

**AGENDA MINUTES
CITY COMMISSION MEETING
VENETIAN CENTER, 1 DOZIER COURT
MONDAY, FEBRUARY 21, 2022 1:00 PM**

1. CALL TO ORDER

The City of Leesburg Commission held a special meeting on Monday, February 21, 2021, at the Venetian Center. Mayor Pederson called the meeting to order at 1:00 p.m. with the following members present:

Commissioner Jimmy Burry
Commissioner John Christian
Commissioner Jay Connell
Commissioner Dan Robuck
Mayor Mike Pederson

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, Purchasing Manager (PM) Mike Thornton, and others.

2. INTERVIEW - LAW FIRM: BRIONEZ & BRIONEZ, P.A.

Mayor Pederson welcomed everyone and turned the meeting over to the Purchasing Manager, Mike Thornton. **PM Thornton** thanked everyone for attending and read a brief opening statement on the Request for Proposal (RFP) 220042 for city attorney services. This is the interview between the City of Leesburg and Brionez & Brionez.

CM Minner stated there was a list of questions provided to the commissioners for their use. He was not sure how they wanted to proceed. Whether the mayor wanted to ask the questions or if they wanted to split them up. Was there a formal process they would like to follow? **Mayor Pederson** responded that he would prefer to split them up. He wanted to know if the list provided were questions they wanted asked in its entirety? **CM Minner** responded that he would leave that up to the commission because it is sort of formally informal. We could go off the script or with the script, whatever the commission prefers.

Commissioner Connell remarked that he was okay with the list of questions. He was also fine with the Mayor asking the questions. **CM Minner** said it would keep it easy if he asked the questions, and then feel free to follow-up. **Mayor Pederson** questioned if we would be broadcasting the questions to the other firms in advance if we were to go off script. **CM Minner** replied that we would change the order. **Mayor Pederson** welcomed the applicants.

Commissioner Robuck remarked that we were not going to have enough time to get through all these questions. He is okay with any of the questions, but we could maybe get through a third of them if we were to just go down this list. **CM Minner** mentioned they could look through them and skip around. To start, we could ask any particular questions from that list if you like some more than others.

Mayor Pederson remarked that he would ask the first question. Then we could go around the table and each commissioner would ask a question. He started the interview by asking the applicants to provide an introduction. If they could provide a background on their firm and their qualifications for being a city attorney.

Mark Brionez, stated their firm was established in July 2017. Prior to that, they worked for McLin & Burnsed. He started at McLin & Burnsed in 2004 straight out of Law School and he worked directly

under Fred Morrison until 2017. He also worked with Steve Johnson, who was the city attorney for Leesburg before Fred Morrison. When he worked with Fred Morrison handling city matters, he attended some of the meetings. That was mostly for coverage when he was unable to attend. However, he did handle the background work. He handled contracts and dealt with purchasing and code enforcement. They also had some trials on civil forfeitures. He prepared ordinances and resolutions. He attended the planning and zoning meetings and assisted with some of that work on the public hearing process for those. He had some input on those and he worked with Fred on that. Again, everything that Fred did for the City, he did as well. He knew that Stephanie Brionez had some experience working with Fred as well, but in a different area. His area was more civil litigation or the civil area. He would handle contracts, file lawsuits on behalf of the City, collect promissory notes, those sort of things. He also filed eviction actions to have individuals removed from property that the City ended up taking. Those sorts of things, that was his experience in working with Fred. He covered just about every issue that the City would come across. Again, their firm was established in 2017 after they left McLin & Burnsed. When they left there, they took a number of their clients with them. With regards to experience in municipal law and local government. In 2017, when they opened their firm, they started handling matters for the City of Tavares for Bob Williams. Mr. Williams was in the process of winding down and looking forward to retirement. He started handling the meetings for the City of Tavares. He also attended some planning and zoning meetings and code enforcement meetings. He handled the city contracts when he was gone and they would contact him for any issues they came across either by email or by phone. Similar to what he did for the City of Leesburg, he started doing that for the City of Tavares. With civil forfeitures, he handled some of those for the City of Tavares. They shutdown a number of the gaming locations, or what you call fish games, for the City of Tavares. Times have changed and since then they have decided to go in another direction. They did that from 2017 until 2021. At that point, they started doing less of the City's work and started representing their Police Department. That is through Stephanie Brionez.

Stepahine Brionez said she started working for McLin & Burnsed as a law clerk in the summers. Her parents live in Leesburg. They moved to Leesburg from Michigan in 1999. She followed them here despite their wishes. While she was at the University of Florida in the summers, she worked at McLin & Burnsed as a law clerk for two summers. They offered her a full-time position as an attorney before she even took the bar. She started there in 2001 and she became a licensed attorney in 2003. She continued to work there until 2017. Her experience with local governments comes more on the litigation side and the day to day advice to management on liability issues. Through her work at McLin & Burnsed she did work with Fred, but it was very infrequently. She only worked with Fred when there was an issue regarding litigation where he needed to update the commission on something with respect to the city. Most of the work that she did with the city was under Steve Johnson and then through the insurance company. Her day to day work with city employees and staff has primarily been in the areas of general liability and day to day advice. If someone has an accident while at a city event, or if they are drafting or revising policies related to liability issues, releases for recreation programs, things of that nature. The day to day advice and counsel on employment law and the HR Director. As well as employee and manager training, supervisor training, and all the employment and labor laws. They just had their training about two weeks ago for this year. They also provide training to staff and managers with respect to the ethics laws as well as public records training. They have tailored that training to what employees need to know and how it relates to their job as a city employee, as far as government in the Sunshine, public records requests, and that sort of thing. They would represent the city in any insured litigation case. That could include anything from a trip and fall, police liability, civil liability, any sort of criminal issue or any employment law matter. They would also represent the city with workers' compensation claims. Typically, her work is to update the commission about ongoing litigation matters and things of that nature when a shade meeting has been requested. With the amount of work they do for insurance companies and local government, they are very familiar with how cities operate. They know what issues you need to look for when it comes to litigation. They currently represent the city and they have since opened their firm in 2017. They have a separate consultation and contract agreement where they provide services for

the City of Leesburg for any litigated matters that are covered by insurance. **Mayor Pederson** thanked her and said that they had answered a number of questions on the list which would help them move along. He said that the background on their experience was much more helpful than the narrative.

