

ALEKSANDR BOKSNER

PERSONAL

Address: 7749 Paddock Place
Davie, Florida 33328

Contact: Cell: (305) 216-6258
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EDUCATION

Juris Doctor - 2001
University of Toledo College of Law - Toledo, Ohio

Bachelor of Arts - 1998
University of Cincinnati - Cincinnati, Ohio

SUMMARY OF RELATED EXPERIENCE

2009 - Present	<u>CITY OF MIAMI BEACH, FLORIDA</u> Population 91,700 Deputy City Attorney and General Counsel
2008 - 2009	<u>MARION COUNTY, FLORIDA</u> Population 365,600 Chief Assistant County Attorney
2005 - 2008	<u>CHARLOTTE COUNTY, FLORIDA</u> Population 188,900 Chief Litigation Attorney
2004 - 2005	<u>NRT, INC.</u> Westin, Florida Associate Counsel
2001 - 2004	<u>OFFICE OF THE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA</u> Miami, Florida Assistant State Attorney

Aleksandr Boksner
7749 Paddock Place, Davie, Florida 33328
305-216-6258

September 8, 2021

Robert E. Slavin
SLAVIN MANAGEMENT CONSULTANTS
3040 Holcomb Bridge Road, A1
Norcross, Georgia 30071

Submitted Electronically

RE: City of Fort Pierce, City Attorney Position

Dear Mr. Slavin:

Please accept this Letter of Interest and Resume in regards to the City Attorney Position with the City of Fort Pierce, Florida.

I am currently the Deputy City Attorney for the City of Miami Beach, Florida, and provide legal counsel to the Mayor and City Commissioners, the City Administration and the various City Departments on a broad spectrum of legal issues. More specifically, I am responsible for those matters that involve the City's governmental business operations, land use interpretation and drafting, federal and state litigation, statutory implementation, application and procedures, labor and employment, and other numerous legal matters that impact the governmental functions of the City of Miami Beach.

At your earliest convenience, please review my resume to further evaluate my candidacy for this excellent position. I look forward to discussing my qualifications in further detail and welcome the opportunity for an interview. Thank you for your consideration.

Sincerely,

/s/ Aleksandr Boksner

Aleksandr Boksner

SUMMARY OF PROFESSIONAL EXPERTISE AND STRENGTHS

- Twenty years of extensive experience in advising on, operations, regulatory compliance, policies, procedures, financing and administrative guidance on government business practices, including legal management of regulatory departments, principles of civil, constitutional and administrative law, preparation of resolutions and ordinances, liaison with corporate vendors, contractors, citizens and external agencies on sensitive and controversial issues, and formation of cost-effective and goal-oriented legal compliance with emerging legal disputes (contractual and statutory).
- Strong government counsel orientation with extensive experience advising elected officials, government departments and the Office of the Inspector General on all aspects of governmental compliance and investigation, litigation (commercial, land use, construction, tort and appellate), sovereign immunity, employee relations, legislative process and procedure, contract formation and drafting, governmental procurement and purchasing (traditional procurement and Job Order Contracting), and various aspects of public/private development agreements, including modifications, operability studies and fiscal challenges, and in connection with these entities day-to-day business activities, interaction with vendors, contractors, federal and state entities and officials.
- Strong senior counsel with substantial experience in advising, and working with, elected officials (and government administration) and private business colleagues on various public/private governmental contracts and legal issues, risks, preferred outcomes and strategies.
- Strong substantive knowledge and analytical skills, with excellent judgment and ability to quickly and effectively identify, assess, communicate and resolve legal and, as appropriate, business issues as necessitated by municipal policy requirements, objectives and the law.
- Excellent interpersonal, communication (written and verbal), negotiating and drafting skills.
- Apply critical thinking to issues, demonstrating resourceful, pragmatic and creative approach to issue solving and addressing governmental entity and municipal-related policy objectives.

PROFESSIONAL EXPERIENCE

The City of Miami Beach, a municipal corporation

Deputy City Attorney and General Counsel, Miami Beach, Florida 2009 to Present

Marion County, Florida, a political subdivision of the State of Florida

Chief Assistant County Attorney, Ocala, Florida 2008 to 2009

Charlotte County, Florida, a political subdivision of the State of Florida

Chief Litigation Attorney, Port Charlotte, Florida 2005 to 2008

NRT, Inc.

