked as a City Attorney for the Village of Pinecrest and explained that the process was different which resulted in her working as an outside counsel and established her own law firm which she ran for 13 years. She said that in addition, she also represented other municipalities in Miami-Dade County. She explained that she served as a Special Magistrate for Code Enforcement for the Town of Miami Lakes, was a Legal Advisor for the City of Miami's

Civil Service Board, did outside litigation for the City of North Miami, did a workplace investigation for the City of Hallandale Beach and she also worked for other municipalities in Broward County. She advised that she worked as a City Attorney for the City of Fort Lauderdale for almost five years and managed approximately 25 employees which was a combination of both attorneys and support staff. She said that she attended all the Commission and Workshop meetings which included ethics, Sunshine Law and public records matters. She said there was a change in leadership at an election both at the City Attorney's and City Manager level and that she was back in the game and sought another position as a City Attorney. She said that she was ready and willing to serve as Margate's City Attorney and explained that she led by example and that she would not ask anyone to do anything that she was not able to do. She explained that she had worked for large entities, a private firm and had run her own business. She explained that she has a flexible management style and that she has an open door policy. She explained that when she worked for the Village of Pinecrest, Land Use Law and Police Service were the number one issue as they felt that the County was not listening to their concerns in terms of development as there were a lot of battles in that community and provided examples. She also gave examples of her duties at the City of Fort Lauderdale which included the Bahia Mar redevelopment and downtown development. She said that in all the cities she served as a City Attorney, she indicated that Code Enforcement was usually an issue and provided examples. She explained that two of her previous cities have had their own water departments and that she had experience dealing with Florida Power & Light Company (FPL) pertaining to franchise agreements. She advised that when she worked for the City of Fort Lauderdale, she was General Counsel for the Community Redevelopment Agency (CRA). She said that her experience had been consistent throughout her career of dealing with local government for Sunshine and Open Records Law and said that she had participated in seminars for the Commission for their required ethics training. She said that she was board certified by the Florida Bar in Labor Employment Law and had spent approximately half of her career dealing with employment issues and having worked as a City Attorney, she explained that a lot of the issues involved personnel matters. She said that she kept abreast of current legal issues by reading and subscribed to the Daily Business Review and Daily Business Journal and had been involved in various associations. She advised that as a practical matter and in terms of putting together an ideal City Attorney's office, they would need a back-up attorney or substitute counsel when they needed someone to fill in and provided examples but indicated that she would need to do an assessment. She explained that the most critical liability issues were cyber security, having a well trained workforce, infrastructure and provided examples of water and sewer needs. She said that the City Attorney's job was to provide competent legal advice and in terms of the specific relationship with the City Commission, she always took her lead from them in terms of how they want the City Attorney to carry out that function of giving good legal advice. She elaborated on effective communication and explained that with regard to the other chartered officers, she saw the City Manager as the Commission's Executive Director who was there to set out the policy as set by the Commission where she would be helping him in that regard by giving them the support. She said that the City Clerk was the foundation and bedrock of a City and said that she would always want to keep the Clerk happy and find out his requirements. She said that her relationship with other department heads would be the same as chartered officers and that she would encourage the City Manager to allow his staff to be able to contact her office whenever they deemed necessary. She explained her role in reviewing the agreement for The Wave transit line for Fort Lauderdale and her recommendation was not to agree the new agreement and as far as she was aware, the project was scrapped. She said that she could only do her job based on what she thought from her legal background. She said that she could not think of an ethical dilemma as she knew her obligations as a lawyer but was aware of an attorney's ethics hotline. She said that she had never had a situation where she did not

know what to do. She indicated that her biggest challenge was getting to know the City and where everything was. She said that the City Attorney's position fits very neatly with what she was doing at the Village of Pinecrest. She said that she liked the idea that the Commission was all on the same page in terms of their common goals for the City of Margate and why they came into those roles which she said was of importance. She said that she did not have any questions to ask at this time as she was able to ask those during the one-to-one interviews which took place the day before. She said that the Commission had been very transparent sharing information.

MAYOR ANTHONY N. CAGGIANO thanked Ms. Everett for attending the interview.

Meeting went into Recess.

Meeting Reconvened.

MS. NARLOCH introduced the next candidate, Mr. Jeffrey P. Sheffel.

