

APPROVED
City of Fort Lauderdale
CITY ATTORNEY SEARCH COMMITTEE
Monday, May 1, 2023, 12:00 P.M.
Conference Room
Development Services Department
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Members	Attendance	Present	Absent
Romney Rogers, Chair	P	2	0
McKillop Erlandson, Vice Chair	P	2	0
Roosevelt Walters	P	2	0
Troy Liggett	P	2	0
Richard Weiss	P	1	1

Staff

Jerome Post, Director, Human Resources
D'Wayne Spence, Interim City Attorney
Kerry Arthurs, Human Resources
Carla Blair, Prototype Inc.

I. Call to Order

The meeting was called to order at 12:00 p.m. by Chair Romney Rogers.

II. Roll Call

Roll was called as outlined above. It was noted a quorum was present.

III. Approval of Minutes from April 20, 2023

Motion was made by Mr. Walters, seconded by Mr. Liggett, to approve the minutes of the April 20, 2023, meeting. In a voice vote, the **motion** passed unanimously.

IV. Update on Meeting Logistics

Chair Rogers explained Mr. Post would be addressing the City Commission during the Conference Committee meeting on May 2 to discuss whether the position should be reopened to widen the pool of applicants.

Mr. Post stated his presentation would include five (5) questions posed by the Committee at its first meeting which he would seek guidance on, including the issue of whether to proceed with six (6) candidates, consideration of a search firm, the timeline, and if the

Commission wanted to meet with the Committee prior to interviewing candidates. Chair Rogers asked how long the position had previously been open to applications. Mr. Post explained postings were generally 30 days. Discussion ensued regarding next steps for the Committee if a search firm was hired or the position was reopened.

Mr. Post noted a document created by Mr. Weiss outlining a proposed procedure for the Committee and asked whether Chair Rogers would like it to be distributed.

Mr. Weiss explained he had served on the search committee to select a City of Miami City Attorney and the document could be used to create a process once candidates were established, but he did not want to speak prematurely if the candidate list was not final.

Chair Rogers stated they could make some progress with the existing candidates.

Mr. Walters asked whether the search had been local or national. Mr. Post stated it had been a national search which was widely posted in professional journals and organizations.

Mr. Weiss noted the City of Miami search had utilized a recruiter.

Mr. Walters stated he had noticed all but one (1) of the candidates was local. Chair Rogers pointed out that admission to the Florida Bar was a requirement.

Mr. Weiss distributed the document he had created outlining a potential procedure for the Committee to use moving forward.

Mr. Post reviewed the list of places where the position was posted, explaining it had been open from March 14 to April 17. Discussion continued on the effort recruiters would make to directly contact people and push them to apply.

Mr. Weiss discussed the procedure document and explained how duties had been divided on the Miami committee. He noted the Committee had personally reached out to references to get their perspectives, then reported those contacts to the Committee on the record prior to scheduling interviews. He stated it had worked well.

Chair Rogers confirmed the Committee members had ranked the existing candidates and suggested moving forward with a review based on that ranking.

Mr. Erlandson noted the salary component may be scaring off applicants. He asked if it would be an issue to remove it from the listing. Mr. Post explained the salary information was a part of the NEOGOV listing, but it could be bypassed.

Mr. Walters noted most of the applicants had indicated a minimum salary requirement on their applications.

Chair Rogers suggested it was important to post a range and then compare it to what

candidates are making now. Mr. Post explained part of the difficulty was being a Commission appointment, there is no established range, and the position is not on the City's pay plan.

Mr. Weiss suggested asking the Commission whether they could provide a salary range.

Mr. Walters stated there was not a minimum or maximum number of hours per week outlined, making it difficult to compare those asking for a minimum hourly and those using an annual salary. He asked whether this would be a staff person or contractor.

Mr. Post explained the role is a staff position and is not a 40-hour per week job, but whatever hours the Commission needs the person to work. He noted that typically this position and the City Manager position will work under a negotiated employment contract that will establish the salary range and special compensation or benefits.

Chair Rogers shared additional detail. He asserted if there was not a salary range included in the posting, they would not attract the right people.

Mr. Weiss disclosed that one (1) of the applicants, Tom Ansbro, had worked for his firm before going to Dania Beach. Chair Rogers stated in full disclosure, he also knows Mr. Ansbro, though not like a brother.

Mr. Liggett stated he was surprised there was only one (1) woman on the candidate list and that it was not a more diverse set of applicants. He suggested a recruiting firm could potentially be charged with coming up with a more diverse pool.

Mr. Erlandson stated he had also wanted to point out the lack of diversity.

V. Discussion of Candidates

Chair Rogers invited the Committee members to share their rankings of the candidates.

