



## **MINUTES OF THE CITY OF MIRAMAR COMMISSION WORKSHOP**

**May 15, 2019**

**5:00 P.M.**

A Workshop of the Miramar City Commission to discuss the City Attorney's Contract was called to order by Mayor Messam at 5:14 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Wayne M. Messam  
Vice Mayor Alexandra P. Davis  
Commissioner Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Commissioner Yvette Colbourne

The following members of staff were present:

City Manager Vernon Hargray  
City Attorney Jaime Cole  
City Attorney Alison Smith  
City Clerk Denise A. Gibbs

MAYOR MESSAM: During the last Commission meeting, I requested a workshop to discuss the City Attorney contract after -- during Commission reports, the motion by Vice Mayor Davis to terminate the current City Attorney contract to move to another legal firm for those services. The purpose of my request for the workshop was due to the nature of the magnitude and significance of our legal services for the City of Miramar. I've urged the Commission that it warranted further discussion regarding a change of those services and, with the prospects of discussing -- illustrating, in terms of what is the magnitude of our legal needs for the City, in addition to the fact that, by Charter, the Commission appoints the City Attorney. Based on the motion, the Commission did not have any discussion regarding the legal needs of the City, as well as the status of the current contract, or the process to terminate the contract, or even to discuss solicitation for services. And I thought -- well, my position is that services of this magnitude should be a transparent process, as well as have an opportunity for public

inspection to determine the legal needs and services for the City. Because of the unique nature of this workshop, there has been a request by our current attorney to do a presentation, which I will grant, and then I will provide an opportunity for Vice Mayor Davis, if desired, to state her position in regards to her motion. And we then, after that position, will give further instructions regarding any potential public participation. At this time, I will yield the floor to our current City attorney for a presentation.

CITY ATTORNEY COLE: Thank you, Mayor. Before I turn this over to my partner, Alison Smith, to make a presentation, I just wanted to say a couple things. It's been an honor, over the last 20 years, for me personally and for our firm, to serve as your City Attorney. During these 20 years, we have sat as your City Attorney at 500 Commission meetings. During those 20 years, we have had the City Commission consider and approve approximately 10,000 agenda items; not one time has there been a problem with an agenda item that resulted in it having to be corrected or overturned. During that 20 years, we've negotiated and drafted 5,000 contracts; not one time has there been a problem with one of those contracts or a mistake that led to a problem for the City. During those 20 years, we have issued hundreds of ethics and Sunshine Law opinions to each member of the City Commission; not one time have we given you bad advice, or had it result in any of you getting into any trouble. During those 20 years, we have worked with the City Commission and the City staff to fight the good fight. We fought the good fight to eliminate the Waste Management monopoly in solid waste in Broward County; we fought the good fight against blasting; we fought the good fight against Broward County regarding underpayment for money for EMS, and we brought the lawsuit and we got the City over \$1 million. We fought the fight with the Commission to get a living wage for City employees. We fought the fight with the Commission to get someone to deal with some bad conditions at the ICE facility. We fought the fight to prevent a superstore box retailer that the Commission did not want, and we were sued and we prevailed in court. We've been fighting the fight to stop oil drilling right near Miramar in the Everglades. We're fighting the fight by suing drug companies for damages regarding the opioid epidemic. We've been defending hundreds of lawsuits for the City, settling when the City Commission directs, fighting when they don't, and getting very good results. We've been fighting the fight by encouraging economic development in the City, and helping City staff bring major new companies to the City. We've been helping the City develop massive capital projects over the City, throughout the City for the past 20 years. As we saw at the Visioning Session, so much has been done, and we've been part of all of that. We fought the good fight regarding Broward County and the Resource Recovery Board assets, ultimately bringing to the City \$2.2 million, and now we're fighting the fight on behalf of the City and other cities dealing with firearms preemption, and having local government control over guns. It's really been an honor these 20 years to fight the good fight, to work for the City, and it's been my pleasure, personally, to do so. I want to thank each of you and all your predecessors for giving us that opportunity, and we certainly do want to continue to do so. So, at this time, I'm going to turn it over to my partner, Alison Smith, who's been really doing most of the legal work for the City and supervising it. Thank you.

