

COLIN BAENZIGER  ASSOCIATES

EXECUTIVE RECRUITING

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*Section 3*

*Lysia H. Bowling*

*Fort Pierce City Attorney  
Candidate Report*

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*Cover Letter and Resume*

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**LYSIA HUNTINGTON BOWLING, ESQ.**

P.O. Box 13262, Pensacola, FL 32591 – (325) 262-5608 – [lysia.bowling411@gmail.com](mailto:lysia.bowling411@gmail.com)

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October 15, 2018

Re: City Attorney of Fort Pierce, Florida - Lysia H. Bowling, Esq.

Dear Mr. Baenziger:

In 2015, I was fortunate to be recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida where I currently serve. Now, as the change in executive leadership nears, it is an ideal time for me to pursue this job opportunity as City Attorney of Ft. Pierce, Florida.

As a career public servant, I have a reputation for excellent client relationships, professional responsibility and leadership, bringing to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through governmental work in diverse communities with different public service priorities within Texas and Florida. I am bi-lingual in Spanish and fluent in Portuguese.

I previously served as the City Attorney for the City of San Angelo, Texas, and the City Attorney for the City of Harlingen, Texas, Police Legal Advisor and City Prosecutor for the City of Temple, Texas and the Chief Prosecutor for the Municipal Court of the City of Austin, Texas. I have also served as an Assistant Attorney General with the Office of the Texas Attorney General, and served with the Texas Department of Insurance, the Texas General Land Office and the Texas Comptroller of Public Accounts. I was recruited to serve as an Assistant State Attorney for the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit. I later served as Assistant City Attorney and Miami Police Department Legal Advisor for the City of Miami, Florida.

I have benefited from exposure to diverse public service organizational structures with different philosophies and styles of management, leadership and culture of governance. As an experienced advocate, counselor and advisor, I have had the privilege of being on the front lines successfully collaborating with a broad range of public servants with diverse functions within these organizations to target appropriate and legally sound resolutions. As a chief legal advisor for the cities I have served, the core aspect of my position has been to render clear and concise legal advice and opinions construed to be the official legal position of the city to enable the governing body, elected officials, appointed boards and the municipal administration to discharge their responsibilities confidently and expeditiously.

I have highly developed competence in all general areas of municipal law and effectively manage outsourcing of attorneys when specialized legal expertise may be required and not available in-house. As reflected in my resume, I have rendered a full range of legal services and representation to the City, including drafting ordinances, negotiating and drafting inter-local agreements, professional services

agreements, construction contracts and a wide range of transactional documents, charter interpretation, court appearances, training for City officials and Board members, attending all City Council meetings and rendering numerous opinions to the Mayor and the City Council on a wide variety of subjects. I interact with the City Department heads and staff on a daily basis and have consistently served as a member the City's management team. I manage, prepare and present the City Attorney's budget for review with the Finance Director and approval by City Council each fiscal year. I have direct and solid legal experience in a range of specific areas of law relevant to Florida municipalities, including for example, land use, planning and zoning, real estate, open government, ethics, utilities, economic development and public-private partnerships, contract and procurement, public safety, labor and employment, contract and procurement, bid protests.

### **City Attorney Practice**

- I have been licensed in good standing to practice law in Florida for over 14 years and in Texas for over 30 years
- I have a total of 24 years of practice as a full-time in-house City Attorney and Assistant City Attorney in supervisory and leadership roles, serving as:
  - A full-time in-house City Attorney in Texas municipalities for 8 years
  - An Assistant City Attorney in leadership and supervisory roles Texas municipalities for 11 years
  - An Assistant City Attorney in a leadership and supervisory role for the City of Miami, Florida for 2 years
  - A full-time in-house City Attorney for the City of Pensacola, Florida for the past 3 years

### **Legal Management Experience**

As lead supervising attorney over a staff of attorneys, paralegals and support staff, I have worked to ensure that the work product of the office was rendered in a timely, clear and concise manner and that the personnel under my supervision received ample training, cross-training, and had available all of the tools that they needed to discharge their professional responsibilities.

### **Effective In-House Management**

As a City Attorney in several diverse municipalities, I have placed primary emphasis on maintaining an "open door policy" of availability and accessibility to all city officials, management personnel and other city staff. In addition to rendering formal opinions, I often convey legal advice in less formal ways, including through consultation and email, recognizing that legal issues of high priority or time sensitivity may require immediate resolution and handling in a manner without submission of a formal request for a written legal opinion. In order to provide the municipal client with an organized method of receiving my legal input, I have found that the most productive approach is to implement a legal services request procedure (LSR), through which department directors are requested to identify the legal issue involved and to provide the necessary factual background in order for me or another attorney to respond in a focused and efficient manner. The LSR provides,

as well, an effective method to track work flow, measure work product and matters handled, and maintain closed files. I have also implemented up to date technology for document filing and retention, case management, and subject matter communications. I would expect to do the same in Fort Pierce if such a system is not already in place.

As a City Attorney, I have also found it to be quite helpful to develop and distribute appropriate contract templates for the procurement of a wide range of goods and services, including the acquisition of professional services, architectural and engineering services, construction contracts, competitive procurement procedures, economic development incentive agreements, tax abatement agreements, development agreements and real property transactions. The contract templates and the process I devised and implemented remain in place. Serving as the public records officer for the City of Pensacola and for other agencies previously, I have secured and managed computer open records systems and developed templates to streamline agency responsiveness in accordance with law.

### **Effective Management of Outsourcing of Legal Services**

For those areas of highly specialized legal practice requiring the engagement of outside counsel, I have implemented procedures for the standardization of engagement letters, identification of scope of services, rates and expenses, and I have established a routine monitoring procedure to ensure that the highest quality of services are being provided, efficiently and at the lowest reasonable cost. These procedures are shared with City management and chief financial officers in order to provide complete and transparent management of this process. This includes constant communication and supervision of the work of outside counsel.

### **Communications and Presentation Abilities**

I have been an accomplished public speaker for the thirty years of my professional legal career. I believe that my communication skills have been highly regarded by my clients, as providing clear and useful information and advice that assists them in making the judgments and decisions that are required of them.

The ease which I have interacting with the public in any sector of any community is one of my profound abilities. I am an effective public speaker and have the ability to relate to diverse audiences. Throughout my career in public service, I have been passionately committed to civic and community service. I have taken my effective presentation skills from the courtroom to city hall to the classroom, delivering key note speeches with large audiences and motivational speeches to audiences in venues large and small. I have been a presenter at state and national bar association conferences as well as statewide prosecutor and law enforcement associations.

I have conducted professional training in Spanish as well as made presentations to Spanish and Portuguese speaking members of the public, in connection with my municipal prosecutorial program delivery and for international sister city meetings and other international visits to city hall.

### **Professional Networking**

I have actively networked for the thirty years of my professional career with public service and legal professionals in state and local government arenas across the country, as well as internationally. Each year that I am in public service, I engage in continuous networking to share strategies and problem solving relating to current municipal governance legal issues.

### Section 3

I am enclosing my resume, a summary of my analysis of key professional achievements and critical municipal practice issues for your consideration. I look forward to hearing from you about the position. Please kindly advise me should you require further information about my background and qualification and I will be most pleased to provide it.

I am excited about the possibility of relocating to Fort Pierce, Florida. I have family in the area.

Thank you,



Lysia H. Bowling, Esq.

Attachments

**RESUME**

**LYSIA HUNTINGTON BOWLING, ESQ.**



**EDUCATION**

Yale University, New Haven, Connecticut  
Bachelor of Arts Degree - May 1976  
Double Majors Political Science and Latin American Studies

University of Virginia School of Law, Charlottesville, Virginia  
Juris Doctorate – May 1979

**LAW LICENSURE**

State Bar of Texas  
State Bar of Florida

**LANGUAGES**

Bi-lingual in Spanish, fluent in Portuguese

**EXPERIENCE**

**CITY ATTORNEY**

March 2015 - Present

**OFFICE OF THE CITY ATTORNEY  
CITY OF PENSACOLA, FLORIDA**

Recruited to assist the transition of a new strong mayor form of government from a manager-council form of government as the first in-house City Attorney for the City of Pensacola, Florida.

Leads and manages in-house legal department of the City of Pensacola, Florida with a budget of approximately \$600,000 in the current fiscal year for operating and personnel expenses.

Responsible for all legal matters related to the City's municipal government and corporate affairs and municipal enterprises, including the Port of Pensacola and the Pensacola International Airport.

Hires, directs and manages work of outside counsel in specialized areas of expertise, including, for example, maritime law, opioid and first amendment litigation and the BP oil spill settlement.

Interprets the City Charter, rendering legal advice and opinions construed to be the official legal position of the City, to the City, its Mayor, City Council and City departments to facilitate ethical, efficient and transparent governance by the City.

Serves as the Public Records Official of the City and am responsible for the City's compliance with its statutory duties under the Florida Public Records and Open Meetings Acts.

Provides expertise, direction, support and training to City Council, Boards and Commissions and City departments to ensure legally compliant implementation of open meetings and public records and ethics requirements, City policies, state law and departmental goals in a manner that protects the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings of City Council and Boards and Commissions and representing the legal position of the City at all meetings of City Council and Boards and Commissions.

Acts as legal advisor for and represents the City of Pensacola Community Redevelopment Agency. Provides representation for City before administrative bodies and collective bargaining units.

Practice areas include: local government, strong mayor charter interpretation, home rule authority, telecommunications and fifth generations wireless infrastructure distribution facilities and technology regulation, airport operations, natural gas distribution, commercial port operations, housing, finance, budget, risk management, tort claims, employment and labor law, real estate property transactions and public/private development partnerships, right of way acquisition, local option gas tax, intergovernmental cooperation, extensive contract negotiation and drafting and ordinances and code amendments, lobbying law, open government and special ethical issues relating to public officials, historical district architectural review, planning, zoning and land use, annexation, economic, business and industrial development, downtown improvement, code enforcement, environmental remediation, collections, contracts, procurement and bid drafting, bid protests and public safety and law enforcement agency issues.

Provide annual ethics training for appointed and elected officials.

Instituted administrative policies and procedures and uniform contract template program and procedures for all City contracts, leases, development agreements and all other legal transactions. Defend the City in lawsuits filed in circuit court, including appeals of final decisions from City quasi-judicial proceedings and defending suits for injunctive relief.

**CITY ATTORNEY**

November 2009 - March 2015

**OFFICE OF THE CITY ATTORNEY  
CITY OF SAN ANGELO, TEXAS**

As in-house City Attorney, lead and managed the in-house legal department of the City of San Angelo with an annual budget of over \$600,000 for operating and personnel expenses and staff including two attorneys and three paralegals. Instituted and supervised a revenue generating function within the legal department which manages all city real estate holdings producing revenues of over \$100,000 per fiscal year.

Responsible for all legal matters related to the City's municipal government and corporate affairs, rendered legal advice and opinions to City Council and departments to facilitate ethical, efficient and transparent governance by the City.

Provided expertise, direction, support and training to City Council, Boards and Commissions and departments, including City Clerk, to ensure legally compliant implementation of City Council policies and department goals in a manner that protected the interests of the City.

Responsible for the legal sufficiency of all regular and special meetings held by City Council and Boards and Commissions, including the City of San Angelo Economic Development Corporation, the Planning Commission and the Zoning Board.

Represented and advised Police Chief on all legal issues in day to day operations, internal affairs and discipline, and meet and confer negotiations.

Served as open records officer and handled all public records requests for the City and acted as public relations advisor for the City.

Provided legal advice to municipal court and municipal court judge, and supervised municipal court prosecution and programs.

Practice areas included civil service discipline, local government, community and economic development, finance, budget, hotel motel tax collection, risk management, tort claims, governmental immunity, insurance, personnel, employment and labor, real estate, right of way acquisition, condemnation, intergovernmental cooperation, election law, ordinance drafting, charter interpretation, open government and ethics, planning, zoning and land use, annexation, economic, business and industrial development, job incentive agreements, economic development program agreements, redevelopment and tax abatement agreements and policy, code enforcement, environmental, and water law and conservation, long term solid waste collection and disposal and recycling services, nuisance and asbestos abatement, contracts and procurement, all civil service, public safety and criminal prosecution matters in Municipal Court.

Instituted templates for uniformity for all City contracts, professional services agreements, construction documents, leases, interlocal agreements, development agreements, and for civil service disciplinary suspensions and fitness for duty procedures. Instituted City Council agenda and contract approval procedures.

Defended the City in lawsuits filed in district court, including appeals of final decisions from City quasi-judicial proceedings, defended suits for injunctive relief, police and fire civil service appeals, and arbitration matters.

Engaged in affirmative litigation for contract breach, damages to City property, hotel motel tax collection, and financial obligations owed to the City, eminent domain, and quiet title litigation, injunctive and declaratory relief. Hired, directed and managed work of outside counsel in specialized areas of litigation, including for example, wrongful death and civil rights, employment discrimination litigation.

Supervised all services provided by outside retained counsel.

**OFFICE OF THE MIAMI CITY ATTORNEY  
CITY OF MIAMI POLICE DEPARTMENT  
POLICE LEGAL ADVISOR/ ASSISTANT CITY ATTORNEY  
MIAMI, FLORIDA**

2007– 2009

Legal Advisor to City of Miami Police Chief John F. Timoney. Advised City of Miami Police Department in City of population size of over 2 million, on legal issues in the area of civil rights, international drug task force programs, criminal laws and procedures, labor and employment, public information compliance, contracts and law enforcement education, program development and training.

Prosecuted narcotics trafficking contraband forfeiture cases in circuit court, prosecuted narcotics nuisance abatement cases, negotiated and drafted contracts, interlocal agreements and legislation, reviewed public information requests, advised department on policy and procedures, represented department in collective bargaining grievance hearings and before Public Employees Relations Commission.

As training advisor for Miami Police Academy, developed international task force and local training programs and curriculum and delivered in-service and recruit training, including police civil liability training.

Served on Florida Department of Law Enforcement Statewide Committee for Advanced Law Enforcement Training and Miami-Dade State Attorney Prosecutor – Police Coordinating Committee.

Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as Voice Stress Truth/Deception Analysis Examiner.

**OFFICE OF THE MIAMI-DADE STATE ATTORNEY  
11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY  
ASSISTANT STATE ATTORNEY, FELONY PROSECUTOR  
MIAMI, FLORIDA**

2005 - 2007

Filed felony indictments and prosecuted before the Miami-Dade County jury a wide range of felony prosecutions, serving 35 law enforcement agencies in Miami-Dade County, including Violent Career Criminals (VCC), Habitual Felony Offenders (HO), Habitual Violent Felony Offenders (HVO), Prison Releasee Reoffenders (PPRP), Sexual Predators and other violent career criminal offenders involving crimes against persons and children, including gang related offenses, sexual offenses, drug and human trafficking, property and economic crime cases, insurance fraud, contractor fraud, organized theft, embezzlement, employee theft, credit card fraud.

**SCHOOL OF JUSTICE  
LAW ENFORCEMENT TRAINING CENTER  
LAW ENFORCEMENT AGENCY ACCREDITATION MANAGER, ADJUNCT PROFESSOR, FULL  
TIME PROFESSOR AND LAW ENFORCEMENT INSTRUCTOR  
MIAMI, FLORIDA**

2002 - 2005

Manager of Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation Program for the School of Justice.

Coordinated agency compliance with a wide variety of complex and technical issues concerning law enforcement standards.

Taught Florida Department of Law Enforcement mandated legal objectives for basic training and developed curriculum for advanced legal update for in-service academy and taught in-service academies and academic classes.

