

Minutes of the Special Meeting of the City Commission of the City of Auburndale held August 24, 2020 at 11:00 a.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Jack Myers. Also present were: Assistant City Manager Jeff Tillman and Deputy Police Chief Carin Ketchum.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with a salute to the flag.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Mayor Tim Pospichal said I hereby call a Special Meeting of the City Commission of the City of Auburndale for Monday, August 24, 2020 to consider the following item:

1. SELECTION OF CANDIDATES TO INTERVIEW FOR CITY ATTORNEY POSITION

Assistant City Manager Jeff Tillman said a Request for Proposals for the City Attorney position was advertised in local media, on the Florida League of Cities online job board, on the Florida Bar Association online job board and the City's website. All written proposals were due in the City Manager's Office at 12:00p.m., Tuesday, August 18, 2020. The City received the following three proposals: Boswell & Dunlap LLP of Bartow, Florida submitted a retainer fee proposal of \$81,000.00 annually, an attorney rate fee of \$170.00 per hour, and a paralegal rate of \$95.00 per hour; Shepard, Smith, Kohlmyer & Hand, P.A. of Maitland, Florida did not propose a retainer fee, submitted an attorney rate of \$175.00 per hour, and did not propose a paralegal fee; the Vose Law Firm LLP of Winter Park, Florida submitted a retainer fee of \$84,000.00 annually, an attorney rate of \$150.00 per hour, and a paralegal rate of \$85.00 per hour. The City also received two standalone resumes for the City Attorney position without a written proposal. Staff forwarded the following candidates the Request for Proposals packet requesting written proposals that were not received. They were from John Gautier Koeppel of Tallahassee, Florida and Timothy D. Lucero, J.D. of Winter Garden, Florida. The proposed FY 20/21 Budget allocates \$87,700 for Retainer Fee/Legal Services and \$10,000 for Extra Legal Services. To note also for the meeting, you had previously as a part of the process selected that you would interview three, no more than four, candidates. That was as a maximum with our interview process starting at 7:00 p.m., so that if we got six or eight proposals that we wouldn't be running too late into the evening. The purpose of today's meeting is to, out of the three proposals that you have received, to select if you want to interview three, two, one, or none of the candidates. It is really the Commission's pleasure and staff would be here to help assist throughout the process.

Mayor Tim Pospichal asked Mr. Tillman when would the interviews be?

Assistant City Manager Jeff Tillman said that would be next Monday at 7:00 p.m. on August 31st. It would actually start at 6:30 p.m. with interviews to be conducted starting at 7:00 p.m.

Mayor Tim Pospichal said ok, thank you. Well everybody we have been copied on our proposals. What is everybody's thoughts?

Commissioner Richard Hamann said Mr. Mayor I will start off. First of all, I feel all three are very capable firms. They are equitable as far as the fees are concerned. To start off with I would give the local consideration of Boswell & Dunlap law firm the first interview process. We could interview them first and if nothing can be arranged through them, then go to the second and the final third one could be decided later. Like Commissioner Myers said earlier we are in no hurry. We can do this process. I would just like to start off with that to start with and go from there.

Commissioner Keith Cowie said I am in agreement with Commissioner Hamann. I have reviewed all of the proposals and I agree with his analysis as well that all three would be qualified law firms to handle the City's

business. Being that Boswell is here in Bartow, I would like to see us interview them first on Monday. If we cannot come to an agreement with them then we could look at other candidates from that point.

Commissioner Jack Myers said I have been through the process at the County in hiring a County Manager. Been through the process back when we hired Pat. Pat was local then and we did not only interview him, but we interviewed others. With the direction of the board, I feel like we thought we were going to interview a minimum of three to begin with. We have got three qualified people here. I think we would be doing a disservice if we did not interview all three of them. It is just a little bit of time. I do not feel like it hurts. I will tell you when I interviewed for the County Manager's position, and the County Attorney's position, I was a little prejudice going in as to who I thought I wanted to see as the County Manager. When I got in the interview process the candidate that we ultimately hired blew our socks off. I just think that we would be doing a disservice to ourselves if we did not interview the three like we set out to do in the beginning. It is just time and my time is precious as well. I just feel like we should take the time to interview the three like we started off to do. You just never know what is going to happen in the interim.