Commissioner Burry introduced himself and said he noticed in the profile they sent out that they had done extensive work in the Community Development Districts with The Villages. With our newly found partnership with The Villages would that bring any conflicts and how would that be handled? Also, Ms. Brionez, represented a lot of staff. Would there be any perceived conflicts that could result from that with the city? If so, how would those things be resolved?

Mark Brionez responded that they represent a number of the Community Development Districts with the exception of District Seven. They represent Districts One through Six and Eight through Fourteen. He listed in their proposal the potential for a conflict with District Fourteen only because District Fourteen is located in the City of Leesburg. That conflict he does not perceive as being one that would be antagonistic to the City of Leesburg, but for the purposes of the Florida Bar, it would be a conflict. He does not think there would be anything that could come up in District Fourteen that would be a problem with the City of Leesburg or visa-versa. However, if there may be times when things come up, something needs to be signed. There may be a city ordinance establishing something in that district, so when he says conflict, that is what he means. He does not think there is an antagonistic conflict, but he thinks, as part of the disclosure, the City of Leesburg needs to know that they do represent that District and it is located within the City of Leesburg. For the purpose of conflict generally, what happens is the number district would need a document approved by the City of Leesburg and we would bring that to the city's attention. Being aware that they represent District Fourteen, we would ask if this is something you want to consent to and, if so, you would sign a conflict waiver. That waiver would have to be signed by both the City of Leesburg and District Fourteen. If both parties do not sign, then we will have to find a conflict attorney for that issue.

Stephanie Bironez added that when she works with city staff she represents the city and the commission as a whole. Even though she works day to day with various department heads, she works with them. She advises them on how to comply with city policies and how to implement directives. She recently worked with the city manager regarding some retiree issues. They got together and met. They requested legal interpretation on the policies which the city has in place and that is where she advises them. She does not represent them personally. She would say that this is an exception, but it needs to be clarified. They recently won a defense in summary judgment on a police liability matter. A lot of times, when plaintiffs sue a city, particularly in the areas of police and fire, because you have a chief, occasionally a city manager, if it is an employment issue, the plaintiff will name individually an officer or the police chief.

In this particular case, they named the city as well as a former detective from the City of Leesburg. The insurance company, after reviewing the facts, decided they were going to provide coverage for the officer and the city. Most times, there is nothing to suggest that the employee or officer is doing anything wrong or acting outside the course or scope of their employment, so the insurer defends them as well and pays for the defense. So, at that point, she represents both the city and the employee. If it were ever to a point where there would be a conflict in her doing that where the employee did not do what they were supposed to do and the city was not backing them in the defense of the lawsuit, at that point she would not be able to represent that individual employee. That employee would be required to get their own counsel.

Commissioner Christian asked what role would you see your firm taking in this organization if you were selected as the city attorney? How much time and focus would you be able to give to the City of Leesburg?

Mark Brionez responded that based off the average number of hours provided in the proposal for purposes of legal services to the City of Leesburg, they certainly have the ability to do that and the City of Leesburg would have all of them. They did not submit their proposal in response to that request

without having the ability to provide the services that the city needs. They take that seriously and their firm takes that seriously. If they were to be offered the contract to represent the city, they would get all the hours. They did not submit the proposal, without knowing they could provide that service. They looked at how many hours the city needed and they included that. He does not think that includes the hours Ms. Brionez currently provides under her contract. That was based on their schedules and current workload. They made sure they were able to provide the services that the city needed. They are confident that they can.

Commissioner Robuck questioned if they could speak about any experience they have with any other electric or gas work. Whether that be municipal or otherwise.

Mark Brionez answered that he does not have a lot of experience in that area. He did some small things with Fred, but that was years ago. He is not up to speed in that area.

Stephanie Brionez answered that the only caveat to that is through representation of The Villages Development District and the insurance companies. They have been assigned to some utility litigation from time to time and general liability litigation, that sort of thing. She is not completely unfamiliar, but it is encompassed in that type of representation. They would expect to become familiar with that quite quickly.

Commissioner Connell asked what factor they consider to be most important when selecting a law firm.

Mark Brionez replied he believes that would be the allowance of time. They answered that with Commissioner Christian's question when he asked if they could provide adequate time and if they could dedicate the time needed for the City to represent it effectively. He believes that is one of the things that they should be looked at. How busy is the firm? Are they going to be able to dedicate enough staff to service the city's needs? His answer is yes. They took that into consideration. They are comfortable and confident that they have sufficient staff, including themselves, for the type of work that they both do to cover every area necessary. As Ms. Brionez pointed out if there is an area like utilities or gas that they are not familiar with, they have been practicing quite a while. He has been practicing for eighteen years, so it would not take them long to figure things out.

Stephanie Brionez added that their firm's philosophy is common sense representation. She feels like they do a good job of telling you what the pros and cons are and how to avoid litigation. It is costly and you have to understand those types of decisions. At the same time, they are not afraid of litigation. The benefit of their firm is the combined areas of experience that they have. If there is an issue with something and they need to initiate litigation on their own, they are not afraid to aggressively litigate. They are not afraid to say, look this is not something we should be wasting time and money on, or the city's time and money on litigating. We just need to work to find a resolution and use some commonsense. We need to get it done without all the formalities and the costs associated with lawsuits.