Developed and presented college-wide and outsource training workshops on diversity, workplace violence prevention and conflict management. Adjunct professor and full time professor at all MDC campuses. Certified by Florida Department of Law Enforcement in Law Enforcement Training and Certified as a Voice Stress Truth/Deception Analysis Examiner. Part-time law enforcement instructor through 2009.

**POLICE LEGAL ADVISOR/CITY PROSECUTOR  
OFFICE OF THE CITY ATTORNEY  
CITY OF TEMPLE, TEXAS**

1995-2002

Legal Advisor to Police Chief, Police Department and Temple Municipal Court.

Advised and represented City department heads in day to day legal matters, including drafted all city contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way.

Acted as Public Information Officer for the City.

Advised and represented police and fire chiefs and officials on complex disciplinary proceedings under Chapter 143 civil service and state law, and in litigation in state court.

Served as facilitator for national accreditation for the City of Temple Police Department, devised and implemented community policing initiatives, drafted and implemented police policy and procedures, drafted contracts for police department, including jail privatization, service contracts and interlocal cooperation agreements.

Represented Building and Standards and Zoning Commissions in commission proceedings and in state court.

Legal advisor for City Human Resources Department on all personnel matters including equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, discipline, overtime, promotions, wage and hour, pension and retirement plans, fitness for duty, leave and discipline matters. Developed human resources policy and procedures manuals and governmental ethical codes to comport with all constitutional and legal requirements. Prosecuted 2500 misdemeanor criminal trials on behalf of the State of Texas, handled County Court appeals cases, developed and implemented programs to improve law enforcement and victim services, including victim intake program, police trainer and legal advisor to judge and court clerk.

**CITY ATTORNEY**

1993-1995

**CITY OF HARLINGEN**

**OFFICE OF THE CITY ATTORNEY**

**HARLINGEN, TEXAS**

Represented City in civil litigation including property damage and personal injury and negligence cases, land use, real estate and contractual litigation, employment discrimination and unlawful termination, appeals from zoning commission, civil service commission appeals, and cable franchise litigation.

Advised and represented City appointed and elected officials and City department heads on all areas of municipal law and government on day to day legal matters, including annexation, election law, finance, zoning, eminent domain, land use and procurement, economic and business development, commercial, financial, budget, insurance, risk management, contracts, city charter and legislation, bidding, interlocal cooperation, civil service, employment and labor law, public official and accountability, open government.

Drafted and approved all City contracts, agreements and legal instruments, including for construction, land acquisition, easements and rights of way, energy assessment, hold harmless and indemnity agreements, interlocal agreements, cost sharing agreements, procurement, licenses, professional services, purchase agreements, housing, elections, incorporations and annexations, drafted ordinances, codes, charter amendments and civil service rules.

Legal advisor for City department heads on all personnel matters including civil service and equal opportunity law, including gender, race and age discrimination, affirmative action, hiring practices, pensions and retirement plans, worker's compensation, discipline, overtime, promotions, wage and hour, fitness for duty, leave, discipline matters.

Represented police and fire chiefs before civil service commission and represented commission. Represented City members and financial director of pension boards.

Supervised all services provided by outside retained counsel.

**OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
ASSISTANT ATTORNEY GENERAL  
CRIMINAL PROSECUTION DIVISION  
AUSTIN, TEXAS**

1992-1993

Investigated, filed and prosecuted enforcement cases before the state office of administrative hearings and in state court, legal advisor for Texas Alcoholic Beverage Commission and prosecuted discipline cases against law enforcement agents.

**TEXAS DEPARTMENT OF INSURANCE  
STAFF ATTORNEY  
AUSTIN, TEXAS**

1992-1993

Prosecuted automobile and life insurance agents for fraud, misrepresentation and other fiduciary duty violations before the state office of administrative hearings, advised field auditors and investigators on violation and investigations.

**CITY ATTORNEY'S OFFICE, CITY OF AUSTIN  
CHIEF PROSECUTOR  
AUSTIN MUNICIPAL COURT  
AUSTIN, TEXAS**

1988-1992

Supervised criminal prosecutions in sixty dockets per week and managed prosecution staff of twenty, including seven (7) prosecutors, paralegals, and support staff, developed and implemented programs to improve law enforcement and streamline delivery of court and victim services and access to court.

Devised and implemented community prosecution initiatives.

Represented City in injunction proceedings. Represented City in municipal court employee discipline cases and unemployment appeals.

**TEXAS GENERAL LAND OFFICE  
STAFF ATTORNEY  
AUSTIN, TEXAS**

1985-1988

Advised agency on Oil and Gas Royalty Audits, Relinquishment Act Lease violations, State Land Lease Bidding, drafted and implemented Oil and Gas bidding procedures and publications and prosecutions for corporate veil, alter ego transactions in oil and gas revenue royalty diversion cases. Researched land and lease titles on Relinquishment Act lands.

**TEXAS STATE COMPTROLLER OF PUBLIC ACCOUNTS  
CORPORATE TAX POLICY ANALYST  
AUSTIN, TEXAS**

1981-1985

Analyzed over 1000 corporate tax deficiency cases and represented agency before state office of administrative hearings, advised field auditors and field agents on tax seizures, freezes, state, county and federal taxation, administrative codes, bankruptcy law. Advised auditors and field agents on sales, motor fuels, occupancy and other tax violations and deficiencies.

**Certifications and Licenses:**

Florida Bar License, Texas Bar License, Florida Department of Law Enforcement, Commission on Criminal Justice Training and Standards, Instructor Certification, Certified as Voice Stress Truth/Deception Analysis Examiner, Florida Chapter 493, DS and RI instructor licenses for recovery agents 40 hour licensing course on secured transactions, installment contracts and loan agreements, default and remedies, replevin, fair debt collections practices act, new bankruptcy law, forfeiture statutes, property law, ethics, leases, bailments, risk of loss.

**Recent Presentations:**

- o March 2015 -Dallas, Texas - Texas Municipal Court Education and Training Center - Prosecutor School- Presentation/Speaker- "Administrative Search Warrants"
- o May 2016 - Pensacola Women's Civic Forum - Keynote Speaker - "Diversity and Public Service"
- o August 2016- The Institute for Women in Politics of Northwest Florida -Welcome Address
- o September 2016- Pensacola Citizen Diplomacy & the Gulf Coast Citizen Diplomacy Council - Guest Speaker "Women of Courage"
- o October 2016 - Pensacola Regional Summit to Achieve Prosperity - Speaker- "Redevelopment of Distressed Communities through Work Force Development"
- o 2016- 2017 International Visitor Leadership Program- U.S. Department of State Exchange Programs:  
Roundtable Discussion with City Attorney:  
August 2016 - Ukrainian - Open Government  
November 2016- Russia- Criminal Justice System in the United States  
April 2017- Czechoslovakia- Municipal Government  
September 2017- Angola- Welcome address (Portuguese) on Municipal Government  
November 2017- Ukrainian- Ethics in Government
- o June 2017 - Pensacola Police Chief Recognition- Guest Speaker- "African Americans in Pensacola Government - Being a First"
- o September 2017 - "Leadership and Public Service" -Life Long Learner Series
- o April 2018- Alabama Association of Educational Opportunity Program Personnel (AAEOPP) Welcome to Pensacola - City Government
- o 2007 Speaker, Miami, Florida- American Bar Association, Promoting Diversity in Public Sector Legal Profession Speaker
- o 2009 Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- o 2003 Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- o 2003 Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute

- Adjunct Faculty, Howard College, San Angelo, Texas, Business Law
- Speaker, American Bar Association, Promoting Diversity in Public Sector Legal Profession
- Speaker, San Angelo Public Library, Youth Education Group, Constitutionality of Books Bans
- Speaker, San Angelo Public Library, Youth Education Group, Cyber-Bullying and Stalking Prevention
- NAACP - San Angelo Chapter, Keynote Speaker, Women's History Month, Women Education and Empowerment
- Concho Valley Society for Human Resource Management, Keynote Speaker, the Constitution and Workplace Privacy Issues
- Speaker, Metro-Dade Action Plan, Annual Conference on Youth and Violence
- Panelist, Leaders About Town, Orientation Program, Honors College, Miami Dade College
- Speaker, Workplace Violence Prevention, Conflict Resolution, Professional Development Program, Miami Criminal Justice Institute
- Program Participant, Youth Education, San Angelo Public Library
- Judge, Metro-Dade County, Teen Court, Miami, Florida
- Mentor, Take Stock in Children, Miami, Florida
- Selection Committee Member, Do the Right Thing, Miami, Florida

### Past Publications and Presentations:

- Published and Presented: "State Cases of Interest to Local Government," Texas City Attorneys Association, Texas Municipal League
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Published and Presented: "Local Governmental Nuisance Abatement" Annual Conference, TMCTC
- Instructor/Faculty, Texas Municipal Court Training Center, Statewide Prosecutor School and Judges School
- Instructor: "Ethics and the Law", University of MHB, School of Business
- Presenter, Ethics and Diversity, Ethics Panel, University of MHB, School of Business
- Guest speaker, Summer Enrichment Program, DCF Foster Teens, Miami Capstone Mentor, WHT Technical HS, Miami
- TISD Education Summit
- Keynote Commencement Speaker, TISD
- TISD Desegregation Action Team, Member
- Juvenile Accountability Task Force, Member
- Presenter and instructor, Criminal Law and Procedure, THS
- Presenter, Your Child and the Law, Tough Love
- Developer and Presenter, Conflict Resolution and the Law, Citizens Police Academy
- Speaker, Scott and White Hospital, Senior Citizens Group
- Role Model Speaker, numerous Miami High and Middle schools and alternative and charter schools
- Role Model, Ebony Cultural Forum

### Special Skills /Recognitions:

- Bi-Lingual in Spanish, Fluent in Portuguese
- Member Texas Police Officer Association
- Member, Florida Prosecuting Attorneys Association

- Member International Association of Chiefs of Police
- Miami Police Training Institute, Commendation for Excellence
- Metro-Dade Action Plan, Recognition for Service as Teen Court Judge
- Superlative Award, Carol City Senior Banquet
- Leadership Temple, Graduate
- Temple Sisters City Delegate
- Ebony Cultural Society, Chair
- Featured in Black Women in Criminal Justice, Jet Magazine
- Featured in Minority Women in the Law, Texas Bar Journal
- Who's Who Among African Americans
- Mayor's Recognition for Excellence Austin, Texas
- Recognitions for Outstanding Motivation, Innovation and Instruction in the Law, Miami Dade College
- Recognitions for Dedication and Diligence in Preparation and Instruction, Judges, Clerks and Prosecutor School
- President International Optimist Club
- Optimist of the Year Award
- President Temple, Texas March of Dimes
- Texas Police Officer Association Recognition
- Wilkie D. Ferguson, Jr. Bar Association
- NAACP, San Angelo Chapter
- Escambia-Santa Rosa Bar Association
- Florida League of Cities
- Florida Municipal Attorneys Association
- International Municipal Lawyers Association (IMLA)

### **PROFESSIONAL AND EMPLOYMENT REFERENCES**

Current and previous employment references and professional colleague references are available upon request.

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*Candidate Introduction*

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**LYSIA HUNTINGTON BOWLING, ESQ.**

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**EDUCATION**

Yale University, New Haven, Connecticut  
Bachelor of Arts Degree - May 1976

University of Virginia School of Law, Charlottesville, Virginia  
Juris Doctorate - May 1979

**EXPERIENCE**

As the change in executive leadership nears, it is an ideal time to for me to pursue the job opportunity as City Attorney of Fort Pierce, Florida. I hope to relocate to a community in Florida that welcomes the diversity that I have to bring to the community and allows me to continue in my profession as a local government law practitioner. I wish to live and work in a community that takes pride in the inclusion of all its citizens and the diverse interests and experiences that make up the community as a whole. I believe that Fort Pierce is one of those communities.

Based upon my research of Fort Pierce, I believe that you will find my background and skills well suited to meet the needs of your City Council. I bring to the table the benefit of three decades of extensive and progressive legal and supervisory experience gained through state and local governmental work in diverse communities with different public service priorities within Texas and Florida. I have been licensed and in good standing to practice law in Florida for over 14 years and in Texas for over 30 years. I am bi-lingual in Spanish and fluent in Portuguese.

My local governmental experience in Florida, includes:

- City Attorney for the City of Pensacola for the last four years.
- Chief Legal Advisor for the City of Miami's Police Department and its Chief John Timoney, and served a legal counsel in collective bargaining.

My local governmental experience in Texas, includes:

- City Attorney for the City of San Angelo for six years,
- City Attorney for the City of Harlingen for two years,
- Chief Legal Advisor for the City of Temple's Police Department and City Prosecutor for 7 years,
- Chief Prosecutor for City of Austin for 4 years

I have also worked for the State of Florida and the State of Texas. Those positions included:

- Office of the Miami-Dade County State Attorney, Florida's Eleventh Judicial Circuit,

### LYSIA HUNTINGTON BOWLING, ESQ.

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Assistant State Attorney

- State of Florida Certified Law Enforcement Training Institute Accreditation Manager
- State of Florida Certified Law Enforcement Instructor and Law Instruction Program Developer
- Office of the Texas Attorney General, Criminal Prosecution and Enforcement Division, Assistant Attorney General
- Texas General Land Office, Staff Attorney
- Texas State Comptroller of Public Accounts, Tax Enforcement Division, Staff Attorney

Pensacola is the westernmost city in the Florida Panhandle and is the county seat of Escambia County, with a population of 52,000. Pensacola is Florida's first settlement and has a sea port on Pensacola Bay, which connects to the Gulf of Mexico. While Pensacola's major economy is tourism based, it is developing technology based industries. Pensacola has a naval station, regional medical center, university. It has an international airport and a natural gas utility which are departments of the City. The downtown area of Pensacola is a walkable historical area and fronts a baseball stadium and waterfront. The City has 694 employees.

As City Attorney, I directly supervise three attorneys, a paralegal and a public records officer in the Office of the City Attorney, handling the day to day legal matters of the City. I manage and supervise the outsourcing of attorneys when specialized legal expertise and resources are not available in-house, including for example, litigation and areas of municipal bonds and pensions. I serve as legal counsel for the City's Community Redevelopment Board. Governance under the charter, development, redevelopment, real property asset management and privatization of waterfront properties are significant legal issues facing the City.

A City Attorney who is trust building, I believe, possesses the essential attributes for a City Attorney to succeed in representing the legal needs of the client in a professional and leadership role. A City Attorney builds trust by having a deep commitment to the client and leads by example as a role model of the highest degree of integrity and ethics of the profession, maintaining a strong, ethical foundation in every action and decision. A City Attorney builds trust by having the ability to effectively communicate across the organization, to relate in terms that people understand, and to recognize that meaningful communication requires one to meaningfully listen for understanding. Trust results in open and mutual give and take, recognizing that everyone has value, treating everyone with respect, civility and grace regardless of a difference in position. A City Attorney builds trust by vigorously and unfailingly focusing on serving the client's interest, anticipating issues that require advance preparation and unfailingly giving prompt, objective and legally sound answers and have unfailing flexibility to efficiently and effectively facilitate the client's decision-making needs under the exigencies and circumstances presented.

In the event a lawsuit is filed against the client, I would make a realistic assessment of the client's exposure in the matter and if defensible, I would vigorously defend the client's position and to protect the client's interests. I would provide the client a well-reasoned and sound recommendation

**LYSIA HUNTINGTON BOWLING, ESQ.**

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on litigation strategy and seek direction from the client on the desired outcome and defense, keeping the client regularly and fully informed throughout the litigation. In the event that I arrive at an assessment that the continued defense of the litigation would not be in the client's best interests, I would advise the client and seek the client's approval and direction to negotiate an appropriate resolution to best serve the client.