JEFFREY P. SHEFFEL introduced himself and said that it was a pleasure to be here this evening. He said that he graduated from law school in 1986 and started practicing insurance, defense and litigation work and then moved on to commercial litigation. He said that thereafter, he returned to Law School to obtain a Masters of Law (LLM) degree in Real Property Development Law but when he came out of that program, the real estate market was extremely depressed and he had to look for something else. He said that he was hired as a City Assistant Attorney for the City of Hallandale for two years and indicated that he did all the jobs that you could do as an assistant. He also advised of his position as Prosecutor for Code Enforcement matters, reviewed and drafted contracts and counter proposals for contracts and Ordinances. He said that thereafter, he worked as a Senior Assistant City Attorney for the City of Hollywood and after a couple of restructures, he was first made a Deputy City Attorney and then an Acting City Attorney for approximately nine months. He said that he continued to work for the City of Hollywood for four and half years as a Deputy City Attorney and explained the duties which he performed. He said that he was given the opportunity to open an office of a law firm in Broward County doing mostly municipal representation where they obtained the services of the cities of Miramar and Weston respectively. He acted as the Deputy City Attorney for nine years and again described the duties he performed at a supervisory level. He said he did a brief spell for a firm in Boca Raton that represented a Home Owners Association (HOA) and then moved on to the City of Boca Raton as the Deputy City Attorney where he worked for two years. He was then hired as the City Attorney for the City of Hollywood where he worked for nine years which was the highest tenure of any City Attorney in the history of that City since it was incorporated in 1926. He discussed the issues that occurred at the City of Hollywood, and his supervisory duties. He said that he was also the Legal Advisor to Planning and Development at the City of Hollywood and spoke of his experience. He said that he had been doing consulting work since 2017. He explained that his management and leadership style would be if people see the benefit and goal of what was to be achieved. He said that Land Use Law was his core expertise due to his Master degree in Real Property Developer and again spoke of his experience advising the Planning and Developing Board. He advised that he worked on most amendments to the Zoning Code, Land Use and to the CRA plan. He repeated that he was a Municipal Prosecutor at the beginning of his career and said that he had always stayed involved with Code Enforcement which was one of the more contentious roles in government. He explained that the City of Hollywood was a regional wastewater and drinking water provider and spoke of his experience pertaining to Bond issues for utilities and right of way. He stated that the City of Hollywood made the decision that the City Attorney would also act as the Attorney for the CRA which he practiced during his nine

years and suggested that they could contact Jorge Camejo, the CRA Executive Director as a reference. He discussed Sunshine and the Open Records Law and said that as well as ethics, it was in the forefront these days. He said that there was an increase in public records requests due to the information contained on the internet and discussed about extensive requests and assisting the Commission at open meetings. He said that Employment Law was his one weak area when he started as the City Attorney in City of Hollywood as he did not have any experience in his previous positions. He said that as he was a City Attorney, he had to come up to speed and attended Employment Law Continuing Legal Education (CLE) seminars and over time, participated in amending the Union contracts. He said that he kept abreast of current legal issues by doing CLEs, attending conferences and seminars, reading newsletters, conducting research on specific areas and interacting with other City Attorneys in the State of Florida. He believed that all contract agreements, excluding Bond, was the most cost effective and discussed his handling of being the primary draftsman for negotiations in the Hollywood's Margaritaville project. He said that litigation could be very time consuming. He also said that the simple personal injury matters could initially be handled in-house, but would need to see how the other work for the City balanced out. He advised that a City of 60,000 would merit a two attorney office. He said that the most critical liability issues facing cities like Margate and referenced the economic slowdown and discussed the development process that could occur in Margate. He said that a City Attorney works for the body of the City Commission which was their primary responsibility. He referenced question seven and said that the Commission's two primary responsibilities were the policy and to govern how the money was spent by the adoption of a budget and approval of significant contracts. He said that it would then be up to the City Manager to implement those policies with the City Attorney. He said that the City Attorney was there to assist with any legal issues for City employees. He said the City Attorney would also assist the City Clerk in any issues pertaining to public records, notices of the meetings and carrying out the responsibility of public meetings and matters that may arise from the same. He indicated that in his last position, he had an excellent relationship with each one of the Department Directors but if he was approached directly, he would advise the City Manager if it was an issue of significance. Pertaining to question nine, he discussed an issue concerning an application for the expansion of a Charter School which was opposite the City of Hollywood. He advised that there were some political implications as the property was owned by a former congressman. He described the ethical dilemma pertaining to a contractual issue for the elected official which he said he would do the same again. He explained that his biggest challenge would be to bring trust back to the City Attorney's office. He said that his career aspirations were to get another job in local government as an in-house City Attorney. He asked when would they make a decision on the hiring of the new City Attorney.