CM Minner asked about their work with The Villages CDD. What kind of work does that entail, is it similar to municipal work?

Mark Brionez replied that it is except that obviously the Community Development District has no purview over zoning and that sort of thing. His representation of the numbered districts is that he attends their monthly meetings. He advises them on issues that may arise during the meetings. He handles the contracts and purchasing issues. Again, sunshine laws, public records and ethics training are provided at no additional cost. He believes that was included in their packet. They do not have code enforcement power, but they have statutory authority to enforce deed restrictions. They hold public hearings on those deed restrictions. It is kind of the same process for code enforcement where they are just enforcing deed restrictions. They have the ability to file lawsuits. They also have the ability at some point to record the orders of enforcement that are entered against a property owner in a public record as a lien. It is similar, but different. Chapter 190, governs the Districts. Again, they do not have code enforcement powers, but they are similar powers. The thing that is different is zoning issues, which they have no purview over.

CM Minner questioned if they report to a specific CDD board or if they report to what he calls The Villages Headquarters?

Mark Brionez said that they represent the numbered boards; represent the board as a whole, like the City of Leesburg. It would be The Village Center District or The Village District One or Two in that capacity. He knows as a city attorney and as an attorney for the numbered districts that they provide advice and guidance to staff, but they do not represent staff. If an issue came up, they would contact them and deal with staff to resolve that issue. They would deal with the board members or supervisors by phone individually. You cannot all get together. You cannot call them all at the same time to discuss any issues.

Mayor Pederson stated that he spoke about litigation experience. Could he provide their background and experience with real estate as it pertains to the purchase, sale of contracts and leases?

Mark Brionez responded he has handled real estate transactions since 2004. He is completely familiar with that. When they started their own firm in 2017, he had all the experience. He prepared leases for both commercial and residential. He handled evictions both commercial and residential, but it was not until 2017 when they started their own firm and they became a title agent. Now they handle real estate closings through their law firm. They are in the process of establishing their own title agency.

Commissioner Burry stated that they had a lot of experience working with the City of Leesburg. What do they see down the road as major issues for the city? Also, as far as their legal experience, what could they offer the city to help overcome it?

Mark Brionez responded that to him, it seems lately the biggest issue is development. Land development, PUD's, rezoning, and annexations, those sorts of things.

Commissioner Burry asked how are they equipped to deal with that?

Mark Brionez said that, based on his background, coming up essentially under Fred Morrison and under his wing handling the planning and zoning matters for the city. He also worked with Bill Wiley, and did some work with Dan Miller while he was at McLin & Burnsed too. Again, he attended the planning and zoning meetings so he is familiar with the regulations. He is familiar with annexations and de-annexations. Recently, they had a couple of litigation matters in the City of Tavares where they were sued due to some de-annexation issues. They represented them in that, so they are familiar with that area.

Commissioner Christian said, being on the commission for a while, they have worked with a couple of city managers. Your role as a city attorney is hired by the city commission. What would be your strength as it relates to your independence in working with the city manager and working with the city commission, which may not be the present commission? How would you differentiate your role as legal counsel and not be persuaded by public opinion, staff or commission, but represent us through the law? What are your strengths in those areas? Also, following Commissioner Robuck with the City of Leesburg, it is a very different type of city with utilities as well as an airport. What are your strengths to help? You said you learn fast, but in this market we cannot afford to make a mistake when it comes to the utilities or the airport.

Mark Brionez replied that was an excellent question. He would say he had done work for the City of Leesburg with the airport. When he worked with Fred, he prepared their hangar leases, so he was familiar with that process. One thing they learned in their experience representing municipalities is that you have to know who your client is. Your client is the commission, it is not just one of you, it is all of you. However, at the same time, in order to effectively represent the city, you have to have a good relationship with the city manager and staff. You have to be assessable because, we do not really get the opportunity to talk to the entire commission during the public meetings. Certainly, he could reach out to each of you individually to talk about certain issues or they could reach out to him. They cannot all get together, so the only way to effectively represent the city would be through the city manager. Based on experience, there has to be a very good relationship between the city manager and the city attorney. He is very familiar with what the public can do on decisions made by commissions, councils and boards. Based on

the experience he has had representing the City of Leesburg, he has been in meetings where the public is not always happy, but his job at the meetings is not to deal with the public. It is to make sure that everything taking place is within the perimeter of what can take place. It is to ensure that the board, commission or council does not violate the sunshine. That they are only hearing items that they are supposed to hear and that they vote on items that they are allowed to vote on. Those sorts of things. He is familiar with how the public can be sometimes. He has dealt with it throughout his entire career. He has dealt with that as a town attorney for the Town of Astatula. They are a very small town, but those meetings can get pretty rowdy. He has dealt with it by representing the school board meetings with Steve Johnson. He attended a schoolboard meeting where they had to have individuals removed. Unfortunately, it was because of the disruption of the meeting. He came across that but he knew his role and what his job was and that was number one. He needed to represent the commission and make sure they were doing what they needed to do.

Stephanie Brionez added that due to the fact they have represented the city for so long in their careers. She always says, as a baby attorney, she started representing the city and there have been a few different city managers over the years. There have been different department heads that she has worked with in HR and in Finance. She thinks that it is important to understand their role. Again, it is not to represent the city manager or the department head individually. It is how they are going to transition this to whoever is put into that position. They need to make sure that whatever the commission's wishes and policies are, are implemented in an effective way. That is what they are there for. As Mr. Brionez said, "we do not talk to all of you every day to say this is what is going to happen", because we cannot do that legally. We know the policy that you want to implement. We would take that policy and your wishes and implement it with a strategy to transition.

Commissioner Robuck asked if they could provide a specific example of a land use case where they had to represent a municipality and then a specific example of where they represented a private developer.