In several diverse municipalities where I have served as City Attorney, I have always been regarded as a team player and an integral part of the management of the municipal organization. It is my goal to contribute to the success of the management team. The City Attorney's office stands with all departments as an interlocking component of a single team to serve the City and its citizens. In that regard, I make certain that my office never turns inward or works in isolation. I find collaboration with members of the organization to be instrumental to the process and allows inputs about how the City's legal work best supports and implements the operations, goals and initiatives of the administration. I place a primary emphasis on maintaining an "open door policy" of availability and accessibility to all City officials, management personnel and other City staff to build effective working relationships. As such, I am able to be proactive in handling legal issues, in evaluating staff and resources to maximize efficiency and cost-effective management of the legal affairs of the City.

There is no question that the client must be consistently and regularly be provided all information with complete candor on legal matters and significant legal issues and be provided a realistic assessment of the options available. I find it preferable to communicate in person with elected officials and as a body in public forum. I would expect to develop lines of personal communications with the Mayor and members of City Council so that each would feel comfortable in having informal conversations with me in matters of interest to them. I would ensure that the City Manager, Mayor and City Council are apprised of the same facts, law and legal analysis to allow the City to speak with one voice on legal matters.

I always strive to ensure that my clients receive my best objective legal advice, including the practical implications of following or declining to follow that advice. If the client elects to disregard my advice, it is the prerogative of the client to do so, and I would stand ready to assist the client in handling the path undertaken. I am fully mindful that many legal matters have associated political issues and call for difficult judgments to be made by elected officials. My efforts are directed to assist them in reaching their desired resolution.

I believe that the Mayor, City Council members and City staff members that I have worked with in all the municipalities where I have served would describe my communications as clear, easily understood, direct, and prompt. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. In serving under a strong mayor form of government in Pensacola, my legal assistance provided both formal and informal guidance to the Mayor and the City Council, was well received and respected, and has enabled my client – the City – to function as a unified and harmonious local government while effectively resolving conflicts between the executive and legislative branches of government.

### **LYSIA HUNTINGTON BOWLING, ESQ.**

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Throughout my career as a public servant, I have been recognized for my ability to quickly assess the legal needs of an organization and to formulate and implement a plan to deliver the highest quality legal services required. I have consistently received positive feedback from my clients for the professional services I have rendered.

As City Attorney, I have fulfilled a proactive role in supporting a municipality's commitment to governmental transparency and public participation. I have engaged in a wide variety of initiatives to promote accountability, openness and transparency across municipal government. I have always endeavored to be approachable, a good listener and focused on providing my clients with legal and practical information that they can use. My communication style as an attorney is polite, measured, and assertive in a low key manner.

Over the years, I have encountered several municipal officials who have expected me to be confrontational or divisive. I have found that that style of communication is not best suited for a lawyer in public service or municipal representation.

Over the course of my career in public service, I have consistently focused on developing innovative approaches and procedures for the public to conveniently access governmental services and for the government to efficiently render those services. I strongly believe that citizens are entitled to procedural justice at every level of government, and that a fair, predictable, and transparent process bolsters public trust and confidence in government.

I have been fortunate to work closely and collaborate with many leaders and professionals from diverse governmental arenas to benefit operations and to improve customer service and navigation of the intersections where citizens and governmental agencies interact. To that end, I have successfully proposed and instituted a variety of mechanisms to streamline enforcement programs and facilitate citizen compliance for the good of the community.

I was fortunate to have as my mentor Janet Reno. Janet always encouraged me and suggested I work in public service internationally because of my diverse background. She thought I should explore service in Haiti and in Africa, because of my interests, background and language abilities and my passion for serving others. Although that door had been opened, I did not take Janet's advice and I always felt that I missed an opportunity. I have since mentored others and spoken on following one's passion. It is by expanding one's horizons and taking challenges that are rooted in the unknown and that we come to know ourselves fully. It is better to come back than never to have gone at all.

If the nature of the shortcoming of an employee of my office can be corrected, I would provide instruction, training and guidance. If the nature of the short coming is a character issue that cannot be corrected, I would remove that person immediately to protect the City. I once terminated an attorney who committed an ethical violation and whose level of competence was detrimental to the reputation, trust, and confidence of the office. I worked to rebuild that trust and confidence

### **LYSIA HUNTINGTON BOWLING, ESQ.**

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and examined how the problem had occurred so that I could take measures to avoid a problem of this nature, with attention to the needs and morale of staff.

If appointed to this position, during the first six months as City Attorney, I would want to carefully assess and evaluate the strengths and working procedures of the existing staff and to determine whether any realignment of responsibilities might be warranted. I will seek the input of the staff. Because the City Attorney is the chief legal officer of the City, it will be important to make clear that I bear the ultimate responsibility for the work output of the office, so it is necessary that I have final approval on legal opinions, strategy and determinations. I have been impressed with the dedication to public service and practice experience of all of the municipal attorneys and staff who have worked hard alongside me or under my supervision. I look forward to joining the team and working with them in every possible way. As well, I look forward to scheduling and attending meetings on an ongoing basis with all members of the elected body, city administration and staff, and particularly the Finance Department, Economic Development Department, Redevelopment Agency, Police Department and Code Enforcement Department to become familiarized and become thoroughly acquainted with the City's priorities, projects and development and redevelopment goals and the City's achievements, strategic plan, and budget, priorities and the public they serve. I look forward to becoming familiar with the entire community, the Chamber and other private stakeholder organizations that partner with the City.

- I normally do not have direct contact with the media, however whenever I speak with reporters, I am always professional, pleasant, open, and honest, while guarding client confidences.
- In my leisure time, I enjoy ice skating, if available, I am an avid reader, and pursue studies in advanced portugês jurisprudence and comparative justice systems from online universities in Portugal and Ireland. I enjoy listening to audio recordings of oral arguments heard by the United States Supreme Court.
- I have not ever done anything that would embarrass my clients if were to become public knowledge, nor is there anything in my background that would embarrass the City client if it were to become public knowledge.
- When it becomes known in Fort Pierce that I am a finalist for this position, I am unaware of any community activists in Pensacola or any other jurisdiction that may likely contact the City with any negative comments about me.
- I would describe myself as kind, considerate, humble and respectful of others, highly disciplined, impeccable temperament, responsive, responsible, diligent and hardworking.
- My current salary is \$200k which includes benefits.

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*CB&A Background Checks*

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**Background Check Summary for  
LYSIA HUNTINGTON BOWLING**

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**Criminal Records Checks:**

Nationwide Criminal Records Search	No Records Found
County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
State	
Florida	No Records Found
Texas	No Records Found

**Civil Records Checks:**

County	
Escambia County, FL	No Records Found
Tom Green County, TX	No Records Found
Miami-Dade County, FL	No Records Found
Federal	
Florida	No Records Found
Texas	No Records Found

**Motor Vehicle**

Florida	No Records Found
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**Credit**

Good

**Bankruptcy**

No Records Found

**Education**

Confirmed

**Employment**

City of Pensacola (2015 – Present)  
City of San Angelo (2009 – 2015)  
City of Miami (2007 – 2009)  
***Confirmed***  
  
11<sup>th</sup> Judicial Circuit (2005 – 2007)  
School of Justice (2002 – 2005)  
***Verifications Pending***

**Background Check Summary for  
LYSIA HUNTINGTON BOWLING**

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**Bar Certification/License**

Member in Good Standing  
Bar # 740721

Under the Fair Credit Reporting Act, 15 U.S.C. 1681-1681Y, credit and bankruptcy information are very sensitive and should not be used in the consideration of hiring. The information is included for each candidate because we do not want you to be surprised if third parties raise what they consider to be a concern.

**Background Check Summary for  
LYSIA HUNTINGTON BOWLING  
Personal Disclosure**

Personal Disclosure Questionnaire

Name of Applicant: Lysia H. Bowling

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.  
N/A

Attested to:

  
Signature of Applicant

Please email this form via PDF DOCUMENT to [Lynelle@cb-asso.com](mailto:Lynelle@cb-asso.com) or via fax to (888) 539-6531 **no later than 5:00 PM PST 11/01/18.**  
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

**Background Check Summary for  
LYSIA HUNTINGTON BOWLING  
Personal Disclosure Explanation**

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3. At as I best recall, it was about thirty years ago, after a divorce and as a single mom not receiving child support for several children, I was undergoing a very dire situation when one of my very young children was a victim of a crime. I was bearing the financial costs of his hospitalization and medical care and relocating for his treatment, and uncompensated witness expenses. Eventually the Texas Attorney General Crime Victims Compensation Fund provided me assistance for ongoing treatment and throughout and beyond the case. As a mother under these circumstances, I felt I had no other recourse to manage supporting the family on my own at the time.



### **Section 3**

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*CB&A Reference Notes*

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**Reference Notes  
Lysia H. Bowling**

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**Bradley Odom – Attorney, Odom & Barlow, FL (850) 434-3527**

Mr. Odom has known Ms. Bowling since 2015. Mr. Odom is general counsel for another government entity, he has worked with Ms. Bowling on various issues. Whether interpreting statutory language, negotiating contracts, or working through property issues; Ms. Bowling is an extremely capable attorney. She easily communicates with others to work together to solve the problem. Ms. Bowling has a good command of the law. She is a very bright person and a member of several Bar Associations. She has been counsel for multiple municipalities for many years. She knows the law and how it applies to municipalities.

The City of Pensacola has recently switched to a strong mayor form of government. This has been a difficult position to come into. Many disputes have arisen between the Mayor and the City Council on the division of authority, responsibility, and legal representation. Ms. Bowling researches out more obscure issues or if an issue involves city authority. She has been involved in a great deal of politically sensitive issues as well as breaking new legal ground because there was no former charter to refer to. Ms. Bowling has the challenge of having many bosses to report to and trying to please the Council and the Mayor while they were at odds with each other.

Ms. Bowling works really well with people to get the job done and not letting personalities get in the way. She believes a government entity works best when everyone works together. While working on a contract with Mr. Odom, she interacted professionally, respectfully and cooperatively. Her priority is to protect her clients' interest and get the job done. While working with Mr. Odom, she keeps him informed of her progress through phone calls.

Ms. Bowling negotiates well on behalf of the party she represents. Mr. Odom's client has entered into similar agreements, as the contract stated above, with 10 to 15 other political entities in different states. Ms. Bowling got the best deal of all those entities with provisions and concessions which served her client well.

Ms. Bowling is responsive; she responds and accomplishes tasks in a timely manner. She makes high-quality decisions when dealing with the law and makes good recommendations to elected bodies. The President of the City Council was trying to get a different opinion from her on a legal issue. Ms. Bowling explained her reasoning and rendered the right opinion and did it in a timely fashion. The opinion was affirmed by the appellate court. She reaches the right conclusion, not necessarily the popular one.

Ms. Bowling is a problem solver. She seeks to find ways to properly and lawfully accomplish situations. The City Council meetings are public, so she has a great deal of experience working with the public. Ms. Bowling is always respectful and dignified to people and shows good control over her emotions; she does not lose her temper.

Members of the City Council filed suit over declaratory judgments on the interpretation of the City Charter. The Council lost those suits which show her interpretations were correct. Elected officials respect and value her opinion and place great weight on them. Ms. Bowling respectfully

**Reference Notes  
Lysia H. Bowling**

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deals with clients when she has to tell them if they cannot do something. Ms. Bowling works well with the City Manager and department heads. They have a good working relationship of mutual respect.

Ms. Bowling has experience with constitutional law, contracts, environmental law, dealing with a homeless population, utilities, labor and personnel matters as well as development, redevelopment and land use. Ms. Bowling manages the office and legal affairs of the City well. The City has several outside counsel. Ms. Bowling has to manage her department within the city as well as work with the other firms.

Mr. Odom does not specifically know of anyone who may have a differing opinion of Ms. Bowling. However, there are members of the City Council who have disagreed with Ms. Bowling's conclusions. Mr. Odom is not aware of anything in Ms. Bowling's past or conduct which would concern anyone. He would hire her. Ms. Bowling is a very capable, bright attorney who can manage the legal affairs of the City. She will make a great City or County Attorney.

**Words or phrases used to describe Lysia Bowling:**

- Smart,
- Consensus builder,
- Respectful,
- Professional,
- Works well with people, and
- Respectful to those who disagree.

**Strengths:** Working with people to get a job done and a consensus builder.

**Weaknesses:** None identified.

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**Ashton Hayward - Mayor, City of Pensacola, FL (850) 435-1624**

Mr. Hayward has known Ms. Bowling since 2015 when he hired her as the City Attorney. Ms. Bowling is an extremely knowledgeable and capable attorney. She is detail and research oriented. She has great follow up and a good demeanor which is important in government. She has an impressive command of the law. Just as every respectable attorney, she does a fair amount of research to answer questions especially when it impacts members of the community.

Ms. Bowling interacts professionally. If she has a question or concern, she is humble and smart enough to seek outside help or information. Ms. Bowling solves problems, she is an objective lawyer. She always looks for solutions to accomplish the task while following the letter of the law. She accomplishes tasks in a timely manner and is considered responsive. She makes high-quality decisions when dealing with the law.

**Reference Notes**  
**Lysia H. Bowling**

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Mr. Hayward values Ms. Bowling's input. She balances the relationship between the Mayor and the City Council well. She clearly communicates her position. She does an effective job of explaining her research and disseminating the information out to everyone. She has a good working relationship with elected officials as well as the City staff. She makes respectable, strong recommendations to elected bodies. She negotiates well; she represents both the executive and legislative body of government. Ms. Bowling explains her responses well and does so diplomatically. Ms. Bowling keeps Mr. Hayward informed of her progress on items she is working on. She sets up meetings and communicates frequently with Mr. Hayward.

Ms. Bowling has experience with constitutional law, contracts, utilities, labor and personnel matters, and development, redevelopment, and land use. She has some knowledge in environmental law.

Ms. Bowling is experienced dealing with the public. She is very diplomatic and has a calm demeanor when expressing herself and the opinions of the City. Ms. Bowling manages the office and the legal affairs of the City well.

Mr. Hayward is not aware of Ms. Bowling being involved in anything controversial in the time he has known her. There is nothing in her background which would concern an employer. Mr. Hayward does not know of anyone who may have a contrary opinion of Ms. Bowling.

Ms. Bowling, has a great deal of knowledge when it comes to the law. She has been in government a long time and has seen many personalities in her career. She knows how to listen and be objective. She does research to provide factual information to make a decision. She really excels at this. She has the demeanor to communicate and discuss import issues. Mr. Hayward would hire Ms. Bowling again. She will make an incredible City or County Attorney.

**Words or phrases used to describe Lysia Bowling:**

- Well read,
- Intelligent,
- Fantastic personality,
- Disciplined,
- Hard worker, and
- Loyal.

**Strengths:** She is incredibly qualified and has an amazing command of the law, she understands it.

**Weaknesses:** Ms. Bowling takes time to answer questions because she wants to make sure the information she is sharing is correct; her turnaround could be quicker.

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**Reference Notes  
Lysia H. Bowling**

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**Keith Wilkins – City Administrator, City of Pensacola, FL (850) 554-3069**

Mr. Wilkins has known Ms. Bowling since she began working for the City of Pensacola in 2015. She is super intelligent and a highly qualified attorney. She has an impressive education and background. Ms. Bowling has faced a great deal of difficult challenges at the City between the Council and Mayor. She has been put under the gun in interpretations of the charter and who has power to do certain things. She is quite deliberate in and researches her opinions. Ms. Bowling researches a great deal because of the challenges with the charter. Ms. Bowling knows the answer but is careful to not opine without the research to back her up.

