



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

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

**June 04, 2013
at 3:00 PM**

I. CALL TO ORDER\ROLL CALL

Mayor Ken Philipson called the meeting to order at 3:00 p.m.

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, Lillian Arango and James White, Village Clerk Ariana Lawson, Finance Director Maria Aguilar and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

Monroe County Sheriff's Office Captain Corey Bryan led the pledge of allegiance.

III. PRESENTATIONS

A. Discussion Regarding Village Attorney/Legal Services – Councilwoman Deb Gillis **TAB 1**

Village Clerk Ariana Lawson distributed a revised schedule to replace the Tab 1, page 4, summary of Village Attorney expenses by type annually for fiscal year 2008-2009 to the present.

Councilwoman Gillis summarized the history of the office of the Village Attorney and detailed the current setup and costs of the office, comparing the setup and costs to those of Key West and Monroe County. Councilwoman Gillis also discussed the types of services provided by Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. (Weiss Serota), as well as those outsourced to other legal firms, and compared the current cost of these services to those that might be incurred utilizing an in-house attorney. She presented a potential list of qualifications for an in-house attorney. Councilwoman Gillis also discussed aspects of an in-house attorney that the Council would need to consider regarding work schedule, chartered versus regular employee status, whether the attorney hired would be allowed to maintain concurrent private practice and, if so, whether the attorney would be allowed to utilize the Village office to conduct private practice.

IV. PUBLIC COMMENT

Mayor Philipson called for public comment. Mayor Emeritus Ron Levy expressed gratitude to Weiss Serota for their services provided to date. Mr. Levy suggested Council consider the firm's work ethic, and that any solicitation for an in-house attorney prohibit respondents from having any private land-use or private practice legal service interests. Mr. Levy inquired whether the Village Manager desires a change in the Village Attorney. Mayor Philipson closed public comment.

V. COUNCIL DISCUSSION

Councilman Forster expressed the need for an in-house attorney who could engage in preventative work, suggesting that now, with the lowest number of litigation cases in years, is the time for the Village to look for a new legal firm.

Councilman Purdo reviewed the expenses paid to Weiss Serota over the past several years and summarized conversations he had with officials from the Miami Lakes, Marathon, and Homestead municipalities who all utilize Weiss Serota's services. He also expressed the desire for greater availability and predictability of legal expenses and opined that the Village should be able to employ an Attorney, Paralegal, and Legal Secretary for approximately \$250,000 annually. He expressed the desire for an in-house attorney whose loyalty would be to the Village rather than a law firm.

Vice Mayor Blackburn commended Weiss Serota for their efforts on behalf of the Village but noted that the Village has matured as a local government and that the next evolutionary step may be to hire an in-house attorney.

Councilwoman Gillis expressed the desire to continue utilizing Weiss Serota as the Village Attorney, citing the firm's institutional knowledge, wide array of specialties and legislative influence.

Mayor Philipson stated his regard for current Weiss Serota attorneys Nina Boniske, Lily Arango and James White, but stated that he is in favor of a change. He agreed with Councilman Purdo that an in-house legal team could be established within the Village's current \$250,000 annual budget for general legal services. He suggested utilizing the Florida League of Cities rather than a local selection committee, and retaining Weiss Serota through October 1, 2013 to assist in the selected firm's transition.

Councilman Forster stated that he would like to retain Weiss Serota's services for utility work and current litigation, with an amended hourly rate.

Councilwoman Gillis requested Nina Boniske speak on behalf of Weiss Serota. Ms. Boniske stated that change is inevitable but opined that the in-house position would be more than one individual as Village Attorney can handle. She advised Council that she has acted as an in-house attorney for both city and county governments and suggested the Village take advantage of such by including Weiss Serota in the in-house attorney selection process and as special legal assistance following the transition. She stressed the Village's need for special expertise in land use law, either in the background of the selected in-house attorney or via outsourced assistance to supplement an in-house attorney. Ms. Boniske expressed the importance of listening to staff's needs and concerns regarding the new attorney's capabilities and the transition process. She also stressed the immense learning curve in transitioning from civil to municipal law.

Councilman Purdo agreed with Councilman Forster that the Village should retain Weiss Serota to handle existing and potentially future litigation.

Vice Mayor Blackburn expressed optimism regarding the employment of a highly qualified in-house attorney, noting that the Village could always retain Weiss Serota again in the future if need be.

Mayor Philipson called for public comment.

Dave Boerner noted that Ad Hoc Planning and Development Services Citizens' Advisory Committee recommendations regarding Land Development Regulations and upcoming Requests for Proposals require significant legal work that should be done by the Village Attorney and not staff. Mr. Boerner opined that utilizing a single attorney to cover all areas of law would ultimately increase expenses while decreasing the quality of service.

Ron Levy stated that no attorney would accept an in-house position as a chartered employee serving at the will of the Council. Mr. Levy stated that there have been several instances where the Village Council rejected staff's advice, resulting in lawsuits.

Councilman Forster thanked Dave Boerner and Ron Levy for their public comment, but expressed disappointment at the overall low public attendance at the Workshop.

Councilwoman Gillis suggested that the trend toward decreasing legal fees over the past several years is reflective of a large number of Requests for Proposals and contracts that the Village had to advertise and/or enter into upon incorporation, and that number declined in the following years as the Village became more established.

Vice Mayor Blackburn stated that it was his hope that the Village Manager had begun considering how best to handle a transition period that would accompany a switch from a contracted legal firm to an in-house attorney.

VI. ADJOURNMENT

Councilman Purdo offered a motion to adjourn; Councilman Forster seconded the motion. Council voted all in favor. The meeting adjourned at 4:55 pm.


Ariana S. Lawson
Village Clerk

Approved by the Village Council this 27th day of June, 2013.

*Minutes of
Village Council Workshop
June 4, 2013*