CITY ATTORNEY SMITH: Thank you, Jaime, and thank you everyone. Like Jaime said, my name is Alison Smith; some of you don't know me, so I'm going to take some time this evening during my presentation who I am. All the staff know me, work with me very single day. Before I get into the PowerPoint presentation, I just wanted to say some thank yous. I would not be Alison if I didn't do that, sorry. Wasn't planning to cry. It has been a pleasure to represent the City for the last ten years with the firm. I am a resident of this City, and I love this City. This is my City -- this is my City. Give me a minute, please. This is not a regular client for me. This is not a regular business transaction. This is my home. I have lived here for over 20 years. I contribute to this community, I give back to this community, and to communities throughout Broward County. And I want to say thank you to the Commission, to the Mayor and to the Commission for having us here today, even though I can tell you this has been the most stressful two weeks of my professional life of over 15 years of being an attorney. I have been stressed every day for the last two weeks trying to prepare to come here, trying to get my thoughts together, and trying to not cry when I sit up here, because I'm a very genuine person. Those of you who know me know that. I want to say thank you to the staff that I've worked with for the last ten years, and as your City Attorney for the last four. It's a pleasure working with you. It's a feeling I can't describe to be able to represent your city; you live here, but you also represent the City, and you see so much growth and so much progress, and it's an absolute pleasure to do that, and I thank you. And to the staff and to the residents who have seen me over the last two weeks, and literally just thrown your arms around me and said, "We love you.", you have no idea how far that's gone, because that has really helped me to be brave. Because what I want to do some days is run away and not be here, but I come here and I smile and I talk to everyone and I'm friendly, and I still have done all my work over the last two weeks, and I appreciate everybody's support. With that, I'm going to go into the presentation. Frederika, if you can put the slides up. I first want to talk about our legal team that represents you, and this is just a snapshot of the people. Our firm has close to 70 lawyers, so the people that you're going to see are just some of the core attorneys that actually represent the City. I talked about myself just briefly, but just to expound a little bit more on who I am. As most of you can probably tell from my accent, I'm Jamaican. I migrated to this country with my family in the late '90s. We live on the east side, the historic side, that's where I lived for years until we moved to the west side of the City. My sister is actually here this evening. Thank you, Cissy, for supporting me. My family is dispersed throughout this City. My grandmother lives here, my mother lives here, my cousins, aunts, uncles. My grandmother is one of 12; most of her nieces and nephews live here in the City. I graduated from high school in Jamaica. I graduated from high school in the same parish where the Vice Mayor is from, and where Commissioner Chambers is from, from Manchester. And I came here, I migrated here. We had no connections here or anything like that. I worked very, very, very hard to get to where I am. I have won numerous awards over the years. I have been an attorney over the 15 plus years. I graduated at the top of my class, served as the class valedictorian, something I was very proud of, even though it was a long time ago. But, recently, I've received numerous awards. I've been recognized as a top up and comer by numerous publications: Miami Herald, South Florida Business Journal, Cystic

Fibrosis Foundation, on and on and on. I've been given the Most Powerful Women and Influential Woman Award by numerous organizations. I am somebody that is very, very entrenched in this community and love what I do, and work very, very hard. I do all of your day-to-day legal work here in the City. All the staff knows that. And I'm looking on this side, because our staff usually sits on this side, so you can talk to the staff and ask the staff how happy they are with the legal services, because I think they would agree that the legal services that are provided to them are excellent. I am always available, I'm always accessible, I am always here. I serve with Jaime Cole, who's also on this slide, and Jaime does quite a bit of work for various municipalities throughout Broward County, and he's one of the preeminent figures in municipal law throughout Broward County, and it's an honor to serve with him. And, like I said, it's an honor to serve this community. We have Ashley Daniels, who also happens to be a Miramar attorney. She does municipal law, or general municipal law, which could include agenda review, reviewing all the daily contracts, and making sure that all the items that appear before the Commission, like those that will appear this evening, have been reviewed and vetted. Karen Lieberman also does the same work, as does Elen Gantner. Elen is also here in the audience today. Our litigation team is very large. We just picked some of the core people who work on the Miramar cases; we have Matt Mandel, Justin Luger, who's here in the audience as well, and Brooke Ehrlich; they form critical components of our litigation team, and they've done a great job for the City. We have Paul Gougelman, like Eric, our Director of CED knows him very well; they work together very closely. We've done massive changes to the Land Development Code. He has worked with Eric to put those changes together. Chanae Wood, who also is a Miramar resident works with Paul on our land use issues as well. And then there's me again. So I told you that I've been here for ten years. I started off as the labor attorney for the City, and four years ago became one of the principal City attorneys. Milton Collins, who works in the Palm Beach office also does labor work, assist me with all the labor work for the City, whether its collective bargaining, making sure those union contracts are done, or we have grievances, we go to arbitrations. He is, basically, my right hand when it comes to any of the labor work. Aleida Martinez handles all our bankruptcies. I was just asked recently by Finance to put together bankruptcy protocols, and she's working on those. We have Cliff Schulman who does all our environmental work; you can Google him, he's very, very well renowned throughout Broward County, and actually throughout the nation for his sophistication and skill when it comes to environmental issues, municipal issues. There's Michael Kurzman, who does construction law; many of our staff members know him, because he's worked with them. He's currently working with them on a significant construction issue that we're trying to resolve. Christopher Saunders does our telecommunications; he's currently working on eight different projects with various telecommunication partners throughout the City. Eric Stettin does our Worker's Compensation claims; we have 137, I believe 138 as of today. We just received one yesterday. All the Worker's Compensation open claims that are pending. We have Robert Meyers, many of you know him. He's the former Director of Ethics for the Miami-Dade Commission on Ethics. He's excellent; he provides training to our staff. He's actually been doing a round of training for the staff on ethics and rules that our staff persons need to abide by. Then we have our bonds and municipal finance. As