Ms. Bowling does a respectable job handling the legal affairs of the City. She may not be strong in managing the office. They are a three-person team, she does not spend a large amount of time managing them. She does a good job working with outside attorneys, both contracted and opponents.

Ms. Bowling has experience dealing with the public at Council meetings and other public meetings. She has done a fantastic job in those situations. She has made multiple presentations to the local Bar Chapter, Women in Politics, and African American Attorney groups.

Issues have come up with a few Council members, but in general Ms. Bowling has worked well with them. She works incredibly well with the Mayor, they have healthy disagreements. She is considered to be responsive. She makes quality recommendations to the elected bodies. The Council has always taken her advice because it was always good. On one occasion the Mayor acted against the counsel Ms. Bowling gave him to not appeal to outside counsel on a lease agreement and he lost. Ms. Bowling interacts extremely well with Mr. Wilkins and various department heads. She keeps Mr. Wilkins apprised of what she is working on through verbal communications.

Ms. Bowling has been inconsistent with her responses and the timeliness of those responses with Mr. Wilkins. Not all tasks are accomplished in a timely manner. Ms. Bowling solves problems. She has the ability at some of the executive staff meetings to cut through everything and state what a solution needs to be. She is very timely in those responses. She is bold enough to say what needs to be said, even if the advice is not always taken. She gives sound advice and makes strong decisions concerning the law. She finds solutions and seeks out what is best for everyone.

Ms. Bowling negotiates well when representing the City. She is a single-attorney-office so she works with contracted attorneys and support council. She is willing to seek help. She has experience in constitutional law, contracts, labor and personnel matters, development, redevelopment and land use, and a great deal of experience in dealing with a homeless population. She has some experience in environmental law, but not much.

Ms. Bowling has confronted the legal situation and opinions on charter authority, which has been a controversial issue for the City. Mr. Wilkins is not aware of anything concerning Ms. Bowling's past or conduct which would concern an employer. There may be one or two department heads,

Reference Notes  
Lysia H. Bowling

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who have disagreed with Ms. Bowling, who may have a different opinion of her than the one Mr. Wilkins has stated. Mr. Wilkins would hire Ms. Bowling and believes she will make a great City or County Attorney.

**Words or phrases used to describe Lysia Bowling:**

- Energetic,
- Intelligent,
- Caring,
- Committed,
- Well mannered,
- Diligent, and
- Professional.

**Strengths:** Intellectual, general sensibilities, works well with outside attorneys, kind and caring person who knows her work.

**Weaknesses:** Gets lost in her thoughts and logic and can miss the point others are trying to get across.

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**Sherri Myers – Vice President City Council, City of Pensacola, FL (850) 982-9286**

Ms. Myers has known Ms. Bowling since 2015 since Ms. Bowling started at the City of Pensacola. She is a really good attorney who excels at research. Being a City Attorney under a strong mayor/council form of government is a difficult situation. The Council and the Mayor want different legal outcomes than each other. The Mayor exerts more control over the City Attorney than the Council does, however, generally her opinions have been objective.

Ms. Bowling is an excellent contract lawyer, she reviews the contracts the Council is asked to approve. Due to her legal research, the Council respects her opinion on the contracts. Ms. Bowling makes high-quality recommendations to elected officials based on analysis of fact and the law. She composes respectable decisions in regards to the law. It may not be the decision a person wants to hear, but it is a defensible one. The City Council may prefer a different opinion, but Ms. Bowling stands her ground when she makes a decision. If she is challenged on it, she reviews it.

Ms. Bowling interacts well with Ms. Myers. They speak often and Ms. Myers frequently calls and runs legal questions by Ms. Bowling. She does not report directly to the City Council on the day-to-day operations of the City Attorney's Office; she works independently. Ms. Bowling runs her office well as well as handles the legal affairs of the City.

Ms. Bowling responds in a timely manner. She knows her legal obligations are to the client, which are the Mayor and public officials. She understands this role well. She completes tasks on time.

**Reference Notes**  
**Lysia H. Bowling**

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While Ms. Myers does not have direct knowledge, Ms. Bowling is believed to negotiate well, no evidence has been seen to indicate otherwise. She does not deal with the public directly as she represents the City and public officials.

Ms. Bowling works well with all of the elected officials and the City Administrator. Ms. Bowling mostly interacts with the Mayor, Council, City Administrator and Human Resources Department at the City.

Ms. Bowling finds solutions. Different issues have come before the Council, Ms. Bowling and other private attorneys have counseled on these very difficult legal situations. They were able to work through it and the issue has not come back. Ms. Bowling tackles and is fearless in taking on difficult situations. Some issues are not as simple as saying this is what the law says. Ms. Bowling sorts through different laws and interests to solve the issue.

Ms. Myers is aware of Ms. Bowling's experience in constitutional law, contracts, and labor and personnel matters. Outside counsel is hired for complex situations in labor relation matters, utilities, and real estate. If it is not a complex situation in those areas, Ms. Bowling handles it. She has done a great deal working with the homeless population. Some Council Members and the Mayor want to have strict, unconstitutional laws restricting certain populations of homeless. Ms. Bowling had to draft ordinances which were quite close to being unconstitutional. Some ordinances passed and then were repealed shortly after. She told the Council, the ordinance which did pass would not hold up in federal court. The ACLU sued them. Ms. Bowling explains well to the Mayor and Council what the law can do.

Ms. Myers is not aware of anything in Ms. Bowling's conduct or background which would be controversial or concerning to an employer. The City Attorney's position is viewed politically. There are people who do not like the City Attorney, regardless of who that person is. These people would be the ones who may have a different opinion of Ms. Bowling than the one Ms. Myers has stated.

Ms. Bowling is an easy person with whom to have a positive relationship. She is nice, polite and a friendly person. Ms. Myers would hire her as a City Attorney; she will make an excellent City or County Attorney.

**Words or phrases used to describe Lysia Bowling:**

- Incredibly decent person,
- Conscientious,
- Hard worker,
- Insightful,
- Trustworthy, and
- Honest.

Reference Notes  
Lysia H. Bowling

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**Strengths:** Contract law and research.

**Weaknesses:** Does not speak up as often as Ms. Myers would like.

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[CB&A Note: Mr. Johnson did not have time to answer all of the questions.]

**Larry Johnson – Council Member, City of Pensacola, FL (850) 449-1098**

Mr. Johnson has known Ms. Bowling since she started working for the City of Pensacola in 2015. She is a very capable attorney. She has a strong command of the law, but like any attorney, will revert to doing research to answer questions. If she needs to research to answer a question, she communicates this. Ms. Bowling is responsive and does so in a timely fashion. She solves problems; she worked with Mr. Johnson on crafting ordinances for food trucks.

Mr. Johnson does not have one complaint about Ms. Bowling's performance. They have interacted positively, and have always had a good relationship.

**Words or phrases used to describe Lysia Bowling:**

- Capable, and
- Good command of the law.

**Strengths:** Ability to answer questions off the top of her head to the Council in a public setting.

**Weaknesses:** None identified.

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**Tracy Wooden - Attorney, Wooden Law Firm P.C., TN (423) 605-5855**

Mr. Wooden has known Ms. Bowling since 2015 through business he had with the City of Pensacola. They have interacted professionally since then. Ms. Bowling is not difficult to communicate with, she is incredibly responsive and keeps Mr. Wooden up to date. Ms. Bowling always called back, even if it was in the evening. She completes tasks in a timely manner.

Ms. Bowling is an exceptional attorney. She has an excellent command of the law. Just as any attorney, Ms. Bowling needs to research out specific legal issues. She is an exceptional problem solver. At a board meeting, many different issues were brought up. They called Ms. Bowling to the podium to tie together all the issues. She sought a resolution to the issues which were in compliance with the law. She did so calmly and professionally. She tries to find solutions. She works well with elected officials as well as the City Administrator and other staff at the City.

**Reference Notes  
Lysia H. Bowling**

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Ms. Bowling makes solid recommendations to elected bodies. She brings issues to their attention and answers questions clearly and calmly. She constructs good decisions when dealing with the law. She negotiates well on behalf of the party she represents. She manages her office well while handling the legal affairs of the City. Ms. Bowling has a vast amount of experience in dealing with the public and excels at it.

Mr. Wooden is aware of Ms. Bowling's experience with contracts, constitutional law, environmental law, utilities, labor and personnel matters, as well as development, redevelopment and land use.

Ms. Bowling deals well with controversial issues which come up in the City. However, Mr. Wooden is not aware of any personal issues which would be controversial or concerning. He does not personally know of anyone who may have a different opinion of Ms. Bowling than the one he has stated.

Mr. Wooden would absolutely hire Ms. Bowling as a City Attorney. She will make an exceptional City or County Attorney and has been for a number of years.

**Words or phrases used to describe Lysia Bowling:**

- Extremely responsive,
- Calm,
- Intelligent,
- Communicates clearly,
- Professional, and
- Hard working.

**Strengths:** Highly intelligent, good communicator, highly professional, extremely hard worker, and quite responsive.

**Weaknesses:** None identified.

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**Richard Barker- Chief Financial Officer, City of Pensacola, FL (850) 435-1823**

Mr. Barker has known Ms. Bowling since 2015 when he sat on the Skype interview to hire Ms. Bowling. Ms. Bowling is an articulate attorney. She understands the importance of a quality working relationship between the Chief Financial Officer and the City Attorney. Her opinions are precise and charter based.

Ms. Bowling responds thoroughly. When an immediate need arises, she drops everything to get the job done. She has solved any issues which have come up for Mr. Barker. If Mr. Barker calls with an inquiry about the progress of an action, she informs him. Ms. Bowling meets every

**Reference Notes**  
**Lysia H. Bowling**

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deadline placed upon her. She makes strong decisions when dealing with the law. Once she gives you an opinion, it is a very solid one. Ms. Bowling and Mr. Barker thoroughly discuss the issue, but Ms. Bowling has the final say.

Ms. Bowling crafts excellent recommendations to elected bodies. When they ask for an opinion, she gives a well thought out opinion and the Council accepts it. Ms. Bowling has represented the City well, in one case they were in the right on the state appeal. She always researches outcomes before making a final legal opinion. If a person wants something a certain way and it cannot be done, she lets the person know why it cannot be done.

Mr. Barker is aware of Ms. Bowling's experience with contracts. She works with the Community Redevelopment Agency as well. Issues have come up with the homeless in the City of Pensacola; she is aware of those issues and has worked with the City Council regarding them. It did not turn out the way the Council wanted due to federal laws. Ms. Bowling knows federal laws on the homeless. She may have experience with labor and personnel matters.

Ms. Bowling manages the office well along with dealing with the legal affairs of the City. She has experience dealing with the public. She has given a couple of speeches at local organizations. She is observed to have a good working relationship with elected officials, she gives them replies and follows up. She works well with the City Administrator, department heads, and staff.

Ms. Bowling has seen bits of controversy, she has been in the blogs about a couple of items. She has dealt with this controversy well, and only addressed something if it was factually wrong. Mr. Barker is not aware of anything in Ms. Bowling's conduct which would concern a responsible person. He does not know of anyone at a Director level who may have a different opinion of Ms. Bowling. He has not always agreed with her, but it has always ended positively. Mr. Barker would hire Ms. Bowling as a City or County Attorney. She has been a good City Attorney for the City of Pensacola.

**Words or phrases used to describe Lysia Bowling:**

- Acute to what is going on regarding City business,
- Detail oriented with regards to the Charter,
- Pleasant personality,
- Research oriented,
- Wants to get along, and
- Cooperative.

**Strengths:** Ability to grasp an issue, does research before she gives a thorough and well thought out opinion.

**Weaknesses:** Due to research, it takes longer than desired to get an opinion.

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**Reference Notes  
Lysia H. Bowling**

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**William Wells – Contract and Lease Counsel, City of Pensacola, FL (850) 512-4657**

Mr. Wells has known Ms. Bowling since 2015. They work and interact well together at the City of Pensacola. She is supportive of the tasks he performs, and he substitutes for her when needed. They keep each other informed of areas they are working on through daily meetings.

Ms. Bowling is an incredibly knowledgeable attorney. She has a broad range of experience. She has fantastic research capability and a clear style of communication. She does not over complicate her advice. She makes it easily understood to benefit the client. Most questions presented to her are fairly routine, she knows the answers to those questions. If complex issues come up or there are recent changes to the law, she tells you what she thinks is the answer and then follows up with research. Most of her dialogue is in the middle of Council meetings, she does a good job of answering questions.

The City Council budget and economic conditions have not allowed Ms. Bowling to expand the City Attorney staff. Ideally, she would have two or three assistants under her. The City has to farm out certain litigations. Ms. Bowling is a one-woman shop which has not let her reach her full potential in what she can do. She has a long-time office manager who manages the file retention, correspondence, and filing of public records. This manager helps her manage the office and the legal affairs of the City.

One of Ms. Bowling's primary responsibilities is to render formal written legal opinions to the Council, many of them are interpreting the charter. She renders formal opinions in a timely fashion; they are clear and to the point. She keeps a calendar of formal requests, where they lay in the cue and when they have been completed. Her organizational skills help her to accomplish tasks on time. Ms. Bowling is continually asked to address civic groups or schools. She is very active in dealing with the public and does so well.

Ms. Bowling sees solving problems as one of her main jobs. She performs this task well. If her client is seeking to accomplish something which the law does not permit, Ms. Bowling gives them an alternate way of doing the task which is within the law. This is more helpful than just saying the law will not allow it.

Ms. Bowling's recommendations to elected bodies are well respected and well received. She has a well-rounded City Attorney background which aids her in making good decisions when dealing with the law. She works well with elected officials; they constantly turn to her for input during Council meetings. Ms. Bowling has a great deal of contact with the City Administrator and department heads on a daily basis. Ms. Bowling has not had many opportunities to negotiate on behalf of the City. The City has insurance policies which provide outside defense council in litigations. Ms. Bowling attends the mediation and settlements of those cases.

Mr. Wells is not aware of a situation where the elected body has not followed Ms. Bowling's advice in the time she has worked for the City of Pensacola. She has some experience in environmental law, but the City has outside counsel who are more skilled in that area. She does a

**Reference Notes  
Lysia H. Bowling**

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great deal of work with contracts, labor and personnel matters. Much of the City's workforce is organized into unions. She has provided endless advice and insight on dealing with the homeless population in Pensacola. She is also experienced in constitutional law and utilities.

Bloggers love to communicate about anything public officials have said or written. The blogosphere has been a controversial situation in Pensacola. Ms. Bowling has been torn down in these blogs for items she has said in an official capacity. If there were printed comments adverse to Ms. Bowling, this is where they would be found. As for people who know her, her co-workers think really highly of her. Mr. Wells does not know of anything in Ms. Bowling's conduct which would concern an employer. He would hire her; she will make a great City or County Attorney.

**Words or phrases used to describe Lysia Bowling:**

- Well prepared,
- Articulate,
- Thoughtful,
- Funny,
- Easy going communicator, and
- Great personality.

**Strengths:** Research, communicates clearly, and has broad knowledge of local government law and use of land property.

**Weaknesses:** None identified.

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**Janet Matteson – Legal Department Manager, City of Pensacola, FL (850) 435-1618**

Ms. Matteson has known Ms. Bowling since 2015 when Ms. Bowling began working for the City of Pensacola. Ms. Matteson works as Ms. Bowling's legal assistant. Ms. Bowling is a greatly capable attorney. She balances working with the executive and legislative branch of City government. She is amazing and got the Legal Department in ship shape, no other attorney has done that. She used her organizational skills to create a template form called a "legal service request." These forms help keep track of the needs of the different departments as well as record which departments are utilizing legal services. It has been a great organizational tool for Ms. Matteson. Ms. Bowling keeps the work load going; she is a joy to work with.