Associate Counsel, Weston, Florida 2004 to 2005

Office of the State Attorney, Eleventh Judicial Circuit of Florida

Assistant State Attorney, Miami, Florida 2001 to 2004

BAR ADMISSION AND EDUCATION

Bar Admission

Florida, 2001
Tennessee, 2008

University of Toledo College of Law, Toledo, Ohio

Juris Doctor, 2001

University of Cincinnati, Cincinnati, Ohio

Bachelor of Arts, 1998

LANGUAGES

English and Russian

DESCRIPTION OF EXPERTISE AND EXPERIENCE

Government Counsel

Extensive experience representing, advising and rendering legal opinions to elected officials, managers/administers, boards, commissions and other staff on all aspects of governmental business operations and governance, operations and policy initiatives, and other aspects of their regulatory compliance, business function, labor and employment, and litigation. Advised governmental entities in connection with their day-to-day activities and contractual relationships and obligations, including aspects pertaining to vendors, citizens, suppliers, contractors and employees, and reviewing and preparing agreements relating to such matters, including project specific agreements, Job Order Contracting, land use licensing and permitting, memorandums of understanding, mutual aid and cooperation assistance agreements and consent agreements. Experience in analyzing pending and proposed legislative (federal and state) action impacting the administration, operation and functionality of the governmental corporations, and the investigation of complaints and claims involving all aspects of government departments, staff and programs. General Counsel to the City of Miami Beach Inspector General and Office of the Inspector General.

Regulatory, Compliance and Litigation

Extensive experience ensuring compliance with municipal, state and federal ordinances, statutes, regulations and codes, including, Florida Building Code, National Fire Prevention Code, Local Government Code Enforcement Boards Act, Drug-Free Workplace Act, Florida Public Records Act, Florida Contraband Forfeiture Act, False Claims statutes and ordinances (Federal, state and local), Florida Uniform Traffic Control Law, Florida Vessel Safety Law, Whistle-blower's Act, Clean Water Act, Criminal and Civil Justice Policy Council, Bank Secrecy Act, 31 U.S.C. Section 5311 – 5332, Florida Anti-Fencing Act, Florida Communications Fraud Act, Florida Money Laundering Act, Florida Mutual Aid Act, Bert J. Harris, Jr. Private Property Rights Protection Act and Florida Land Use and Environmental Dispute Resolution Act. Experience as Chief Litigation Counsel for lawsuits in federal and state courts representing public entities for violation of the United States Constitution and Florida Constitution, defense of various statutory and common law causes of action, including regulatory taking, inverse condemnation, eminent domain, 5th Amendment taking under §1983, covenants of good faith and fair dealing, doctrine of recoupment, termination of contractual agreements for convenience, littoral takings, public records law, and all other litigation matters impacting governmental business operations.

Government Contracting

Extensive experience representing governmental entities in collaborating, documenting and completing contractual agreements pursuant to the Florida Interlocal Cooperation Act of 1969, and those contractual agreements involving purchase and sale, architecture and engineering, Federal cost reimbursement, administrative services, indemnity and hold harmless, independent contractor, sponsorship agreements, utility franchise, Capital Improvement Project (CIP) design build, risk services, licensing, invitation to bid (ITB), request for qualification (RFQ), request for proposals (RFP), professional services, artist, revocable permits and easements, concessionaire, street scape and management. Extensive experience in negotiating and drafting agreements documenting these contractual agreements, including terms, conditions, modifications, amendments, demands, cure letters, notices of default, as well as those documents mandating indemnification and the assertion of a legal defense. As part of each contractual agreement, managing and coordinate the involvement of relevant staff and professional experts in those areas which directly impact the specific governmental operations and functions.

**CITY OF FORT PIERCE, FLORIDA
CITY ATTORNEY
SEMI FINALIST CANDIDATE QUESTIONNAIRE**

Name: Aleksandr Boksner

Home Address: 7749 Paddock Lane, Davie, Florida 33328

Home/Work/Cell phone numbers: 305-216-6258

E-mail address: toledo1998@aol.com

1. Why are you interested in becoming Fort Pierce's next City Attorney and how does this position fit into your overall career plans?