Commissioner Dorothea Taylor Bogert said I agree that they are all incredibly qualified candidates. I was a little concerned with the Shepard/Smith not giving a retainer fee or a set maximum amount for budgetary purposes. I do not know how that would effect, if that was something in the process that they would do. This is new to me from this perspective. I agree with Jack in that I think we need to at least at a minimum interview the Boswell and the Vose Law Firm because I think it would be a disservice not to interview at least two to three like we agreed to do. Especially with all of these that are qualified and make a determination from that point. I do know necessarily about Shepard/Smith unless they can give us a flat retainer fee. My brother is an attorney so I know how things get. It can stack up quickly.

Mayor Tim Pospichal said you know we initially talked about if we had six or more applications that we would look at looking into more than two or three, but since we got three I do not know if we really need to look at all three. Definitely I do not see a problem with looking at two. As Mr. Cowie suggested, on the 31st we interview Boswell and see how well that one goes and see if we have to call.

Commissioner Dorothea Taylor Bogert said I would like to do both. At least two. I would like to do Boswell and the Vose Law Firm.

Commissioner Jack Myers asked who are you guys with?

Gretchen Vose, Vose Law Firm, Winter Park said Vose Law Firm.

Commissioner Dorothea Taylor Bogert said I did not know that.

Commissioner Jack Myers said I thought so, but just better to make sure.

Commissioner Dorothea Taylor Bogert said because they have given their full proposal and I think we should do just service. That is two. I feel like that gives us for our citizenry at least a due diligence perspective. I know when Jeff and I spoke earlier about these and the other ones that sent their resumes. They did not put in their full proposal so they are not considered, but these took the time. A very qualified three that put in the proposal. I do not really mind interviewing the third one. I would just like, if we do that, in the process of doing that that they give us a maximum for our budgetary purposes.

Mayor Tim Pospichal said they made that choice on the front end that they were not going to do it.

Commissioner Dorothea Taylor Bogert said I am fine with disqualifying them all together because we do not have that fee.

Commissioner Jack Myers said does that mean that they are not going to charge a retainer fee?

Assistant City Manager Jeff Tillman said the proposal stated it was a \$175.00 hourly rate. If that is something the Commissioner would want to request of them you may be able to do that.

Commissioner Dorothea Taylor Bogert said and have them travel from outside. It was very vague.

Commissioner Jack Myers said I will be honest with you. I was partying this weekend at a wedding and I did not get a chance to review.

Mayor Tim Pospichal said I think that what they sent us is what they feel. I do not think we need to go back.

Commissioner Dorothea Taylor Bogert said I agree.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Jack Myers, to interview Boswell & Dunlap and Vose Law Firm as the two potential candidates for the position of City Attorney.

Commissioner Keith Cowie said I am fine with interviewing both law firms. I do not have an issue with that.

Commissioner Richard Hamann said me neither. I was on the Commission when the Vose Law Group was here before and applied for the last attorney position.

Upon vote, all ayes.

Assistant City Manager Jeff Tillman said I had sent an initial letter out to all of the candidates who we had received proposals from that we would follow up with them following this meeting. I will coordinate setting up interview times with the two candidates that were selected for interviews.

Mayor Tim Pospichal asked we are going to try and get them both in at that 6:30 p.m. slot before 7:00 p.m.?

Assistant City Manager Jeff Tillman said interviews would start at 7:00 p.m. and at 6:30 p.m. we would start out by how the interviews are going to be conducted. Talk about questions and how you would like to as a Commission move forward with the interview process. We would do that at 6:30 p.m. and then plan to start interviews at 7:00 p.m. I will set those up and coordinate those as well.

Meeting adjourned at 11:11 a.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

Jeff Tillman, Assistant City Manager

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Upon vote, all ayes.

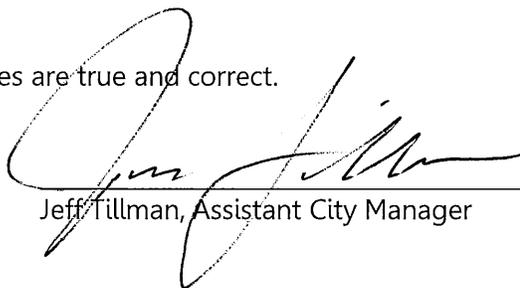
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