**Words or phrases used to describe Lysia Bowling:**

- Team player,
- Trustworthy,
- Loyal,
- Willing to help,
- Dependable, and
- Patient.

**Reference Notes  
Lysia H. Bowling**

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**Strengths:** Extremely staff oriented, has an open-door policy, people skills, and organizational skills.

**Weaknesses:** None identified.

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**Dan Saluri – Deputy City Attorney, City of San Angelo, TX (325) 657-4407**

Mr. Saluri has known Ms. Bowling since 2010. He was the Deputy City Attorney under Ms. Bowling at the City of San Angelo. They continue to interact by consulting about different programs and items they are working on. Ms. Bowling is well educated and competent in the law. She is very diligent at what she does. She has a background in federal work.

She is very personable with her employees. She recognizes birthdays and events that are important to the people she works with. Her education combined with experience makes her an asset to a city.

**Words or phrases used to describe Lysia Bowling:**

- Responsible,
- Diligent,
- Knowledgeable,
- Inclusive,
- Practical, and
- Personable.

**Strengths:** Knowledge of constitutional law, federal and state laws, extensive experience as a City Attorney in many different locations.

**Weaknesses:** Hesitant to shoot from the hip even though she may know the answer, and will take whatever time it takes to be thorough.

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**Prepared by:** Stephanie Bailey  
Colin Baenziger & Associates

## **Section 3**

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*CB&A Internet Research*

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**Internet – Newspaper Archives Searches**  
**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Inweekly  
November 7, 2018

**Mayor Cleared, Attorneys Paid**  
Author: Rick Outzen

Through a public request of Beggs & Lane law firm’s billings to the City of Pensacola, Inweekly learned that the three-year federal bribery investigation of Mayor Ashton Hayward has concluded and no criminal charges would be filed. The invoices showed that while he had been notified by Beggs & Lane attorney Greg Miller in late June on the conclusion of the federal probe, the mayor made no mention of it to the Pensacola City Council or the public.

On Sept. 21, Nix Daniel, the managing partner of Beggs & Lane, wrote City Attorney **Lysia Bowling** to inform her of a conversation his partner, Greg Miller, had with U.S. District Attorney Christopher Canova. “That investigation proved to be without merit,” wrote Daniel. “All of the matters which were the subject of the investigation were within the scope of Mr. Hayward’s responsibilities as mayor. There was no finding of any wrongdoing on his part.” The Beggs & Lane’s billings for the representing the mayor totaled \$43,684.23. Daniel asked that the mayor be reimbursed \$13,500 for the installments he had paid from Dec. 31, 2014 to Oct. 6, 2016. He requested the city pay the balance due, \$30,184.23.

On Sept. 28, **Bowling** sent City CFO Dick Barker a memo:

“The Florida Supreme Court and the state courts of appeal have long established a common law right of public officials to receive legal representation at public expense to defend themselves against charges arising from the performance of their official duties while serving a public purpose.”

She told Barker that the city was legally obligated to pay the fees. The Pensacola City Council and citizens were not notified that the taxpayers paid the mayor’s legal fees.

Inweekly emailed the public information officer for United States Attorney’s Office for Northern District of Florida, Amy Alexander, and asked for confirmation of Daniel’s statements. Alexander replied, “We have no public information to provide regarding this inquiry.” The newspaper asked Daniel for the documentation that supported his letter. He said the Sept. 21 letter was based on a conversation between Miller, a former U.S. Attorney, and current U.S. Attorney Canova. Daniel said, “Mr. Canova advised Mr. Miller that the investigation was concluded with no finding of wrongdoing and that no criminal charges would be filed.”

**Probe Launched**

On Aug. 26, 2014, Interim City Administrator Dick Barker notified the City Council that the U.S. District Attorney was investigating the city and staff members were being questioned. Inweekly obtained the subpoena, which requested city documents be presented to a federal grand jury scheduled to convene on Sept. 3, 2014, in Tallahassee. The subpoenaed records concerned

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

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the Main Street Rehabilitation Project, the city’s investments, agreements with Jerry Pate Design, city’s insurance broker and the expenses of former Chief of Staff John Asmar and Hayward. In a written statement issued when the subpoena surfaced publicly, Mayor Hayward said, “I am aware of the subpoenas which have been issued this week to several City employees, and I have instructed staff to immediately make available to the City Council and public any and all documents which we can legally release.”

He added, “Furthermore, I have asked employees to fully comply with this process as it moves forward, and my administration will make any new information available to the public as quickly as possible. Everything we do on behalf of citizens is rightfully open to review and scrutiny, and I look forward to a swift and satisfactory resolution to this inquiry.”

Mayor Hayward turned down three interview requests from Inweekly but did speak with News Journal reporter Rob Johnson. He said the probe concerned possible bribery. He acknowledged that “he had awarded city contracts to a friend, Jerry Pate, without competitive bids, but he asserted that no wrongdoing has occurred as a federal bribery investigation looms.”

Inweekly requested to be allowed to review the documents gathered to comply with the federal subpoena. The city initially refused to release the information saying the Florida Attorney General had advised the records were “exempt from the disclosure requirements of Ch. 119 F.S. as long as they are part of an ‘active’ criminal investigation or intelligence gathering operation being conducted by the Grand Jury.”

Inweekly went to the State Attorney’s Office for help. Chief Assistant State Attorney Greg Marcille later called to say that the City of Pensacola would fulfill our public record requests. They were delivered to the media and published. After that, the newspaper heard very little from the mayor about the federal grand jury.

**Glimpse Behind the Scenes**

Two Beggs & Lane invoices, which were obtained last week, provide the first glimpse into how the mayor dealt with the federal probe. Both invoices—Invoice 70984, dated Sept. 26, 2014, and Invoice 85188, dated Sept. 21, 2017—were made out to Ashton J. Hayward, III.

The older invoice begins with attorneys David McGee and Nix Daniel meeting with City Engineer Derek Owens on Aug. 21, 2014, and covers work done through Sept. 25, 2014. The total of \$42,115.50 was discounted \$6,045.50 “to reduce to City of Pensacola Rates.” This is the invoice Mayor Hayward made installments through October 2016.

The invoice shows the attorneys holding meetings and discussions with Hayward and his staff, Jerry Pate and his office staff, attorney Bob Kerrigan, Skip Hunter, who donated funds for the amphitheater at the Community Maritime Park, and Tim Baker of Data Targeting, the Gainesville, Fla.-based consulting that worked on his re-election campaign.

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On Sept. 1, 2014, David Magee met with the mayor and “friend Carl Lietz” for an hour. Lietz is with the Atlanta, Ga. based firm, Kish & Lietz. According to its website, the firm “aggressively represents the accused against charges in criminal defense and federal crime defense cases.” The Sept. 21, 2017, invoice covered from Oct. 9, 2014-June 26, 2017. McGee reviewed a notice of warrant, discussed the mayor’s Yahoo emails and took a phone call from Lietz on Oct. 23, 2014.

In January 2015, Beggs & Lane reviewed bank and insurance records of the mayor. They called the Florida Ethics Commission. From June-August 2015, they met with the mayor and had several discussions with the U.S. District Attorney’s office. U.S. Attorney Pamela Marsh resigned in September 2015, and current interim U.S. Attorney Canova took over the office.

There were no entries for 2016. On May 24, 2017, Hayward called Beggs & Lane attorney Greg Miller. The next day, Miller met with Canova. On June 23, Miller called Canova. The last entry on the invoice is a brief phone conversation with the mayor, which appears to be when he was told the case had concluded.

After Inweekly last week published the mayor was cleared and taxpayers paid his legal fees, Hayward sent a written statement to the News Journal. “Three years ago, my administration was investigated,” he wrote. “That case has now been closed. There was no finding of wrongdoing – there was no wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved.” Inweekly has requested to review the case files to understand better what the U.S. Attorney investigated. We will report on our findings.

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Pensacola News Journal  
December 1, 2017

**Hayward wants city to pay grand jury investigation legal fees**

Author: Jim Little

Mayor Ashton Hayward is asking the city to reimburse his legal fees involving a federal investigation that he says has been closed. Nix Daniel, an attorney representing Hayward with the Beggs and Lane law firm, sent a letter Sept. 21 notifying city attorney **Lysia Bowling** that the investigation was over and there was no finding of wrongdoing. The News Journal obtained the letter through an open records request.

Daniel asked that since the subject of the investigation involved his responsibilities as mayor, the city should reimburse the nearly \$44,000 in legal fees accrued since the investigation began in 2014. Hayward has paid \$13,500 on his legal bill for the case, with the last payment being made in October 2016. Beggs and Lane has handled high-profile cases for the city of Pensacola, including The Fish House restaurant lawsuit and the lawsuit over the Bayview Park cross.

In 2016, Beggs and Lane was paid \$540,613 in legal fees from the city — more than any of the 26 other firms hired by the city that year and at least three times more than the next highest paid firm, according to city documents. News of a federal investigation into Hayward's relationship with Pensacola golf icon Jerry Pate and Pate's contracts with the city first surfaced in August 2014.

During the course of the investigation, at least five city officials were served subpoenas to testify before the 22-member federal grand jury in Tallahassee. Six days after the Beggs and Lane letter was sent, **Bowling** sent a letter to Dick Barker, chief financial officer for Pensacola, that said the U.S. attorney's office has closed the investigation and under Florida case law the city was obligated to reimburse the mayor for his legal expenses.

Inweekly's Rick's Blog first revealed the existences of the letters on Wednesday.

Amy Alexander with the U.S. Attorney's Office for the Northern District of Florida said the office had no public information to provide on the investigation. Daniel's letter also included invoices from Beggs and Lane for its work on the case, and the invoices showed the last work done on the case was in June.

At a Thursday public appearance to accept an award from the American Planning Association's 2017 Great Places in Florida People's Choice Winner, Hayward told the News Journal he would only provide a comment on the topic through a written statement. When asked why not announce the case had been closed as early as June, Hayward said the case was not closed in June but he would only comment in a written statement. The News Journal received the written statement Thursday afternoon. "Three years ago, my administration was investigated," Hayward said in the statement. "That case has now been closed. There was no finding of wrongdoing — there was no

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wrongdoing. A person in public office will inevitably face accusations from time to time. It is unfortunate when this happens, and I am pleased that the matter has been resolved.”

The invoices also provide a timeline of events in the investigation with much of the work in the case occurring between August 2014 through October 2015. U.S. Attorney Pamela Marsh resigned in September 2015 and current interim U.S. Attorney Christopher Canova took over the office.

After a meeting in October to discuss the status of the investigation, attorneys with Beggs and Lane did not work on the case again until May 2017 to call Hayward about the case. Beggs and Lane attorneys had a series of meetings with the U.S. attorney's office and after a phone call with Canova in June, the last entry on the firm's invoice was on June 26 for a phone call with Hayward.

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*(Articles are in reverse chronological order)*

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Pensacola News Journal  
November 6, 2017

**Pensacola City Council pulls fish hatchery from agenda, will hold emergency CRA meeting**  
Author: Jim Little

The proposed fish hatchery on Bruce Beach will not be discussed — in public at least — at Thursday's Pensacola City Council meeting. A lawsuit filed Friday challenging the legality of the city's lease with the Florida Fish and Wildlife Commission for the proposed Gulf Coast Marine Fisheries Hatchery and Enhancement Center at Bruce Beach in downtown Pensacola spurred Pensacola's city attorney to recommend no public discussion of the topic be conducted until the lawsuit concludes.

Council President Brian Spencer and Councilwoman Sherri Myers had sponsored identical agenda items to declare the fish hatchery lease void, but both council members agreed to pull their items off of the agenda at Monday's City Council agenda review meeting at the recommendation of city attorney **Lysia Bowling**. The News Journal reported in October that Pensacola residents Dan Lindemann and Jerry Holzworth discovered language in the state's lease with the city spelling out a three-year deadline to commence construction.

Lindemann and Holzworth filed a lawsuit against the city Friday alleging not only the lease was void because of the missed deadline, but the City Council vote to approve the lease was illegal because the property was in the city's Community Redevelopment Agency and the lease should have gone through the Pensacola Community Redevelopment Agency first. Pensacola's CRA board has the same membership as the City Council but sits as a separate legal entity.

Florida law requires properties in a CRA to be advertised for competitive bids and a fair market valuation be conducted before a lease can be approved. City and state officials contend the deadline was met in February and the lease is valid, although no notice of commencement had been filed with the county. The state opened an invitation for construction companies to bid on the project on Oct. 27 — more than five months after the deadline under the lease.

**Bowling** told council members that, following the lawsuit filed by Lindemann and Holzworth, who own property within the CRA area, a "common sense approach" to lawsuits and the city's insurance policy stipulated that the city or council should not do anything to prejudice the insurer's position in defending the lawsuit. Myers said she would pull her items "out of an abundance of caution," but wanted to meet with **Bowling** to go over the city's insurance policy.

Spencer also agreed to pull his identical items, but his item to explore a buyout of the port administration building from the Florida Department of Transportation remained on the lease. Spencer told the News Journal last week the building would make a good alternate location for the hatchery. "I think we've got an asset that is underutilized," Spencer said. "I think it's valuable information to have independent of this."

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*(Articles are in reverse chronological order)*

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The council also met as the CRA on Monday evening and voted unanimously to convene an emergency meeting before Thursday's regular City Council meeting for the CRA to hire an attorney to represent it in Lindemann and Holzworth's lawsuit.

Council members will submit recommendations for an attorney to represent the CRA in the case to **Bowling** and she will present a list of qualified attorneys for the CRA to consider Thursday. "I think this is a very serious matter facing the CRA," Myers said. "As a member of the bar, I believe that no way can the CRA and the city of Pensacola have the same attorney. That is a conflict of interest. The legal issues are in conflict that have been raised between the CRA and the city of Pensacola."

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Pensacola News Journal  
September 20, 2017

**City Council wants Florida AG opinion on North Hill sewage tank**

Author: Jim Little

The Pensacola City Council voted 5-1 Wednesday to seek an opinion from the Florida Attorney General's Office on whether Emerald Coast Utilities Authority must get approval from the council to move forward on an emergency sewage storage tank in the North Hill neighborhood. The vote came after City Attorney **Lysia Bowling** issued an opinion that said ECUA did not need to seek the council's consent to build the storage tank. **Bowling** said the 1981 law creating ECUA divested all city authority over the sewer system to the utility.

The council also voted 6-1 to have a special meeting on the issue if the judge rules on the issue in a hearing set for Monday in a lawsuit filed by residents of the North Hill and Long Hollow neighborhoods. The residents filed a lawsuit against ECUA alleging the utility did not follow public meeting laws in its decision to purchase the property at Palafox and Guillemard streets along East Avery Street.

When construction began on the tank, residents filed an emergency motion with the court to stop construction and asked the City Council on Sept. 14 to halt construction. Erick Mead, an attorney representing the residents, said ECUA was required to seek City Council approval before beginning construction.

At the Sept. 14 meeting, Councilwoman Sherri Myers asked **Bowling** for a legal opinion, which the city attorney delivered to the council Wednesday. Before the two votes were taken Wednesday night, Council President Brian Spencer made a motion to direct city administration to order ECUA to stop construction until the plan for the tank was presented and approved by the council.

