

Regular Workshop – January 22, 2013
Agenda Item 7

Agenda Item: Discussion Regarding Selection Process for Town Attorney

Presenter: Town Manager

Summary: At the December 2, 2013 Regular Meeting Town Attorney David Persson announced his resignation as Town Attorney effective no later than June 2013. The Town Manager will outline a proposed selection process for hiring a Town Attorney and seek Commission direction.

Attachments: 1-16-13 Memo, Manager to Commission.

Recommended Action: Pending discussion, provide direction to Manager.

MEMORANDUM

Date: January 16, 2013

TO: Town Commission
FROM: Dave Bullock, Town Manager
SUBJECT: Discussion Regarding Selection Process for Town Attorney

The Town Attorney announced his resignation effective no later than June 2013. If we count back from June and assume the process of selecting a new Town Attorney will take three months and we assume at least a month overlap we should begin the process in February. There are several methods communities use to select attorneys.

Article VI of the Town Charter addresses Town Attorney selection and duties:

Section 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar and have a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

Section 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and compensation of such appointees shall be made with the advice and consent of the town commission.

Section 3. Duties.

The town attorney shall:

- (a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;*
- (b) Prepare and review all proposed ordinances and resolutions of the town;*
- (c) Approve as to form and legal correctness all written contracts entered into by the town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;*
- (d) Prosecute and defend all legal actions wherein the town is a party in interest;*
- (e) Perform such other legal services as requested by the town commission or town manager.*

The first policy decision to be addressed is whether the Commission desires an in-house attorney or a contract attorney. The Town has used contract attorney services for many years. A recent survey by the Florida League of Cities of over 400 cities produced the following data on the number of cities using in-house vs contract attorneys:

In-house attorney 55
Contract attorney 347

The 55 Florida cities with in-house attorneys have populations ranging from 834 to 821,485. The average population of cities with in-house attorneys is 86,412. 40 of the 55 cities with in-house attorneys have populations over 20,000. A complete listing of the cities surveyed is attached. The Commission should address this issue before considering the process for selecting an attorney.

Once a decision is made on in-house vs contract services a process to secure those services can be determined. That process for both types of services includes some type of public advertising. The in-house option would involve advertising for an employee, a job description, salary range, and other normal employee information. There are options as to how to vet the candidates and create a short list for consideration by the Commission. Some communities have used search firms or committees to develop short lists and help with the selection process.

The process for securing a contract attorney can take a variety of forms. The most common approach is for the Town to develop and issue a Request for Proposals (RFP), following the Towns procurement practices. Recent RFPs for attorney services from other cities provide good guidance in developing such a document for the Town. Some communities have used staff and or public committees to vet the candidate firms for short listing for Commission consideration. Both the Town Procurement Code and State law allow wide latitude in the process to secure legal services.

I can review the various common methods with the Commission and will request Commission discussion on the preferred approach. Once an approach is decided upon staff is prepared to assist with that process to the extent desired by the Commission.

Contract vs In-House Attorney

Florida League of Cities surveyed 410 cities – 402 responded.

The breakdown of Contract vs. In-House Attorney was 347 Contract / 55 In-House.
86,412 was the average population of those municipalities with in-house attorney.
40 cities with population over 20,000.

Cities with In-House Attorney / Population are illustrated below followed by a complete listing of respondent cities with Attorney type

<u>City</u>	<u>Population</u>
Belleair Beach	1,563
Biscayne Park	3,072
Boca Raton	84,652
Bonita Springs	44,301
Bradenton	49,688
Cape Coral	156,340
Clearwater	107,805
Coral Gables	47,031
Coral Springs	121,651
Crescent City	1,524
Dade City	6,485
Dania Beach	29,596
Daytona Beach	60,978
Delray Beach	60,831
Fernandina Beach	11,464
Ft. Lauderdale	165,912
Ft Myers	63,586
Hallandale Beach	37,229
Hialeah	226,545
Hollywood	140,930
Indialantic	2,731
Jacksonville	821,485
Key West	24,621
Kissimmee	60,182
Lake Worth	34,901
Lakeland	97,690
Medley	834
Melbourne	76,354
Melbourne Beach	3,105
Miami	404,142
Miami Beach	88,349
Miami Gardens	107,091
Neptune Beach	7,046
New Smyrna Beach	22,668