some of you know, we've had to take out bonds to build certain structures; for example, the amphitheater. We need bond attorneys who have a specialty in that. Jeff DeCarlo does our bond work, and municipal finance is done Lori Smith-Lalla. Maria Currais does the real estate. Some of you know her. We have massive real estate projects that are going on right now, and she is in the middle of doing those projects, and trying to get them resolved for us. Some other areas of law that we do; we do the police legal advisor work. I actually serve at the police legal advisor. We do community development, community redevelopment, code enforcement and liens, claims reviews. We just had one today. What that means is our insurance adjusters come here and they meet with me, and they go over all the pending cases, and our excess carriers are there, our third party administrator is there, and we have them quarterly. We do public/private partnerships as well, our P3s. Other special projects; Jaime sort of mentioned some of these, but addressing the concerns of the ICE facility, we've been going to all the blasting meetings. I see one of the members of the Blasting Committee here sitting to my left. The firearms preemption lawsuit that we're currently in. I serve on the Board of Governors for my law school, something that I was selected for, because of my merit, though I don't know anybody on that board, but I serve on that board, and I went to the law school recently, and somebody approached me and said, "Your firm is actually handling the fire arms preemption lawsuit, isn't it?" And I said, "Yes." And that person knows about that. They've been tracking it; they've been following the work that we've been doing. We have the opioids lawsuit that's currently pending that we're trying to get these manufacturers and these distributors of all of these opioids that have gravely affected our communities to pay some money for it, and to give some education to people to avoid this happening in the future. We have the American Tennis Association, which is something that we want to bring tennis to this community, so that everybody has the opportunity to play tennis. We we've been involved, previously, in instituting the living wage, and also there have been discussions about revising that. So these are just some of the special projects that we're working on. There are many, many more. So, as all of you know here, Miramar is a very sophisticated city. We always say we're a bedroom community, and I know lots of times the Mayor always says that's not true anymore, and it's not. We're 150,000 people. When my family came here over 20 years ago; actually, my aunts and uncles have been here for over 30, there was nothing out here, so they were close to where the old City Hall was. Now it's almost 150,000 people; we're not that small bedroom community anymore, and the legal needs of the City have expanded greatly, so we need comprehensive representation in multiple areas of specialized legal expertise. And just so you know numbers, real hard facts, the City requires between 8,000 to 10,000 hours of legal services per year. That's real. That's not fabricated. Miramar deserves and needs to have the best legal services available, and not because I work for this firm, but this firm, you can look this firm up. This firm is one of the best firms to offer these types of services. We've been the City Attorney since 1999, and we became the City Attorney through a competitive process 20 years ago, and the RP number is up there if anybody wants to pull it to look at it. The firm was founded in 1991, and as I mentioned, we have almost 70 attorneys. We have three offices: Broward, Miami-Dade, and Palm Beach. We serve as the city attorney for over 20 municipalities, but we're

