



Section 4

Philip “Phil” N. Sherwin

*Fort Pierce City Attorney
Candidate Report*

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Cover Letter

Section 4

Philip N. Sherwin
P.O. Box 2330
Arcadia, FL 34265

January 14, 2016

Colin Baenziger
Colin Baenziger & Associates
2055 South Atlantic Avenue - Suite 504
Daytona Beach Shores, FL 32118

Re: City Attorney Position, City of Fort Pierce, Florida

Dear Mr. Baenziger:

I would like to express my interest in the position of City Attorney for the City of Fort Pierce, Florida. I consider myself a strong candidate having a diverse legal background with 15 plus years local government experience.

In addition to being Board Certified in City, County and Local Government Law, I spent the last 11 plus years as a senior assistant attorney in the Polk County Attorney's Office. The progressive responsibility I acquired throughout my career provides me with the experience and versatility necessary to handle and manage the operations of the City Attorney's Office of the City of Fort Pierce. I represented almost every major division within Polk County, including Utilities, Procurement, Solid Waste, Information Technology, Human Resources, Fire Rescue and Natural Resources and was the substitute Planning & Zoning Commission Attorney for a period of 6 years. I also reviewed subdivision plats for the County's Land Development Division to ensure their legal sufficiency. During my tenure in Polk County, for a period of 10 years, I represented the Utilities Division (water and wastewater) and provided the requisite legal guidance and assistance in order to help take it from a struggling entity under multiple consent orders to a well-organized, strategically focused utility. I have a strong background in litigation and helped coordinate and manage the County's lawsuits with our outside counsel in complex legal matters. Since 1992, I have been certified as a circuit court civil mediator and am intimately familiar with the mediation process. I am also very accustomed to interacting and working closely with county boards, management, and staff at all levels of local government.

Earlier in my career, I was the first full-time Assistant City Attorney for the City of Cape Coral, Florida and together with the City Attorney handled the vast majority of litigation in-house; which included civil forfeiture cases I handled for the City of Cape Coral Police Department.

Based on the breadth of my legal experience, I am confident that I would be able to take on the duties and responsibilities of the City Attorney on day one, build a strong in-house team and deliver high quality legal service to the City Commission and City Administration. In May, although the City Commission ultimately chose another candidate, I was selected by the national recruiting firm, the Mercer Group and the Pompano Beach City Commission to be a finalist for the position of City Attorney of Pompano Beach, Florida and in November 2015, I was a finalist for the position of City Attorney of North Miami, Florida.

Please note my Board Certification continues during the pendency and review of my Recertification Application, which was timely submitted to the Florida Bar's Legal Specialization and Education Department.

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Although, I currently do not live in the City of Fort Pierce, I would be willing to relocate if offered the position. If you need further information, please do not hesitate to contact me on my cell phone at (239) 560-3624 or by email at pnsherwin@gmail.com.

Sincerely



Philip N. Sherwin

Section 4

Resume

PHILIP N. SHERWIN

P.O. Box 2330 • Arcadia, Florida 34265
863.494.2875 (home) • 239.560.3624 (cell)
pnsherwin@gmail.com

EDUCATION

- Northern Illinois University College of Law, DeKalb, Illinois (1979), Juris Doctor
- University of Miami, Coral Gables, Florida (1974), B.A. in Psychology
- University of Iowa, Iowa City, Iowa (1972)

STATE BAR/COURT ADMISSIONS

- United States Supreme Court (1988)
- U.S. Court of Appeals for the Eleventh Circuit (2014)
- United States District Court, Middle District of Florida (1986)
- Florida Bar (1983)
- United States District Court, Northern District of Illinois (1980)
- Illinois Bar (1980)

CERTIFICATIONS/TRAINING

- Board Certified by the Florida Bar as a specialist in City, County, and Local Government Law (2010)
- Certified as a Circuit Court Mediator through participation in the American Arbitration Association State Certified Circuit Court Mediator Training Program (1992)
- Participated in an intensive language training program, Center for Foreign Students, National Autonomous University of Mexico, Mexico City, Mexico (1980, 1982)

LEGAL EXPERIENCE

Polk County Attorney's Office (June 2003–January 2015)

330 W. Church Street, Bartow, Florida 33830
Assistant County Attorney III

- Primary responsibilities included providing legal counsel and assistance to the Utilities, Procurement, Waste Resource Management, Fire Rescue, Parks and Natural Resources, Communications, Fleet Management, Human Resources, Information Technology Divisions; reviewed subdivision plats for legal sufficiency for the Land Development Division. Also provided legal counsel to the Contractor's Licensing Board, Stormwater Technical Advisory Committee (STAC), and the Conservation Lands Acquisition Selection Advisory Board (CLASAC).
- Duties arising from the representation of the above departments and divisions included but have not been limited to: in-house litigation matters; attending court hearings and mediation conferences; preparing, reviewing, and/or negotiating utility agreements, deeds, easements, use permits, license agreements, sponsorship agreements, leases, cooperative funding agreements with the Florida Department of Environmental Protection and the Southwest Florida Water Management District; drafting and revising ordinances and resolutions.
- Other responsibilities included but have not been limited to: assisting in the negotiation of consent orders and modifications to consent orders between Polk County and various permitting agencies; preparing interlocal agreements between Polk County and various municipalities or other governmental agencies; reviewing and revising contracts for the purchase of goods and professional services; and collaborating with other agency attorneys and utility departments as part of an entity known as the STOPR Group, which is comprised of the City of St. Cloud, the Tohopekaliga Water Authority, Orange County, Polk County, and the Reedy Creek Improvement District on regional water supply planning and permitting, as well as issues relating to the Central Florida Water Initiative.

Philip N. Sherwin, P.A. (1989-2003)

1227 N.E. 2nd Place, Cape Coral, Florida 33990
Proprietor and President

- Practiced general civil law including but not limited to medical malpractice and personal injury law; quiet title, foreclosure, and eminent domain actions; and contract disputes. As a member and agent of Attorneys' Title Insurance Fund, Inc., performed title searches, issued title policies and opinions, performed examinations of real property and reviewed real estate contracts, including those involving 1031 exchanges, as well as the handling of zoning matters.

City of Cape Coral (1985-1989)

P.O. Box 150027, Cape Coral, Florida 33915-0027
Assistant City Attorney

- Handled foreclosure of special assessment liens; drafted ordinances and resolutions; represented the City of Cape Coral before the Contractors Regulatory Board; provided legal advice and assistance to city staff, handled personnel matters, prosecuted forfeiture cases for the Cape Coral Police Department; represented the city in both federal and state court matters; prepared briefs and argued appeals.

Fetterman and Associates (1984-1986)

630 U.S. Highway 1, North Palm Beach, Florida 33408
Associate

- Prepared plaintiff's personal injury actions, including the preparation of complaints, interrogatories, requests to produce, legal memoranda, briefs, and handled motions and related matters before the court.

Broad and Cassell (1982-1984)

2 South Biscayne Boulevard, Miami, Florida 33131
Law Clerk/Research Assistant

- Worked with Lewis Horowitz, Of Counsel with the firm and Town Attorney for Bay Harbor Islands, Florida; performed research, wrote legal memoranda and briefs, drafted town ordinances and resolutions, prepared legal documents related to mortgage foreclosure actions.

