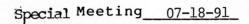
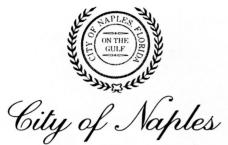
CITY COUNCIL MINUTES



City Council Chambers 735 Eighth Street South Naples, Florida 33940



-SUBJECT-	PAGE						
DISCUSSION WITH REGARD TO PROCESS USED FOR RETAINING LEGAL COUNSEL AT THE END OF MR. RYNDERS' TENURE	1						
ACCEPTANCE OF LETTER OF RESIGNATION OF DAVID W. RYNDERS, ESQ.	6						
DISCUSSION OF LEGAL SERVICES REGARDING CHARLES RHOADES LAWSUIT	9						

City Council Chambers 735 Eighth Street South Naples, Florida 33940



Time 7:00 p.m.

Date July 18, 1991

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The City Manager pointed out that cities with populations of approximately 40,000 had both internal staffs and outside firms, although there had been no indication that one method was preferred over another. City Manager Woodruff also told Council that in the event legal counsel had not been hired by December 31, 1991, there are firms in the area willing to step forward and serve on an interim basis, so the City would not be without representation. Mr. Wheeler Conkling of 950 Admiralty Parade said that he was in support of Council retaining City Attorney Rynders' services for as long as possible. He said that City Attorney Rynders had always been fair, balanced, highly competent, and honest. City Attorney Rynders had, he said, appealed to private citizens resulting in raising \$175,000 by the Citizens to Save Naples Bay in the Sabal Bay case, to supplement City funds to hire a Tallahassee law firm which worked under city Attorney Rynders' direction. Because that case was still pending, to take City Attorney Rynders off prematurely would be very unfortunate, he added, and in summary, said that the City had a competent, devoted, capable public servant and that City Attorney Rynders' services should be retained as long as possible. Mrs. Sue B. Smith, 15 11th Avenue South, told Council that when she read the Naples Daily News article concerning City Attorney Rynders, she was shocked that he had not been asked to leave. She said that in her opinion it was astonishing that council had allowed him to remain in the City's employ, and was further astonished with the fact that his philosophy about our government differed from many of the citizens. Mrs. Smith went on to say that in addition to the fact that Mr. Rynders had made it clear he had no respect for the people of Naples, he had been paid by the Airport Authority as well. She referred to several instances in support of her						

CITY OF NAPLES, FLORIDA City Council Minutes Date 07-18-91	COUNCIL MEMBERS	M O T I O N	SECOND	Y E S	'n O	A B S E N
position: allowing Mr. Rynders to collect a \$7,500 finder's fee to allow Naples Community Hospital to be put under the City's umbrella for a bond issue; signing a contract whereby the two firefighters assigned to the Naples Airport cannot serve in the City during emergencies; the Stewart Kaye lawsuit; the Third Street parking situation; and former City Manager Jones' termination settlement. Mrs. Smith pointed out that it seemed the City Attorney could have better advised staff, that it was extremely important that the City should have good counsel, and that in his allegiance to the citizens he had failed.						
Council Member Korest suggested forming a small study committee for the purpose of thoroughly investigating whether the City would benefit most with an individual attorney, a law firm, or a combination thereof. Council Member Herms thanked staff for providing data from other Florida cities and surveying other firms. He noted that 90% or more of those cities listed retained a firm. Mr. Herms said he believed it to be more than likely that the City would end up with an individual attorney, but would not preclude hiring a firm from the community. He said that for the benefit of Council, staff, and the community both options should be investigated.						
Vice Mayor Passidomo stated that it was self- evident that there are a broad range of options available to the City. This is a special opportunity, he said, for Council to take a hard look, reassess means and proceed in a cost effective, comprehensive manner. Mr. Passidomo reflected on the fact that he had been practicing law for thirteen years, and City Attorney Rynders had been employed by the City for thirteen years. During that time, there have been substantial changes in methodology in legal services and now attorneys are into areas of specialization, he said, and noted that it was rare to find a lawyer with expertise in more than one area. With						

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CITY OF NAPLES, FLORIDA City Council Minutes Date 07-18-91	COUNCIL MEMBERS	O T I O N	ECOND	Y E S	N O	BS
espect to Mr. Rynders, it is quite a throwback," he added. Mr. Passidomo also said hat City Attorney Rynders is comfortable with eal estate law and labor law and is respected in the County legal community. He told Council that his is an occasion to view the broad range of opportunities available to the City and suggested that Council and staff draw on the talents of those lawyers who have expertise in municipal aw.						
council Member Muenzer said that he had had experience under both systems, but that he was not aware of the strengths of law firms in the rea. If those firms cannot offer the City the ervices it requires, it would be obvious that an individual must be considered. Mr. Muenzer said that his first choice would be to advertise a request for services, asking interested firms and individuals to apply. At that time the field can be narrowed down, and the interview process regun. He said that his next option would be to come a committee to make recommendations to bouncil within thirty days.						
funcil Member Sullivan said he concurred with the ch of what had been said. He referred to the bal Bay situation, and said that it had been cessary to go to great lengths to locate the gal skills required as well as a firm willing accept the challenge. Many local firms lacked to necessary expertise or were too closely tied a conflict of interest.						
r. Herms said that he was inclined to agree with the suggestion of forming a committee that could live some direction to Council. Not all members of the committee would have to be attorneys, he haid, but individuals with some expertise in the field. Mr. Herms emphasized that this was a very serious situation and should not be treated lightly.						
summation, Mayor Anderson noted that the	27 C 230 E					