also special counsel to over 100 other municipalities and local governmental entities throughout the State of Florida. We have longstanding relationships with a number of cities: Key Biscayne, it's been 28 years; Homestead, 28 years; Bal Harbor, 28 years; Weston, 20 years; Miramar, 20 years and hopefully more and more and more; Aventura, 20 years; Golden Beach, 14 years; Cutler Bay, 13 years; Indian Creek, 11 years; Lauderdale-By-The-Sea, 11 years. The firm was created specifically to represent local governments. We have substantial experience in virtually every area of the law that any city could ever need, and all of those are available to the City, because they're all in-house. The model that we use maximizes cost effectiveness, because since we have attorneys who practice in specific disciplines, there's no need to hire outside counsel. This avoids the expenditure of time, effort and resources, financial or otherwise, that you would need to not only compensate, but educate new lawyers. That's important for residents, because, otherwise, the costs get passed onto you. Our firm has received an award as the Law Firm of the year in 2008 from Legal Aid Service of Broward County. So I mentioned to you that I'm involved in the community. That's not just lip service. I really am involved. I'm the past chair of Legal Aid of Broward County; I'm also the past chair of Coast to Coast Legal Aid. That has required me to drive all the way up to Collier County on a twice a year occasion to go up and give free legal services to people who can't afford it. That's something I do on my own time. And the firm was recognized, because I am part of the firm as giving back to the community, and being a Law Firm of the Year. I've also received an award last month for creating a mentorship program with Miami-Dade College as being somebody who is an innovative leader that cares about the community. In 2012, the firm received an award from the Daily Business Review as the eighth most diverse law firm, and the firm itself is active in many community organizations. The firm is very, very big on giving back, and the firm is very supportive of people like me who have a passion for the community. All of you who know me, and I keep looking at the staff, because you're the ones who know me the best, you see me every single day, you know that I'm a very passionate person, period. I'm actually trying to withhold my passion at this time. We charge the City less than \$200.00 per hour. We presently have 67 attorneys; 18 of them are female, 17 are Hispanic, six are black or African American, one is Asian, several are members of the LGB community, and three of them are residents of Miramar, and I went over everybody already. But, again, I'm your principal City attorney, and I'm a resident for over 20 years. We charge the City less than \$200.00 per hour, and this is the lowest rate of any of the clients in Broward County that we have. Our hourly rate has not increased for the past nine years since the recession. Thank you very much. That's the end of the presentation. Again, I just want to say thank you for listening, thank you for being here, thank you for showing me so much support and encouragement, particularly over the last two weeks. Sometimes people don't know you love them until when it's too late, when they're no longer here, and I have felt that love the entire time I've been here, but more so the last two weeks. Thank you so much.

MAYOR MESSAM: If I would remind the public, no hand clapping. You can show support waving your hands; dissent, thumbs down. Thank you. All right, at this time, I'll

yield the floor to Vice Mayor Davis, who was the initiator of the motion for a change of attorneys, and I'll yield the floor to Vice Mayor Davis at this time.

VICE MAYOR DAVIS: Thank you, Mr. Mayor. At our last Commission meeting, I made a motion regarding our City Attorney. Although Florida law does not require any competitive process at all, I will now support a process for the selection of a law firm. Now, over the years, since I've been in office, we have gone out for various services, whether it be for recycling contracts, garbage contracts, our very own City Manager, we've gone out. We've sought, through a competitive process, to replace or to get new services. This is no different, though it's not required for us to do so. Florida State Statutes state that legal services, including attorneys and paralegals are not, and I repeat, not subject to competitive solicitation, so our Commission can decide to hire or terminate the City Attorney at any time for whatever reason. Anyone who says that a competitive process is required is just plain wrong. The City Attorney, just like our City Manager, serves at the pleasure of the Commission. The City Charter provides that the Commission shall have the power to appoint the City Manager and City Attorney. I've also read the City Attorney's contract, and it states that they shall serve at the pleasure of the Commission. Just recently, this Commission, although I wasn't here at the time, appointed our now City Manager, Vernon Hargray without a competitive process, and none was called for at that time, at least not by anybody on this dais. Again, I am now in favor of a process for the selection of a law firm and, at this time, Mr. Mayor, I would like to request a consensus of the Commission to direct the Manager to advertise a request for letters of interest with qualifications to provide City attorney services. The advertisement would run for no more than 30 days, and after the City receives the letters of interest from responding law firms, the Manager will provide each Commissioner and Mayor with each of the responses. The only requirement from responding attorneys must be that they have at least ten years of municipal experience. Therefore, we can make the selection at our second Commission meeting in June or at a special meeting in June. And, at this time, I will rest and come back for further discussion, if need be.