OTHER WORK EXPERIENCE

- English Language Instructor, Communication International, Mexico City, Mexico (1981-1982)
- Worked with Lic. Lucio Cabrera, Professor of Law, National Autonomous University of Mexico, Mexico City, Mexico

PROFESSIONAL/COMMUNITY VOLUNTEER SERVICE

- Florida Bar Judicial Nominating Procedures Committee (2008-2014)
- Cape Coral Firefighters Memorial Committee (2001)
- Board of Directors, Southwest Florida Audubon Society (1991-1993)

PROFESSIONAL ASSOCIATIONS

- Florida Bar Association
- Illinois Bar Association

References available upon request.

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Candidate Introduction

PHILIP N. SHERWIN

EDUCATION

Northern Illinois University College of Law, DeKalb, Illinois (1979), Juris Doctor
University of Miami, Coral Gables, Florida (1974), B.A. in Psychology
University of Iowa, Iowa City, Iowa (1970-1972)

CERTIFICATIONS/TRAINING

- Board Certified by the Florida Bar as a specialist in City, County and Local Government Law (2010)
- Certified as a Circuit Civil Court Mediator through participation in the American Arbitration Association State Certified Circuit Court Mediator Training Program (1992)
- Participated in an intensive language training program, Center for Foreign Students, National Autonomous University of Mexico, Mexico City, Mexico (1980, 1982)

EXPERIENCE

Assistant County Attorney III, Polk County, Bartow, FL	June 2003-January 2015
Philip N. Sherwin, P.A., Cape Coral, FL	1989-2003
Assistant City Attorney, City of Cape Coral, FL	1985-1989
Associate Attorney, Fetterman and Associates, WPB, FL	1984-1985
Law Clerk/Research Assistant, Broad and Cassel, Miami, FL	1982-1984

BACKGROUND

Polk County is the geographical center of the State of Florida and is Florida's ninth most populous county with a population of well over 600,000 people. It is home to the largest collection of Frank Lloyd Wright architecture in the world. It has numerous institutions of higher education including technical schools, community colleges and public and private universities. One of these, Florida Polytechnic University, is Florida's only public university dedicated to science, technology, engineering, and mathematics. Another esteemed institution is the International Baccalaureate School at Bartow High School, which was ranked as the second best high school in America in 2013 by Newsweek.

Phosphate, citrus, and tourism industries continue to remain powerful economic engines in Polk County. However, because Polk County has a relatively low cost of living and attractive tax rates and because it is in close proximity to Tampa and Orlando and has an extensive transportation system of highway, rail, nearby airports and deep water ports, it is an attractive place to do business and has a rapidly expanding export base. In 2014, Amazon opened a warehouse distribution center in Polk County.

PHILIP N. SHERWIN

The tourism industry has undergone change in Polk County with the opening of LEGOLAND in 2011. In addition, the world class Streamsong Golf Resort and Spa celebrated its grand opening in 2013 and Premier Golf, the official travel company for the PGA, placed Streamsong on its list of “The Magnificent Seven” golf resorts in the U.S. Both facilities have contributed to record tourism tax collections for the County.

Polk County government employs nearly 2000 people and has a budget of over 1.27 billion dollars. The County Attorney’s office employs six lawyers and has a support staff of 3 people and a combined budget in excess of 1.25 million dollars. The lawyers in the County Attorney’s office operate as a collegial group with the senior attorneys mentoring the less experienced attorneys, while the entire office functions as a team. I supervised a paralegal and an administrative assistant. With a county population of over 600,000 and nearly 2000 employees, the focus of the County Attorney’s office is on handling the day to day issues that arise out of the county departments and divisions, resulting in a very heavy workload. The senior ranking attorneys on the team were very adept at heading off lawsuits and I was one of those attorneys. Code enforcement matters, County receiverships, certain constitutional claims, claims arising out of the decisions of the Contractor’s Regulatory Board and some contractual claims were handled in-house. The most complex litigation was outsourced. I often coordinated the County’s lawsuits with our outside counsel. Also, some regulatory matters with the Southwest Florida Water Management District and Departmental Environmental Protection were handled in-house. These regulatory matters arose out of the County’s utilities (water and wastewater) and solid waste operations. An example of a regulatory matter with which I was involved was collaborating with a newly hired County Utility Director and outside counsel to bring about the first ever inter-district transfer of water between two Water Management Districts, the South Florida and Southwest Florida Water Management Districts. Polk County had been fortunate in that relatively few major lawsuits were brought against the County during my tenure. Lawsuits that were brought arose out of the use of the eminent domain statute, as the County had a very active transportation program that involved taking property for roads. Other lawsuits arose out of decisions by the Planning and Zoning Commission and the BOCC as they related to land development regulations. There were also personal injury and property damage claims.

GENERAL MANAGEMENT STYLE AND EXPERIENCE

At my very core I am a lawyer. I grew up in a family of attorneys. My father was a Martindale-Hubbell AV-rated attorney for almost 50 years and I have two older brothers who are attorneys practicing law in another state. I was very fortunate to land my first job in Florida as a law clerk and research assistant for Lewis Horwitz, at the law firm of Broad and Cassel. Mr. Horwitz was Of Counsel with the firm and the Town Attorney of Bay Harbor Islands, Florida. Mr. Horwitz had been the head of the litigation department. Earlier in his career he had been a prosecutor at the Nuremberg war trials. Both he and my father had an enormous influence on my legal thinking. One of my earliest assignments was to research a claim Mr. Horwitz wanted to bring. After thoroughly researching the matter, I had to report that I could find no precedent for making

such claim. Mr. Horwitz replied, “Phil, this is going to be a matter of first impression.” Thus, at a very early stage in my career in Florida I learned to think outside the box.

In addition to being Board Certified in City, County and Local Government Law by the Florida Bar in 2010, I spent 11 plus years as a senior attorney in the Polk County Attorney’s Office. The progressive responsibility that I acquired throughout my career provides me with the experience and versatility necessary to manage and handle the operations of the City Attorney’s Office for the City of Fort Pierce. I represented almost every major division within Polk County, including Utilities, Procurement, Solid Waste, Information Technology, Human Resources, Fire Rescue, Parks and Natural Resources and was the substitute Planning and Zoning Commission Attorney for a period of 6 years. I also reviewed subdivision plats for the County’s Land Development Division to ensure their legal sufficiency. Since 1992, I have been certified as a Circuit Court Civil Mediator and am intimately familiar with the mediation process. I am also very accustomed to interacting and working closely with county boards, management and staff at all levels of local government.

Earlier in my career I was the first full-time Assistant City Attorney for the City of Cape Coral, and together with the City Attorney, handled the vast majority of litigation in-house including civil forfeiture cases which I handled for the Police Department.

Becoming the chief legal counsel for the City of Fort Pierce would fulfill a lifelong career goal of mine of being the lead attorney of a local government agency. Based on the breadth of my legal experience and the 15 plus years of in-house local government experience, I am confident that I would be able to take on the duties and responsibilities of the City Attorney of Fort Pierce on day one, build a strong in-house team and provide high quality legal service to the City Commission and City Administration.

