



**ISLAMORADA, VILLAGE OF ISLANDS
VILLAGE COUNCIL WORKSHOP**

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

**February 08, 2013
at 10:00 AM**

I. CALL TO ORDER\ROLL CALL

Mayor Ken Philipson called the meeting to order at 10:01 a.m. Village Clerk Ariana Lawson called the roll. The following Council members were present on roll call: Mayor Philipson, Vice Mayor Ted Blackburn, Councilman Mike Forster, Councilwoman Deb Gillis, and Councilman Dave Purdo. Also in attendance were Village Manager Ed Koconis, Village Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, Finance Director Maria Aguilar and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Mr. Bob Johnson led the pledge of allegiance.

III. PRESENTATIONS

A. Discussion Regarding Village Attorney/Legal Services

IV. PUBLIC COMMENT

Mayor Philipson opened up public comment. Ronald Levy, Islamorada, spoke in support of Weiss Serota Helfman Cole Pastoriza & Boniske, P.L. (Weiss Serota), stressing the institutional knowledge they possess as the Village's legal firm for the past sixteen years, the reasonable annual fee charged for legal services, and the absence of local conflicts of interest posed by the firm. Bob Johnson, Islamorada, also emphasized the value of Weiss Serota's institutional knowledge and cited his own experiences with the firm as former Mayor. Mr. Johnson encouraged Council to take the appropriate steps to vet potential replacement firms should the Council decide to terminate the current legal services agreement.

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V. COUNCIL DISCUSSION

Councilman Forster opened the discussion, opining that the annual amount spent on litigation over the past five years has been unacceptable. Councilman Forster proposed hiring an in-house attorney that would be stationed at Village Hall and hiring outside firms to handle litigation. He stated that Weiss Serota could be retained as the Village's litigation attorney.

Vice Mayor Blackburn suggested considering legal services philosophically, in terms of what is best for the Village. He also suggested considering Council's goals for the future and how to best accomplish those goals. He suggested holding a series of workshops to define the Village's needs and determine RFQ criteria for attorney services. Councilwoman Gillis concurred.

Councilman Purdo presented and compared median average in-house attorney costs that he compiled to the Village's current legal expenditures. Councilman Purdo expressed the importance of loyalty, availability and responsiveness as Village Attorney qualities. He also stated the desire to make the Village Attorney available to the public.

Mayor Philipson requested Village Attorney Nina Boniske provide a summary of the services Weiss Serota provides, as well as a synopsis of what the Village's current legal needs are. In response to Councilman Purdo, Ms. Boniske clarified that it would be a conflict of interest for the Village Attorney to provide services to resident constituents as well. She cited her previous experience as a municipal and county in-house attorney and noted that the Village currently has six other legal firms on retainer for various specific issues: Nabors, Giblin & Nickerson, P.L. for bond validation; Government Services Group for assessments counsel; Bryant, Miller & Olive for bond counsel; Greenberg Traurig for wastewater program counsel; Campbell & Malafy to handle Deepwater Horizon oil spill claims; and the Florida League of Cities to handle liability defense, constitutional cases and worker's compensation claims. Ms. Boniske noted that the Village chose not to hire another firm to draft the DBOF Request for Qualifications (RFQ) and Request for Proposals (RFP), a process that incurred significant cost to the Village as a result of three major product changes by three different Village Councils. With regard to certifications, Ms. Boniske advised Council that the Village's Weiss Serota attorneys are specifically certified in local government law with expertise in planning and utilities law. She stated that the Village's flat legal services fee of \$20,000 per month does not include utilities, litigation, Plantation Yacht Harbor Marina and special projects. Ms. Boniske noted that regular and specialized land use law in Monroe County also requires knowledge of ROGO, BPAS, and Area of Critical State Concern restrictions. She also noted Weiss Serota's involvement with recent amendments to the Village's purchasing policy, as well as state and federal lobbying efforts.

Councilman Forster praised Weiss Serota for their efforts to date, but stated that any competent legal firm should be able to provide satisfactory legal counsel to the Village, at potentially lower cost. He noted that the City of Key West utilizes an in-house attorney.

Councilman Purdo inquired what advice Weiss Serota gave former Village Manager Kenneth Fields regarding settlement of the WPC case litigations. Ms. Boniske stated that decisions on how to proceed in each case were made by the Council following discussions each Council member had with the Village Attorney in closed executive sessions. Discussion ensued regarding settlement of the various WPC litigation cases. Councilman Purdo stated that he felt that an in-

house attorney would reduce turnaround time, foster stronger loyalty, encourage fewer recommendations for litigation.

Councilwoman Gillis stated that she has not experienced problems soliciting responses from Weiss Serota. She requested Council schedule another workshop to better define the Village's goals with regard to legal services.

Councilman Forster read list of objectives suggested to him by a local constituent. Vice Mayor Blackburn stated that the list may be too specific for what Council is trying to accomplish now.

Mayor Philipson opened up public comment; there was none.

The Council agreed that Councilwoman Gillis would be designated to work on identifying the needs of the Village with regard to legal representation. The expectation was that Councilwoman Gillis would speak with Village staff to determine legal services needed to facilitate daily operations. Councilwoman Gillis would use this information to compile a list of RFP criteria for staff use in structuring a bid solicitation for an in-house attorney. The Council agreed that council members should e-mail their own suggested criteria to the Village Clerk for dissemination to each of the other Council members.

VI. ADJOURNMENT

A motion to adjourn was made by Councilman Purdo and seconded by Councilman Forster. The meeting adjourned at 11:53 p.m.


Ariana S. Lawson
Village Clerk

Approved by the Village Council this 14th day of March, 2013.