

ITEM NO.8 ~ NEW BUSINESS – DISCUSSION OF FUTURE LEGAL REPRESENTATION

Comm. Perona said comments were made at the last Board meeting concerning future representation. He asked Mr. Walker what was the position of the Board as far as choosing its own representation.

Mr. Walker said it would require an amendment of the code. He said before he came on the Board, the code required that the counsel for the Board be the City Attorney. He said when he came on board; the Board adopted a rule amendment providing that it was to be represented by either the City Attorney or the City Attorney's designee. It was considered that was compatible with the code provision since the City Attorney and his designator are centrally alter egos of each other. Mr. Walker said since the code does require that the Board be represented by the City Attorney, and since the Commission is currently dispose to go in-house, that would require an amendment of the code. In the event the Board determines that it wishes to recommend to the Commission a change to that provision, he does have a proposed draft of an amendment to the code that the Board being in a position to consider.

Comm. Perona said the position of Board Attorney has gotten to be one that has to have an immense amount of experience and at least a network to be able to know where to go get the answer. He said that Mr. Walker has proven his knowledge and has kept the Board navigating through these mind fields lately. Comm. Persona said he is very impressed with this type of service the Board has gotten. He said from his standpoint, he would like to continue this and if it's the Board's direction he is willing to speak to the Commission concerning the Board adopting this proposal.

Mr. Nieves said due to the fact that we already have a standing code and in the event we hire a different attorney, which would soon come, would that still be standing? He said if that is the rule now; the City Attorney, whether it being he or she, decide to remove Mr. Walker, that would put the Board in harm's way in the event the City Attorney decides to remove him because of that code.

Mr. Walker said that is the rule that says that; not the Ordinance. The Ordinance says that it must be the City Attorney. He said it would also require a rules change as well. Since the immediate focus is one the Code of Ordinances, Mr. Walker said this is what he is immediately focused on.

Mr. Nieves said the Mr. Walker that this is for his protection and the protection of the Board as well.

Mr. Walker said he appreciated that. He said the proposed amendment would provide that the Board would be represented by the City Attorney or such other counsel as the Board might choose upon approval of the City Commission. Ultimately it is the City Commission that would obtain the last word.

Comm. Perona said Mr. Walker attends all of the updated conferences and stays in line with Mr. Lynn. He said this type of dynamic is proven to be the strong asset for this Board. Comm.

Perona said when you have good service; and he feels comfortable in doing what the Board is doing; a lot has been done in the last two years; a lot of changes have been made, even to the Board's portfolio; it is very important that the Board enter into these things with the legal guidance of someone savvy of the issues that are in front of the Board. Comm. Perona said he would like to keep this. He said he doesn't know where the future of our legal services for the City of Fort Pierce is going to take us so he would like for some things to remain the same as much as it possibly can. Comm. Perona said getting ahead of it now before the Board chooses an in-house attorney will probably be the key to the Board's success. Comm. Perona asked what would the Board have to do to adopt this.

Ms. Johnna Morris asked Mr. Walker if they would have to do a RFP. She asked if the Board can just say that Mr. Walker is the Board's choice.

Mr. Walker said he believe the answer to Ms. Morris's question is yes. He would need to verify it.

Comm. Perona said there are other Boards that choose their counsel accordingly. He said he knows that Civil Service Appeals has done this in the past. Comm. Perona said we are talking about a very defined and specific type of legal representation and that expertise is something this Board should be able to identify and retain accordingly.

Ms. Hurtubise said the Board really can't control what the City Commission does; they can certainly recommend approval of this Ordinance but it is up to the City Commission to decide. She said assuming the City does indeed bring in an in-house City Attorney; that City Attorney is going to be really busy. She would be much happier having someone with the expertise of Mr. Walker representing the Board instead of someone coming in. Ms. Hurtubise said Mr. Walker services the Board well and she doesn't know if the Board would receive the proper attention from another attorney that has other priorities.

Mr. Keith Stephens asked Mr. Walker how many years he has been representing this Board.

Mr. Walker said he has been representing the Board for 18 years.

Mr. Stephens said he has been on the Board a little over a year and the experience Mr. Walker has with this Board puts a lot of value in him.

Comm. Perona said the only thing he has to be cautious of is, let's not put Mr. Walker in that position right now. He said let's talk about 15 to 20 years from now. How would this Ordinance stand up to the benefit of the community? Comm. Perona said he is sure Mr. Walker is going to tell him that the Commission at any given time could change that Ordinance to go back to whatever they determine is the right path for them at that moment.

Mr. Walker said the Commission is the boss.

Comm. Perona said anything that the Board does now, the Board's recommendations can be undone if Mr. Walker steps down or retire. He asked if he could get a motion from the Board to make the recommendation to the Commission to adopt accordingly. **A motion was made by Mr. Nieves and seconded by Mr. Fidge to forward the draft with the recommendation to the Commission. All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimously.**

Mr. Walker said it is understood that there be a motion to draft of the Ordinance with a recommendation to the Commission. He personally thanked the Board for the support and confidence reflected in this vote.

Comm. Perona said hopefully they can insulate this group and make sure that no matter what happens citywide, the Board is doing their job and doing it effectively. He said not only what the Board does here with the oversight of Mr. Walker, the Board's money managers, and the advisors accordingly, the Board is working in the right format.