MAYOR MESSAM: Thank you, Vice Mayor. My initial response is that, unlike the last meeting, where there was abrupt motion to replace the City attorneys with a named firm, and it's, I think, more in keeping with the spirit of what this Commission should do in terms of our selections of our appointments for City Manager and for City Attorney, for there to be discussion. And that is why I pushed for the workshop. Because there was no discussion that there was a concern with legal representation, I think for the matter of public record, because I had heard from the other Commissioners, in terms of their position, in terms of our legal services. I was on record last meeting stating that I don't personally have issue with our current legal representation. I did mention, however, that due to the fact that we are a public entity, government, we are the fiduciary custodians, in terms of policy makers, on behalf of our residents. And that any contract that has the tenure of 20 years, either good or bad, that, as a Commission, we owe it to the public to provide an opportunity for competitive process. No one stated it was mandatory or mandated by Florida statute for our selection or appointment of legal

services was deemed required by Florida statutes or by our Charter. But in terms of since the City Commission makes the decision, it's professional courtesy, as well as in the best interest of the public who elect each one of us, that the Commission's voice be heard in the process. So in terms of my position, I have no issue with a selective, competitive process that would meet the desires and needs of the City. I've spoken with our current attorneys regarding a selective process, and shared my position, in terms of whenever there's public dollars going to any entity providing services for the City, that we have to provide reasonable access for competition for those services to ensure that those individuals who have the ability and qualifications to provide services, to also be able to compete for those services. Obviously, a firm that has provided services for the City for 20 years still remains in good standing in terms of their continued response, our response to any solicitation to continue providing those services, while providing opportunities for other firms to put forward their qualifications. A couple of points I would make in terms of the solicitation process. I do think, if it's the desire of the Commission to move forward with this selection process, that we do discuss what we are looking for in a city attorney. I think it's in the City's best interest that it is communicated in terms of what does legal representation look like in the City of Miramar, not just the day-to-day legal services that take place between departments and our legal representation, but in terms of the legal work that has been provided by our current attorneys. We have several litigation matters that are going on right now, pretrial cases, cases that are currently in litigation, as well as other legal services that are needed. So the RFP would need to reflect the complexion of our city. I think just saying ten years of legal municipal services does not capture the depth and breadth of what it will take to provide adequate legal services and representation in the City. So to support an RFP process, at least for my vote, I would need to ensure that we have parameters or minimum requirements, beyond just the years. I would want to know that firms have the ability to deal with bond issues, real estate issues, with labor, collective bargaining, with the complexion of their firm, what services will be done in house, with own legal services that have been working with their firm, what services our legal representation would have to be outsourced, the percentage of legal work that would have to be outsourced to third-party counsel. Those things I think are important. So that's what I would like to have included in the RFP. Also, I think we really need to have some thought and some idea, in terms of if there is a change with legal services, what does that look like from a fiscal impact perspective. Because now we will have to pay two legal firms, one that is currently working cases, as well as the process to transition those cases to a new firm. I think the public needs to understand and know what that cost is, and that would be something that I would demand to know in terms of a support for that. Now that does not weigh whether I would be in support or not for keeping the current attorney or hiring another, it's just something that I think should be disclosed in transparency to our community. I think that's important. So we all received the memo from the City Manager that has captured all of the current cases, all of the legal work that is currently being done. So whatever the ultimate decision is, whether the same attorney remains our attorney, or if a new attorney is selected, that the public will have confidence that based on the outlines of an RFP that captures the requirements based on how we are governed, what legal services we have, that whoever represents us



would be able to meet those requirements. And, finally, I would say that this selection process will provide an opportunity for whoever is providing the legal services to provide an opportunity for minority-owned law firms to be able to work with the City. So if the current attorney continues to provide services, I would like to see some inclusion, in terms of the ability for minority-owned outside counsel to provide legal services for the City; if a new firm is selected, the same requirements as well, ensuring, obviously, that they have the requirements to provide the services that we need. So those are my initial responses. I feel I'm in a better place now, in terms of where the discussion has gone to date, so that's my initial response. Are there any other comments from the Commission? And if you could just notify me on the touch pad, so I can get the order. You have any comments, Commissioner Barnes? You're recognized.