Excellent customer service would be the hallmark of my office. The support staff and attorneys would all understand that the primary goal of the City Attorney’s office is to provide excellent customer service to both the City Commission and City Administration. In hiring attorneys, I would seek to hire those who have a blend of transactional and litigation experience. Litigators tend to understand risk better and transactional attorneys tend to be wordsmiths. I would foster an open door atmosphere in the office where everyone felt comfortable exchanging ideas, as I believe this fosters mutual respect among colleagues. I would also have periodic staff meetings, the exact frequency of which would need to be determined.

The City Attorney’s office would be proactive in analyzing risks. Much of what local government attorneys do deals with contracts. As such, you must always ask yourself what the commercial risks are on the vendor versus those on the city. The goal is always to keep as much of the commercial risk on the vendor through language in the contract. If Fort Pierce has experienced or has been dissatisfied with some of the results of its procurement process, one avenue the City may want to explore is something called Best Value Procurement, which was developed by Dr. Dean Kashiwagi at Arizona State University. One of the divisions I

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represented that was involved in large infrastructure projects was very pleased with outcomes using this approach.

Lawsuits that are served on the City need to be addressed promptly. As a practical matter, I always forward a copy of the served lawsuit to the Risk Manager to determine whether or not insurance coverage exists and to assign an attorney to the matter so an answer can be filed in a timely manner. As a Certified Circuit Civil Court Mediator, I understand the value of mediation. In handling lawsuits everything must be weighed with the City's best interest in mind, which entails a cost/benefit analysis as the matter progresses and a determination whether to settle or not. The City Attorney makes the recommendation to the City Commission, which ultimately determines how one proceeds with a lawsuit. In some cases, you may have a matter that will be particularly imperative to pursue to the end to deter others from bringing similar actions, while in other cases you must go to trial when there is no reasonable basis to settle the matter. Litigation is both time consuming and expensive, which must be kept in mind at all times.

The City Attorney owes the same duty to each and every City Commissioner, one of honesty and fairness in dealing with them and a commitment to provide them with the best possible legal advice. Here again, I would have an open door policy and would be available to them as is necessary and to the degree the commissioners desire. All communications with the City Commissioners must be made in accordance with Florida Sunshine Laws. During my tenure with Polk County I prepared and gave numerous PowerPoint presentations to various boards on the subject of Public Records and the Sunshine Laws. By the same token, I would also have an open line of communication with the City Manager and develop a close working relationship, so I could assist him in carrying out the policies of the City Commission in a legal manner. Having a close working relationship and an open line of communication with the City Manager are indispensable and help to avoid lawsuits in the first instance and make them easier to address when they do arise. At the same time, the City Attorney must maintain his independence as the chief legal advisor to the City Commission.

Elected officials would describe me as even keeled, intelligent, knowledgeable, thorough, thoughtful, experienced, approachable, personable and easy to work with. They would also describe me as a good communicator. The County Manager and/or the Deputy County Manager with whom I worked would add that I am an excellent problem solver. The above qualities are my strengths, and I would also add that I am detailed oriented, a tenacious negotiator and have an excellent sense of humor.

A weakness that has been most frequently pointed out to me by my paralegal or legal assistants over the years is my tendency to revise documents too often. My response to them is that once I sign off on the document, I am confident of its contents and the position(s) I have taken.

While in private practice I had some very nice pay days that resulted from handling personal injury matters and while that kind of success is exciting to experience, my greatest achievement has been the collaboration I had with the newly hired Utility Director and his successor in Polk

County. As a result of the legal advice and assistance I gave the Utility Department, I helped take it from a struggling entity under multiple consent orders to a well-organized strategically focused utility. Three examples of my assistance include the following: 1) Collaborating with the Utility Director and outside counsel to bring about the first ever inter-district transfer of water between two Water Management Districts. This allowed development to continue in Northeast Polk County in proximity to Orlando during the real estate boom, which otherwise could not have occurred because the County was placed under a consent order for years of over pumping a well in the Northeast Regional Utility Service Area in violation of its Southwest Florida Water Management District permit. 2) Successfully assisting in-house project managers/engineers with administering multi-million dollar utility plant expansion projects. 3) Changing the trajectory of a County receivership involving an abandoned, privately owned, unpermitted wastewater treatment facility that festered for 20 plus years before I was assigned to the matter and which allowed the County to get out from under it as a result of my recognition of the need to change the way Polk County did business with another local government agency. That agency became the future owner of the wastewater treatment facility.

Polk County is now a member of the Water Cooperative of Central Florida and a member of the STOPR group, which is comprised of the City of St. Cloud, the TOHO Water Authority, Orange County, Polk County and the Reedy Creek Improvement District. The Utility Department is now considered a cutting edge water supply planning department within the State of Florida.

One of the most important lessons I learned occurred while I was in private practice. I had a client that was not forthcoming with her medical history in a personal injury matter, which had serious consequences when it was uncovered by the attorney on the opposing side just weeks before trial and which led to a disastrous outcome at trial. The lesson learned was to put in place a system designed to overcome such behavior on the part of a client, by doing rigorous due diligence in the gathering of all facts at the outset.

If you are thinking of terminating an employee, you must first determine if the employee is in a probationary period, if the employee is an "at will" employee or whether employment is governed by a set of personnel rules or contract. This initial determination is your guide as to what procedures you must follow. As a general rule, I believe in giving an employee a chance to improve their performance. However, if an employee's conduct is willful, wanton, reckless and detrimental to the organization, I would seek to have the employee dismissed. I had to let one employee go while in private practice, but gave her a period of time to find another job.

In the first six months of my employment in Fort Pierce, I would work on getting the big picture of the organization, determine where the problems are and how best the City Attorney's office could remedy the problems and be of most assistance to the City Administration. I would meet with the City Commissioners to find out what their expectations were and garner and benefit from the intuitional knowledge of the current City Attorney. In building a strong in-house team, I would look to hire attorneys whose skill sets would best facilitate the remedy of existing problems within the organization.

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Polk County has a Communication Director that works with the media.

I am an avid bicyclist, enjoy film, especially independent and foreign films and exploring new places through travel. Having a keen appreciation of art, I am very much aware of the importance of the cultural history of Fort Pierce, the landscape paintings of A.E. Backus, and the Florida Highwaymen legacy. Their contributions in creating a regional school of art and their role in preserving vanishing Florida landscapes have made Fort Pierce an important destination. My wife organized three Highwaymen art exhibitions at Highlands Hammock State Park as special featured events for the park's annual Civilian Conservation Corps Festival. I have thoroughly enjoyed attending Highwaymen exhibits in Vero Beach, Venice, Fort Myers, and Sebring.

There is nothing in my background that would prove embarrassing to the City of Fort Pierce, nor will any community activists come forward with any dirt on me.

SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- An excellent problem solver
- A keen intellect
- Approachable
- Experienced
- Highly ethical
- A good sense of humor

REASON FOR DEPARTING MOST RECENT POSITION

To seek new opportunities and challenges, having accomplished everything I could accomplish in Polk County and to fulfill a lifelong professional career goal of becoming the lead attorney of a local government agency.