I consider Fort Pierce to be a great city on the treasure Coast. I have strived throughout my entire legal career for the opportunity to serve such a great municipality, and would welcome those challenges that accompany such an endeavor. It would be my absolute honor and privilege to serve as the next City Attorney for the City of Fort Pierce, and this position would serve as the pinnacle of my legal career. In my experience representing Florida municipal and county governments, I believe that this knowledge would be an ideal fit for those expected challenges that the City of Fort Pierce will be experiencing over the next several years.

2. What is the largest number of employees that you have managed and where? What is the largest annual operating budget that you have managed?

I'm currently in a leadership and management role, and have overseen a total of 21 employees within the City Attorney's Office for the City of Miami Beach. This would reflect the supervision of 12 attorneys (excluding outside litigation counsel). I have managed the budget for the City Attorney's Office, which is presently at 6.3 million.

3. How do you stay professionally current and on top of issues with the potential for significant impact on your jurisdiction? How do ensure that your employees stay current?

In today's immediate notification climate for the legal profession, there are a multitude of resources that will permit an attorney to receive the most current legal decisions or those pending legislative amendments (Federal or state) that would direct impact the governmental business operations of the City of Miami Beach. In that regard, I have availed myself of these various web-based legal notification entities, which does permit me to remain current and on-top of any adverse appellate legal decision(s) or legislation that would jeopardize the City of Miami Beach's legal position in a pending matter or require a change/modification to its governmental functions or operations.

Equally important, I review numerous legal publications for those matters that potentially implicates the City of Miami Beach, and attend necessary and relevant seminar(s) that further supplements my legal knowledge on any essential subject matter pertaining to the City.

With that said, I feel that it's my responsibility to ensure that the City Attorney's Office employees develop their absolute potential best within the Office. There are several

important factors that I consider essential for members of my team. I feel that development opportunities must be shared with members of the City Attorney's Office, and suggesting that some take the opportunity to attend appropriate legal seminars to further develop their skills in the legal field. Although training programs are appropriate for different legal areas, certain types of training are particularly important for individuals willing to work hard to improve their career opportunities. These include training opportunities in areas such as leadership, management, negotiation, and other areas likely to be useful to the City and the City Attorney's Office.

4. Describe your leadership and management style with your employees.

I have strived to establish a clear teamwork approach between different attorneys and staff in order to have this concept become of true value within the City Attorney's Office culture. Regrettably, the legal profession has fostered a culture and reputation where employees are compensated and celebrated for their individual performance and contributions, which does not, and cannot, encourage a teamwork approach with handling legal matters. Therefore, it has instead fostered a sense of competition.

I wholly recognize that encouraging a collaborative work environment takes more than just putting employees on teams or telling them to work together. This type of thinking starts directly with the City Attorney and must trickle down into everyday interactions with other City staff members. The fostering of a teamwork approach is part of creating a work culture that values collaboration, rather than encouraging competition. I believe that a culture of teamwork creates opportunities for employees to work together and use all available resources and skills to reach city-wide goals and objectives.

With that said, my management style is fluid, and not wholly comprised of any one specific structure or format. I believe that a leader must have the capability to adapt to a broad-range of management styles, and implement those styles based upon the particular set of circumstances. I will encourage my employees to work collaboratively and professionally, and accomplish their respective responsibilities in a timely manner, knowing that my door is always open to discuss possible ideas, strategies and best approaches to resolving pending legal issues, matters or concerns.

5. Have you ever worked directly for a policy making body?

Yes, I have worked with the Mayor and individual City Commissioners (policy making body) in order to recommend potential legislation or other legal directives in order to address the multitude of those quality of life matters or concerns impacting the City of Miami Beach, and have consistently identified necessary measures that should be adopted, including the rendering of various opinions or reports on a multitude of legal matters affecting the City.

6. Are you a member in good standing of the Florida Bar?

Yes, I am a member of the Florida Bar in good standing.

7. Describe your workload tolerance.... what type of office hours do you typically keep?

I have nearly twenty (20) years of experience in advising four (4) different governmental entities on their operations, regulatory compliance, policies, procedures, financing and administrative guidance on various government business practices, including legal management of regulatory departments, principles of civil, constitutional and

administrative law, preparation of resolutions and ordinances, liaison with corporate vendors, contractors, citizens and external agencies on sensitive and controversial issues, and formation of cost-effective and goal-oriented legal compliance with emerging legal matters or issues (contractual and statutory).

