

APPROVED
City of Fort Lauderdale
CITY ATTORNEY SEARCH COMMITTEE
Wednesday, May 10, 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	3	0
McKillop Erlandson, Vice Chair	P	3	0
Roosevelt Walters	P	3	0
Troy Liggett	P	3	0
Richard Weiss	P	2	1

Staff

Jerome Post, Director, Human Resources
Nicholas DiPaolo, Recruitment Manager, Human Resources
Kerry Arthurs, Human Resources
Carla Blair, Prototype Inc.

I. Call to Order

The meeting was called to order at 12:10 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 May 1, 2023

Board members highlighted minor changes to be made on pages 1, 3, and 5 of the May 1 minutes.

Motion was made by Mr. Walters, seconded by Mr. Erlandson, to approve the minutes of the May 1, 2023, meeting as amended. In a voice vote, the **motion** passed unanimously.

IV. Engagement of a Recruitment Firm

Chair Rogers stated he thought the materials for the meeting were going to include minutes from the City Commission discussion. Mr. Post noted staff could get a copy and

distribute the minutes, but they are also available online.

Chair Rogers shared a brief overview of the Commission discussion on the City Attorney search, and asked Mr. Post to provide further detail.

Mr. Post stated the Commission had not answered all of the Committee's questions. He explained the Commission wants to have the position reposted and the City Manager has been tasked with hiring an executive recruiter. He noted the City Manager was waiting until after the Committee had the opportunity to discuss the role before moving forward with selection of a recruitment firm.

Chair Rogers asked whether staff would take the scope of work and open a bid process. Mr. Post explained the project was under the City Manager's spending limit, so a recruitment firm could be chosen from those that had previously submitted proposals without going through the procurement process. He shared that he had cautioned that beyond finding a low bidder, they also wanted to find a firm with a proven track record of bringing in a wide range of diverse candidates.

Chair Rogers suggested the Committee begin by identifying non-negotiables, such as years of experience. He stated when considering the age of the attorney population and the requirements of the job, experience was something the Committee should discuss as a way to narrow the scope. He noted a salary range would also be helpful, even if it was a broad range.

Mr. Walters asked what comparable work would be considered a substitute for experience. Discussion ensued regarding the importance of years of legal and professional experience.

Mr. Erlandson asserted the learning curve is very steep when navigating work in local law. He stated he works with people who are 10 years in and still learning new things every day.

Mr. Weiss agreed an applicant should have a certain number of years practicing law, but noted personality, temperament, and other issues are also a factor, and there should be an evaluation of the type of experience the applicant has.

Chair Rogers noted the ability to manage people is an important factor.

Mr. Weiss asked whether the Committee was in a position to modify the hiring criteria for the position. Mr. Post stated the City Commission had approved the minimum qualifications. He stated the Committee could review the brochure and make recommended changes, as well.

Mr. Weiss suggested removal of "a variety of litigation experience," and noted "litigation experience a plus" or similar would be fine. He stated the section that listed the ability to handle administrative, trial, and appellate work was the same topic. He referenced the section requiring eight (8) more years of increasing responsibilities and stated he thought

they should require a minimum of 10 years practicing.
Chair Rogers stated he thought the experience requirement should be more.

Mr. Weiss stated he thought that the requirement of residency was a definite no, as someone who lives in Wilton Manors or Hollywood, or unincorporated Broward County should not be eliminated.

Mr. Erlandson suggested that they may need to check whether residency was a requirement of the Charter. Discussion ensued, and Mr. Post stated he would double-check the Charter. He stated the intent may be that they would like the person to be in the City, but applicants do not have to be a resident when they apply.

Mr. Weiss asserted the requirement would result in losing applicants. Consensus was to remove the requirement if it was not included in the Charter.

Mr. Weiss sought feedback on the requirement related to the number of years of experience.

Mr. Erlandson stated he did not feel strongly either way, but wanted to make sure the language was clear that the experience could be with a firm that deals with local law.

Mr. Weiss stated the Committee and City staff are fully capable of evaluating applicants. He suggested the recruiting firm be focused on beating the bushes to find applicants rather than on conducting background checks. He noted the limit in duties may reduce the cost of the firm.

Mr. Liggett agreed the Committee and staff could vet candidates.

Discussion continued regarding the number of years of experience they should require.

Mr. Liggett asked if years of experience was a requirement or a consideration. He stated he would suggest a number more like seven (7) years of experience, as there are people with other types of experience that would be applicable.

Mr. Weiss stated there is a lot of spontaneous legal advice given, and someone coming from the private sector would not have that background.

Mr. Liggett asserted that is where managing people comes in, as having three (3) deputies who are experts in different areas, the City Attorney can turn to them and does not have to be the expert themselves.

Chair Rogers stated as a former City Commissioner, he had seen stoppages come up when mistakes are made. He argued there are consequences to not being able to provide an answer in the moment on the dais. He stated the Commissioners need to have a trust that they are getting correct answers in a timely manner.

Mr. Liggett stated they were talking about drawing a line and limiting the pool of applicants, but what was being discussed was an ability to manage and to trust when you do not know the answer.

Mr. Weiss stated he would have more flexibility on the requirement if it were a smaller City that was easier to manage. He provided an example of knowing changing laws related to discussions without a quorum in the room, and noted if an applicant does not have the experience and understanding, too many mistakes will be made.