CURRENT / MOST RECENT SALARY

My final compensation was \$94,400.

Section 4

CB&A Background Checks

**Background Check Summary for
PHILIP N. SHERWIN**

Criminal Records Checks:

Nationwide Criminal Records Search	No Record Found
County	
DeSoto County, FL	No Record Found
Polk County, FL	No Record Found
Lee County, FL	No Record Found
Federal	
Florida	No Record Found

Civil Records Checks:

County	
DeSoto County, FL	No Record Found
Polk County, FL	No Record Found
Lee County, FL	No Record Found
Federal	
Florida	No Record Found

Motor Vehicle	
Florida	No Record Found

Credit	Excellent
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Bankruptcy	No Record Found
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Education	Confirmed
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Employment	Confirmed
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Bar Certification/License	Member in Good Standing Bar #366471
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**Background Check Summary for
PHILIP N. SHERWIN**

THE FLORIDA BAR

ABOUT THE BAR
NEWS & EVENTS
FOR THE PUBLIC

MEMBER SERVICES
LOG IN
FIND A LAWYER

THE FLORIDA BAR
Find A Lawyer
Profile

Philip N Sherwin

Member in Good Standing

Bar Number: 388471

Mail Address: PO Box 2330
Arcadia, FL 34285-2330
United States
Office: 239-560-3624
pnsherwin@gmail.com

Email: pnsherwin@gmail.com

Personal Bar URL: www.floridabar.org/mybarprofile/388471

vCard:  ?

County: Desoto

Circuit: 12

Admitted: 06/03/1983

10-Year Discipline History: None

Law School: Northern Illinois University College of Law

Eligible to Practice Law in Florida

Board Certifications:	Area	Year
	City, County and Local Government Law	2010

Sections: City, County & Local Govt Law

Languages: English

Federal Courts: U.S. Court of Appeals for the Eleventh Circuit
U.S. Supreme Court
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Illinois

State Courts: Florida
Illinois

Firm Size: One

Firm Position: Private Law Practice

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about attorneys licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, through this directory The Florida Bar allows individual attorneys the opportunity to provide for public information certain expanded personal and professional data. It is the attorney's responsibility to routinely review and update those expanded listings. The information contained in those expanded listings is presented by the Bar "as is" with no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents thereof are not responsible for the accuracy of that additional data. Publication of attorneys' contact information within this listing should not be construed as their consent to receive unsolicited communications in any form. Certain unauthorized uses of this data may result in civil or criminal penalties. The Find a Lawyer directory is not a lawyer referral service.



**Background Check Summary for
PHILIP N. SHERWIN
Personal Disclosure**

Personal Disclosure Questionnaire

Name of Applicant: PHILIP N. SHERWIN

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

Please explain any yes answers on a separate sheet of paper.

1. Have you ever been charged or convicted of a felony?
Yes No
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
Yes No
3. Have you ever declared bankruptcy or been an owner in a business that did so?
Yes No
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
Yes No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
Yes No
6. Have you ever been convicted of driving while intoxicated?
Yes No
7. Have you ever sued a current or former employer?
Yes No
8. Do you have a personal My Space, Face Book or other type of Web Page?
Yes No
9. Do you have a personal Twitter Account?
Yes No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
Yes No
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.
None

Attested to: Philip N. Sherwin
Signature of Applicant

Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM CST 02-02-2016.

(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

CB&A Reference Notes

**Reference Notes
Philip N. Sherwin**

Michael Craig – County Attorney, Polk County, FL 863-534-6482

Mr. Craig first met Mr. Sherwin in approximately 2006. They worked together from 2008 to 2015.

Mr. Sherwin's capabilities as an attorney are excellent. He is definitely responsive and Mr. Craig has never experienced any problems concerning timeliness with Mr. Sherwin. He is a good problem solver. He makes sure he speaks with all stakeholders, gathers the facts, then develops recommendations based upon and addressing all the complexities of the problem.

With regard to strengths, Mr. Sherwin is incredibly dependable and extremely gifted at building wonderful rapport with his clients, especially those who might prove challenging. Mr. Craig gave Mr. Sherwin the leeway to get his job done because he was confident the job would be completed in a proper, effective manner. Mr. Sherwin was one of the cornerstones of the Polk County staff.

Mr. Craig is the primary conduit when recommendations must be presented to the elected body, but Mr. Sherwin has significant influence because he handles the two largest income producing divisions in the County. He is very conservative and cautious when making decisions which deal with the law, and Mr. Craig prefers it that way. Furthermore, Mr. Craig trusts him enough to delegate the authority to Mr. Sherwin to handle all legal negotiations for the Divisions he represents.

Mr. Sherwin is definitely well versed in many aspects of the law, especially with contracts, as most of Mr. Sherwin's work in Polk County involved contracts. He is also well versed in environmental law and utilities. In fact, when assigned to the Utilities Department he was primarily engaged in sorting through a substantial number of consent orders which had been placed upon the Department. He was instrumental in making sure the Department was in compliance with the orders and bringing it up to par.

Although a different attorney handles land use issues, Mr. Sherwin is no stranger to this area of the law. When asked by the Planning Commission or the Board of Adjustments he steps in quite capably and knows his way around the subject matter without difficulty.

Within the Utilities Department Mr. Sherwin had anywhere from three to five major projects on the go at any one time. Through frequent personal meetings he did a phenomenal job of keeping Mr. Craig abreast of what is happening. When high profile issues arose they met on an as needed basis. Occasionally they talked three or four times per day, depending on the urgency of the matter.

Without a doubt, Mr. Sherwin has experience with and is superb at dealing with the public. He has a good nature about him. He is likeable and sincere. He has a knack for disarming people and calming any anxieties they might have when coming into the office to deal with legal issues.

**Reference Notes
Philip N. Sherwin**

Polk County fosters an open and accessible culture in the area of customer service. Mr. Sherwin definitely understood and performed well in this area. Each of the two divisions he handled is housed in a different building, but he had no difficulty going to the client rather than asking them to come to him, as most attorneys would request. He was highly regarded by his clients and was happy to do whatever he could to make them comfortable and keep them satisfied.

Mr. Craig does not know of any controversies other than regular, job related issues involving Mr. Sherwin. He is a very down to earth, conservative family man. Mr. Craig knows him very well and is unaware of anything in his background that might be considered embarrassing if the press were to investigate.

If Mr. Craig were looking for a City or County Attorney, he would definitely hire Mr. Sherwin to fill the position. He is poised and ready, and will serve the taxpayers of any community quite well.

Words or phrases used to describe Philip Sherwin:

- Dependable,
- Sincere,
- Friendly,
- Smart,
- Enjoyable, and
- Intuitive.

Strengths: Pays very close attention to details and extremely talented at resolving issues with others, without them walking away angry.

Weaknesses: Mr. Craig only wishes he had exposed Mr. Sherwin to legal areas other than primarily utilities. Unfortunately, he feels more at fault for this weakness because he relied so heavily on him in this particular area. It should not reflect negatively on his performance, as this was simply the nature of the position and organization.