Of those 20 years, I have been employed with the City of Miami Beach for over 12 years, and the workload of the City is very intense, extensive and fast-paced based upon a number of factors, which pertain to, and include, the City's population surging with the influx of approximately 8.5 million visitors annually. Therefore, it requires me to spend extensive time in the office in order to address the myriad of legal issues that the City faces daily.

8. What would you hope to accomplish the first 30 days on the job; the first 6 months; and the first year?

In the first 30 days as the City Attorney, I would hope to meet all department directors (including other supervisory personal), and a develop further understanding of those immediate legal issues facing the City of Fort Pierce. Additionally, I believe that weekly or by-weekly meetings with the Mayor and City Commissioners and the City Manager is essential, and I would hope to schedule such meetings.

In the first 6 months, I would hope to have attained a detailed understanding of the City Attorney's Office, and all pending or threatened legal actions against the City of Fort Pierce. Additionally, I anticipate that after consistently meeting with the Mayor and City Commissioners for the preceding months, that the policy directives and initiatives of the City Commission would become clear, and that I would be working with the City Manager to accomplish those objectives.

Lastly, In the first year as the City Attorney for the City of Fort Pierce, I anticipate that there would be a cohesive working relationship with the City Manager, and that the policy directives, goals and objectives set forth by the Mayor and City Commission would be collegially accomplished for the benefit of the City. Furthermore, I would have established an extensive and thorough understanding of all potential and existing legal threats against the City, and would be successfully addressing these threats and other legal matters. Equally important, I would have solidified the appropriate legal course of action for those issues that the City Commission has identified to be of an important concern within the City of Fort Pierce, and I would continue to meeting (on a regular schedule) with the Mayor and City Commission in order to provide legal guidance on the City's potential options for these challenging matters.

I would strived to address these issues that could impact the City of Fort Pierce, and continue to provide legal advice that is honest, concise and straight forward, and informs the City and its elected officials of the fullest extent of potential legal options.

9. What experience do you have with organizational and/or performance analysis directed at identifying issues in need of change?

In regard to this question, I've had experience in dealing with such matters, and have focused the response specifically to the City Attorney's Office and its organizational or performance analysis of the Department itself and its employees.

I believe that routine interaction and evaluation of employees within the Department to be absolutely essential and necessary to support compensation, promotion and retention

decisions as well as to ascertain how the employee(s) are performing with respect to the goals and needs of the City and the City Attorney's Office. In recognizing the limitations of, and effectiveness of the traditional review process, I consider deficit-oriented performance reviews that emphasize what an employee is not doing well to be counterproductive, generating employee dissatisfaction and lower organizational performance. It just makes sense that the negative dialogue of a review that highlights mistakes and shortcomings is not especially motivating.

Alternatively, I focus upon a process that identifies an employee's strengths and encourages collaboration among the other members of the City Attorney's Office, which would certainly include other supervisors and subordinates. I have embraced a more positive, prospectively directed system that can validate what is going well and develop future performance goals that build upon previous success, balancing the effects of any negative feedback and supporting individual employee engagement. I've recognized that it's most important not to think of performance reviews as the delivery of information by a superior to a subordinate, but to reimagine the process as a dialogue intended to share information about the work and workplace and co-create a plan which facilitates ongoing growth, development and information sharing that accomplishes the goals of the governmental organization.

10. Please describe your experience in dealing with intergovernmental entities. Specifically, how do you work with the City Manager and other sections/branches of the City government while maintaining your independence?

I have developed an extensive understanding of those necessary skills, which a City Attorney must embrace and recognize in order to provide the appropriate legal representation to the City Manager (including Department Directors). It is without question that there are various legal and administrative dynamics that exist between the governing body of a municipality and the City Administration, which may undoubtedly result in potential impediments that inevitably emerge through those efforts utilized to implement the policy direction issued by the Mayor and Commissioner. I have gained the necessary understanding to acknowledge such various dynamics, and have adapted a broad-range of management styles and experiences necessary to implement those styles according to the appropriate set of circumstances that might be necessary to accomplish a working collaboration with the City Manager and essential Department Directors, while ensuring that the City Commission directives are properly accomplished.

With that said, I would manage the role of City Attorney in a professional manner, and strive to accomplish the respective objectives and responsibilities of both the City Manager and the City Attorney, in order to achieve the desired outcome that has been identified by the City Commission.