Mr. Erlandson compared a Commission meeting to a baseball game, noting that you do not want frequent stops to call up to the booth because there is an inexperienced referee.

Mr. Weiss added that the 20 or more people in the City Attorney's office are also not present in the meeting to get quick answers.

Mr. Walters stated he was split on the issue. He noted the applicant did not have to be an expert in every field but needed to manage resources and keep in the room the people he needed to address issues on the agenda.

Chair Rogers stated if an applicant is certified in city and county government, he does not think they need 12 years of experience in that type of law but does believe they should be a lawyer for 12 years.

Mr. Weiss summarized the discussion and suggested the requirement be 12 years as a lawyer, including eight (8) years of experience working in city, county, or local government, with certification eligible to substitute for three (3) years of that experience.

Mr. Erlandson pointed out that five (5) years serving in local government law is required to be eligible for the certification.

Motion was made by Mr. Walters, seconded by Mr. Erlandson, to recommend the City Commission require 12 years practicing as an attorney, with eight (8) years city, county, or local government experience, and allow for Florida Bar certification in local government law to substitute for three (3) years of that experience. In a voice vote, the **motion** passed unanimously.

Mr. Post introduced Nick DiPaolo, noting he had recently joined the City as Human Resources Manager for Recruitment.

The Committee continued to review the requirements. Consensus was to recommend appellate and litigation experience be removed in the places where it is referenced.

Chair Rogers stated the next issue was to ask the City Commission to identify a salary range, even if it was wide.

Mr. Weiss asked what the current City Attorney salary was. He suggested they could say

salary commensurate on experience and identify the current salary.

Mr. Post shared that the Interim City Attorney was currently earning \$214,163.90, and the previous City Attorney had a salary of \$267,804, which accounted for years of service with the City.

Chair Rogers stated he would recommend stating both of those facts in the listing, as people would look it up if they are interested.

Mr. Erlandson noted there is a lot of work that goes into application, so that information is helpful in knowing whether to take on that process.

Mr. Weiss read from the Charter regarding the City Attorney position. He stated it says they must be a lawyer with two (2) years' experience and noted there was nothing about residency in a cursory review.

V. Roles of Recruitment Firm and Committee

Chair Rogers asked whether there was a preferred list of recruiters.

Mr. Post explained there were four (4) bids received earlier this year, including the Mercer Group, (Bob) Slavin Management, Renee Narloch and Associates, and Colin Baenziger and Associates. He stated Colin Baenziger and Renee Narloch handle a lot of department head recruitment.

Mr. Weiss reiterated that whichever candidate was selected, they should be given a reduced scope of duties to go out and find great candidates for the Committee and City staff to vet.

Mr. Liggett asked whether any of the recruitment firms advertise as being better at recruiting a more diverse set of candidates.

Mr. Post said he could not say for sure, but he knows some look at minority professional organizations and publications to include a range of diverse groups. He added that they could make that a priority when talking to the firms.

Mr. Erlandson stated that broadly, the Committee is looking for a candidate pool that is reflective of the City. Discussion continued regarding using a broader net to make sure all potential applicants see the advertisement.

VI. Review of Recruitment Brochure

Item previously addressed.

VII. For the Good of the Order

Chair Rogers stated the Committee had ranked the applications they received and asked

whether the Committee wanted to follow up with those applicants or wait for the new pool of applications and do it all at once. He noted the proposed process Mr. Weiss had provided included following up on references for candidates. He stated the Committee could identify a script for that purpose.

Mr. Post stated another piece of work the Committee could consider was to review the 10 applicants who applied through NEOGOV but were disqualified due to the position requirements. He noted that once the minimum qualifications were approved by the Commission, he could distribute those resumes via email.

Chair Rogers clarified whether staff would filter the applications to send on only those that met the new criteria and were not previously reviewed. Mr. Post agreed.

Mr. Liggett stated the new posting should specify that those who had applied previously need not apply again, as their applications are still being considered. Consensus was that this was a good idea.

Mr. Erlandson suggested the recruiter call the original applicants to confirm they all want to continue. He stated he is hesitant to continue looking at the original applicants now and would encourage keeping them as together as possible.

Mr. Weiss agreed that personal checks should maybe not move forward, but asserted checks which are not subjective could move forward, such as checking for law school graduation records and conducting background checks.

Mr. Post stated that would typically be an item the recruiter does, but that can be adjusted. He stated the third party the City engages for background checks will do them to the specific extent requested. Discussion ensued regarding checks of social media activity.

Chair Rogers asked how long background checks typically take. Mr. Post stated a check that includes criminal background, credit, previous employment, education, certifications, and licenses will take about a week, and a social media search can add a couple of weeks.

Mr. Weiss suggested they get going on those for the existing applicants, as they will have a lot of social media. He stated he wanted to see all of it to avoid mistakes.

Chair Rogers asked when the Committee should meet next. He suggested 30 days and the Committee members reviewed calendars and discussed Sunshine Law briefly.

VIII. Adjournment

Upon motion duly made and seconded, the meeting adjourned at 1:06 p.m. The next Regular Meeting of the Committee is scheduled for Wednesday, June 7 at 5:30 p.m.

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