COMMISSIONER BARNES: Not so much comments as a number of questions; some might even be rhetorical, but I think they need to be asked; I think they need to be on record. First and foremost, does the size of a law firm not matter? We have seen the work that this, our current law firm, City attorneys have done regarding this city and a number of other cities, across Broward County especially. Does experience, the experience of a law firm not matter? We've seen the work of this law firm. As has been intimated by others, does a small law firm not need to hire outside help to undertake the City the size of Miramar? What about the preparation of things that might be mundane, but things like agenda items, record requests? What about HR related matters, litigation? What about those issues? How does this City go forward with a reputation of firing its law firm in a fashion similar to how it dumped its City Manager? What are the implications of the contravention, the possible contravention of the State's Sunshine Laws, considering the apparent consultation with a potential replacement law firm? What happens, as has just been passed by the Mayor, what happens in what has to be a critical transition period? Who does what in that period? What about the clear and emerging impression that is being sent abroad of what I call a virulent case of reverse racism taking root in this City? As if there weren't intimations in the past. I was absolutely disappointed in a statement made by our Manager at the groundbreaking ceremony last week, words to the effect that, "We're back home." The question is, under those circumstances, what do the people who do not live in the east, historic section of Miramar, what do they take from a comment like that? Those are the realities that this, forget the Commission, that this city is going to have to deal with going forward. I have said this on the dais before, so this is not exactly new. I have lived in this country for more than 50 years. My bona fides include demonstrating in the streets of New York City in 1968, but even beyond and before that, I found out I was black a long time ago. I have no desire, no need to prove this to anyone. And I'm submitting that these are some of the parameters we need to look at as we go forward in whatever decision we're going to make as a Commission. Precedence are important, not only in law, but in real life. We have to be extremely careful that we're not generating an ugly and uncomfortable form of reverse racism, and I pray, as I do pray, that we have this absolutely wrong. But for me, certain statements that have been made, certain decisions that have been made suggest that this has been going on. And I think, maybe, just maybe, all of us need to back up and ask ourselves what exactly is

happening, and what are we doing. In the end, the real question is: what would have been accomplished through some of the decisions that we seek to make. It is, believe it or not, not all about us. It is about the residents of the City, it is about the future residents of our city, it is about our children, and their children who, one could never tell, might decide to reside in the City. This is not just the change of one firm of legal representatives. This is creating a culture in this city we probably can do without. For all of the years that it's become fashionable to use the word "diverse", I have tried not to use the word. More times than not, it is a rationalization for people counting numbers. I explained, for example, I grew up in a country where I sat to someone who was born in Haiti for three years, two Chinese Jamaicans sat at the front of my class. The window across from my window sat an Asian. That is what I understand as diversity. It's not something that is concocted and contrived. I also believe in merit, and merit is not something imposed, it is something that is earned. I am begging this Commission, I'm begging management as well, think not only about now, next month, next year, think about the history, the culture, and the future of the City of Miramar.

MAYOR MESSAM: Thank you, Commissioner Barnes. Any comments? Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you, Mr. Mayor. First of all I want to thank Vice Mayor Davis for bringing this item before us. I think it's definitely worthy of the discussion. In fact, I've heard some things today from the attorneys that I wasn't aware of. I heard some things that I don't fully agree with, but I do think that they have represent us well. They have represented us well over the years. In listening to what Vice Mayor recommended, and the comments from our Mayor, I don't have a problem with it. I think we definitely need to have a process, and the process outlined seems okay with me. I do hope that we don't put so much, so many requirements in there that the only person that qualifies would be the current firm. I really do hope that we can agree on requirements that will get us an attorney or a firm that can do the work. Broward County alone has 31 municipalities, and each of those municipalities are represented by attorneys. So I do believe that there are other attorneys out there, and having a request for a letter of interest or RFP is something that will give us an opportunity to hear from those attorneys would be a good process. So I'm okay with that. I've heard a lot of negativity being said by Commissioner Barnes. I've learned from our residents that a lot of the negative things that we hear in the community, when we do hear negative things about the City are generally repeated by someone on the Commission who says things without any rhyme or reason. I think we have a responsibility to choose our words carefully, and to understand the impact, the negative impact that we have on the Commission when we begin to talk this negativity. I have been on different sides on this Commission, I have proposed things that have failed; I have proposed things, I have been on the side where things have prevailed; but never have I chosen, regardless of what side I'm on, have I chosen to disrespect this dais or this community. And I do believe that I have to say that it's a disservice to all of the work that our staff does, all of the work that we do, all of the good work, all of the good

things that we do in this City when we take one issue, and we tie it around so much negativity, because it doesn't seem to be going in our direction.