Mr. Erlandson stated Tom Ansbro appeared to be the most qualified of the applicants. He noted the list was largely limited to litigators, and there are other types of lawyers out there that might do better. He stated management of the attorneys in the office was the most important factor of the job, including an ability to motivate people and recognize good work and bad work, and Mr. Ansbro had shown the ability to do that. Continuing, Mr. Erlandson stated he would also put John Anastasio and Aleksandr Boksner in his top three (3), with Andrew Dunkiel next. He noted Tara Hotchkiss Horvitz was in the prosecutor's office, and he was not sure how much municipal law someone in that office would engage in.

Mr. Liggett shared that he had a top (3) and a bottom (3), with Andrew Dunkiel as his top candidate based just on resumes. He stated one (1) thing that caused him to hesitate was not knowing the current City Attorney's office strengths and weaknesses. He noted Mr. Dunkiel's strength was in labor negotiations and working with the police department, and

he was not sure if that met the team's needs. Continuing, Mr. Liggett stated Mr. Boksner and Mr. Ansbro were also in his top three (3), as both had a lot of experience, though he wondered why they left their last jobs. He noted Mr. Anastasio might be a good candidate, but he had not been impressed by his resume. Discussion ensued regarding the lack of dates included on Mr. Anastasio's materials, and Mr. Suarez-Rivas' general, across-the-board municipal experience.

Mr. Liggett asked whether the materials received are verbatim what was entered when the candidates submitted their applications. Mr. Post explained that typically it is cut and paste, and errors carry over.

Mr. Walters stated he wanted to ask each of the applicants whether they have ever used, or are currently using, illegal drugs. He noted all of them had skipped the question.

Mr. Walters reviewed his ranking, explaining he had placed Mr. Boksner and Ms. Horvitz at the bottom because she did not have experience as a city or county attorney, and it seemed Mr. Boksner had quit his position in Miami because he was going to be fired. He noted he planned to ask whether he was forced to resign. Continuing, Mr. Walters stated he had given Mr. Ansbro and Mr. Anastasio a ranking of three (3) out of five (5) and had given Mr. Dunkiel a four (4) because of his experience in city and county positions. He noted he believed they were all qualified to do the job, but not to the same degree.

Mr. Weiss stated Mr. Ansbro, Mr. Suarez-Rivez, and Mr. Dunkiel had municipal experience, though he did see the point that Mr. Dunkiel's experience seemed to lean more toward labor and police as opposed to navigating providing straightforward legal advice under a lot of pressure. He stated Mr. Ansbro had done this before. Continuing, Mr. Weiss noted Mr. Boksner was never a City Attorney, but had been at Miami Beach for a long time. He agreed they could ask questions as to why he left.

Mr. Weiss explained he did not believe Ms. Horvitz was qualified. He noted he did not have a good understanding of Mr. Anastasio's experience. He stated you can hire good litigators and good contract drafters but being able to navigate the relationships with the Commission, City Manager, and staff is the hard part.

Mr. Walters agreed that trying to please four (4) independent minds is the hard part. He asked for clarification on what a Florida Bar Certificate in City, County, and State Law is.

Mr. Spence explained the program, noting the Florida Bar certifies the specialty and it allows the attorney to advertise as an expert in that area. He stated it is voluntary and can be used to indicate that an attorney has passed the test and proven the knowledge.

Discussion ensued regarding the certification. Mr. Weiss pointed out he has been a City Attorney in 23 cities and does not have the certificate.

Chair Rogers provided a broad overview of how he looked at the applications. He asserted that a City Attorney has to be battle tested, able to make quick decisions, and

must have experience. He stated he had ranked Mr. Ansbro at the top of the list because he passes all those tests. Chair Rogers stated he likes the fact that Mr. Boksner supervised 22 employees, which is the hardest part of the job, and he has plenty of experience. He noted being in Sarasota instead of South Florida gives him a small pause.

Mr. Walters stated Mr. Ansbro had done a lot of work for Dania Beach, but aside from that he had not seen much on him. He noted Mr. Ansbro had been in Dania Beach a long time and had previously been an assistant with the City of Fort Lauderdale.

Chair Rogers explained Fort Lauderdale previously hired its City Attorney on a contract from private practice, and Dania Beach was previously the same way.

Mr. Weiss provided additional detail, explaining that Dania Beach hired his firm for the position and Mr. Ansbro was the attorney assigned to do the work, then they were happy with his work and hired him full-time as an employee.

Chair Rogers continued his ranking. He explained he had ranked Mr. Anastasio third, as he had broad experience, but he was not sure he had depth. Mr. Weiss agreed that Mr. Anastasio had a hefty resume, and they would benefit from speaking to him.

