



City of Naples

City Council Minutes

Special Meeting 9-16-91

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
<p><u>RESOLUTION:</u> -APPROVE a contract with Hardt & Stewart to proceed with litigation regarding professional malpractice in connection with the City's audit</p>		91-6454	1

SPECIAL MEETING

Date September 16, 1991

ROLL CALL

Present: Kim Anderson, Mayor

William E. Barnett

R. Joseph Herms

Alan R. Korest

Paul W. Muenzer

Fred L. Sullivan

Council Members

Dr. Richard L. Woodruff,
City Manager

David W. Rynders,
City Attorney

Steve Uman,
Building Official

Robert Walker,
Asst. Utilities Dir.

Bill Harrison,
Finance Director

Marilyn McCord,
Recording Secretary

Norris C. Ijams,
Acting City Manager

Stew Unangst,
Purchasing Agent

Susan Golden,
Planner I

Larry Barnet,
Utilities Dir.

George Henderson,
Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1

RESOLUTION NO. 91-6454

ITEM 2

Title read by City Attorney Rynders.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 9-16-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

City Manager Woodruff distributed the proposed Contract for Professional Services. Attorney Joseph D. Stewart directed Council's attention to Item 14 of the Contract, Case Procedure. He explained that there were two methods of discovery. One method is informal, the taking of statements. The other method is formal and involves taking depositions. Attorney Stewart said, that in his opinion, the proper way to proceed was to take sworn statements after which he would determine who would be good witnesses. Depositions, through the use of subpoenas, would be taken from former City Manager Frank Jones, former Acting City Manager Rand-Scott Coggan, former Assistant City Manager Mark Wiltsie and former Finance Director Bill Hanley. Mayor Anderson requested that Council Members who have recommendations for anyone whose statements should be obtained should relay that information to Attorney Stewart as soon as possible.

In answer to Council Member Herms' question, Attorney Stewart replied that should he have difficulty obtaining sworn statements, he would have the opportunity to serve subpoenas for depositions. He explained that the defense attorney would have the opportunity to take depositions from the Council Members and to ask questions which he believes are relevant.

Mayor Anderson asked about confidentiality criteria and Attorney Stewart said that information pertaining to the case would be in a privileged file.

City Manager Woodruff explained that this litigation had to do with Water and Sewer funds and that any recovery would go back into that fund. A transfer from Water and Sewer of \$30,000 would be implemented for the first phase of litigation and as additional funds are needed, Council's approval would be required.

CITY OF NAPLES, FLORIDA

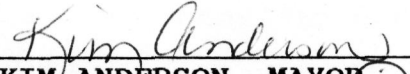
City Council Minutes

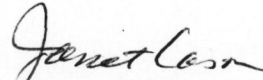
Date 9-16-91

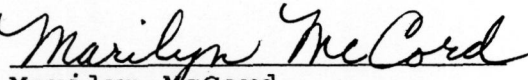
COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Barnett	X		X		
Herms					X
Korest			X		
Muenzer					X
Passidomo			X		
Sullivan		X	X		
Anderson			X		
(5-2)					

MOTION: To APPROVE the resolution as presented.

ADJOURN SPECIAL MEETING: 10:25 a.m.


KIM ANDERSON, MAYOR


JANET CASON
City Council


Marilyn McCord
Recording Secretary

These minutes of the Naples City Council were approved on October 16, 1991.

SUPPLEMENTAL ATTENDANCE LIST

Werner W. Haardt
Charles Andrews

Tom Riley
Sue B. Smith

Other interested visitors and citizens.

NEWS MEDIA

Eric Staats, Naples Daily News