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City Council Minutes Date 07-18-91	COUNCIL MEMBERS	0 T I O N	ECOZD	Y E S	N O	B S E N T
a committee, and that the committee review and report to Council its recommendations. Those recommendations will include whether a firm or an individual should be retained, designing a contract and a projection of compensation, and advising Council on how best to implement a search. The Mayor stressed the importance of the committee presenting its recommendations to Council before the budget process in August. Mayor Anderson proposed that the committee include one Council Member, two retired attorneys, and one practicing attorney with municipal experience who does not want to be considered for the position. She requested the help of the media and expressed the hope that a list of those people interested in serving on the committee would be compiled by Monday, July 22. Council Member Muenzer suggested that each Member of Council take the responsibility of recommending one person, as they had done when establishing the Efficiency Committee. Council Member Sullivan proposed requesting that the Efficiency Committee serve as the legal study committee, since many of its members had analyzed the City's legal department. Council Member Muenzer agreed that the Efficiency Committee had done a superior job, but he said he believed that in this instance a committee with legal expertise was needed. Council Member Korest said that Vice Mayor Passidomo should serve as a member of the committee. Council Member Herms then pointed out that a contract could be a disadvantage because the Charter's intent was for Councils to have the ability to remove its employees. City Manager Woodruff told Council that it would be appropriate to have the resources of the City Manager's Office available to assist the committee, but inappropriate for the City Manager Committee, but inappropriate for the City Manager						

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City Council Minutes Bate 07-18-91	COUNCIL MEMBERS	I O N	O Z D	Y E S	N O	E N T
Mr. John Remington, 2660 Halfmoon Walk, told Council that City Attorney Rynders had acted in an exemplary fashion in the Key Island matter and that as the case goes to trial it is important to have some continuity. From a practical viewpoint, he said, if the City Attorney is not guilty of malfeasance, it would be best to allow him to stay until December 31 in order to train his replacement.						
Mr. Jim McGrath of 650 Banyan Circle urged Council to assume the responsibility of making a decision. He said that he agreed with hiring a single attorney rather than a firm and hoped that Council would make a decision as soon as possible.						
Mrs. Sue B. Smith, 15 11th Avenue South, said that her husband had written to former Mayor Crawford on December 4, 1990, stating that there appeared to be a problem with the City's bonds. The City did admit two months later that the bonds were in fact in default. Mrs. Smith requested that, if Council elected to retain Mr. Rynders any longer that they provide him to explain to the citizens the matter regarding the bond counsel.						
Mrs. Smith asked that Vice Mayor Passidomo not be allowed to work on City Attorney Rynders' contract and that the transition be accomplished in an efficient, cost effective, and practical manner.						2.
Council Member Herms commented that Council is developing the ability to compromise and work together and is dealing with very difficult issues including changing staff members. He asked that Council reach a compromise and set a positive path, leading in a positive direction in a spirit of cooperation and friendship.						
Council Member Muenzer said he concurred that further discussion was needed. He reviewed the time frame which would be involved in the hiring process, and suggested determining an hourly rate						
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CITY OF NAPLES, FLORIDA		M O	S E	VO:1	Έ	A B
City Council Minutes Date 07-18-91	COUNCIL MEMBERS	T I O N	COND	Y E S	N O	S I
for City Attorney Rynders, to be used at the discretion of the new firm during the transition period.						
As discussion ensued, Vice Mayor Passidomo said that providing Mr. Rynders with a consulting fee was not realistic or fair. He noted that the value of the City Attorney's services in the private sector would be in excess of \$200 per hour.						
Council Member Korest commented that if a new attorney is hired by October 1, that individual would need some transition time to learn the City's legal history during Mr. Rynders' tenure.						
Council Member Sullivan agreed with Council Member Korest that the City could stand to lose much if City Attorney Rynders left before certain cases are resolved. Mr. Sullivan noted that the Key Island case had the potential to be resolved by the end of this year and that he would prefer for the new attorney to be fully aware of the complexities of the case. He suggested that Council provide a target date for the selection of a candidate, then afford a thirty-day transition period after the new attorney is hired.						
Council Member Korest commented that the only potential problems he could see were the standpoint of the City's financial obligation and the impact of the pending cases, and said that there was much wisdom in Mr. Rynders remaining until the end of the year.						
BREAK: 9:20 p.m 9:35 p.m.						
Mayor Anderson said that Council should endeavor to have new counsel on board by October 1, then provide the new counsel the opportunity to work with City Attorney Rynders.						
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CITY OF NAPLES, City Council Min		Oate_07-18-9	1	COUNCIL MEMBERS	M O T I O N	SECOND	Y E S	E N O	ABSENT
Discussion ensued final employment d said that Council resignation now and as soon as possible of thirty days aft period, but having AMENDED MOTION:	ate and Vice should so strive to he sugge er hiring for accept Rynders' receed Deceaddition, endeavor to Attorney October resignation established	ce Mayor Pasimply acceptive a new at sted a targe for the trand date. I City At esignation, ember 31, 199 Council to hire a new signation of the council to hire a new signation of the signature of the signatur	sidomo t the torney t date sition torney not to 01. In will w City than exact then be on the	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	Х		X X X X X X		
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CITY OF NAPLES, FLORIDA City Council Minutes Date 07-18-91	COUNCIL MEMBERS	M O T I O N	SECOND	VOT Y E S	E N O	A B S E N T
JANET CASON City Clerk Marilyn McCord Recording Secretary						
These minutes of the Naples City Council were approved on						
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SUPPLEMENTAL ATTENDANCE LIST

Ann Colabrese Sue B. Smith Jim McGrath George Vega, Jr. Ron Pennington John Remington Wheeler Conkling

NEWS MEDIA

Gina Binole, Naples Daily News Traci Griffith, WNOG Sally Kidd, WINK-TV Jerry Pugh, Palmer Cable Tim Engstrom, Fort Myers News-Press