MAYOR MESSAM: Yield, Commissioner Colbourne? You're done? Okay. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mayor. Well, we're at this juncture in our workshop, but first I'm going to say to my colleague, Commissioner Barnes, his choice of words that he have use several time on this dais, it's very, for the least, disrespectful and disingenuous to be accusing us of being racist, of reverse racism. I strongly reject that. A few times I let it slide, but I think it's gotten too far, and I'm not, for myself, tolerate that, because I'm nowhere, form or shape to suggest that I'm a racist. And I'm not defending our City Manager, but to take his word out of context, I think that's unfair. For someone to have their child at a certain school in a certain neighborhood, or maybe lived in a certain place, and to make a gesture that we're coming back home, I don't see where that's in any form or shape racist. I mean I could go back to my own neighborhood in Miami Garden and say -- we have a groundbreaking and said it's good to be back home, or Carol City, for that matter, for those of you who grew up in a time when it was Carol City. That said, the process that we're extending, that Vice Mayor suggest that we extend to the City Attorney, and what I agreed to at our last meeting, to courtesy, which there was a motion on the floor, and there was a second, we could have moved forward. But I strongly voted for the process to extend some courtesy, which I still in agreeance of giving some courtesy. My only hope that, moving forward, we can always extend courtesy to some of our employees, and I have quite a number of employees over the last four years that I'm here that we have not extend courtesy to. Many of them that live here, and one that some of us might have known too well. I don't have a slide to put up tonight, but our former Assistant City Manager, and Interim City Manager Mr. Ismael Wazir who lived right here in our City of Miramar, who have dedicated his life, a long career to this City, all of the expansion from maybe from Palm Avenue to west was under his direction, his ingenuity, and was escorted out of here with police officer. No crime committed, he just -- they just wanted him to go. I do have a number of others; a Hispanic lady who was the top grant writer here for the City of Miramar. And what was her crime? In my quest to get some assistance to have some of our residents who have fallen on hard times for having their water shut off, and I decide to reach out to her to get some idea of how I can acquire some grants money to help these residents. Her crime was that she spoke to me, and she was let go for that. Someone who really work hard for the City to write grants and bring money into the City. And on and on and on. I have Ms. Barbara Hasting, who worked with the City for a really long time, two years out from her retirement, would love to had stayed, but was let go for no reason. And lovely Hispanic lady, can't remember her name, but she worked for the Cultural Center, was secretary to the director, cry out for help to all the Commissioner here, was being mistreated. No one step up and help her. I had just got here, didn't know what I could do. And then, if I should include myself, as an elected official, was actively tried to run out of town out here, out of this city, campaign against by some of our own people here at the City of Miramar, having meeting upon on

meeting, "Mr. Chambers got to go. He's not coming back. He's having family issue." And then when it turned around, they fabricated stuff, fabricated stuff and give it to Channel 10, and aggravate all my family, my supporters, my children, have no regard for my daughter and my son, all my children, none whatsoever, absolutely none. Channel 10 ran a story, three day promo; oh my God, people think I'm in trouble. Ridiculous. Fabricated right here in the City of Miramar by employees and, I guess I'm not going to call any name tonight. But listen, these are our attorney, they've done great work, I love them, I like them. They've been here for 20 years; they could stay, they could go, it's not a big deal. It's not. They can defend themselves. They have people here who can't even defend them self; when they lose their job, they get homeless. They got to find a way to eat. I've seen them every day, I get calls. So I'm not suggesting that they go, but if one of my colleague bring something up, we have to look at it, see if we want to do it. The only thing if this was done behind the scene, it would have been done, no one would have known about it until it's done. So I don't want to hear I'm a racist, I would be reversing racism, I don't do lip service. I'm the kind of guy who does the work. I'm not a great speaker, but I'm a great worker. That's what my family does. So whatever this Commission decide is what we decide. It's nothing illegal. Whatever we done here, it's done in the public. And for those people out there who are saying that we're corrupt, and we're bankrupting the City, and we're going to sell people homes, you need to stop it. Because you can fool sometime, but you can't fool them all the time. Too much lip service. You need to stop. What are you trying to accomplish? You want to run for office? Then work hard and run for office. Stop spreading propaganda. We don't need that here. And this, yes, this is a great city, this is a diverse city; I'm proud to be here, proud that my children is here. I remember when I grew up in Carol City, I couldn't come over here. It was racist; I get stopped by the cop. That's what it is. Ask anyone who experience it back then. I might not have racism in Jamaica like it is, but it was classism. But we are here, and we're here to serve the community. I dedicated my life to serve this community, not just when I'm in office, but before I got in office, and when I'm in office, and when I leave office. That's what my family does, and that's what I will do, and continue to do. Thank you.