Mark Brionez answered that they do not represent the private developer side. They only represent the local government. A specific example would be the City of Tavares. They had an issue within the last year. It was a litigated matter where the City of Tavares was sued for an alleged failure to approve a contraction petition to deannex from the city.

Commissioner Connell questioned what the biggest drawback would be if they were selected for this.

Mark Brionez responded that there would not be any drawbacks. It would certainly be beneficial not only for their firm but for the city as well. Just based on their background and their experience, they have a wide range of experience in the time they have been practicing law. With what Ms. Brionez was referring to earlier with regards to the background and litigation that comes up a lot and it is helpful. It is helpful for representing boards with contracts, ordinances, resolutions and all the business that you handle at those meetings. Issues come up and, having the background in litigation would be beneficial to the city. They may have seen something before where someone who did not have that litigation background would see. They know that there are potential issues and they know how to fix them before they happen.

CM Minner said he would like to followup on the de-annexation issue with Tavares. He thinks Commissioner Burry and he had a de-annexation conversation informally just a week ago and, actually, he and Fred worked on a de-annexation potential issue between Leesburg and Fruitland Park and we did not do that. Fred was advised against it, so what were the perimeters of the Tavares issue and the outcome?

Mark Brionez replied they were successful with not de-annexing. They did not even consider the petition. The issue there was a petition for de-annexation that was submitted to the council and the council did not take any action on it. Rather, Bob Williams, working with planning and zoning, determined that it was not something that could be approved and denied it. So the argument was and

there were several arguments and one of them was due process and the statutes and how the statutes read. The plaintiffs take on it was that the council was required to have an official meeting to consider the application and deny it and provide them notice within the time limits within the statutes. That was the issue. It went on for some time and they defended it based on the statutes, based on case law and specifically based on the ordinances that the City of Tavares had passed. They found within those ordinances they had language that gave the city attorney some leeway in handling something and the city manager was able to delegate some stuff to the city attorney. One of the arguments we made was through that ordinance the city as a whole had given the city manager to delegate these things to certain individuals and the authority was granted to Bob Williams as the city attorney to deny it. That was one of the arguments we made and again we were successful and the case was dismissed and they asked for a rehearing. The judge granted the rehearing and they lost again. It was ongoing but in the end they lost. **Stephanie Brionez** wanted to dive a little more into the contraction statutes. Basically, what they were arguing is that, like Mark said, the city did not make a recommendation or review the criteria in this statute, but they made the argument that the city could not, because the statute, very clearly, in the plain language of it, read that if the parcel that they were issuing to exclude from the city boundaries meets the annexation criteria at the time they file their petition to de-annex then it cannot be de-annex. So the legislature has already said, hey cities, if you are getting a contraction petition and the land that they are requesting to be removed from the city limits meets the criteria to be annexed, you cannot do that. You have no discretion to go over these factors. They must not be de-annexed. That was a primary argument. One of their arguments was a beef with the statute and the City of Tavares is not the legislature and that was one of the things that they pointed out over and over. They think that the judge really picked up on the plain language of the statute and said what it says. You cannot read all this other stuff in there just because they do not like what the statute says. That was pretty much that one, but it did go on for about a year and a half, but they stood their ground and thankfully it is over.

Mayor Pederson asked if they could help the commission understand why they should select their firm over the other firms.

Stephanie Brionez answered, as they mentioned in the beginning, they have worked with the City of Leesburg for a long time. They have enjoyed working with the City of Leesburg even though their office is now in Tavares. They have lived in the City of Leesburg for a number of years and they have even recently coached a girls softball team last year in the city as well. They have ties to the community here and they love the community, but they also like to provide practical legal advice and they always joke with clients and say combined they make one really great lawyer, but she thinks on their own they are both very practical and their clients are typically very happy with the services that they provide and they do not create more issues just to do more work and to make more money and all those bad lawyer jokes that you hear. She jokes in litigation when someone wants a settlement, saying that they pay the kind that jingles not the kind that folds, so, if your intent to attack the city is to somehow secure money or do something improper, they are not just going to rollover and pay someone money because they are trying to attack what you are doing. Their goal is to prevent litigation for the city, to advise them to make wise choices and to let them know what the ramifications are if they make choice a versus choice b.

Ultimately, it comes down to your decision, but our job is to make sure that you know ahead of time what the affect of that decision is going to be, whether it is to meet with individuals to try to resolve the issue that they may have or whether it is to start litigation to protect the city's interest or to take your chances on possibly getting sued and having to defend the city's interest. Their goal is always to give the best legal advice they can in a way that is understandable. Commonsense approach and they are also very creative in thinking of solutions and trying to find a way to think outside the box to make something happen that is within the confines of the law. She thinks that is probably their best factor. The next thing she would say is they pride themselves on being accessible to their clients and she knows they put it in the response to the proposal as well, but they have cell phones and they understand there are emergencies and they understand there are issues that may need attention on a Saturday or a holiday or after 5 p.m. or

before 9 a.m. and they have no problem with being accessible to their clients to make sure they are getting the attention that they need and those issues resolved before they become bigger issues.

Mark Brionez added that, not just based on their experience, he thinks in representing local governments, they are familiar with how budgets work. They take steps and they are always putting their client first when it comes to billing. They always review billing to make sure of accuracy and to make sure it is fair. It may take them time to do something, but many times they look at it and say, well, it took them this much time, but maybe it should not have been and they cut it. They are very conscious about that and about budgets. They are also familiar with the number of hours they are going to need and their proposal was based on that and they know they put some language in there about using paralegals as well when necessary. They always make sure they are fair and that their clients are happy. Knowing budget constraints and how things work, learning that from, again, eighteen/nineteen years of representing local governments, they do take that into consideration.

Commissioner Christian said that they made a comment that sometimes they give us the best advice, so how do you handle a situation where, legally, you and the commission do not agree on a legal matter?