Spencer made the motion after several residents spoke to the council and said the tank would hurt progress the area has made toward revitalization and was contrary to the city's comprehensive plan. "Tonight is a night that we need to stand up for the citizens that we've heard," Spencer said.

The motion failed with a 5-2 vote. Myers was the lone supporter of Spencer's motion. She said despite the city attorney's opinion, she thought Spencer's motion was legal. "This council has supported things I didn't think were legal, and they have turned out the way I said (they would)," Myers said.

Councilman Larry Johnson said if the council took Spencer's proposed action, it would be setting itself up for a lawsuit and pointed out that Myers has been a critic of the city's spending on legal fees. Mead, the attorney representing the residents, told the council he disagreed with **Bowling's** opinion and said the council should take action anyway.

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Mead said **Bowling** answers to Mayor Ashton Hayward and not the City Council. He urged the council to hire its own attorney, and in the meantime, to take action and make the city attorney defend that action if it's brought to court. "You need your own counsel," Mead said. "... You need someone who is accountable to you."

Bradley Odom, ECUA's attorney, told the council Wednesday that the law Mead was referencing concerned bond issues and was not applicable to this situation. "ECUA has had many public meetings to consider this," Odom said. "Ironically, when ECUA decided it was going to build the tanks, no one showed up to the meeting to speak to the issue." Mead said a hearing was set for Monday for a judge in Panama City to hear whether ECUA could continue construction, pending the lawsuit. Judges in the Escambia County Circuit Court were recused from the case.

After voting to have a special meeting if the judge ruled in the case, Johnson got up to leave the room when a member of the audience shouted, "See you at the Z tonight!" referring to Azalea Cocktail Lounge, a bar owned by Johnson. "This is what we have to endure with North Hill — every time," Johnson said, sitting back down in his chair. Spencer called for order and asked members not to heckle council members because they didn't vote the way they wanted. A few minutes later, as the meeting continued, Johnson got up to leave again through the council members' exit, slamming the door as he left. The hearing in the ECUA lawsuit is set for 11 a.m. Monday.

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Pensacola News Journal  
September 16, 2017

**North Hill residents say ECUA violated Florida law with sewage tank construction**

Author: Jim Little

Residents in Pensacola's North Hill and Long Hollow neighborhoods think something stinks about the Emerald Coast Utilities Authority's emergency sewage overflow tank project. Erick Mead, an attorney with Moore, Hill & Westmoreland representing residents in a lawsuit against ECUA, told the Pensacola City Council at its meeting Thursday that he believes ECUA violated Florida law by moving forward on the project without first obtaining council approval. "The only exception to this (law) is if they (ECUA) owned the property before the municipality was formed, and since this city predates the state, I don't think that's a problem," Mead said.

Construction for the nearly \$4.7 million tank between Palafox and Guillemard streets along East Avery Street is underway. Baskerville-Donovan is handling the engineer work for ECUA. The tank will rise approximately 50 feet above the existing land, according to the building permit filed with the city. Mead said he has asked for an emergency injunction with the courts to stop the project but also asked the City Council to exercise its authority to halt the project.

Nathalie Bowers, spokeswoman for ECUA, said she could not comment on the issues surrounding the lawsuit. But, she said, the enclosed tank would only be used if the downtown lift station right next to the tank failed. Bowers said the lift station handles 5 million gallons of sewage from downtown Pensacola every day, and if the station failed, the sewage would back up in downtown. "It's going to be empty, that's the bottom line, unless there's an issue," Bowers said.

Council President Brian Spencer was absent from Thursday's meeting but sent a letter to council members on the topic asking them to vote to suspend ECUA's construction permit on the project. "The City Council has a statutory right to approve such construction, and Section 153.03 of Florida Statutes requires this approval process," Spencer wrote in the letter. "ECUA is bound to that statute in its founding law. Nevertheless, a permit has been issued, and construction is underway."

Council members voted to ask **Lysia Bowling**, city attorney, to give a legal opinion to the council before its next scheduled meeting Wednesday. The issue could develop into a test of the City Council's power under the city's 2010 charter. **Bowling** told council members that even if Mead was right about ECUA, she didn't think the council had the power to revoke the permit. "I don't think the council or the city for that matter has jurisdiction to enforce any allegations of non-compliance of the state law," **Bowling** said to the council.

Mead told the News Journal on Friday he believes the council does have that power and should have acted. "The City Council, rather than undertaking to act and instruct the attorney to defend their action, essentially was looking to the city attorney for permission," Mead said. "And I don't understand that."

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Spencer said in his letter that he didn't believe revoking the permit would contradict the mayor's powers in the charter. "Simply stated, we have a responsibility to act as a Council to ensure our powers are effective and respected," Spencer wrote. Mead originally filed a lawsuit in March 2016 alleging ECUA had violated public meeting laws to purchase the land.

ECUA said it had followed all public meeting laws related to the project. The entire bench of the First Judicial Circuit Court was recused from the case, and the Supreme Court of Florida reassigned the case to a judge in the 14th Judicial Circuit Court in Bay County. The judge in the case denied Mead's motion for summary judgement on July 3, and the case appeared headed to trial when Mead said he found out the city issued a construction permit on the same day as the application was submitted.

The application and permit were approved Aug. 28, but the plans contain a stamp and signature from Bill Weeks, city inspections services administrator, dated Aug. 25. "I cannot fathom how that can occur. Ordinary process is you submit an application for a building permit with a set of plans, which are then reviewed," Mead said. "It requires multiple, significant reviews of a lot of different details, and generally speaking a review of a permit can take weeks or months."

Mead, who has worked in construction issues of the law for nearly 20 years, said that for a project of this size to be approved on the same day the application was submitted means the decision was made at a political level.

Mayor Ashton Hayward's office declined to comment for this story. "I think that Mr. Weeks acted appropriately and this is no reflection on Mr. Weeks at all, and I understand the predicament he must feel in," said Councilwoman Sherri Myers at the meeting. "The remedy is that if there is a finding that (ECUA) did not follow the statute, then it's just like any other building code. If a private contractor doesn't follow a building code requirement, then a building inspector would pull the permit."

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Pensacola News Journal  
April 29, 2017

**Downtown panhandling ban could face legal challenges**

Author: Jim Little

If the Pensacola City Council gives its final approval to an ordinance banning panhandling in most of the downtown district, it could be standing on shaky legal ground in the wake of a unanimous 2015 U.S. Supreme Court ruling. The ordinance would impose a civil fine on anyone soliciting donations — including panhandlers and street performers — in the downtown district south of Wright Street between Tarragona and Spring streets out to Plaza de Luna at Palafox Pier. "Since the Reed v. Gilbert case came down from the Supreme Court two years ago, 100 percent of the challenges to panhandling laws have been successful," said Eric Tars, senior attorney with the National Law Center on Homelessness and Poverty based in Washington, D.C.

The city's ordinance is structured after a similar ordinance in Fort Lauderdale that withstood a legal challenge in 1999, said **Lysia Bowling**, Pensacola city attorney, during the April 13 City Council meeting, when councilors voted 5-2 to pass the ordinance's first reading. Councilors must vote to read the ordinance a second time before it goes into effect. "The ordinance as proposed reflects the current state of the law, however, this is an area of law that is evolving," **Bowling** wrote in an email to Mayor Ashton Hayward and the City Council, which was posted on the city's website. **Bowling** declined to comment to the News Journal on how the ordinance would withstand a constitutional challenge in the wake of the Reed v. Gilbert case. Hayward also declined to comment.

"We're all here to support, obviously whether they're poor, the homeless, anything that we can do to help," Hayward said at the April 13 council meeting. "But we've got to create a win-win, and it can be done in this city. I've heard many of you talk about solutions tonight. I urge you to bring those solutions so we can work together. Something has to be done."

Reed v. Gilbert was 'turning point'

Clyde Reed, a pastor of a church in Gilbert, Arizona, sued the town after it prohibited his church from placing temporary signs in the town announcing times and locations of the church's services. The U.S. Supreme Court ruled in 2015 that Gilbert violated the church's free speech and equal protection rights because the town's ordinance was based on the content of the signs. "If you have to read the content of the sign to determine whether it's permissible, that is a content-based restriction on speech, and it is unconstitutional," said Sara Latshaw, director of the Northwest Region of the American Civil Liberties Union of Florida.

Since the 2015 ruling, lower federal courts have started to strike down content-based bans. In August, Tampa lost a court challenge to its panhandling ordinance, which prohibited people from asking for donations in its downtown district and Ybor City neighborhood. U.S. District Judge Steven Merryday stated in his ruling that if not for the Reed v. Gilbert case, he would have upheld Tampa's ordinance. He called the ordinance a "demonstrably benign attempt to manage

**Internet – Newspaper Archives Searches**  
**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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fairly and humanely a tangible and persistent problem in a manner narrowly and artfully tailored." "Reed is a turning point," Latshaw said. Latshaw said it's understandable that someone without in-depth knowledge of the federal case law since the Reed v. Gilbert case could think a panhandling ordinance would stand up to a First Amendment challenge in court.

Fort Lauderdale passed an ordinance in 1993 banning panhandling in or around Fort Lauderdale Beach. The 11th Circuit Court of Appeals upheld Fort Lauderdale's ordinance as constitutional in 1999 after the ACLU sued the city. But, Latshaw said, that wouldn't happen in now, after the Reed case. "(The Fort Lauderdale ordinance) may have stood up in 1999, but it wouldn't stand up today," she said. The Florida ACLU sent a public letter asking the city of Pensacola not to pass the ordinance because of the legal questions it raises. "The City Council can read that opinion and know without a shadow of a doubt that their ordinance will not stand up," Latshaw said.

Penalizing the poor?

If the ordinance is passed, police will be able to issue civil citations for anyone violating the ordinance. Fines start at \$50 and go up after each violation to \$400 after the fourth violation. A maximum fine of \$500 could be imposed if the citation is contested in court. "No matter how you crack it, this ends up burdening poor people or penalizing poor people for being poor," Latshaw said.

On Wednesday, James McCorvey stood at the intersection of Palafox and Garden streets holding a sign that says "Anything helps. A vet. God bless you." McCorvey doesn't say much about his past, but said his personal decisions, including a battle with alcohol, have put him on the street. "I chose the wrong path," he said. A couple of drivers waiting to turn left onto Palafox Street offered McCorvey spare change. One driver in a white pickup truck hurled insults at McCorvey, who responded with a middle finger. Another driver handed McCorvey a boxed lunch. "We got to make a living just like everybody else," McCorvey said. "You can't work with felonies, and plus you're disabled and stuff like that. I don't do no drugs. A lot of people think because you're out here you're on drugs."

Tars, the National Law Center attorney, said the City Council shouldn't waste taxpayer dollars on a law that's guaranteed to fail. "Study after study across the country has shown that it is far more effective and far more cost effective to address the underlying causes of why people are panhandling in the first place by providing adequate housing and services, rather than simply trying to criminalize the act of panhandling when people have literally no other option in terms of trying to survive on the streets," Tars said.

McCorvey said he feels the ordinance is wrong, but understands why the city would want to do something. "I think that's wrong, but a lot of (panhandlers) bring it on themselves because you've got a lot of them that just go and ask folks, and beg folks, and do a lot of cussing out of folks and all that right there," McCorvey said. "That makes it bad for us too."

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**Lysia Huntington Bowling**  
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SANDSpaper  
April 15, 2017

**No beggars allowed, Pensacola’s downtown panhandling ordinances advances**  
Author: Jeremy Morrison

In a move applauded by the downtown business community, but framed by critics as cold-hearted and constitutionally-vulnerable, the Pensacola City Council approved on first reading April 13 a new ordinance barring panhandling from the newly minted Downtown Visitors’ District.

The new ordinance, which still requires a second public reading, would restrict the solicitation of funds along and around South Palafox. The business community pointed to safety concerns and the need to safeguard economic interests downtown, while those arguing against the proposed ordinance pointed to free-speech rights and said the law would effectively “criminalize the homeless.”

Ultimately, the city council voted to approve 5-2, with Councilwoman Sherri Myers and Councilman P.C. Wu dissenting. Although the issue of homelessness — deemed unrelated to panhandling — was not allowed to be breached, Mayor Ashton Hayward noted just prior to council’s vote that once the ordinance had been dealt with the city could turn to assisting those “that desperately need the help.”

“We’re all here to support, obviously whether they’re poor, the homeless, anything that we can do to help, but we’ve got to create a win-win,” Hayward said.

This ordinance, the city’s latest to address panhandling, was triggered last fall by a letter from Downtown Improvement Board Chairman John Peacock, in which he expressed concerns about the impact of panhandling on downtown’s economic success. During the April 13 council meeting, the chairman described downtown business owners as “some of the most philanthropic, caring, compassionate people I know,” and said sheltering downtown via the ordinance would help ensure they remained in the position to contribute to the community, including towards organizations dealing with homelessness.

“The DIB cannot fix this problem. This is a community problem, whether its panhandling, or the other things we’re not allowed to talk about on this agenda,” Peacock said. “The business owners in downtown can’t wait for that magic bullet. This is a first step to protect the core area that we built and we want to continue to grow so the entire community grows and then we can ultimately fix the problems that we have.”

DIB Executive Director Curt Morse stressed safety concerns. He said the downtown area was becoming more residential and needed additional protections. He contrasted the downtown core with slices of Pensacola’s suburbia, and said people “deserve to walk down the sidewalk and not have someone ask them for money.”

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“That doesn’t happen in Lavallet, that doesn’t happen in Cordova Park. That doesn’t happen in Scenic Heights, or the West Point Heritage neighborhoods, but we allow it to happen downtown,” Morse said. “It just isn’t safe.”

Conversely, opponents of the measure argued that city officials were responding to the issue in an illegal and inappropriate way. “I personally don’t like being approached either, but that is the messiness of freedom, and we need that,” said Larry Downs, Jr.

Britt McGowan, a local mother, described to council how she uses panhandling encounters as an opportunity to discuss the issue of poverty with her child. “Would I rather not have those conversations? Do they make me uncomfortable? Sure,” she said. “But I’d rather not have them because we’ve done something about them, not swept them under the rug, swept people under the rug.”

Critics also took issue with the ordinance’s prescribed penalties. While city council did downgrade the penalties from criminal to civil, the infraction of panhandling still carries the possibility of financial penalties; a first offense costs \$50, doubling with each following offense up to \$400.

Another point of contention centered on the ordinance’s constitutionality. While city officials assured that the law had been crafted with First Amendment legal challenges in mind, North Florida ACLU Director Sara Latshaw warned otherwise, telling council the legal landscape had changed over the past couple of years and that the ordinance wouldn’t stand up in court. “It really isn’t up for debate,” Latshaw said. “Every single one since 2015 that has been challenged, every single ordinance has been struck down.”

But Council President Brian Spencer said that he felt confident that City Attorney **Lysia Bowling** had crafted an ordinance specifically designed to withstand a lawsuit. He leaned on the attorney for assurance, though her assessment seemed a little shaky, with plenty of wiggle room. “The state of the law is in flux, and it’s not certain, and it is difficult for us to predict if this ordinance will be challenged, or of the outcome if challenged,” **Bowling** told the council, explaining that the city’s ordinance was modeled on laws in other areas that had successfully withstood challenges, or had yet to be challenged.

After council voted to approve the ordinance, Latshaw stood outside chambers in the hallway shaking her head. She paused for a moment to search for an appropriate adjective — “disappointed” — and declined to elaborate on the specter of an ACLU lawsuit against the city. “We’re certainly watching what the city council decides to do,” Latshaw said, adding that any decisions regarding a legal challenge would likely be made after the council held a second public reading for the ordinance.

