

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

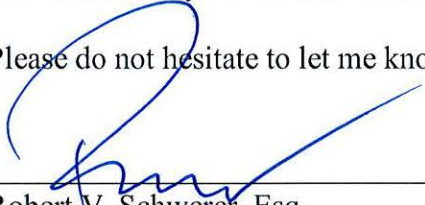
M E M O R A N D U M

TO: Commissioner Rufus J. Alexander, III (*via email*)
FROM: Robert V. Schwerer, City Attorney
SUBJECT: Proposed Vendor Ordinance Update – Agenda Item
DATE: July 1, 2014

Please accept this memorandum in response to yours of June 24, 2014, copy attached. Legal review of the Vendor Ordinance has been assigned to my staff awaiting its final form. Attached is a memorandum from Assistant City Attorney, Jim Walker, providing an update on the status of our review of the ordinance.

As indicated, the City is dealing with a very difficult and legally complex subject here and there is need to carefully consider the ordinance language. Nevertheless, we expect Ms. Arraiz to be providing her latest redraft of the ordinance and if our suggestions and recommendations are incorporated then the ordinance should be close to its final form to be considered by the Commission.

Please do not hesitate to let me know if you have any questions in the meantime.



Robert V. Schwerer, Esq.
City Attorney

/mlp

Attachment

cc: Robert J. Bradshaw, City Manager (*via email*)
Nicholas Mimms, Deputy City Manager (*via email*)
James T. Walker, Assistant City Attorney (*via email*)
Karen Emerson, Assistant City Attorney (*via email*)
Peggy Arraiz, Code Compliance Manager (*via email*)



INTEROFFICE MEMORANDUM
FROM THE OFFICE OF THE
COMMISSIONER RUFUS J. ALEXANDER, III

TO : Robert V. Schwerer, City Attorney

JUN 25 2014

COPY TO : Robert J. Bradshaw, City Manager

FROM : Commissioner Rufus J. Alexander, III

RJA/son

RE : **Proposed Vendor Ordinance Update – Agenda Item**

DATE : June 24, 2014

I am scheduling an item for the July 7, 2014 City Commission meeting regarding an update of the proposed vendor ordinance. It is my understanding that the ordinance is currently in your office under review and has been for quite some time.

At the July 7, 2014 meeting, please provide the status of the proposed ordinance as well as when I can expect the ordinance to be presented for Commission approval.

Please do not hesitate to contact me if you have any questions regarding my request.

RJA:jdr

c: Nick Mimms, Deputy City Manager
Peggy Arraiz, Code Compliance Manager

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M E M O R A N D U M

TO: Robert V. Schwerer, City Attorney
FROM: James T. Walker, Assistant City Attorney
SUBJECT: Vendor Ordinance
DATE: July 1, 2014

This memorandum serves as response to your request for a summary memorandum of activity relating to the drafting of a proposed vendor ordinance by Ms. Peggy Arraiz.

It will be recalled that there was a meeting on the topic with you, Robert Bradshaw, Peggy, Karen Emerson and myself. Such meeting was followed by multiple exchanges between this office and Peggy of memorandum, drafts, amended drafts and follow-up memos. After another meeting, in May, among Karen, Peggy and me, it was decided that, to facilitate further review, Peggy would submit a new, comprehensive draft incorporating legal suggestions as she thought best.

She did submit a new draft. It was then the subject of my memorandum dated 6/2/14, which identified various points as to which further consideration was recommended, covering the sufficiency of the ordinance title, preliminary findings, and various other deletions, amendments and modifications. We are awaiting her next draft which is expected soon.

As you are of course aware, this is a very difficult subject on which she is tasked to draft legislation. There are numerous legal concerns to be taken into account, including constitutional issues of equal protection and commercial speech, primacy/preemption concerns arising out of state legislation concerning solicitors, and even potential anti-trust issues.

Please let me know of any questions or concerns. Thank you.

s/ James T. Walker

James T. Walker, Esq.
Assistant City Attorney

/mlp