MAYOR CAGGIANO said that they would be discussing the position after his meeting. He thanked Mr. Sheffel for attending the meeting.

Meeting went into Recess.

Meeting Reconvened.

MAYOR CAGGIANO questioned the Commission if either of the applicants qualified for what the City were looking for.

COMMISSIONER JOANNE SIMONE said yes.

COMMISSIONER ANTONIO V. ARSERIO said that they were both qualified and he had a preferred candidate.

COMMISSIONER ARLENE R. SCHWARTZ said yes.

VICE MAYOR TOMMY RUZZANO said that they were both qualified and that Renée did a great job. He said that the Commission asked more questions during the one-to-one sessions. He also referenced that they were evaluated by their previous employers.

MS. NARLOCH asked the Commission to give an overview on their thoughts on the candidates in terms of strengths and weaknesses and detail any areas of concern or reasons.

VICE MAYOR RUZZANO explained that they were both great and felt that one candidate stood out due to their extensive Land Use experience.

COMMISSIONER ARSERIO said that both candidates were qualified and that they could do the job but Mr. Sheffel stood out and he would be comfortable with that hire. He also advised that making a final decision at the meeting may not be appropriate although he understood that employing a City Attorney was a long process. He asked if there were any other potential candidates.

MAYOR CAGGIANO said that both candidates were phenomenal and said Mr. Sheffel was his choice.

COMMISSIONER SIMONE said that they were both very good choices but said that she was wavering as one of the candidates did better on the one-on-ones and the other candidate performed better at this evening's meeting. She said that she would have more questions to ask each of them and said that she was not ready to make a recommendation.

Discussion ensued.

COMMISSIONER SCHWARTZ said that both had lovely resumes, but one stood out and was comfortable speaking about the same. She said that the other candidate had a laid back demeanor but said that they would be well served with either one of them. She said that the Land Use was an important aspect and said that she was torn between both of them.

Discussion ensued on the interview process, background checks and the next steps.

MAYOR CAGGIANO polled the Commission for their preferred candidate.

COMMISSIONER SIMONE said that she could not tell.

COMMISSIONER ARSERIO advised that at this time, he would have to go with Mr. Sheffel.

COMMISSIONER SCHWARTZ said that based on the Land Use, she would say Mr. Sheffel.

VICE MAYOR RUZZANO said that he spoke to Mr. Sheffel's prior boss and staff at County Broward who had reassurances that they were both great people. He said that Mr. Sheffel had the Land Use experience and would be a good fit for the City of Margate.

MAYOR CAGGIANO said that he agreed on Mr. Sheffel and asked Ms. Narloch to go

ahead with her process.

MS. NARLOCH said that once she had completed the process, she would report back to the Commission and provide updates. She explained about an offer letter to Mr. Sheffel if everything cleared and asked who she should work with for negotiations.

COMMISSIONER SCHWARTZ said that she was happy to continue doing it. She confirmed that one of them would pass a copy of the information to Mayor Caggiano.

MAYOR CAGGIANO asked if anyone objected to Commissioner Schwartz moving forward.

Discussion ensued on further communication.

INTERIM CITY ATTORNEY JAMES A. CHEROF explained that the Commission could not speak directly to each other and advised that they should discuss the process at a future public meeting.

Discussion ensued on the terms of negotiation with Commissioner Schwartz.

COMMISSIONER SIMONE explained that during her to one-to-one with Mr. Sheffel, he would negotiate the monetary value of the City's health insurance.

Discussion ensued on benefits, drafting a contract and a City Attorney update at the next City Commission meeting.

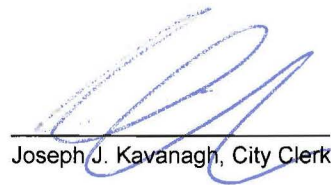
MAYOR CAGGIANO thanked everyone for attending and listening to the City Attorney interviews.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:01pm.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 2/12/19

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.

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?