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The Pulse  
April 10, 2017

**Pensacola council overrides mayor’s questionable veto**

Author: Derek Cosson

Pensacola city council members on Monday voted to override Mayor Ashton Hayward’s veto of the council’s vote last month to move forward with hiring its own budget analyst. All seven council members voted to approve the veto override at a special meeting held before Monday’s agenda conference. “I completely respect Council’s decision to override my veto of hiring a budget analyst,” Hayward said in a statement following the vote. “The purpose of the veto was to underscore my objection to what I thought was an unnecessary cost to the taxpayers. Our team has always worked well with city council on all legislative issues, and I expect that to continue.”

The veto and subsequent override center on a conflict that dates back to at least 2014, when city council members placed a city charter amendment on the ballot that would give the council the power to hire its own staff independently of the mayor’s authority. Mayor Hayward strongly opposed that amendment, saying it added an unnecessary layer of bureaucracy to city government, but city voters narrowly approved the language.

Since then, council members have hired an executive and two assistants, and in March took steps to hire a budget analyst, a position explicitly authorized in the 2014 charter amendment. Hayward vetoed that action, saying that there were “more pressing needs” in the city and that the position would be duplicate work already done within the city’s finance department, which works for Hayward. Several council members have questioned whether or not Hayward even has the authority to veto council’s action, given that the council is explicitly authorized by the city charter to hire staff. City Attorney **Lysia Bowling** opined last week that the mayor did in fact have the authority.

**Bowling** argued that because the city charter specifically spells out which actions the mayor can’t veto — emergency ordinances, ordinances adopted as the result of a quasi-judicial proceeding, and ordinances proposing charter amendments — and the budget analyst decision didn’t fall within those categories, the mayor’s veto was valid.

Pensacola attorney Ed Fleming — writing on behalf of his client Barbara Mayall, a regular fixture at city council meetings — disagreed. “Any other interpretation of these facts would make the Charter’s express provisions for the right of City Council to have an independent budget analyst a nullity,” Fleming wrote in a letter to Mayall which was shared with council members Monday. “I do not believe any Court would reach that absurd result.”

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The Pulse  
June 9, 2016

**The latest on the John Sunday House**

Author: Drew Buchanan

Pensacola's historic John Sunday House is likely safe for another month, but its fate could soon be decided by an Escambia County judge. Developer Charles Liberis wants to tear down the 115-year-old home, located near Pensacola's downtown core, in order to build 27 townhomes. Frustrated by routine delays imposed by the city's architectural review board in order to explore preservation, Liberis filed suit last week, asking the court to order the city to issue a demolition permit immediately.

John Sunday, one of Pensacola's most significant African-American historical figures, built the house in 1901 and lived there until his death in 1925. The son of a slave woman and her white owner, Sunday fought for the Union in the Civil War before returning to Pensacola, where he built a successful construction business and served as a city alderman and state legislator during Reconstruction. After Jim Crow laws pushed black businesses off Palafox Street in the early 20th century, Sunday helped establish the Belmont-Devilliers area as a black commercial district. The lawsuit is the latest move by developers to bypass the city's established processes for obtaining a demolition permit.

Because the home is located within a historic district, the city's Architectural Review Board must sign off on demolition. Citing the house's structural soundness and historic significance, the board twice voted to table a decision in order to explore options for preservation — a tool the board has used routinely with success. Earlier this year, after the board tabled a decision on a demolition permit for a home in Pensacola's Old East Hill neighborhood, the home was successfully moved and preserved.

But Liberis has pointed to a provision in the city's code which requires the board to act on requests within 31 days. Despite the longstanding precedent, Liberis argued that a decision to table doesn't constitute action, and City Attorney **Lysia Bowling** agreed. As a result, Liberis was able to bypass the board's approval and obtain a demolition permit on May 17, but the permit was stayed after Pulse editor Derek Cosson filed an appeal of the decision. Cosson's appeal was scheduled to be heard by the city's Zoning Board of Adjustments next week.

On Thursday, Escambia County Judge Gary Bergosh issued a temporary injunction preserving the status quo pending a final decision in the case, which he expects to issue in approximately one month. As a result of the injunction, the city has cancelled next week's planned appeal hearing.

More than 800 people have signed a petition asking city officials to save the house. Supporters also filled the room at a May 19 meeting of the Architectural Review Board, thanking the board for their efforts and arguing for preservation.

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**Lysia Huntington Bowling**

*(Articles are in reverse chronological order)*

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Real estate broker John David Ellis is president of the John Sunday Society, a citizen group trying to preserve the house. He says that the house itself only occupies a tenth of an acre — about 7% of the parcel’s total area — but Liberis has refused to consider subdividing the parcel or building around the house. “When I spoke with Liberis about the idea, he said, ‘No one wants to live next to an ugly house,’” said Ellis. Liberis’ contract to purchase the property — which is contingent on the house’s demolition — is set to expire July 15.

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*(Articles are in reverse chronological order)*

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The Pulse  
May 16, 2016

**City to issue demolition permit for Sunday House**

Author: Derek Cosson

Pensacola city officials are expected to issue a demolition permit for the historic John Sunday House, a city spokesperson said Monday. The house, located at 302 West Romana Street, was built in 1901 by John Sunday, one of Pensacola's most prominent and successful African-American figures in the late 19th and early 20th century. Sunday served as a city alderman and state legislator during Reconstruction, built a substantial construction business, and helped establish the Belmont-Devilliers area as a center for black commerce.

City spokesperson Vernon Stewart said that while a permit has not been requested by a demolition contractor, the city plans to issue such a permit once it is requested. Stewart couldn't identify who made the decision to issue the permit, but said that the decision came after a new legal opinion was issued by City Attorney **Lysia Bowling**. That legal opinion was not immediately available. Pensacola Mayor Ashton Hayward said Monday that he had not requested the opinion.

City planner Brandi Deese sent the following email to architectural review board members on Monday afternoon:

Please be advised that the City Attorney has reviewed the application for the demolition of the structure at 302 W. Romana Street, and has determined that ARB did not act within the 31 day timeframe required in Section 12-13-3 (G) of the Land Development Code. According to Section 12-13-3 (I), such plans shall be deemed to have been approved. Per this determination, the Building Official will issue a demolition permit when an application is received.

Developers led by attorney Charles Liberis want to demolish the home and redevelop the 1.5 acre parcel with 27 townhomes. The city's architectural review board has twice postponed a vote on demolition in order to give preservationists time to develop a plan to save the home. Pensacola Mayor Ashton Hayward voiced his support for the demolition in April, arguing that redevelopment of the site would provide much-needed downtown housing and help grow the city's tax base.

Deese's comments reference a city code provision which states that the architectural review board "shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted, to the board for review." Liberis has argued that the board's decision to postpone a vote on demolition beyond the 31-day mark violates the code. However, the board has routinely postponed similar requests in the past, and the mayor's office said in April that the board's move to table a vote was effectively a decision.

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John Ellis, a real estate broker and the president of the John Sunday Society, called the reversal “mind-blowing,” noting that he had met earlier in the day with the UWF Historic Trust’s board of directors, which expressed support for the Society’s efforts to preserve the house. Ellis pointed to a recent situation where the ARB postponed a demolition request for a house in Old East Hill; the house was eventually relocated.

Ellis said Monday afternoon that he was consulting with legal counsel and examining the available options to stop the demolition. The issue was expected to come back before the architectural review board on the afternoon of June 16, as well as the city council later that same day. The administrative decision to issue a demolition permit would appear to preclude further discussion by either board on the subject.

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Pensacola News Journal  
April 16, 2015

**City attorney: Council can't force mayor to act**  
Author: Will Isern

Access to the sixth floor of city hall will remain restricted for Pensacola City Council members following a legal opinion from City Attorney **Lysia Bowling**. The opinion could have other implications as well.

In the opinion issued Monday, **Bowling** wrote that the city charter clearly delineates power between the city's two branches and, pointing to state law, opined that the city council can't force the city's executive branch to take action. "... Based on the Municipal Home Rule Powers Act, it is my opinion that the governing body of the City cannot legislatively act in a manner that would change the allocation of powers the Charter currently provides, or would result in the exercise of powers reserved to the executive branch," **Bowling** wrote.

Bare will retain council gavel

The Municipal Home Rule Powers Act is the law by which local governments obtain their power from the state. The question of whether or not the council can direct Mayor Ashton Hayward's administration to act stems from a discovery made last year by City Council president Charles Bare that his City Hall access card would no longer allow him to travel to the sixth floor at City Hall.

Bare questioned city administrator Eric Olson about the change and Olson confirmed that, for security reasons, council members would need an escort if they wanted to go to the sixth floor. The sixth floor is where the city's finance staff work.

City Hall access prompts bigger question

In February, the council voted 5-2 to direct the mayor to undo the security change. Hayward did not veto the vote, but the change was never made, leading some on the council to wonder if the mayor is bound by anything they vote on. "It's the fact that we don't know now what resolutions he has to abide by," Bare said in March. "There's a number of things done by resolution, what's to say he won't ignore other things as well? The budget is done by resolution, is that binding or can he just move money around whenever he wants?"

In March, the council directed **Bowling** to draft an opinion as to whether their resolutions were binding on the executive branch. Though she did not explicitly say so, **Bowling's** opinion implies that they are not. Bare said at Thursday night's City Council meeting that he wasn't convinced **Bowling's** opinion answered the question that the council had asked, but **Bowling** did not want to elaborate on her opinion there, instead offering to make a presentation at a later workshop.

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Pensacola News Journal  
March 24, 2015

**New city attorney's contract challenged**

Author: Staff report

An employment contract signed by new Pensacola City Attorney **Lysia Bowling** more than a week ago still doesn't comply with with the municipality's charter. The contract states that only the mayor, Ashton Hayward, can terminate **Bowling**. In fact, according to the charter's section 5.03, a majority of the City Council would have to vote in favor of firing her.

"If the mayor wanted to dismiss the city attorney for some reason, he would have to bring it back to the council," Tamara Fountain, Hayward's chief of operations, said Tuesday. "It was an honest oversight. I already emailed Councilman Charles Bare about it and said that we would fix it. It was an honest mistake."

Fountain said Bare pointed the issue out. She said the city is preparing an addendum to the contract that conforms with the charter. That addendum should be done within a day or so, she added. Bare could not be reached for comment.

Council Member Sherri Myers said the contract's language underscores a tendency by Hayward's staff to overreach his legal authority: "The city attorney is supposed to work for the city, not just the mayor." "It seems like the person should wait (to start work) until everything is worked out," District 1 City Council Member P.C. Wu said. "We should follow the charter."

**Bowling**, Hayward, City Clerk Ericka Burnett and Edward Sisson, the city's chief human resources officer, signed the contract, which is dated March 16. **Bowling**, whose previous job was as the San Angelo, Texas, city attorney since 2009 started working remotely for Pensacola last week with an annual salary of \$155,000. Staff and office to cost over \$350K

The contract was signed after the City Council approved **Bowling's** hiring at its March 12 meeting, which is when the panel was scheduled to vote on hiring its own staff, including an attorney at a salary of up to \$115,000 a year. The council voted instead to hire a consultant, for the time being, to help them put together a staff. Several council members, who are part-time, have said they need their own attorney to help draft ordinances, among other things.

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San Angelo Standard-Times: Web Edition Articles (TX)  
March 13, 2015

**Bowling named city attorney for Pensacola**

Author: Staff Report

San Angelo's former city attorney, **Lysia Bowling**, has been named city attorney for Pensacola, Florida. **Bowling**'s resignation was effective Friday, after more than five years with the city of San Angelo. **Bowling**, a graduate of Yale University, was nominated by Pensacola's mayor, according to news reports. Dan Saluri is serving as San Angelo's interim city attorney.

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San Angelo Standard-Times (TX)  
February 10, 2015

**City's lawyer to step down**

Author: Staff report

City Hall has some changes in the works. San Angelo's city attorney is resigning, and its city clerk is no longer "interim." **Lysia Bowling**, city attorney, has tendered her resignation effective March 13. "Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated," City Manager Daniel Valenzuela said in a city news release. "We wish her the best." Dan Saluri, senior assistant city attorney, will take over the post on an interim basis until a successor is named, according to the release.

**Bowling** joined the city staff in November 2009 after serving as an assistant city attorney in Miami. She came with more than 25 years of legal and supervisory experience to replace Mindy Ward, who retired as city attorney after 28 years. The city attorney represents the city in legal matters, providing counsel to the City Council, the city manager and city departments and boards.

The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the city for damages, eminent domain proceedings, collections, the prosecution of cases in municipal court, and adherence to open meetings and open records state statutes. Before coming to San Angelo she was an assistant attorney in Miami, serving as a police legal adviser for the city and a law enforcement instructor at the Miami Police Training Center.

Previously she worked in the Harlingen and Austin city attorney's offices and at the Texas State Comptroller of Public Accounts. She was featured in the January 1990 issue of Jet Magazine in an article on "Black Women in Criminal Justice" and in a Texas Bar Journal article on "Minority Women in the Law." She's happy in her San Angelo position. "I love it here," she said, adding that she had been seeking the challenge of returning to a leadership position in a city attorney's office in Texas when she accepted the job. "I am a career public servant," she told me.

In the Jet article, headlined "Female Judge, Attorneys are Laying Down Law And Order in Austin, Texas," **Bowling** stressed the importance of being compassionate with members of the community. "I think I have a sense of how to help people conform to the law without crippling their lives," she said.

She became passionate when speaking of the importance of mentoring young people. Whether as a public speaker, a panelist or presenter in community, school and juvenile justice settings, she always desires to lend support to service professionals in their mission to educate young people and prepare them to function effectively in an adult society.

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As city attorney, her role is to advise the City Council members, city staff and city department and boards. She renders explanations to clarify rulings so misunderstandings and unnecessary litigation can be avoided.

One evening when watching Channel 17, I was impressed with **Bowling's** explanation of the reason that the canvassing of the votes in last year's Tom Green County Precinct 1 justice of the peace race would not be challenged. While I disagreed with her conclusion, she had done all of the checking and talked to the Secretary of State's Office, and the advice was to accept that the uncounted 1,500 votes would not have changed the outcome.

**Bowling** has had plenty of inspiration in her life. "I looked up to 'firsts' who overcame negative stereotyping about women and minorities in the legal profession who were able to thrive," she said. "I hope in my career I have set the same footprints for other aspiring legal professionals who are trying to navigate the same struggles. We should always seek to uplift, encourage and inspire the children of our community to have a vision and an opportunity to become educated, which is the pathway to advancement. "My goal is to represent the city of San Angelo the very best that I can while enriching the community. I take my duty and responsibility very, very seriously and I am honored to be welcomed here."

We do welcome **Bowling**, and not only do we expect her to do well in her job, we look forward to her inspiring young people to set high goals for themselves and to understand that education is the key to achieving them.

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San Angelo Live  
February 9, 2015

**City Attorney Resigns**

Author: Joe Hyde

City Attorney **Lysia H. Bowling** has tendered her resignation, effective March 13. **Bowling** joined the City of San Angelo in November 2009. Her tenure has seen many controversial issues pass across her desk, including the trash contract and the sand depot controversies. The latest was the blowup over Lee Pfluger's sand depot. Privately, some city officials said that her approach to the controversy, and advice, has been too limited and timid. Appellant H.R. "Winkie" Wardlaw III, a former city councilman said that the city legal staff was offering bad advice to council.

She was mysteriously missing from all of this year's most contentious meetings on the sand depot, and many were speculating that she was fired. City Manager Daniel Valenzuela denied her termination two weeks ago in an email.