I recognize that conflicts may arise between the respective role of the City Manager in seeking to accomplish various policy direction issued by the City Commission, which could result in a conflict with those legal obligations of the City Attorney. In the event such a conflict does present itself, I'm confident that as Fort Pierce's City Attorney, that the City Manager and I would be able to discuss all available and viable options or solutions to ensure that the City of Fort Pierce is legally protected, and that no adverse consequences would negatively implicate the Mayor and Commissioners, the City Manager or other Department staff, while making certain that the City Commission's policy directives are implemented without delay.

11. Tell us how you communicate with your governing body and its individual members.

I've directly worked with the Mayor and City Commission in a collaborative relationship, which recognizes that approachability, responsiveness and clear communication of those pending or potential legal matters of the City of Miami Beach, is absolutely an essential element to ensuring success of the governing body's priorities, objectives and policy initiatives. Equally important, I've taken a leadership role with the Mayor and City Commission, through clear and effective communication skills when faced with any legal adversity or challenge, while making certain not to sacrifice those ethical obligations of the City Attorney. This approach has permitted me to focus upon the individual goals for the members of the City Commission, and further ensured that such working relationship(s) don't transition into matters of public policy without assuring the proper legal level of transparency. In that regard, I've endeavored to provide direct and concise legal guidance and counsel to the Mayor and City Commission on policy-making activities, by providing binding legal precedent and the application of existing legal principles, in order to ascertain a pathway or direction that furthers such policy objectives of the governing body.

12. How would you handle situations where the Commissioners wish to take actions that you do not consider lawful?

I believe that the City Commissioners should be apprised of, and receive any information, which could result in potential legal issues or consequences, or that could adversely impact the Mayor and City Commissioners. Certainly, I recognize that each Elected Official will be provided further clarity on those matters which they deem important (and seek further briefings on any given subject matter), and once I have been able to properly establish this understanding, I believe that the information that would be forthcoming from me would be transparent, appropriate and avoid any confusion or misunderstandings.

However, should there be a disregard of my legal advice or opinion on a matter, I would make certain that the individual is properly informed about the potential legal risks and adverse consequences that could materialize should there be a continued effort to proceed on a course of action that ignores my legal counsel on the subject matter, which may include litigation, civil or criminal penalties, and other negative legal action. With that said, and provided that the decision which conflicts with my legal advice or opinion is not illegal pursuant to the law, I recognize that City Council, City Manager, or any Department Director are my clients and are not obligated to follow my legal advice. The City Council and City Manager will be making the ultimate decision on a matter, which would most likely be based upon their level of risk-aversion, once all the potential legal issues or consequences are disclosed.

13. How would you handle questions of law, including issues relating to public safety, that may be viewed differently by an ethnically and economically diverse community and Commission?

I believe that the City Attorney must ensure that there is continued compliance with Florida's law by instilling the free flow of information amongst the governmental entity and those private individuals that interact with the City. This would allow direct citizen input, review, and criticism of government action, and thereby increases the quality of the City's governmental operations and activities. It is essential that the City Attorney undertake an active role in preventing the municipal organization from failing to disclose or prevent the release of clear public information, when such efforts serve to unequivocally permit continued transparency that enables stronger, more appropriate relationships with the general public by allowing for more accurate verification of the City's compliance with the

law, and how it conducts its governmental business.

Ultimately, the City Attorney must be a proponent of disclosing the business operations and activities of the City, transparency produces an informed public, a responsive government, and as a result, the City's residents believe that its government has its citizens best interests. Therefore, I would handle such questions consistent with those principles set forth herein, factoring

14. Please provide a copy of a legal opinion that you have authored. (You may provide a redacted copy.)

Please see attached legal opinion.

15. Have you ever been found to have committed any acts of discrimination, sexual harassment, or creation a hostile work environment? If so, please explain.

No, I have never been found to have committed any acts of discrimination, sexual harassment, or creation of a hostile work environment.

16. Do you have any unusual personal consideration(s) that would need to be resolved before you could accept this position? If so, please explain.

No, I do not have any unusual personal consideration(s) that would need to be resolved before accepting the position.

17. Should you become a finalist candidate, we will perform education, credit, civil, criminal and motor vehicle court records, internet search and reference checks on you. In doing so, will we find anything that you need to explain in advance?