Jean Reed – Former Polk County Commissioner, Polk County, FL 863-324-0702

Mr. Sherwin and Ms. Reed first met when she was elected in 2006, and they worked together until her term was up in 2010. They have not had any contact since she left office.

Mr. Sherwin is a very capable attorney who was always very responsive to Ms. Reed's requests. He was consistently available to her and willing to meet with her when she needed any legal assistance. He was good at resolving problems and did his work in a timely manner. She had full confidence and trust in Mr. Sherwin, in whatever capacity he served in.

**Reference Notes
Philip N. Sherwin**

Mr. Sherwin not only made good decisions when dealing with the law, he also negotiated extremely well on behalf of the County, especially with the Utilities Department. As far as Ms. Reed can recall he has knowledge and experience in all aspects of the law.

With regard to communications, Mr. Sherwin was open and did a fine job of keeping Ms. Reed informed of actions in his area of responsibility, thus practicing good customer service with those he served in the County. Additionally, he has experience with the public and is a good speaker. He says what he is thinking and has a fantastic demeanor when speaking and dealing with others whether Commissioners, the staff, or County constituents.

Ms. Reed is not aware of anything that might be considered controversial involving Mr. Sherwin nor does she have knowledge of anything in his past that could cause embarrassment to any future employer.

Given the chance, Ms. Reed would definitely hire Mr. Sherwin as a City or County Attorney. She was disappointed when he did not apply for the position in Polk County when it became available halfway through her term. She speaks very highly of him.

Words or phrases used to describe Philip Sherwin:

- Likeable,
- Hirable, and
- Good communicator.

Strengths: Always available, and very knowledgeable in the law.

Weaknesses: None identified.

**Jonathon B. Trohn – Attorney, Valenti Campbell Trohn Tamayo & Aranda, Lakeland, FL
863-686-0043**

Mr. Trohn first met Mr. Sherwin in 2003. The County retains Mr. Trohn to do a fair amount of litigation; so he worked with Mr. Sherwin on a variety of issues.

Mr. Sherwin is a very good attorney with a fantastic grasp of legal issues. He maintains a good balance between the law and the political aspects of working for a public entity. He is extremely capable and has a varied law background with experience in many areas of law pertaining to any municipality.

Mr. Sherwin is first rate in how he responds. When he first arrived in Polk County the entire Utilities Department was a huge mess. Mr. Trohn was impressed with the way Mr. Sherwin dove right in and got to work. He brought the County into the next century and, under his

**Reference Notes
Philip N. Sherwin**

guidance, the County is now in full compliance with the DEP. He tackled a massive amount of consent orders against the County.

Mr. Sherwin is excellent at following up with Mr. Trohn. He always returns calls and gets the job done. Additionally, he solves problems and is very timely in accomplishing tasks. Furthermore, Mr. Trohn has made a point of building relationships with the Commissioners, so he knows they have all been very pleased with Mr. Sherwin. He is one of the workhorses of the County and one of the strongest members of their team.

Mr. Trohn has never observed Mr. Sherwin make any bad decisions when dealing with the law. He is even tempered and measured. Mr. Trohn has never seen Mr. Sherwin lose his temper. He is not impetuous and will not make decisions without thoroughly analyzing the situation first.

Mr. Sherwin negotiates well on behalf of the County and the Departments he represents. Mr. Trohn has been involved with him on various mediations and knows him to be a tough negotiator. He understands the implications of each issue and knows when a situation necessitates either going to trial or reaching a settlement.

Mr. Sherwin operates with a customer first attitude. He got along wonderfully with the elected officials, the County Manager, the staff, and the public at large. Mr. Trohn has never heard a single complaint about Mr. Sherwin in all the years he has known him.

Mr. Trohn is not aware of anything controversial or embarrassing in Mr. Sherwin's background. Given the opportunity, he would absolutely hire him. Mr. Sherwin is more prepared to take on a City or County Attorney role than any of the other talented attorneys Mr. Trohn knows who worked at Polk County.

Words or phrases used to describe Philip Sherwin:

- Reliable,
- Capable,
- Even keeled,
- Deliberate,
- Affable, and
- Congenial.

Strengths: A very good listener, easy to work with, and has a broad knowledge of the law.

Weaknesses: None identified.

**Reference Notes
Philip N. Sherwin**

Lisa Conran – Paralegal, Office of the Attorney, Polk County, FL 863-534-6435

Ms. Conran first met Mr. Sherwin when he came to the County in 2003. She was assigned to work directly for him from 2005 to 2015. They worked very closely on several issues involving the Departments he was responsible for within the County.

Mr. Sherwin is very knowledgeable and knows the law. He is thorough and detail oriented and handled two of the largest divisions in the County without any problems. He is an excellent negotiator, and he had a good working relationship with the Utilities Director and Division employees as well as any outside counsel the County employs from time to time.

Mr. Sherwin's strengths include his working knowledge of the County's governance system as well as his understanding of civil law. He was also an excellent teacher who took time to explain matters to Ms. Conran when needed. He was a very kind, understanding person, and she felt comfortable approaching him with any problem or issue. Additionally, he was level headed and listened to both sides of a situation before offering any advice.

Mr. Sherwin's work was very timely, and he was very responsive when dealing with both daily items and larger, more complicated issues. He made fantastic recommendations to the elected officials whether they like to hear his advice or not. He did not tell them what they wanted to hear just to appease them, but rather operated with the County's best interest at heart.

Mr. Sherwin is very thorough when making decisions regarding the law. He investigates every avenue and does not make snap decisions. If he does not know all the intricacies of an issue off the top of his head, he will do his research first, then follow up promptly.

Mr. Sherwin is experienced in many aspects of the law. He understands contract law and at one time handled all purchasing for the Solid Waste and Utilities Divisions. He frequently dealt with environmental law in conjunction with the Utilities Department and with surrounding counties on matters of water issues and permitting. He has experience with land use cases as he was the person in charge of reviewing the plats for the County.

Ms. Conran worked very closely with Mr. Sherwin and is quite involved with the workflow in the office. She always felt well informed of all the items and issues on their agenda. Although they did not field very many calls from the public at large because such issues generally go directly to the responsible division, when Mr. Sherwin was involved he was responsive and very personable.

Mr. Sherwin has never been involved in anything controversial other than the regular work related issues that come up for a County Attorney. He has not caused any personal controversy. If Ms. Conran were looking for a City or County Attorney, she would definitely hire Mr. Sherwin and very highly recommends him. He will be tremendous given his experience and how he operates as a team player even while he must give direction to others. He will bring a positive attitude to the organization and any municipality hiring him will not be disappointed.

**Reference Notes
Philip N. Sherwin**

Words or phrases used to describe Philip Sherwin:

- Smart,
- Detail oriented,
- Kind,
- Willing to learn,
- Teacher, and
- Exceptional manager.

Strengths: Responsive and has a varied legal background.

Weaknesses: When he first came to the County, Mr. Sherwin was not very computer savvy, but he has definitely improved since that time.