Mark Brionez responded that as lawyers he learned very early that their job is to provide the best advice that they can. They can tell you what the law is and what you should do, but we cannot do it for you. So long as they discuss the options with you and provide you with the best legal advice and let you know what the outcome of that could be, you as a whole, there being five of you, have to decide how it is you would want to proceed with it. Again, he thinks they would certainly do the best they could. They are creative. If they want something done, they are going to do their best to try and figure out a way to get it done and get it done the right way. If they are to that point, for instance earlier, where there was a contraction petition and they had already won a couple times, the judge had already said to the plaintiff they lost twice. Once you get to that point, there is only so much you can do other than say this is where we are and this is probably what he is going to do next and how you want to proceed. Certainly, it is up to you, you are the commission, you make the decisions. You deal with the budget, you deal with how much you want to spend on a particular item, whether you want to continue defending something, and those sort of things. Again, their job is to provide the best possible advice, solutions, options and potential outcomes.

Mayor Pederson thanked them for coming in. They appreciated the interest and the proposal for a city attorney. He thanked them for their time today.

PM Thornton informed them that there are three more firms to interview and the plan is to discuss this item at the February 28, 2022 Commission meeting and hopefully make a final decision.

3. BREAK - 15 MINUTES

4. INTERVIEW - LAW FIRM: VOSE LAW FIRM, LLP

PM Thornton thanked everyone for attending and read a brief opening statement on Request for Proposal (RFP) 220042 for city attorney services. This is the interview between the City of Leesburg and the Vose Law Firm.

Mayor Pederson pointed out that they stumbled a little bit out of the gate with the first interview on what to do procedurally. They have a prepared list of questions that were put together and not that they

are going to go through each and every one of them, but they are going to rotate and take turns asking questions. They may or may not come off this list. He started by asking if they could provide a background and give the commission their background, qualifications and experience.

Becky Vose, founding partner of the Vose Law Firm, stated that her today is Wade Vose, her son and law partner. He is currently the county attorney for Ockachobee County, the City Attorney for South Daytona and the Village Attorney for the Village of Indian Town. They are the State of Florida's newest municipality. Nancy Stuperich is her partner in the firm and she resides in Clermont. She is the city attorney for the City of Naples and their firm represents cities all over the state. The way they handle their cities is unique. They represent cities on a flat fee basis, doing all their work including all their complex litigation, everything and that works so well for every one of their cities. They are now city attorneys for nine different cities, they are a county attorney for one county. The way they make it work and, obviously, each city pays them a different amount. The City of Naples has Nancy and they also have Ralph Brookes down there, who is an assistant city attorney for Naples, but they have litigation out the yingyang. They kind of go crazy down there and they pay accordingly and they knew that ahead of time. When they make their presentations and their proposals to cities, they research what the cities are like as far as litigation history, the sort of meetings that you all have. We go back and watch them and she has been practicing local government law for forty-eight years and she has a very good feeling about what it takes for us to totally cover every bit of work for our cities. She has never really been off on this. It works, it really works. You might contact our clients either the references that we have in our proposal or you could contact any elected official or staff member for any of our cities or our county and ask them what they think of us. They will tell you that they really like us and we get the work done. We do it in a timely way and we watch out for them. We do not believe that it is appropriate for a city attorney to make extra money if there is litigation, because often litigation is because somebody, certainly, not always, but some attorney, made a little mistake and all of a sudden the city is in litigation. Well, we should not be thanked for that by having more legal fees. We think it is a conflict of interest to get more fees if somehow we possibly messed up and pulled you into litigation, so we do not do it. We do not have that conflict. They are very proud of our firm. Their clients love them and she is sincere. You should pick up the phone and find out for yourself what our cities think of us. We would love to be the city attorney for Leesburg. She would guarantee that if they were fortunate enough to get this they would do an awesome job for you. This is a little summary.

Commissioner Burry stated he is with District One. Since you applied for the position, you have probably been following things happening in Leesburg and he was curious about what they saw as the major issues going forward that your expertise could help us to face.

Becky Vose answered that she knows there is a lot of development going on. She would tell him that they look at historical issues and one thing that they do not do is they know they are not city commissioners, so they do not try to figure out what issues are going to come up in the future, because you all tell them what the issues are. They deal with it that way. They have seven local government attorneys and, by the way, that is all they do. They do not dabble in wills, they do not dabble in other civil litigation, they do city work. They have extensive experience with development work and, frankly, if you look at their proposal, you will see that they have extensive experience in virtually every aspect of local government law. You tell us what the issue is and we take care of it.

Commissioner Christian asked what role they saw their firm taking in this organization and if they could just highlight their experience with CRA's and dealing with blighted areas.

Becky Vose responded that they deal with CRA's on a very regular basis. They have them in Cocoa Beach, they have them in Naples, they have them in Brooksville and she currently represents the CRA in the City of Bradenton. Now they are not attorneys for the City of Bradenton but they like her expertise so well with regards to CRA's that they were hired to do that work. Just an extensive background for that. She has been doing this for so long that she has developed what she would call her philosophy of local

government representation. That basically is that they know they are not city commissioners, they do not bring to the table any ideas of what you all should do, you tell us what you want to accomplish and they will find the way to do it. She cannot tell you how many times she has seen city attorneys say nope you cannot do that or that it is not legal without creatively coming up with a way to accomplish it. What they do and what they believe their role is, is to figure out how to accomplish the city's goals, not her goals, in a legal defensible manner. If that happens, typically there is no litigation over it, but if there is, she would tell them what their philosophy of litigation is. They go for the juggler, there are a lot of lawyers who write lengthy memorandums of law, motions to the court and charge by the hour, they have deposition after deposition. They spend their time figuring out a strategy that is going to win. Honestly, they spend a lot less time on litigation than your normal attorney who would just plot through this stuff. They do not take extra depositions, they do not write extra motions. Their goal is to get in there to figure out a winning strategy and make whatever discovery they need to make, go in for motions for summary judgement, if it is not amenable to that, set it for trial and she is typically the litigator in the firm. She would go to trial, win the case and then it's over. When you all talked about seven hundred hours, that is what you anticipated they would be spending. Their thought was they would probably not spend that much time because, honestly, they know how to do it. They get things done quickly. It is a rare situation when they are asked to draft an ordinance. Their files online have just about every type of ordinance you could ever want and they can knock those things out very quickly, whereas a law firm that does not specialize in this and does not have the depth of field that they have could take a really long time. She thinks that they offer a lot.