North Miami	58,806
North Miami Beach	41,680
Ormond Beach	38,372
Plant City	34,746
Pompano Beach	100,073
Port St. Lucie	166,035
Riviera Beach	32,535
Sanibel	6,470
St. Augustine	13,053
St. Petersburg	245,871
Stuart	15,613
Sunny Isles Beach	21,007
Sunrise	84,375
Surfside	5,749
Sweetwater	19,963
Tallahassee	180,954
Tampa	336,723
Titusville	43,823
Vero Beach	15,256
West Melbourne	18,712
West Palm Beach	100,482

MUNICIPALITY

ATTY TYPE

Alachua	Contract
Alford	Contract
Altamonte Springs	Contract
Altha	Contract
Anna Maria	Contract
Apalachicola	Contract
Apopka	Contract
Arcadia	Contract
Archer	Contract
Astatula	Contract
Atlantic Beach	Contract
Atlantis	Contract
Auburndale	Contract
Aventura	Contract
Avon Park	Contract
Bal Harbour	Contract
Baldwin	Contract
Bartow	Contract
Bascom	
Bay Harbor Islands	Contract
Bay Lake	Contract
Bell	Contract
Belle Glade	Contract
Belle Isle	Contract
Belleair	Contract
Belleair Beach	In-House
Belleair Bluffs	Contract
Belleair Shore	Contract

Belleview	Contract
Beverly Beach	Contract
Biscayne Park	In-House
Blountstown	Contract
Boca Raton	In-House
Bonifay	Contract
Bonita Springs	In-House
Bowling Green	Contract
Boynton Beach	Contract
Bradenton	In-House
Bradenton Beach	Contract
Branford	Contract
Briny Breezes	Contract
Bristol	Contract
Bronson	Contract
Brooker	Contract
Brooksville	Contract
Bunnell	Contract
Bushnell	Contract
Callahan	Contract
Callaway	Contract
Campbellton	Contract
Cape Canaveral	Contract
Cape Coral	In-House
Carrabelle	Contract
Caryville	Contract
Casselberry	Contract
Cedar Key	Contract
Center Hill	Contract
Century	Contract
Chattahoochee	Contract
Chiefland	Contract
Chipley	Contract
Cinco Bayou	Contract
Clearwater	In-House
Clermont	Contract
Clewiston	Contract
Cloud Lake	Contract
Cocoa	Contract
Cocoa Beach	Contract
Coconut Creek	Contract
Coleman	Contract
Cooper City	Contract
Coral Gables	In-House
Coral Springs	In-House
Cottondale	Contract
Crescent City	In-House
Crestview	
Cross City	Contract
Crystal River	Contract
Cutler Bay	Contract
Dade City	In-House
Dania Beach	In-House
Davenport	Contract
Davie	Contract
Daytona Beach	In-House
Daytona Beach Shores	Contract
DeBary	Contract
Deerfield Beach	Contract
DeFuniak Springs	Contract
DeLand	Contract
Delray Beach	In-House

Deltona	Contract
Destin	Contract
Doral	Contract
Dundee	Contract
Dunedin	Contract
Dunnellon	Contract
Eagle Lake	Contract
Eatonville	Contract
Ebro	Contract
Edgewater	Contract
Edgewood	Contract
El Portal	Contract
Esto	Contract
Eustis	Contract
Everglades City	Contract
Fanning Springs	Contract
Fellsmere	Contract
Fernandina Beach	In-House
Flagler Beach	Contract
Florida City	Contract
Fort Lauderdale	In-House
Fort Meade	Contract
Fort Myers	In-House
Fort Myers Beach	Contract
Fort Pierce	Contract
Fort Walton Beach	Contract
Fort White	Contract
Freeport	Contract
Frostproof	Contract
Fruitland Park	Contract
Gainesville	Contract
Glen Ridge	Contract
Glen Saint Mary	Contract
Golden Beach	Contract
Golf	Contract
Graceville	Contract
Grand Ridge	Contract
Grant-Valkaria	Contract
Green Cove Springs	Contract
Greenacres	Contract
Greensboro	Contract
Greenville	Contract
Greenwood	Contract
Gretna	Contract
Groveland	Contract
Gulf Breeze	Contract
Gulf Stream	Contract
Gulfport	Contract
Haines City	Contract
Hallandale Beach	In-House
Hampton	Contract
Hastings	Contract
Havana	Contract
Haverhill	Contract
Hawthorne	Contract
Hialeah	In-House
Hialeah Gardens	Contract
High Springs	Contract
Highland Beach	Contract
Highland Park	Contract
Hillcrest Heights	Contract
Hilliard	Contract

Hillsboro Beach	Contract
Holly Hill	Contract
Hollywood	In-House
Holmes Beach	Contract
Homestead	Contract
Horseshoe Beach	Contract
Howey-in-the-Hills	Contract
Hypoluxo	Contract
Indialantic	In-House
Indian Creek	Contract
Indian Harbour Beach	Contract
Indian River Shores	Contract
Indian Rocks Beach	Contract
Indian Shores	Contract
Inglis	Contract
Interlachen	Contract
Inverness	Contract
Islamorada, Village of Islands	Contract
Jacksonville	In-House
Jacksonville Beach	Contract
Jacob City	Contract
Jasper	Contract
Jay	Contract
Jennings	Contract
Juno Beach	Contract
Jupiter	Contract
Jupiter Inlet Colony	Contract
Jupiter Island	Contract
Kenneth City	Contract
Key Biscayne	Contract
Key Colony Beach	Contract
Key West	In-House
Keystone Heights	Contract
Kissimmee	In-House
La Crosse	Contract
LaBelle	Contract
Lady Lake	Contract
Lake Alfred	Contract
Lake Buena Vista	Contract
Lake Butler	Contract
Lake City	Contract
Lake Clarke Shores	Contract
Lake Hamilton	Contract
Lake Helen	Contract
Lake Mary	Contract
Lake Park	Contract
Lake Placid	Contract
Lake Wales	Contract
Lake Worth	In-House
Lakeland	In-House
Lantana	Contract
Largo	Contract
Lauderdale Lakes	Contract
Lauderdale-By-The-Sea	Contract
Lauderhill	Contract
Laurel Hill	Contract
Lawtey	Contract
Layton	Contract
Lazy Lake	Contract
Lee	Contract
Leesburg	Contract
Lighthouse Point	Contract

Live Oak	Contract
Longboat Key	Contract
Longwood	Contract
Loxahatchee Groves	Contract
Lynn Haven	Contract
Macclenny	Contract
Madeira Beach	Contract
Madison	Contract
Maitland	Contract
Malabar	Contract
Malone	Contract
Manalapan	Contract
Mangonia Park	Contract
Marathon	Contract
Marco Island	Contract
Margate	Contract
Marianna	Contract
Marineland	Contract
Mary Esther	Contract
Mascotte	Contract
Mayo	Contract
McIntosh	Contract
Medley	In-House
Melbourne	In-House
Melbourne Beach	In-House
Melbourne Village	Contract
Mexico Beach	Contract
Miami	In-House
Miami Beach	In-House
Miami Gardens	In-House
Miami Lakes	Contract
Miami Shores	Contract
Miami Springs	Contract
Micanopy	Contract
Midway	Contract
Milton	Contract
Minneola	Contract
Miramar	Contract
Monticello	Contract
Montverde	Contract
Moore Haven	Contract
Mount Dora	Contract
Mulberry	Contract
Naples	Contract
Neptune Beach	In-House
New Port Richey	Contract
New Smyrna Beach	In-House
Newberry	Contract
Niceville	Contract
Noma	Contract
North Bay Village	Contract
North Lauderdale	Contract
North Miami	In-House
North Miami Beach	In-House
North Palm Beach	Contract
North Port	Contract
North Redington Beach	Contract
Oak Hill	Contract
Oakland	Contract
Oakland Park	Contract
Ocala	Contract
Ocean Breeze	Contract