Randy Mink – Assistant County Attorney, Polk County, FL 863-534-7679

Mr. Sherwin and Mr. Mink first met when Mr. Mink came to Polk County in 2006. Although they worked in separate departments, on occasion they had cause to interact on issues. As a new attorney, Mr. Mink was most grateful for his mentorship and his help in learning the ropes.

Mr. Sherwin is very capable and confident in his abilities as an attorney, but at the same time he is very personable and down to earth. As a young attorney, Mr. Mink did not feel intimidated by Mr. Sherwin because he always willingly offered help by not just providing him with the answers, but working through them to ensure full understanding of the required knowledge.

Mr. Sherwin is very responsive. Mr. Mink has never heard of any issue he had not taken care of. He is a talented problem solver and good at bringing the right people to the table to resolve and problems at hand. The County is an extremely hands-on organization in which employees are expected to respond promptly. Mr. Mink never heard any complaints against Mr. Sherwin with regard to customer service.

The Commissioners never questioned his advice when Mr. Sherwin made recommendations to the elected body. He was thoughtful in his approach to decisions and did not pass the buck, but rather dealt with them himself and takes care of all the assignments he is given.

Mr. Mink observed Mr. Sherwin in a few negotiation sessions promoting items on behalf of the County. He is an excellent negotiator.

Mr. Sherwin is very experienced in various aspects of the law. He has vast knowledge of contracts, utilities, land use, and environmental law. When he first came arrived he inherited several issues with the Southwest Florida Management District (SWFMD) and the Department of Environmental Protection (DEP). He resolved all the problems and, by applying his expertise, brought the County into compliance. Additionally, as part of his duties he reviewed all of the land use plats for the County.

**Reference Notes
Philip N. Sherwin**

Mr. Mink was always well informed by Mr. Sherwin and received timely updates on all changes. He is customer service oriented and always worked hand in hand with the County Manager's office to keep the County Manager updated on matters under his jurisdiction.

Mr. Mink does not know of any controversies involving Mr. Sherwin, nor is he aware of anything embarrassing in his background. He will be an excellent City or County Attorney. Mr. Mink would hire him if he were looking for someone to fill such a position.

Words or phrases used to describe Philip Sherwin:

- Personable,
- Hands on,
- Leader,
- Knowledgeable of the law, and
- Likeable.

Strengths: Excellent knowledge and control of the law, and is first rate at handling many different types of personalities.

Weaknesses: None identified.

Todd Dantzler – Commissioner, Polk County, FL 863-534-6422

Mr. Dantzler first met Mr. Sherwin when he was elected to the Board of Commissioners in 2010. They served together on a few RFP's which Mr. Sherwin brought before the Board for review.

Mr. Sherwin is quite a capable attorney and was very competent at his job. He did a wonderful job of explaining issues to those who do not have a legal background and who might otherwise get lost in the technical jargon.

The County Attorney ran a tight ship, and Mr. Sherwin did a fabulous job of responding to requests and issues in a timely manner. Mr. Dantzler has never known him to drop the ball in his area of responsibility.

As they worked together on RFP's with a few members of the public Mr. Dantzler has never heard anyone complain about Mr. Sherwin regarding to how he interacts with community members. Additionally, he is customer service oriented, especially with the Commissioners. He is friendly and had good rapport with each of them.

Mr. Dantzler is not aware of anything controversial or embarrassing concerning Mr. Sherwin. Mr. Dantzler would hire Mr. Sherwin. He will do quite well as a City or County Attorney.

**Reference Notes
Philip N. Sherwin**

Words or phrases used to describe Philip Sherwin:

- Steady,
- Calm,
- Confident, and
- Pleasant.

Strengths: Has a very calm demeanor, and is not an excitable person.

Weaknesses: None identified.

Bill Beasley – Deputy County Manager, Polk County, FL 863-534-6429 863-370-4876

Mr. Beasley was hired in Polk County in 2006 and he worked with Mr. Sherwin until 2015. They interacted on an almost weekly basis on issues related to large County government functions. Polk County is the third or fourth largest County in Florida.

Mr. Beasley is an engineer by training and they worked very well together. Mr. Sherwin was assigned to support infrastructure divisions like Public Works. He dealt with contracts, policies, decisions, and issues related to Florida statutes. He could see the end game and help others navigate to where they needed to be. He quickly grasped what they were trying to accomplish and told them the upside and downside of each option they considered and what the consequences would be. He did a great job and did not involve himself in policy decisions.

Mr. Sherwin asked the department heads to not press him for a decision when research was needed. Mr. Beasley sometimes wanted an immediate answer and his expectations were not always realistic. Mr. Sherwin achieved a good balance between being responsive and being thorough. He always kept others informed.

At times they loved Mr. Sherwin's recommendations but other times they did not. He provided good, solid, legal advice even when it was not the answer they wanted. Mr. Beasley is not aware of any recommendations made by Mr. Sherwin to the elected officials that they did not follow, but if any existed they were not devastating to the County.

Mr. Sherwin was not the lead negotiator in Polk County but he was an advisor to the team. He provided good counsel for policy decisions and contract negotiations. He has experience in constitutional law, contracts, environmental law, land use, and utilities. He occasionally provided advice on labor or personnel matters but his main focus were matters related to infrastructure.

Mr. Sherwin attended meetings with Mr. Beasley. Mr. Sherwin advised the standing committees on Florida sunshine laws and records requests. He did not have occasion to interact with the public a great deal. When he had the opportunity he was not flamboyant but gave information in a straightforward manner.

**Reference Notes
Philip N. Sherwin**

Mr. Sherwin interacted directly with department heads on infrastructure contract matters, agreement matters, and matters between local governments. His involvement with staff level issues was much more frequent than his interactions with the elected body. He is very good at local government law.

The character of Mr. Sherwin is impeccable and as such he has not been involved in anything controversial. He has dealt with one or two items at the local government level that were sensitive from a public policy perspective but none of them rose to the level of a media scandal. He managed contract disputes and claims.

Mr. Sherwin would excel as the City or County Attorney of a small progressive municipality with good open communication. His disposition is as not well-suited for a city like Chicago or Los Angeles. Everyone that Mr. Beasley knows views Mr. Sherwin in a positive light.

Words or phrases used to describe Philip Sherwin:

- Knowledgeable,
- Personable,
- Builds a relationship of trust with his client,
- Treats others with respect,
- Cautious,
- Practical,
- Fair, and
- Realistic in how to manage local government affairs from a legal perspective.

Strengths: Foresight, really analytical thinker, did great research, good with contract law.

Weaknesses: His job was not to be involved in policy decisions and he did not become involved even when Mr. Beasley wanted him to.

**Jeff Spence – Parks & Natural Resource Director, Polk County, FL 863-534-7377
863-559-9248**

Mr. Spence has known Mr. Sherwin for a number of years and cannot recall when they met. Mr. Sherwin was the Assistant County Attorney assigned to Parks & Recreation. Mr. Spence handled drainage issues throughout Polk County and managed 84 parks. He also handled aquatic and mosquito control, and water quality. He worked primarily with Mr. Sherwin.

Mr. Sherwin did great work for Polk County. He was enjoyable to work with because he was very professional and extremely calm. When something happens he does not immediately make a judgment but looks at the issues and the options. He is easy to talk to about any topic.