Commissioner Robuck knows this was in their packet but he does not have that with him, but who is specifically serving as the Leesburg city attorney?

Becky Vose stated it would be her. She would attend the meetings personally.

Commissioner Robuck asked in that case, could she speak to any specific experience she has representing either electric or gas utilities, municipal or otherwise?

Becky Vose replied that the biggest involvement was with the City of St. Cloud. She was the city attorney for the city of St. Cloud for a lengthy period of time and they had its own electric utility system and the city commission there decided they wanted to go with OUC, so she stepped in and negotiated with OUC the transition from a local electric company to being taken over by their land utilities commission. It was a lot of work and she was doing that on a flat fee basis and she did not see that coming, but that is what it is. Sometimes, in theory, they lose money in one city but they make it up with another one. In that instance, it took a massive amount of time but they went in and they told them they would do it for a flat fee, so she did. However, she does have a lot of experience with that.

Commissioner Connell asked where their closest office is to Leesburg and do they currently represent anyone that they foresee could be a conflict of interest with the city.

Becky Vose replied that was a very good question and, since they do not do private legal work, they have no conflicts in that way. They do not represent any Lake County municipalities, so they would not have any conflicts there. The closest office, Nancy, lives in Clermont and she works out of her home. She lives in Clarcona, which is right next to Apopka. That is a hope skip and jump from here. Her house, when she put it into Waze, was twenty-eight miles away. She thinks Nancy's is like twenty-six miles away.

Nancy Stuperich said she lives just outside the downtown area, the CRA, which is where she lives, and she enjoys it. She loves seeing the changes that could happen in a CRA, so she is very close and it is about a thirty minute drive. It is nothing.

Becky Vose stated that it is nothing to her either and all of their attorneys have no problem driving. Her husband is retired usually not today, but usually her husband drives her to places, so she sits and works while she is being driven around. As far as being able to attend meetings and being here when the city needs somebody, we are there when you need someone; we absolutely are. This is interesting other than the Town of Oakland and other than Orange County because we have represented Orange County since

1993, other than Oakland and Orange County. You would be our geographically closest client, which we were so excited about when this came up. We feel like this is our hometown for us. When we went to Naples, it was a hike, it truly was a hike, but we did it, and Okachobee was a hike along with Indian Town. Bunnell is a hike, Leesburg is not a hike, it is a stroll down the road and they are happy about that.

Mayor Pederson remarked that their background had made it difficult for him to come up with any more questions.

Commissioner Burry asked as a followup to something Commissioner Robuck asked when he read the packet. It said that you were going to use a collaborative approach, but today you are saying you are going to be the city's attorney.

Becky Vose responded that she would be the one attending the meetings. What they try to do is have consistency at the meetings and they have been extremely blessed with the seven lawyers they have. One of them has gotten COVID over the last two years, but who knows? She may come down with it, in which case Wade or Nancy would come to the meetings, but they do use a collaborative approach and that is how they get things done quickly. That is why they can be so thorough. They have an attorney, Garrett Olson, who is unbelievably good at code enforcement and they would use him for code enforcement here. They all have their own snitches and she is the litigator. She also attends a lot of meetings. They collaborate on things and she would tell you that she keeps her finger and Wade does too, in everyone of our nine cities and one county, so in that case, if one of us gets sick or heaven forbid a Mack truck comes along (which they do not like to think about), there would not be a hiccup at all. They stay on the phone and they text each other. They have conference calls all the time because in such or such a city something comes up and they may need some ideas. They all get on the phone with all their attorneys and they talk because an issue may have come up like that two weeks ago in another city. Without collaboration, they could not make it all work.

Commissioner Burry commented that when he read that he was more concerned and thought it might mean one of the three of you would attend the meetings.

Becky Vose mentioned that she does take vacations, not often, but someone else would be there. She does tend not to get sick, but if she gets sick then someone else will be there.

Nancy Stuperich stated she is the one that travels the most. She does serve the City of Naples and it is a four-hour drive on a good drive down there and when they first acquired the city she was concerned because she is going to be four hours away from her partners, from her friends, from her family, but it has not been a lonely experience. The reason for that is, yes, we collaborate on legal issues and we discuss when something new comes up in Naples that maybe she is not familiar with, she picks up the phone and one of the seven will have experienced that in one way or another. It is collaborative, but they function as a team. It is very seamless and if there is something that she cannot get done because she has another pressing issue with one of her council members, somebody else is able to pick that ball up and run with it because we have been in communication of what the issues are in the City of Naples. She thinks the same would be true regarding the issues in Leesburg. She wanted to take it one step further. We talked about collaboration, we talk about team work, but we are also somewhat of a family. You know the actual relationship between Becky and Wade, but the rest of us, we feel like we are part of that family too. If there is a call at one o'clock in the morning, somebody is going to respond to it. She wanted to share that with them because that has been her experience with the firm and she finds them to be very ethical and very professional. That is what we would be providing for you.