According to the City of San Angelo, the city attorney represents the City in legal matters, providing counsel to the City Council, the city manager, and City departments and boards. The Office of the City Attorney is involved in matters such as the drafting and review of contracts, litigation, claims against the City for damages, eminent domain proceedings, collections, the prosecution of cases in Municipal Court, and adherence to open meetings and open records state statutes.

“Ms. **Bowling** is a tremendously hard worker, whose efforts were greatly appreciated,” Valenzuela said. “We wish her the best.” Senior Assistant City Attorney Dan Saluri will serve in the post on an interim basis until a successor is name.

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San Angelo Standard-Times (TX)  
September 30, 2009

**City Council hires new city attorney from Miami**

Author: Staff report

The City Council has hired **Lysia Bowling** as the San Angelo city attorney. **Bowling** is an assistant city attorney in Miami, Fla. She has more than 25 years of legal and supervisory experience, a City Hall news release states. **Bowling** will start Nov. 1. She replaces Mindy Ward, who is retiring after serving as city attorney for the past 28 years. **Bowling** will be paid \$141,500 annually. "We feel that **Lysia** is the best person for the job, based on the needs of the community, her experience and the intangibles that she can bring," said City Manager Harold Dominguez.

The city manager also noted that **Bowling** has a "strong commitment to civic and community services." **Bowling** has worked for Miami since October 2007, according to the news release. She has also worked for a number of Texas agencies, including the Harlingen Office of City Attorney, the Austin City Attorney's Office and the Texas State Comptroller of Public Accounts.

**Bowling** received her bachelor's degree in political science and Latin American studies from Yale University in May 1976 and her law degree from the University of Virginia in May 1979. The city attorney's duties include coordinating and directing all operations of the City Attorney's Office; representing and defending the city in various legal matters; serving as legal adviser to the City Council, city manager and other city personnel; and reviewing and preparing legal responses, briefs, memos, ordinances, resolutions, policies and other documents.

[https://newspaperarchive.com/valley-morning-star-jan-05-1996-p-1/Valley Morning Star](https://newspaperarchive.com/valley-morning-star-jan-05-1996-p-1/Valley%20Morning%20Star)  
January 8, 1996

Official's husband cleared  
Author: Allen Essex

# Official's husband cleared

## Judge dismisses charge of attempted indecency with child against Prim

By ALLEN ESSEX

Valley Morning Star

BROWNSVILLE — A state district judge has dismissed a charge of attempted indecency with a child against the husband of Harlingen's city manager.

The charge against Bryan Burroughs Prim III was dismissed Wednesday in Judge Menton Murray Jr.'s court.

Prim, 55, husband of Harlingen City Manager Natalie Prim, was accused of attempting to fondle the 10-year-old son of former City Attorney Lysia Bowling.

Bowling resigned in December 1994 and received a \$45,000 settlement as part of an agreement that prevents her from discussing her departure from City Hall.

In a written statement issued Thursday, Bryan Prim said: "Since my original statement of April 1995, I have been fully prepared to face a court of law with the truth. We were sustained by Christ and each other, in addition to thousands of prayers offered in support. We have grown in character and compassion from the experience."

A June 1994 report to police by Child Protective Service caseworker Miriam Luna had alleged that Prim "has been rubbing against the complainant and moving up and down on top of the complainant to gratify his sexual desires."

District Attorney Luis Saenz said the dismissal of the charge against Prim was done in the interest of the child and had nothing to do with Bowling's settlement agreement with the city.

A document in the court file signed by Bowling, as the witness and the child's mother, requests the matter be dropped.

"We dismissed the case on a basis totally independent of (Bowling's agreement)," Saenz said. "Lysia Bowling signed for us an affidavit of non-prosecution on behalf of her son."

Bowling had previously agreed to testify.

The affidavit "doesn't mean she won't testify," Saenz said. "It

**Please see 'CLEARED,' Page A8**

## **CLEARED / Judge dismisses case**

**Continued from A1**

means she doesn't want to proceed with the case. It doesn't have anything to do with the settlement."

There are no plans to prosecute Prim again on the same case in the future, the district attorney said.

"The basis for the decision was the best interest of the child," he said.

Forcing the child to go through the ordeal of testifying is a factor to consider, he said.

"Every case is different," Saenz said. "In every case, we allow the victim — in this case the victim's

family because he's a minor — great input into the final decision we make."

In a motion filed in October, Bryan Prim's attorney, Joe Connors of McAllen, asked that Murray issue a ruling requiring city employees to testify in the case.

This was prohibited by the agreement between the city and Bowling.

If the judge could not do that, the motion asked that Murray dismiss the case.

Bowling, who is now employed by the city attorney's office in Temple, did not return a telephone call Thursday from the *Valley Morning Star*.

**Internet – Newspaper Archives Searches**  
**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Valley Morning Star - <https://newspaperarchive.com/valley-morning-star-oct-24-1995-p-2/>  
October 24, 1995

**Prim gets a new trial date**  
Author: Allen Essex

# Prim gets new trial date

## Attorney orders city employees mum on molestation charges

**By ALLEN ESSEX**  
Valley Morning Star

**BROWNSVILLE** — The trial of a Harlingen man who faces a child molestation charge has been postponed until Jan. 8.

Bryan Burroughs Prim III, husband of City Manager Natalie Prim, is accused of attempting to fondle the son of former City Attorney Lysia Bowling on July 18, 1994. His trial in Judge Menton Murray's court was to have begun today.

Prosecutors and defense attorney Joe Connors of McAllen agreed to resetting the trial, a court official said.

Connors has filed a motion in

court asking Judge Menton Murray Jr. to rule that city of Harlingen employees who may be required to testify in the case can talk to him about the case.

If the judge will not order Harlingen employees to talk, Connors has asked that the case against Bryan Prim be dismissed.

Connors says he cannot effectively defend Prim without questioning potential witnesses.

City Attorney Brendan Hall has ordered city employees not to talk to anyone about the case because of a confidentiality agreement signed by both sides, Connors stated in a court document.

Hall declined to comment on his instructions to city officials and employees.

The agreement, which prohibits city employees from revealing that Bowling was pressured to resign, also includes a \$45,000

settlement and provision of health insurance until Bowling gets a new job that provides insurance.

In June, Bowling filed a breach of contract lawsuit claiming that comments made by Mayor Bill Card, quoted in newspapers, violated the confidentiality agreement.

Bowling has created a situation in which criminal charges have been brought against Prim, and also entered into an agreement which forbids city officials and employees from testifying, making it impossible for Prim or his lawyers to defend him, Connors states in the motion.

"Thus (Prim) must move for dismissal of the above case or request a motion for judicial authority for potential witness employees and officials of the city of Harlingen, Texas, to talk to the defense lawyer(s), investigators and representatives of the above defendant," Prim's lawyer states.

**Internet – Newspaper Archives Searches**  
**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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The Brownsville Herald - <https://newspaperarchive.com/brownsville-herald-apr-15-1995-p-16/>  
April 15, 1995

**Husband, 55, is accused of indecency**  
Author: Josh Lemieux

# Husband, 55, is accused of indecency

By JOSH LEMIEUX  
Associated Press Writer

HARLINGEN — The husband of the Harlingen city manager was arrested Thursday on charges of attempted indecency with the child of the former city attorney.

Bryan Prim, 55, was booked into the Cameron County Jail and released on \$10,000 bond.

"I am prepared, without a doubt, to prove my innocence in a court of law," Prim read from a statement. "Our hearts go out to the many that have been hurt by a false accusation."

Prim said his attorney is Joe Connors of McAllen, who declined to discuss the case.

A county grand jury issued an indictment on March 22 charging him with a felony count of attempted indecency with a child. The indictment was held under seal until Prim's arrest Thursday.

Prim is married to City Manager Natalie Prim.

The indictment alleges that Prim reached under the victim's shorts and touched his leg in July 1994.

At the time, the victim's mother, Lysia Bowling, was employed as city attorney — a position subordinate to Mrs. Prim.

Bowling complained to Harlingen police in July 1994 that her son said he was touched inappropriately by Bryan Prim on three occasions. The boy's complaint emerged in sessions with San Benito psychiatrist Susan Ander, who referred the case to the state's Child Protective Services unit, according to the police report.

In December, city commissioners approved a confidential settlement under which Bowling agreed to step down.

Bowling, who now lives in Austin, said by telephone Thursday that the terms of the settlement prevent her from publicly discussing her reasons for leaving.

The city paid a lump sum of \$45,000 to Bowling, the Valley Morning Star has reported.

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Austin American-Statesman  
April 16, 1990

**Law firm puts city traffic cases in a jam**  
**Call for jury trials produces pileup**  
Author: Jim Phillips

The war of attrition between a lone upstart out-of-town lawyer and the amassed authority of the City of Austin continues unabated in the trenches of Municipal Court. The weapons include delaying tactics, legal technicalities, good memories, poor memories, implicit threats, explicit threats, vindictiveness, extenuations, exonerations, discriminations, writs, motions, the sheer weight of numbers, tens of thousands of dollars and time. It is a lot of hoopla for a few speeding tickets.

The law firm of Miller and Herring, an Amarillo concern that does a lot of speeding-ticket business in the Panhandle, decided to test the market in Austin two years ago. At the time, Austin's municipal courts held jury trials only one afternoon every week. There are now three afternoons given over to jury trials, and the courts are seeking money to add a fourth, and maybe a fifth, day of trials, thanks to Miller and Herring.

The law firm's business in Austin includes about 1,600 pending cases, and it has already disposed of 1,000 or so speeding tickets. Jury trials for the firm's clients are now being scheduled for January 1991, and the backlog continues to grow. To handle that load, the firm has one - count 'em - one lawyer.

That fact alone annoys court officials. But also contributing to the animosity are the overwhelming number of pending cases, the crush of crowded dockets, the tedious and wasteful process of issuing subpoenas for a dozen police officers when only one case will go to trial and the cases lost when police officers fail to show up. "This law firm turns this whole thing into a circus," said **Lysia Bowling**, chief prosecutor in Municipal Court. "It is really a burden because the issues are so very narrow. It's like a perpetual, endless cycle."

When **Bowling** gets a jury conviction for one of Miller and Herring's clients, she goes for the jugular. "I always ask for a (maximum) \$200 fine, and I usually get it. My fines are normally over \$100." She goes for the throat not of the client, but of the firm, whose Austin lawyer is Pam Oglesby. The firm pays all fines assessed its clients.

**Bowling** said she asks for the maximum "to penalize her (Oglesby), in a way, indirectly, because the firm pays the fines - also because we've gone to all this trouble." "Yes, we are vindictive. That's the only way we feel like we gain a little."

Municipal courts need to feel like they gain something from the cases because generally they are losing - cases and money. City officials estimate that it costs \$12,000 a year for each afternoon of jury trials. That means if jury trials are scheduled for three days a week, it costs the city

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**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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\$36,000 a year for jurors, a court reporter and a bailiff. That does not cover the costs of part-time judges who often are called in, the costs of staff time or the costs of police officers' time.

Only one jury trial can be held each afternoon on one of Oglesby's clients, so even if the City Council agrees to fund five afternoons of jury trials a week, the city would be spending more than \$60,000 a year to dispose of 250 cases a year. At that rate it would take more than six years just to take care of the current backlog. Miller and Herring ensure that their backlog continues to grow by sending advertisement cards to everyone who receives a traffic ticket from Austin police.

Considering that Oglesby loses about 80 percent of her trials, the firm could not live on jury verdicts alone. Clients are charged a flat fee of \$125, which would be a losing proposition if every case went to trial. Where the firm comes out ahead is when cases are dismissed, which is what happens every time a police officer fails to appear in court to be ready for a trial that he or she knows is probably not going to happen. Some of the officers have left the force, some are busy with other duties, and some get tired of wasting their time.

**Bowling** estimates dismissals occur three or more times a week. Oglesby says it is much more frequent, and says that over time the number of dismissals accumulates to the point that 90 percent of the firm's cases never get to trial. City officials believe the figure is well under 90 percent.

Whether the process of trying to outlast the police amounts to using or abusing the system depends on whom you talk to. "If (a defendant) wants a jury trial, I respect that," **Bowling** said. "But it's just that she's taking advantage of it. It's like Russian roulette."

Oglesby said, "We're getting more and more backlogged." Speaking on Thursday, she said, "Yesterday we had 11 cases (on the docket), and they were all from '88. They just get older and older. "There's no question it's costing the taxpayers an inordinate amount of money," Oglesby conceded. "I'm sorry about that, because it's a waste of money. "We're required by law to do the best we can for our clients, and . . . the best job I can do for my client is set it for jury trial, make them bring in a jury, go to that expense and that extreme."

There is one simple solution to the problem: plea bargaining. "The fact that they will not plea bargain (means) nine out of 10 are walking away. If that's their choice, they're entitled to make that choice, but they have to accept" that it costs the city considerable money in expenses and in lost revenue.

Virtually every county and district court in the nation engages in plea bargaining, and in many Texas cities the municipal courts also allow the practice. In traffic cases, defendants would plead guilty to a non-moving violations, thus saving themselves higher insurance costs, and in return pay a fine equal to or higher than the traffic ticket. Or, the defendant would receive deferred adjudication, in which the ticket is dismissed if he or she pays the fine and does not receive another ticket for a period of time, often six months.

**Internet – Newspaper Archives Searches**

**Lysia Huntington Bowling**

*(Articles are in reverse chronological order)*

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Harriet Murphy, presiding judge of Austin's municipal courts, said plea bargaining of that sort is not allowed, although a person with more than one ticket often can get one dismissed in return for paying the fine on the other. "There are many reasons not to," Murphy said. "I think it favors the more wealthy people who can come up with those large special expenses, and poor people would not have that opportunity." Many speeders can have their tickets dismissed without hiring a lawyer by taking driver education courses, but those courses can be used no more than once every two years.

Murphy said a computer program is being created to automatically assign cases involving one officer to a day when he has other cases assigned. The process will reduce the number of officers required to show up for jury trials on any given day. Meanwhile, the war goes on, and victims continue to fall. **Bowling** continues to set, reset and reset again the thousands of pending cases. "There's nothing refreshing about it," she said. "It's just us accommodating the way they're making money."

**Internet – Newspaper Archives Searches**  
**Lysia Huntington Bowling**  
*(Articles are in reverse chronological order)*

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Austin American-Statesman  
January 20, 1990

**'Jet' honors role models in Austin**  
**3 black women in law praised for examples**  
Author: Austin American-Statesman

Three Austin women with law-related careers are featured in the most recent issue of Jet magazine, a weekly newsmagazine targeting black readers, for an article on minority role models. "I feel very proud," said Municipal Court Judge Harriet Murphy, who appeared in the magazine along with acting City Attorney Iris Jones and **Lysia Bowling**, the city's chief prosecuting attorney.

"Blacks in Austin, Texas, particularly women and children searching for positive role models, need not look further than 700 East 7th Street in their city," the article states. "At that address stands the Municipal Court of Austin where three legal authorities bring justice to their communities."

Murphy, a presiding judge since 1988, told the magazine she believes having more minorities involved in the legal system would "set a more positive stage in the courtroom for minorities." "The magazine thought it was unusual that three black women held these particular positions, not just in a southern town, but in any town," Murphy said.

Jones said it is important for women and minorities to hear about role models in law-related professions, because it is a field that traditionally has been dominated by white men. "When I was growing up I had role models and people who inspired me to succeed," she said. "I think young people today still need that, to let them know they can succeed whether they are black or female or Hispanic."

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Research Compiled by:      Cindy Congdon  
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