**Reference Notes
Philip N. Sherwin**

Mr. Spence has offices all over the County but his primary office is near Bartow so he often stopped by to talk to Mr. Sherwin in person. Mr. Sherwin was always available even without an appointment. They also spoke on the phone.

Mr. Sherwin solves problems. His recommendations to the elected body were good and everything he worked on had a positive outcome. He reviewed documents from a legal perspective and modified them as needed.

Mr. Spence cannot recall a recommendation made by Mr. Sherwin that was not accepted by the elected body. He tries to find solutions that adhere to the laws and statutes. He did not ignore those who were breaking the rules but he was willing to work with them to find a solution within the legal constraints.

Mr. Spence can only confirm Mr. Sherwin's legal experience on matters in his area of responsibility, which were primarily environmental law and utilities. Mr. Sherwin cares about the environment and liked working on those issues. He kept everyone well informed. He attended some public meetings and contributed to them, but he did not work with the public on a routine basis. All of Mr. Spence's dealings with Mr. Sherwin were good.

Mr. Spence is not aware of anything controversial that involves Mr. Sherwin either personally or professionally. He is definitely one to consider for a City or County Attorney position.

Words or phrases used to describe Philip Sherwin:

- Calm,
- Thorough,
- Pleasant,
- Intelligent,
- Nice person, and
- Environmentally conscious.

Strengths: His principal strength is thoroughness. Does not jump to conclusions. Very mild mannered and pleasant to work with.

Weaknesses: He was in charge of many divisions and had to prioritize. Sometimes Mr. Spence's items did not have the highest priority. However this is not a personal weakness of Mr. Sherwin, it related more to the vast quantity of work in a very large County.

Prepared by: Lynelle Klein and Heather Linares
Colin Baenziger & Associates

Section 4

CB&A Internet Research

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

Ledger, The (Lakeland, FL)
August 30, 2010

ALLIANCE FOR INDEPENDENCE has announced its 2010-11 board of directors and officers. They were elected at the annual board of directors meeting earlier this month. They are: chairman, Ron Losch, retired from Publix; chairman elect/chairman, performance oversight monitoring committee, Scott Sloman, The Lakeland Center; secretary and chairman, external relations and resource development committee, Bart Ross, TMR Agency; treasurer/chairman, audit committee, David R. Ramos, CPA; chairman, planning and program development committee, Andrew Hernan, Griffin Pools Inc.; Jennifer L. Adams, Bank of Central Florida; Carol N. Asbill, Publix Super Markets; John C. Burton, Sun 'n Fun Inc., immediate past chairman; Deborah Heatherley, Publix Super Markets; Timothy Kiley, Peterson & Myers, P.A.; Charles Lake, retired; Sherrie D. Long, Allen & Company; Philip Mowry, Florida Southern College; Jim Rehberg, J-Reh, Inc.; Sena E. Schirm, SunTrust Bank; Anthony J. Senzamici Jr., Pioneer Medical Company; Tom Patterson, Saddle Creek Corp.; Anne-Marie Wendel, Lakeland Police Department; William H. Wheeler Jr., Wheeler & Wheeler, Inc.; Richard Wills, FITniche.

ASHLEE'S HAIR STUDIO has been remodeled. Address is 720 Honeycomb Lane, Auburndale. Phone number is 863-412-8716. Owner is Ashlee Sam.

ANDY BALDAUF, formerly a branch manager for CitiFinancial, has joined the staff of Home Solution Title in Lakeland as a market representative. He has a bachelor's degree in marketing management from Webber International University in Babson Park.

BCI ENGINEERS & SCIENTISTS INC., a Lakeland-based engineering firm, has made the list of Engineering News-Record's Top 200 Environmental Firms. This is BCI's first time on the list, ranking 196 out of 200 with reported revenue of \$18.4 million for its environmental services.

BOARD OF LEGAL SPECIALIZATION & EDUCATION has certified the following Polk County lawyers as specialists: K.C. Bouchillon, Bartow, business litigation; **Philip Sherwin**, Bartow, Mark Sessums, Lakeland, Sherri Scarborough, Winter Haven, all city, county, and local government law; Laura Lynn Newlin, Lakeland, real estate.

BETSY CÉNÉUS, P&C marketer at Lanier Upshaw, has been received the insurance designation of registered professional liability underwriter by the Professional Liability Underwriting Society.

KATHRYN KOCH, vice president of Lanier Upshaw, attended a personal insurance seminar conducted by Ohio National Financial Services in Cincinnati on Aug. 16-19. Training focused on product information, marketing, sales ideas, business planning and best business practices.

FLORIDA FFA has announced the 2010 FFA Hall of Fame inductees. They are Elton L. Hinton, deceased, William R. Jeffries, Fenwick D. McCormick, Floyd Lorrain, Janice Culligan Northrop,

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

deceased, and Daniel Eugene Ryals Jr. They will be inducted during the fourth-annual awards celebration Oct. 5 at the Florida FFA Leadership Training Center in Haines City.

LEADERSHIP POLK has announced members of Class IV. They are: Rodney Carson, Central Florida Development Council; Susan Copeland, Polk Education Foundation; Michael Craig, Polk County Board of County Commissioners; TR Croley, City of Frostproof; Mike DeNeve, Mosaic; Kay Fields, Girls Inc. of Lakeland; Dorsey Hightower, Hightower Veterinary Services; Tim Jackson, Nujak Companies; Janice T. Jones, The NCT Group; Kelly Lane, Boys & Girls Club of Lakeland & Mulberry; Carl "Ed" Locke Jr., SEMCO Construction; Robert Loftin, BB&T Bank; Ed Lunz, Lunz Prebor Fowler Architects; Alex Mahalak, Dodge-Chrysler-Jeep of Winter Haven; Carole McKenzie, Clear Springs; Jenn Montague, Fantasy of Flight; Tonja Mosley, Heart of Florida Regional Medical Center; Bill Mutz, Lakeland Automall; Cindy Price, TECO; David Price, Bok Tower Gardens; Alan Rayl, Rayl Engineering and Surveying LLC; Don Selvage, SHR Human Resources LLC; Donna Sheehan, City of Winter Haven; Shawn Sherrouse, City of Auburndale; Scott Smith, Florida's Natural Growers; Monti Sommer, AMIkids Polk; Lana Swartzwelder, St. Joseph's Academy; Deena Ware, City of Fort Meade; Reggie Webb, Polk State College; Matt Werd, Foot and Ankle Associates; Bobby Yates, Lakeland Volunteers in Medicine. Nelson Kirkland, Leadership Polk Class I graduate and founder of the Central Florida Media Group, will serve as chairman for Class IV.

INNA MARKOVSKY has been named salesperson of the month for July at Southern Homes of Polk County.

KERRY NIKOLAISEN has joined BCI Engineers & Scientists as senior hydrogeologist for its St. Louis Office. BCI is based in Lakeland.

SARA OLSON has joined the American Red Cross Mid-Florida Region as chief fund development officer for the Polk County Chapter. She has more than six years of experience with nonprofits.