Chair Rogers stated he liked Mr. Dunkiel's resume but was concerned that he only had 10 years of practice. He asserted he could be wrong but did not think someone with 10 years of experience would be able to handle this job. Continuing, Chair Rogers stated Mr. Suarez-Rivas had been around a long time, but he had been confused by the dates, jobs, and salaries on his application. Mr. Weiss responded that Mr. Suarez-Rivas had been an Assistant City Attorney in Miami, Chief Policy Advisor, and serves as Special Magistrate for a number of small cities. Discussion ensued regarding Mr. Suarez-Rivas' work history.

Chair Rogers noted he had ranked Ms. Horvitz last, as he did not believe she had the horsepower in her experience to be able to handle the job.

Chair Rogers noted that several Committee members had ranked Mr. Dunkiel high on their lists and asked how they felt about his 10 years of experience.

Mr. Walters stated everything but the number of years' experience was favorable, and it was possible Mr. Dunkiel could easily meet the City's needs.

Mr. Erlandson noted that he appreciated that Mr. Dunkiel had been at Coral Springs that entire 10 years and had worked his way up to Deputy City Attorney. He asserted 10 years was a decent amount of experience, but he would not know until they checked his references and met him to see if he had the maturity.

Mr. Weiss agreed with the analysis, referencing another attorney he had worked with who "just had it" and was able to move up quickly. Discussion continued regarding the difficulty of the City Attorney position and the need for someone who can navigate the job during a sensitive time.

Mr. Walters suggested that the Committee start at the bottom and eliminate candidates.

Mr. Weiss agreed that was a good start, and that they should eliminate people who were not qualified. He stated he would prefer to talk to references before completing a ranking.

Chair Rogers stated on paper, only three (3) candidates pass the first test following initial discussion, including Mr. Ansbro, Mr. Dunkiel, and Mr. Anastasio, and suggested that this information be passed to the Commission. Discussion continued regarding how to limit the list and whether the Commissioners would want to see more candidates.

Chair Rogers noted that there were no internal candidates for the position. He stated this shows it is not an easy job and may be an extraordinarily hard job.

Mr. Weiss pointed out that Mr. Ansbro was the only candidate on the list who had been a City Attorney. He stated the normal progression is to be a City Attorney in a smaller city and move up to bigger jobs, or to move up internally. He noted a lot of City Attorneys in Broward County are contract, and also that the process is not confidential, so applying for the position may create turmoil where they are.

Chair Rogers stated if he were on the Commission, he might be asking himself if it was feasible to go back to contract positions.

Chair Rogers sought a consensus on moving forward with three (3) candidates. Discussion continued, and consensus was to communicate the message that there are only six (6) candidates, and the Committee does not believe they all qualify.

Mr. Walters asked who would be presenting the Committee's findings to the Commission the following day.

Mr. Post stated he was scheduled to present at a meeting at 1:30 p.m. at Parker Playhouse.

Mr. Spence explained the Communication to the Commission process and noted that would typically be used as part of this process.

Mr. Walters suggested that if Mr. Post would be making a staff presentation, a member of the Committee should be present to answer questions. Discussion continued and consensus was that Chair Rogers would attend.

Mr. Post reiterated that the intention was to announce that the Committee's recommendation was to re-post the position.

Mr. Weiss stated he would be comfortable with taking that statement one (1) step further and explaining that there were only six (6) candidates, and at least one (1) candidate was not qualified.

Mr. Erlandson asked if was possible to find out how many applicants there had been the last time this position was open. Mr. Weiss stated they had hired a search firm, and there were at least 20 candidates.

Mr. Post clarified that there were 13 applications, and all six (6) that came to the Committee met the minimum qualifications by their own admissions.

Mr. Weiss asked how the prosecutor had made it through that process without local government experience. Mr. Post reviewed the job requirements briefly.

Mr. Erlandson suggested the Committee also discuss whether the same criteria should be used if the position was re-posted.

Mr. Weiss stated he did not believe litigation experience was necessary. He suggested that may be another message to the Commission for review.

Chair Rogers asked Mr. Spence about current in-house litigation. Mr. Spence stated the office has one (1) full-time attorney in litigation, and a lot is outsourced. Discussion continued, and consensus was that if the job was reopened, the Committee would like to review the criteria utilized.

VI. Requests from Committee Members

None.

VII. Schedule Future Meetings

Chair Rogers asked whether lunch meetings worked moving forward. Discussion ensued regarding days of the week, and consensus was that Mondays did not work, but Wednesday and Thursday were workable if the meeting was finished before 2 p.m.

VIII. For the Good of the Order

None.

IX. Adjournment

Upon motion duly made and seconded, the meeting adjourned at 1:30 p.m. The next Regular Meeting of the Committee is pending approval of scheduling.

[Minutes prepared by C. Parkinson, Prototype, Inc.]