



Town of Surfside
Special Town Commission Meeting
MINUTES
April 26, 2017
5:30 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:34 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Vice Mayor Barry Cohen, Commissioner Tina Paul, Commissioner Karukin and Commissioner Daniel Gielchinsky.

The Mayor sadly announced the passing of Ethel Spector the owner of Sheldon's. There was a moment of silence in her honor.

C. Pledge of Allegiance

Hector who cooked at Sheldon's for many years, led the Pledge of Allegiance.

2. Town Attorney Hiring Process Discussion – Mayor Daniel Dietch

The Mayor thanked Commissioner Gielchinsky for the outline he provided for review. Commissioner Gielchinsky presented the item as follows:

Objective: To decide upon a process by which to identify potential candidates for the Town Attorney position.

Proposal: To initiate an identification and recruitment process that includes the following:

1. Recruitment for the position is done by the Human Resources Department;
2. Position will open to both individual candidates and firms;
3. The recommended minimum requirements are:

Graduation from an accredited law school with a Juris Doctor degree; Ten (10) years of experience as a practicing attorney with substantial municipal law experience; Member in good standing of the Florida Bar Association; admission to practice in State Court and Federal Court, Southern District of Florida; No disciplinary action by the Florida Bar in the last five (5) years; and Office location in Miami-Dade County; and a Valid driver's license with a satisfactory driving record.

4. Advertise position via the following for 30 days:
 - a. Florida Bar website;
 - b. Florida Bar Journal;
 - c. Florida League of Cities website and newsletter;
 - d. Florida Public Personnel Association;
 - e. International Municipal Attorney's Association;
 - f. Monster.com website;
 - g. LinkedIn; and
 - h. Any other sources deemed worthwhile by Human Resources.
5. Applications will be screened by the Human Resources Department for minimum qualifications, as well as a background check, and forwarded to the Commission after each application is vetted;
6. Human Resources will create a matrix summarizing credentials of applicants;
7. Each Commissioner selects up to three (3) qualified candidates. Candidates must be on more than one Commissioner's list to become an eligible candidate for the interview process;
8. Commission conducts a special public hearing for each candidate to make a presentation;
9. Individual commissioners interview selected candidates, if desired;
10. Each Commissioner selects one proposed semifinalist candidate;
11. Semifinalist candidates are invited to submit written proposals to the Town Manager, which are subject to further negotiation with the Town Manager, assisted by Commissioner Gielchinsky;
12. Terms of final proposals are presented to the Commission for final consideration and voting.

Recommendation: Direct the Town Staff to proceed as recommended herein.

The Commission discussed the item in detail and presented their suggestions. In-house or out-sourcing was discussed with pros and cons of each. The issue of a South Florida experienced attorney, especially in Miami-Dade County, was viewed favorably. Headhunter issue was discussed as well as having an attorney in close proximity where they can go to their office if needed. Commissioner Paul supports Assistant Town Attorney Jane Graham as interim. Town Manager Olmedillo said a

job definition of the position and salary range has to be included in advertising. He also spoke about background checks.

The Mayor opened the public hearing.

Public Speakers:

-Victor May thanked the Commission for their act of transparency on the issue and supports their ideas and presented some other suggestions.

-George Kousoulas gave his opinion on hiring an individual vs. a firm and in-house attorney vs. out-sourcing. He gave his views on an interim attorney.

-Lou Cohen thanked Attorney Miller for her service to the Town and supports the idea of Assistant Town Attorney Jane Graham for the position.

The Commission further discussed all the views presented and whether to move forward with an individual or a law firm.

Vice Mayor Cohen made a motion that we look for a qualified Municipal Law Firm that provides staff in town on a regular basis. Advertise in the Florida Bar Journal, Daily Business Review, FLC website and newsletter and Town website. Commissioner Gielchinsky made a friendly amendment that the deadline will be no later than thirty days from the date of the Daily Business Review notice/ad. Vice Mayor Cohen accepted the friendly amendment. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Gielchinsky made a motion to request Town Attorney Miller consider extending her period by thirty (30) days. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Cohen left the meeting at 7:26 p.m.

Commissioner Gielchinsky made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Karukin. The motion carried 3-1 with Commissioner Paul voting in opposition and Vice Mayor Cohen absent.

Commissioner Paul left the meeting at 7:33 p.m.

Commissioner Gielchinsky made a motion that requirements for the applicants be as specified in Section 3 of the memo with the addition of defining the eligible law firm of being of ten or more attorneys. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

The Commission discussed a background check and HR Director Yami Slate-McCloud gave some input on the subject.

Commissioner Gielchinsky made a motion that a Florida criminal records check as well as an affidavit from the applicant stating that they have no other criminal record in any other states in the last five years. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion to direct the Town Manager to specify to the candidates that we as a Town are looking for an annual flat fee arrangement for legal services with carveouts for litigation and labor related legal services and that we desire a cost savings from our current expenditures. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion that all of the services to be provided are included as a written proposal to the Town (12 copies of proposals.) The motion did not receive a second but all the members present were in agreement.

Commissioner Gielchinsky made a motion to adopt a procedure whereby after all applications have been received and vetted through the Town Manager and his designees, that each Commissioner be afforded the opportunity to provide to the Town Manager a list within seven days of their three preferred applicants. Thereafter, any applicant whose name appears on the list of two or more members of the Commission will be considered a semifinal applicant. Thereafter, the semifinalists will be invited to make a public presentation at a special meeting of the commission and to conduct individual interviews with each Commissioner as invited by the individual Commissioner. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Karukin made a motion to extend the meeting an additional 10 minutes. The motion received a second from Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion to specify that only semifinalists or short list applicant will be invited to submit written proposals of the financial terms of their retention. The motion received a second from Commissioner Karukin and the motion carried 3/0 with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Karukin made a motion to give Commissioner Gielchinsky the authority for negotiations with the Town Manager with the semifinalist applicants on the final terms of their proposed engagement with the Town. Passing the gavel, Mayor Dietch seconded the motion and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

3. Adjournment

The meeting adjourned at 8:09 p.m.

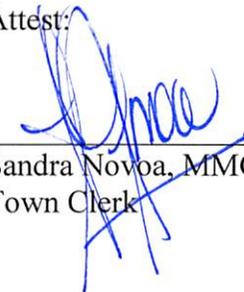
Respectfully submitted,

Accepted this 9th day of May, 2017



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk