

Palmetto City Commission
Special Meeting
May 23, 2005 5:30 PM

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff and others present:

Jim Free, City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 5:30 PM.

A moment of silence was observed for the recent Armed Forces Day and families with military personnel serving overseas, followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve the May 23, 2005 agenda and suspend Robert's Rules of Order.

2. DISCUSSION OF IN-HOUSE ATTORNEY AND OTHER PERSONNEL ITEMS

Mayor Bustle explained the special meeting was called because Attorney Hall has to make a decision about employment as the City's in-house attorney. Mayor Bustle narrated a power point presentation to review current legal expenses and explore options for contract vs. legal in-house counsel.

Mayor Bustle reviewed his estimated annual expenses associated with Ms. Hall's employment as follows:

Salary	\$120,000
Administrative Asst. (shared)	\$ 17,500
Benefits	\$ 36,000
Legal database	\$ 12,000
Operating supplies	\$ 6,000
Outside counsel expenses	<u>\$100,000</u>
Total Estimated Costs	\$291,500

Mayor Bustle stated Ms. Hall requested the salary and an appointment for the duration of the current mayor's term.

During 2004 the City expended \$307,633 for legal services. For the first quarter of 2005, \$73,248 has been expended. Mayor Bustle reviewed the advantages and disadvantages of a contract attorney vs. an in-house attorney. He referred to a city survey by populations. Mayor Bustle also reviewed a cost comparison that projected an in-house attorney costing \$295,000 vs. a contract attorney at \$300,000.

The following questions were raised during the Commission's discussion:

- **Shared administrative assistant:** How would the City arrive at a ½ position or would a new position be created? If so, would the position be a paralegal at a higher salary?
- **Office space:** Will the position be housed in City Hall?
- **Appointment:** Does the City have to advertise or can the Mayor appoint as a department head? Why would the City not post the position so comparative information could be obtained regarding salary and benefits?
- **Insurance:** Does the City's insurance provide liability insurance for the position such as a private firm provides?
- **Annual pay increase:** Will the position receive an annual increase like other staff members or will the salary be constant through the proposed term?
- **Classes and seminars:** Does the City know what classes or seminars Attorney Hall plans to attend and what the costs will be?
- **Florida League of Cities:** Will the City reduce outside legal fees if an in-house attorney is able to more efficiently utilize FLOC services?
- **Dye, Deitrich:** In the event Attorney Hall does begin employment with the City, can the City negotiate with the firm to retain lower fees for issues outside her realm of expertise?

Mrs. Lancaster questioned why Attorney Hall was being allowed to propose a salary when every other department head was hired at the salary the City decided. Mrs. Lancaster departed the meeting at 6:15 PM.

Ms. Varnadore supported further exploring the appointment of Attorney Hall as the City's in-house attorney, stating she believes the City can realize substantial savings on legal fees. She discussed the advantage of having an attorney that is working exclusively for the City; Attorney Hall is well versed on the City's current issues and has developed relationships with staff.

Mr. Williams stated he was in favor of further exploring the placement of Attorney Hall as a City employee, but questioned the urgency in making the decision. Ms. Cornwell questioned why a special meeting was called for an item ranked so low on the suspense log. Mayor Bustle explained Attorney Hall had to make a decision because of a possible partnership with her firm, which will mean she will have to devote a considerable amount of her time to outside clients; City questions would probably be assigned to an associate at a lower billable rate. Mayor Bustle also stated his belief the firm will ask for an increase in the hourly rate they currently charge the City when their appointment ends in January 2006.

Ms. Cornwell was of the opinion the City should post the position because the City does not know what is an appropriate salary or what is available. She stated she was uncomfortable making a decision based on the limited information.

Mr. Ball confirmed with Mayor Bustle and Mr. Free that the last increase in legal fees was three years ago. He stated it appears the expenses are close, but going with an in-house attorney is still a big leap for the City. Mr. Ball asked the insurance issue be researched. He stated his willingness to further explore the topic.

3. MAYOR'S COMMENTS

Mayor Bustle informed the Commission Public Works is actively interviewing candidates for the planner's position and the Police Department is getting ready to begin interviews for the captain's position. He reported a replacement has not been found for the city clerk's position, but continues to consider applicant Jim Freeman.

Mayor Bustle displayed a proposed organizational chart depicting Code Enforcement relocated under the supervision of Risk Management. Other changes were IT and the attorney reporting to the mayor's office. Mayor Bustle confirmed it can be a matter of policy to continue Commission's contact with the attorney. Mr. Ball suggested the City should take this opportunity to adjust Mr. Free's job description, maybe assigning a different description and title.

4. COMMISSIONER'S COMMENTS

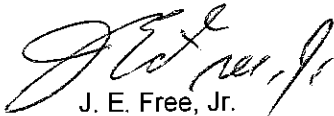
Mr. Williams advised the Commission the Fair Board has not communicated with the School Board regarding the fairground property.

Mr. Williams questioned the letter from the School Board regarding a strategic plan. Mayor Bustle explained the School Board had solicited community volunteers to help develop the plan, which will be distributed to the Commission.

Commission briefly commented on the Rex Hannaford issue. Mayor Bustle stated his belief the City will prevail.

Meeting adjourned at 7:55 PM.

Minutes approved: June 6, 2005


J. E. Free, Jr.
City Clerk