There have been numerous media articles that reference pending litigation or other legal matters involving the City of Miami Beach. In that regard, I've been referenced as legal counsel for the City of Miami Beach in those media articles, as they might identify pending adverse legal matters against the City. With that said, I've not been the subject of such media articles, but the below matter is being disclosed in the abundance of caution. Should there is a belief that any other matters require commentary, please do not hesitate to contact me.

A Plaintiff and his wholly-owned corporation filed a frivolous lawsuit against the City for various alleged constitutional violations. The City prevailed on all claims, and the Federal Court ordered that the City was entitled to an award of all its reasonable attorneys' fees. The Plaintiffs paid the City \$600,000 for those attorney fees incurred, and Plaintiffs law firm paid the City \$100,000. Subsequently, the Plaintiff has issued erroneous and disparaging assertions against me and another attorney.

18. Is the resume you submitted accurate and current? If not, please explain any discrepancies.

Yes, the resume is accurate and current.

19. Are you currently employed?

Yes, I am currently employed.

20. Have you ever been fired or resigned under pressure from a job? If so, please explain.

No, I have never been fired or resigned under pressure from a job.

21. Have you ever sued an employer or been sued by an employer or employee? If so, please explain.

No, I have never sued an employer or been sued by an employer or employee.

22. What are your compensation expectations?

I'm open to discussing the salary requirements for the position of City Attorney. I do have significant legal experience, knowledge and expertise in municipal and governmental law, which I believe adds value to my candidacy for this position. I'm optimistic that a fair salary can be negotiated.

Boksner, Aleksandr

Subject: FW: Your Inquiry-CMB Regulation(s) of Firearms

From: Boksner, Aleksandr <AleksandrBoksner@miamibeachfl.gov>

Sent: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: Your Inquiry-CMB Regulation(s) of Firearms

This memorandum is in response to your verbal inquiry as to whether the City of Miami Beach has the legal authority to enact an ordinance to prohibit and/or control the sale and possession of automatic firearms throughout the City.

The Florida Legislature has declared that the regulation of firearms and ammunition (which includes the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation of firearms and ammunition), is preempted by the State of Florida, and that any existing (and future) ordinance(s) or regulation(s) that might be enacted by a county, city, town or municipality is thereby declared null and void pursuant to Section 790.33 of the Florida Statutes (which statutory provision may be identified as the Joe Carlucci Uniform Firearms Act).

The Florida Legislature's preemption authority for firearms regulation is derived directly from the Florida Constitution. Specifically, Article I, Section 8(a) of the Florida Constitution provides, "The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law." Florida appellate courts have explained that, "the phrase 'by law' indicates that the regulation of the state right to keep and bear arms is assigned to the Florida Legislature and must be enacted by statute." *Fla. Carry, Inc.*, 133 So.3d at 972.

The Legislature's reservation (preemption) for itself of the whole field of firearms regulation is codified within Section 790.33(1), which provides:

(1) Preemption.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

This statutory provision has explicitly preempted the regulation of firearms by local governments. *See Pelt v. State, Dept. of Transp.*, 664 So.2d 320, 321 (Fla. 1st DCA 1995), *rev. denied*, 671 So.2d 788 (Fla.1996). Equally compelling, the Legislature in October of 2011 further emphasized and reiterated that the regulation of firearms was solely within the purview of the Florida Legislature, and not within the jurisdiction of local governmental entities. *See* Ch. 2011–109, § 1, Laws of Fla.

The legal impact of the 2011 Amendment to Section 790.33 is extensive. Specifically, the Amendment established definitive fine and penalty provisions against "any person, county, agency, municipality, district, or other entity" that enacts or causes the enforcement of any local ordinance that violates the preemption authority set forth within Section 790.33(1) of the Florida Statutes. Furthermore, this statutory amendment would subject the City of Miami Beach to a Circuit Court proceeding that would, undoubtedly, declare the ordinance improper pursuant to Section 790.33(3), and the issuance of a permanent injunction that would prohibit the City from taking

any enforcement action upon the newly enacted ordinance (It must be noted that the Mayor and City Commission would not have a defense for acting in good faith or upon the advice of counsel).