Commissioner Christian knows they have a plan and a program, as they say in Naples, which is four hours' travel. Have they ever thought about a brick and mortar office location here in Leesburg just in case something were to arise if they had a long meeting or a two-day meeting? He knows Apopka or Clarcona is not as far as Naples, but has there been any thought or consideration if you were to assume the contract? He knows outside of nine cities, he knows, they said, Naples and Brooksville.

Becky Vose said she could provide a list of cities. If they go to the east coast, the furthest north is Bunnell in Flagler County. Then they have Daytona Beach Shores in Volusia. They have South Daytona in Volusia. They have Cocoa Beach in Brevard. They represent a recreation district which is a special district. Legally it is unique, but that is Barefoot Bay in Brevard and then in Martin County. They have Indian Town and then, moving across the state they have Ockachobee County, then they have Brooksville in Hernando County, they have Anna Maria, which is a barrier island community in Tampa Bay, and then Naples. **Nancy Stuperich** said they also have the Town of Oakland. **Becky Vose** said yes, and that is located just about in her backyard.

Commissioner Robuck asked if they could tell the commission about a specific city or other entity that left as a client and why. That left your firm. They did not renew the contract.

Becky Vose responded that in the City of Deltona, she had been city attorney there for seven years. She got ill, got recurrent monocleocsis and she had it when she was in college and she got a recurrence of it and you do not ever want to do that, particularly at her age. She was sick in bed for about six weeks and Wade took over that and, honestly, he was too spread out. It just did not work because it was a city of 97,000 residents. It was very time-consuming. She wondered how to say it appropriately. The City of Leesburg commission seems like a very collegial body and when she went to the meeting everybody was so polite and she has watched this city's meetings online in Deltona. They were not like that so much. Unfortunately, it was people who were spitting at each other. It was emotionally toxic, which might have been the reason for her getting sick like that.

Commissioner Connell remarked that things come up daily with the city; either the staff has questions or the city manager has questions or maybe even a city commissioner has questions. How accessible is your staff to phone calls or to respond back to emails when we need to know something, like yesterday?

Becky Vose responded that she is not alone in that she has her phone on mute right now and, luckily, today is a holiday for most of her city. Some of them are working today, but she answers her phone when it rings. If she is on a conference call, she will really quickly text you that she will call you back and she calls back immediately. That is crucial. When she gets emails she answers them, she beats this into everybody's heads. All the lawyers in their firm do that; you cannot put somebody off. For one thing, if you put someone off, it is going to hang over your head. In order to have a fast-paced practice like they have, you cannot let things fill up in an in-basket. You have to empty them out. She personally does not go to sleep at night until everything is done from that day. She will not put it off till tomorrow because there will be other stuff going on tomorrow. She knows Wade has three young daughters and after he puts them to bed he will text her and they email back and forth until one o'clock in the morning, but they all do that. He is lucky enough to take a little time off to be with his daughters from six until they go to bed at night, but other than that, we are a little bit obsessive about our work. However, you kind of have to be to have the practice that they have.

Nancy Stuperich said they just love what they do and the more they do it, the more it motivates them to do more. She hates to say it that way. However, one-two o'clock in the morning is not something that is uncommon because they have to get it done and they are in this with the city and Becky had talked previously about litigation. They want the city to win, because when the city wins, they win, everybody wins. They are very strong about that.

PM Thornton said you mentioned that you do not dabble in civil law, which is their experience with real estate, property leases and code enforcement forfeitures.

Becky Vose replied that code enforcement forfeitures they have handled. They are Orange County's exclusive law firm to do all of their code enforcement foreclosures. With real estate, she has an extensive background along with Wade and Nancy, but complex real estate transactions she does all the time. They just recently had a closing for Daytona Beach Shores and they are about to do one for Cocoa Beach. So yes, their depth is really strong. Nancy also has incredible experience with real estate.

Nancy Stuperich said she had the opportunity early in her career to work for two different title insurance companies, which you can make or break a transaction based on if the title is appropriate or not, and that got her into the zoning area, which caused her to go back to Florida State to get a Masters in Urban and Regional Planning. She stumbled across the Florida League of Cities and working at the Florida League of Cities, she is so proud of the fact that she got to work on the Civic Hall, which is the Florida League Headquarters in the middle of Downtown Tallahassee, adjacent to the Florida Capital. For her, that was a huge accomplishment in her career.

Commissioner Robuck asked if they could speak about a particularly challenging zoning case that they have had to deal with.

Becky Vose replied that they are dealing with one right now in Naples, having to deal with height. She does not know how familiar you might be with the City of Naples, but they have skyscrapers. Several years ago, they passed a charter amendment saying forty-two feet. That was the end of the story. They have a lot of litigation with regard to that, they are in the process of drafting some work around addressing exceptions to the height provision in the charter for hospitals and parking garages and they need both of those desperately and forty-two feet does not work well for either one of those. The City of Indian River Shores hired her in particular to rewrite their zoning code, which she did, so they have extensive experience with that. The Town of Oakland, as she said, is basically in her backyard. They are going gangbusters with development right now and the reason why they are in (they are in west orange county up all the way up over to the lake county boarder), they never had sewer so they could not develop so it just sat there in 1950's land until they worked a deal with the city of Clermont. Oakland has its own transmission lines but Clermont treats the sewage, so when they put the sewer lines in, it exploded with growth, so they do all the development agreements. They do all that, they annex, rezone, and comprehensive plan it. They process the development agreements, and negotiate all that. When she was in the City of Orlando back in the seventies, she was the attorney that represented the zoning department and she kept up that type of work.