Ocean Ridge	Contract
Ocoee	Contract
Okeechobee	Contract
Oldsmar	Contract
Opa-locka	Contract
Orange City	Contract
Orange Park	Contract
Orchid	Contract
Orlando	Contract
Ormond Beach	In-House
Otter Creek	Contract
Oviedo	Contract
Pahokee	Contract
Palatka	Contract
Palm Bay	
Palm Beach	Contract
Palm Beach Gardens	Contract
Palm Beach Shores	Contract
Palm Coast	Contract
Palm Shores	Contract
Palm Springs	Contract
Palmetto	Contract
Palmetto Bay	Contract
Panama City	Contract
Panama City Beach	Contract
Parker	Contract
Parkland	Contract
Paxton	Contract
Pembroke Park	Contract
Pembroke Pines	Contract
Penney Farms	Contract
Pensacola	Contract
Perry	Contract
Pierson	Contract
Pinecrest	Contract
Pinellas Park	Contract
Plant City	In-House
Plantation	Contract
Polk City	Contract
Pomona Park	Contract
Pompano Beach	In-House
Ponce De Leon	Contract
Ponce Inlet	Contract
Port Orange	In-House
Port Richey	Contract
Port St. Joe	Contract
Port St. Lucie	In-House
Punta Gorda	Contract
Quincy	Contract
Raiford	Contract
Reddick	
Redington Beach	Contract
Redington Shores	Contract
Riviera Beach	In-House
Rockledge	Contract
Royal Palm Beach	Contract
Safety Harbor	Contract
San Antonio	Contract
Sanford	Contract
Sanibel	In-House
Sarasota	Contract
Satellite Beach	Contract

Sea Ranch Lakes	Contract
Sebastian	Contract
Sebring	Contract
Seminole	Contract
Sewall's Point	Contract
Shalimar	Contract
Sneads	Contract
Sopchoppy	Contract
South Bay	Contract
South Daytona	Contract
South Miami	Contract
South Palm Beach	Contract
South Pasadena	
Southwest Ranches	Contract
Springfield	Contract
St. Augustine	In-House
St. Augustine Beach	Contract
St. Cloud	Contract
St. Leo	Contract
St. Lucie Village	Contract
St. Marks	Contract
St. Pete Beach	Contract
St. Petersburg	In-House
Starke	Contract
Stuart	In-House
Sunny Isles Beach	In-House
Sunrise	In-House
Surfside	In-House
Sweetwater	In-House
Tallahassee	In-House
Tamarac	Contract
Tampa	In-House
Tarpon Springs	Contract
Tavares	Contract
Temple Terrace	Contract
Tequesta	Contract
Titusville	In-House
Treasure Island	Contract
Trenton	Contract
Umatilla	Contract
Valparaiso	Contract
Venice	Contract
Vernon	Contract
Vero Beach	In-House
Virginia Gardens	Contract
Waldo	Contract
Wauchula	Contract
Wausau	Contract
Webster	Contract
Weeki Wachee	
Weiaka	Contract
Wellington	Contract
West Melbourne	In-House
West Miami	Contract
West Palm Beach	In-House
West Park	Contract
Weston	Contract
Westville	
Wewahitchka	Contract
White Springs	Contract
Wildwood	Contract
Williston	Contract

Wilton Manors	Contract
Windermere	Contract
Winter Garden	Contract
Winter Haven	Contract
Winter Park	Contract
Winter Springs	Contract
Worthington Springs	Contract
Yankeetown	Contract
Zephyrhills	Contract
Zolfo Springs	Contract