



City of Naples

CITY COUNCIL MINUTES

Special Meeting 07-18-91

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

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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

Mayor Anderson called the meeting to order and presided.

ROLL CALL

ITEM 1

Present: Kim Anderson, Mayor

John M. Passidomo, Vice Mayor

William E. Barnett

R. Joseph Herms

Alan R. Korest

Paul W. Muenzer

Fred L. Sullivan

Council Members

Also Present:

Dr. Richard L. Woodruff, City Manager

Mary Kay McShane, Human Resources Director

Jim Byrne, Police Captain

George Henderson, Sergeant-At-Arms

Marilyn McCord, Recording Secretary

See Supplemental Attendance List - Attachment #1

Mayor Anderson announced that Item 3 would be discussed first.

ITEM 3

DISCUSSION/ACTION WITH REGARD TO
PROCESS USED FOR RETAINING LEGAL
COUNSEL AT THE END OF MR. RYNDERS'
TENURE.

City Manager Woodruff told Council that a survey had been made in order to illustrate what other cities in Florida are doing with regard to their legal services. Human Resources Director McShane distributed the results of that survey, which Dr. Woodruff said, gives a good representation of how similar municipalities had set up their legal departments.

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>					

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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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respect to Mr. Rynders, it is quite a "throwback," he added. Mr. Passidomo also said that City Attorney Rynders is comfortable with real estate law and labor law and is respected in the County legal community. He told Council that this 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 law.

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 area. If those firms cannot offer the City the services 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 begun. He said that his next option would be to form a committee to make recommendations to Council within thirty days.

Council Member Sullivan said he concurred with much of what had been said. He referred to the Sabal Bay situation, and said that it had been necessary to go to great lengths to locate the legal skills required as well as a firm willing to accept the challenge. Many local firms lacked the necessary expertise or were too closely tied to a conflict of interest.

Mr. Herms said that he was inclined to agree with the suggestion of forming a committee that could give some direction to Council. Not all members of the committee would have to be attorneys, he said, but individuals with some expertise in the field. Mr. Herms emphasized that this was a very serious situation and should not be treated lightly.

In summation, Mayor Anderson noted that the majority of Council would be comfortable in forming a committee. She recommended structuring

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to participate in an active manner. It is vital for the City Manager and City Attorney to work together, but they should not be looked upon as a team, because of the checks and balances in the system.

It was the consensus of Council that a request for volunteers go out and that each Council Member individually solicit members for the committee. A list of suggested members, each with a Council Member sponsor, should be submitted no later than July 29. It was also the consensus of Council that should a seven-member committee be chosen, it would not include a Council Member.

Mayor Anderson said that individuals interested in participating should make themselves known to the City Manager's Office or more specifically to the individual Council Members. She asked Council to convey in writing particular matters that the committee should delve into, including specific concerns with regard to full or part-time counsel, a contract arrangement, etc. Once a committee is established, its members will select its own chairman and set its own meeting dates.

ITEM 2

ACCEPTANCE OF LETTER OF RESIGNATION OF
DAVID W. RYNDERS, ESQ.

Mayor Anderson noted that it was necessary for Council to accept City Attorney Rynders' letter of resignation before a new attorney could be hired.

MOTION: To ACCEPT City Attorney
Rynders' letter of
resignation.

Barnett
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Korest
Muenzer
Passidomo
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Anderson
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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>					

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Janet Cason
JANET CASON
City Clerk

Marilyn McCord
Marilyn McCord
Recording Secretary

These minutes of the Naples City Council were
approved on August 7, 1991.

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