Wade Vose, managing partner, added that in Cocoa Beach they went through a multi-year process that ended up being for what was going to end up being about a five hundred million dollar hotel and conference project that is going in right on the ocean in Cocoa Beach. That involved years of going through and there being charter amendments first because, like Naples, they had similar provisions having some limitations there. Charter amendments then go through the comp plan. Rewriting part of the comp plan and LDR's to accommodate it and then going through the actual comp plan and rezoning process, which is highly controversial, as you can imagine, but they got through that without any challenges there. In addition, they mentioned the Village of Indian Town, which is the newest municipality in the state and he is the Village attorney there and he had the fun job when they started there. They did not have a comp plan, they did not have land development regulations, they did not have anything. In the couple of years since they came to exist, a whole comprehensive plan has been developed and it has to go through multiple ringers of their offices to be reviewed again. Land development regulations all put together their offices to review and then they got to put those to the test with an eight hundred acre which is big for Little Indian Town. An eight hundred acre project is coming in to get a master development agreement for them to be able to put up thousands and thousands of homes. They got that through, a very high interest, somewhat controversial issue, but they got it all through without any help. They do it every day.

Mayor Pederson questioned whether they are experienced with airports.

Becky Vose replied yes.

Wade Vose added that their firm serves as county attorney for Ockchobee County and they have an airport. He has previously done a little bit of FAA work for the Town of Pierson in Volusia County, but that really does not count because it really is a grassfield and there really is not much to be done there. They have done an extensive amount of work with the Ockchobee Airport, which is wholly owned, and a

department of Ockchobee County. They helped the airport director jump through the hoops with the different FAA regulations that encumbrant the grant conditions that come along with any sort of money that would come from the FAA that would govern what you could use that land for and how you would lease it out to individual folks that may want a hangar there. They also had to deal with some litigation issues. These were leftovers from the prior county attorney that they had to dive into. That involved extensively digging into the application of those grant conditions, how the FAA, how the local district office of the FAA, which for Ockchobee County, is in Orlando. How they enforce those, how they deal with those and how those interact with the litigation that they had going on and they, fortunately, all came in for a landing pretty well and that litigation is all over. They deal with airport issues every day and that is not incredibly common for local government attorneys. Not every city and county has an airport of their own but they have been fortunate these last many years to be able to dive deep in and get a lot of experience with that.

Becky Vose said the City of Naples owns the land under the airport but they do not operate it. There is a separate authority but there is a lot of interaction between the city of Naples and the authority. Also, there are a lot of issues there with regards to fly overs and the noise issues. Particularly, just in the last two to three years, the number of flights has massively increased in and out of the City of Naples airport, so the people who live there, who reside in multi-million dollar homes are not really happy about that. Again, those are the same people who are flying in.

Nancy Stuperich said those issues are very similar, not only noise, but they also have grant issues and they also look at it from a planning perspective as far as the long term plan for the airport authority as well for the city and how the two interact. She knows Mr. Vose has dealt with those issues as well and that is just an example of how they work together and when she gets a grant issue she calls Mr. Vose.

CM Minner asked if they worked in Indian River Shores.

Becky Vose replied yes, she was hired to rewrite their zoning code.

CM Minner questioned if they just did that and if they were active with them when they had all their issues with Vero Beach Electric and the Franchise issues?

Becky Vose replied no, they were not active with them at that time. She was asked to rewrite the zoning code, which she did. That was almost ten years ago.

Mayor Pederson stated he would conclude this with a closing question about why the commission would choose your firm over the three other firms.

Becky Vose replied that she never said anything about another law firm. It does not seem to do that, but she does not know that they would find any firm that would have more experience or more passion for what they do. She did see there is one firm that has a lot of experience and they are from Maitland, which is in their background, and she saw their proposal and she suggested that they ask what standard litigation is, other than code foreclosures. Most litigation is nonstandard and when they commit to doing work, including all litigation, it means all litigation. She would suggest that the city go with basically an exclusive local government firm and they may want to ask questions about whether they represent individual clients against other local governments, which they do not. They get called all the time when they are having a problem, where they are having a problem with the City of Maitland and they need their help. They stay on their side of the fence and they never attack other local governments. It's not something they do. It's not seemly. Also, if you are in court in front of one judge and last week, if you argued against a city in front of that judge and then the next week you come back and you are telling a different story to the judge because the issues are common, you just cannot do that. She thinks they are special in that and they are the only ones that have that philosophy.

CM Minner said that you went back to it so it made him think about it because they keep talking about the flat fee and the same thing for litigation, so are you familiar with the City of Leesburgs action with TECO's Peoples gas?

Becky Vose replied no.

CM Minner stated that the City ended up in quasi litigation with the public service commission, so would that have been covered under your flat fee?

Becky Vose answered absolutely it would have been. It is the sort of thing where she talked about St. Cloud, sometimes we end up thinking about why they did this, but it is over and they are happy as clams.

Wade Vose added that things came up as Becky said that it would be a radical project, some extraordinary project and a lot of other context. We just take it in stride and do it.

Commissioner Robuck questioned what issues. You say yes we will do this and we say yes, we appreciate that, but this is so outside of the things you normally do, we want to hire someone to deal with it. That would not be a problem.

Becky Vose said that would be fine.

Commissioner Robuck asked if they would work with them as needed.

Becky Vose said absolutely, and that has happened and they are working in Naples right now.

Nancy Stuperich said it was a redevelopment project for the Naples Beach and Golf Club and when they were hired they had already had outside counsel from the Osley Firm in Tallahassee, so they augmented that approach and then, at the last minute, they hired some additional counsel, because they needed to bring that project to a completion. It is basically the negotiation of a conservation easement that is very near and dear to the heart of many in the community. They have no problem working with outside counsel.

Becky Vose said they enjoy that.

Mayor Pederson asked if there were any other questions. There being none, he thanked the firm for their interest in the City Attorney's position, their proposal and their time today.

PM Thornton stated in conclusion, this is the second of four interviews. There are two more on Wednesday and the plan is that the City Commission will discuss this item at the Monday, February 28, 2022 meeting and hopefully make a final decision.

5. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

The meeting adjourned at 2:45 p.m.