Additionally, and of greater importance, the amendment to Section 790.33(3) authorized the Circuit Court to assess a civil fine of up to \$5,000 against an elected local government official(s), including the termination of the employment or contract of any person (e.g., City Manager, Chief of Police or City Attorney) acting in their official capacity, for knowingly and willfully enacting or causing the enforcement of a local ordinance that violates the statutory preemption codified within Section 790.33(1). The Legislature has further authorized the Florida Governor to remove from office the elected local government official for the knowing and willful enactment of such a local ordinance, and the City would be legally prohibited from expending any public funds to defend or reimburse the Mayor or City Commission that have been found to have violated the statutory prohibitions proscribed in Section 790.33(3).

Regrettably, the City of Miami Beach does not have any legal authority to enact any legislation that regulates firearms and/or ammunition, and any attempts to enact such legislation would result in the knowing and willful violation of Section 790.33(1) of the Florida Statutes...exposing each elected or appointed member of the City Commission to a civil fine of up to \$5,000, and removal from office by the Governor of the State of Florida.

Should you have any questions, please do not hesitate to contact me.



ALEKSANDR BOKSNER

Deputy City Attorney

Education:

University of Cincinnati, Cincinnati, Ohio (B.A. 1998)

The University of Toledo College of Law, Toledo, Ohio (J.D. 2001)

Member:

State of Florida

State of Tennessee

U.S. District Court, Middle District of Florida

U.S. District Court, Southern District of Florida

Florida Middle District Bankruptcy Court

Aleksandr Boksner joined the City of Miami Beach Office of the City Attorney in 2009. Mr. Boksner provides legal counsel to the Mayor and City Commissioners, City Manager, and Department Directors pertaining to its governmental business practices, liability and sovereign immunity, including those regulatory and technical departments, State of Florida public records and government in the sunshine laws, contract formation, interpretation and drafting, legislative process and procedure, regulatory and statutory compliance, and the legal impact of civil and criminal litigation surrounding all aspects of the City of Miami Beach's governmental business operations.

Mr. Boksner prepares various resolutions and ordinances, drafts prospective legislation for consideration by the State of Florida, and reviews contracts for compliance with the City of Miami Beach procurement code, in conjunction with the negotiation of various public/private contracts, land use disputes, franchise agreements and other contractual agreements. He supervises the prosecution of code enforcement matters before the Special Master to ensure regulatory compliance with those technical statutes, regulations and codes. He handles a multitude of litigation matters (commercial, land use, construction, tort and appellate) which involve issues of sovereign immunity, regulatory taking, inverse condemnation, littoral takings and other statutory and common law causes of action impacting the City of Miami Beach. Mr. Boksner provides broad range and extensive legal guidance on the City of Miami Beach's governmental operations and governance, policy initiatives and other aspects of the City's business functions and litigation.

Prior to joining the City of Miami Beach Office of the City Attorney, Mr. Boksner's professional experience and background consisted of significant legal positions at other governmental agencies that included the Office of the County Attorney, Marion County, Florida; Office of the County Attorney, Charlotte County, Florida; and Office of the State Attorney, Miami, Florida.

Reference Summary

IN PROGRESS - AWAITING RETURN REFERENCE CALLS.

QUALIFICATIONS APPRAISAL GUIDE

Aleksandr Boksner

	Very strong evidence that skill is present (5 Points)	Strong evidence that skill is present (4 Points)	Some evidence that skill is present (3 Points)	Strong evidence that skill is not present (1-2 Points)	Very strong evidence that skill is not present (0 Points)	Insufficient evidence for or against skill (0 Points)
GENERAL IMPRESSIONS: Behavior and appearance appropriate to the job; poise, tact, neatness and grooming and professional maturity.						
BACKGROUND: Type of and quality of experience, appropriate education and reasons for job changes.						
PRESENTATION: Communication skills; ability to understand implications of questions and to make clear and direct replies; ability to select, organize and present ideas; clarity of speech and appropriate use of language.						
JOB EFFECTIVENESS: Ability to perform the duties of the job; industrious, dependable and properly assertive; ability to deal effectively with practical problems of the job; interpersonal skills appropriate for the job.						
ADMINISTRATION: Ability to perform in an administrative capacity; understanding of the principles and practices of management and leadership; ability to lead, direct, and coordinate the work of others; understanding of the political process and ability and willingness to work within it.						

Total Points _____

Comments

Interviewer Signature: _____

Date: _____