LESLIE OWEN has been named employee of the month for September at Waller Construction.

CHAS P. SMITH, CPA/PFS, president of CPS Investment Advisors, was a guest speaker at the Florida Institute of CPA's Financial Planning Conference in Tampa. His topic was "Importance of Dividends in Stock Investing."

KIMBERLY WYANT has joined the staff at Michael Rose Hair Designs.

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

Ledger, The (Lakeland, FL)
July 13, 2007

ZONING PROPOSAL DRAWS QUESTIONS; WAVERLY

Author: *TOM PALMER The Ledger*

BARTOW - A zoning proposal intended to promote the revitalization of a shuttered citrus-packing plant in Waverly encountered questions from community residents and the Polk County Planning Commission.

Commissioners voted unanimously Tuesday to approve a less-ambitious change, leaving the rest to an area-wide planning study that's in the offing.

The case before the commission involved a proposal by Waverly Growers Cooperative to remap 47 acres on and around the former packinghouse to promote industrial development.

Waverly shut down the plant in 2005 after major acreage owned by growers who supplied fruit to the plant was sold for development.

Lawyer Jack Brandon argued the request corrects an error on the growth map that depicts the land around the plant as the site of heavy commercial development.

County planners recommended denial because the proposal doesn't match the county growth plan's limits on the location of new industrial zoning. The plan requires new industrial land to be within a half-mile of major highways. This property is three-quarters of a mile from U.S. 27.

Residents from the community showed up to oppose the proposal, arguing they had not been adequately consulted and were concerned that the additional industrial development could leave them with no evacuation route from their homes in case of an accident in the industrial area.

"We'd like an independent study of the environmental and traffic impacts," said resident Felix Baker Jr.

But John Husted, Waverly Growers' general manager, said they were simply looking for a way to renovate and market the property to a business interested in warehousing and distribution or light industrial facilities.

"We don't want to be bad neighbors," he said, promising to work to make land available for alternative routes to the residential areas to relieve residents' safety concerns.

Planning Commissioner Ellis Hunt Jr., who is in the citrus business, said he supported what Waverly Growers was trying to do.

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

"The packinghouse was the cornerstone of this community and can be again," he said. "This is a great opportunity that is really important to work out."

Planning Commissioner Barbara Douglas agreed.

"The area's economically depressed," she said.

Douglas tried to win approval of Waverly's complete proposal even though Assistant County Attorney **Phil Sherwin** warned that it was inconsistent with the county's growth plan.

Her motion failed.

Planning Commissioner John Langford proposed a change that would alter the growth map to recognize the existing industrial land, but not the proposed expansion.

That motion passed.

County planner Chanda Bennett told commissioners a special planning study that also will include the area east of Dundee will examine future land uses in Waverly and will bring back a comprehensive recommendation that could yield a proposal for the kind of expansion Waverly Growers is seeking.

That study is just beginning and it will likely take more than a year to complete, she said.

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

Ledger, The (Lakeland, FL)
January 27, 2007

POLK NEEDS WATER BOARD REPLACEMENT

Author: *TOM PALMER The Ledger*

BARTOW - Polk County needs to continue to have a strong representative on the Peace River Basin Board, members of the Water Policy Advisory Committee agreed Friday.

Committee member Roger Griffiths raised the issue in connection with an upcoming vacancy on the six-member board.

The current Polk representative is Ann Dunlap of Bartow, who was appointed in 2001, replacing Jim Moore of Indian Lake Estates. Her term ends March 1.

Dunlap said Friday she supports the committee's intent.

"Water is the most important issue facing all of Florida, especially Polk County," she said, explaining Polk is too far upriver to be able to tap water from the Peace River and too far from the coast to use desalination.

She said whoever is appointed needs to be willing to put in a lot of time educating himself or herself and be someone who understands Polk's water issues.

"I hope whoever is appointed feels that way," she said.

The Peace River Basin Board levies property taxes to pay for local water projects in Polk, Hardee, Highlands, DeSoto and Charlotte counties. The current budget is \$16 million.

The money pays for local projects ranging from efforts to solve local flooding to water conservation and stormwater treatment.

Basin board members, who serve without pay, are appointed by the governor and confirmed by the Florida Senate. They typically are limited to two three-year terms, Griffiths said.

Griffiths said he was supporting Steve Enzor, a member of the Lake Region Lakes Management District board, commonly known as the Canal Commission.

County officials tried unsuccessfully to persuade the governor's office to name Enzor to the board in 2001. The plan was to seat him in the at-large seat - each county is guaranteed one seat - in an effort to increase Polk's influence on the board.

Then-Gov. Jeb Bush appointed someone from Charlotte County instead.

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

It is unclear whether Enzor could be appointed to the Peace River Basin Board without first resigning from the Canal Commission because of a state law against dual office holding, said Assistant County Attorney **Phil Sherwin**.

Sherwin said he will research the issue and give committee members a formal opinion next week.

Griffiths said he thinks local officials should become involved to guarantee Dunlap's replacement represents local interests.

"If we don't, it will be some kind of political appointment, and the water management district may have more input into who that person might be," he said.

Committee member Gene Engle said other nominees may be easy to attract, given water's importance locally.

"The issue is more visible now than it was five years ago," he said.

Dunlap's appointment isn't the only local seat scheduled to expire soon.

Also expiring March 1 is the seat held by Steve Bissonette of Lakeland on the Alafia River Basin Board. He has served only one term.

Although the Southwest Florida Water Management District Governing Board doesn't involve appointments from Polk County, the terms of two members, Jerry Rice of Dade City and Judy Whitehead of Brooksville, will expire March 1 as well.

Natural Resources Director Jeff Spence said his staff would be willing to provide information to anyone interested in applying for the Peace River Basin Board seat. Interested candidates can call 863-534-7377 for more information.

Tom Palmer can be reached at 863-802-7535 or tom.palmer@theledger.com.

Internet – Newspaper Archives Searches
Philip Sherwin
(Articles are in reverse chronological order)

Fort Meade Leader, The (FL)
June 12, 2003

Polk Hires Two New County Attorneys

Author: *Staff Writer*

Polk County commissioners agreed to hire two new assistant county attorneys at salaries of \$54,000 each, but Commission Chm. Randy Wilkinson said the county attorney's budget is growing too fast.

At the recommendation of County Atty. Joe Jarret, the commission approved starting salaries of \$54,000 for two lawyers hired at the Attorney I level, the lowest rank on the newly-approved pay plan for lawyers hired by the county.

Wilkinson said that the county attorney's budget has increased by 18.77 percent the highest of any department in county government.

Jarret replied that the problem is the cost of lawyers hired to represent indigent defendants, not the cost of his own staff.

"We're currently skirting malpractice with the caseload we're handling," Jarret said, adding that Polk hires fewer lawyers than other counties of comparable size.

Commissioners approved the contracts over Wilkinson's objection, with Commissioners Neil Combee, Charles Richardson and Don Gifford voting for them. Commissioner Jack Myers was not present for the vote.

The new lawyers are **Philip N. Sherwin** and Ngozichukwu C. Acholonu.

Research Compiled by: Lynelle Klein
Colin Baenziger & Associates