MAYOR MESSAM: Thank you, Commissioner. Based on Commission comments, there is support for an RFP process. In terms of next step, what I would like to do in terms of our next action after Commission comments is -- due to that fact that the Commission has the duty of hiring the City attorney, I think that it's important that the Commission have its priorities, in terms of what we would like to accomplish out of the RFP process. So, at the end of the day, that legal services can be rendered for the City, as well as achieving the objectives of the Commission. So to accomplish that, I suggest that, as was stated, in terms of having the City Manager to present an RFP that the Commission would review and approve, so that concerns of any respective elected official could review the RFP to ensure that there's equity in the RFP, and that their priorities are captured in the RFP. For example, there was one concern that was voiced that the RFP does not be too restrictive or specific, that it would limit competition. Through this process that would provide an opportunity for inspection of that. I, personally, want to see certain requirements that would ensure respondents are

position and can demonstrate that they can do the work. Doesn't mean they have to be able to do our current attorneys are doing, but there are certain basic things, I think, should be captured, and I would like to inspect that. So in terms of a process, I would like to get the Commission to get on one accord in terms of that process would meet the requirements of the Commission, while allowing the Commission to ensure that what they would like to see in the RFP are captured. Is there any objection or comments to that? Vice Mayor, you're recognized.

VICE MAYOR DAVIS: Yeah. When I made my statement, I had requested a letter of interest, and you mentioned RFP.

MAYOR MESSAM: Well, whatever the mechanism, whether it's letter of interest or request for qualifications.

VICE MAYOR DAVIS: But I believe there are some differences, so maybe that could be explained, the attorney. Are there specific differences?

CITY ATTORNEY COLE: There are differences. Maybe you might want to have your procurement people. I kind of feel like I have a conflict explaining this to you, because I don't want to seem like I'm doing this in a way.

VICE MAYOR DAVIS: Procurement director?

CITY ATTORNEY COLE: You might want your procurement people to discuss that.

MS. AYUM: Good evening, Mayor, Vice Mayor, Commissioners, City Attorneys, City Manager, Alicia Ayum, Procurement. So there are differences between the RLOI and the RFP and an RFQ. I think an RFP is probably the better route, because the RLOI is pretty limited, as far as how many things we can put in there. We're not looking for request of letters of interest, which is an RLOI, we're actually looking for a proposal. So the better route is, I think, an RFP, where we can put in the evaluation criteria that we want to have weighted with points. We can have the minimum qualifications, and the process is pretty much the same, as far as an evaluation committee, and how we evaluate.

VICE MAYOR DAVIS: But that doesn't say the letter of interest can't have some of the things that we require.

MS. AYUM: Correct.

VICE MAYOR DAVIS: And the RFQ?

MS. AYUM: The RFQ, usually we use those for -- I think the last time we may have attempted to do this, we started an RFQ, and we can do an RFQ as well, just similar to

the RFP, but the RFQ is typically just looking for the qualifications. I think the RFP allows you to more do price and evaluate and negotiate, etc.

VICE MAYOR DAVIS: And the letter of interest would give you that opportunity as well, but not in as much depth?

MS. AYUM: Correct.

VICE MAYOR DAVIS: It's basically what you put in there?

MS. AYUM: Yes.

VICE MAYOR DAVIS: If we design our own?

MS. AYUM: Yes.

VICE MAYOR DAVIS: Then the letter of interest would work?

MS. AYUM: Yes.

VICE MAYOR DAVIS: Thank you.

MAYOR MESSAM: In terms of the instrument, to me it doesn't matter, RLOI, RFP, RFQ. What I want to be able to do is to ascertain the qualifications, I want to be able to see how legal services would be rendered, what portions would be in house, what portions would be outside counsel. And I think it's very imperative that we be able to have, at some point, maybe not in the initial evaluation, but what the cost will be in terms of the hourly rate, so that we can be able to compare what our current legal costs are, and what the new cost would be for whoever is providing the service, whether it's our current attorneys, or whether it's a new firm that is, ultimately, selected, so that we can be able to understand what that fiscal impact is going to be. And so I think my question is, there are enough examples of these solicitations that are available that can be customized based on what's on record, in terms of what has been expressed on the Commission. And I would like to see if that would be available by our next Commission meeting; and I would say that we would approve it at that. And the reason why I'm saying that we should approve it, is because I know it's not in the State statute, that's not required, but it's our decision to make, so that we give every elected official an opportunity to provide input, in terms of how we would go about selecting one of our two hiring.

MS. AYUM: Yes. We can have a document ready for you by the next Commission meeting.

MAYOR MESSAM: Thank you so much. All right, so for a recap -- are there additional comments? I think we've --

COMMISSIONER COLBOURNE: I've checked in here.

MAYOR MESSAM: Oh, it's not showing. All right, Commissioner Colbourne.

COMMISSIONER COLBOURNE: I know we said it didn't matter what -- what documents we used, and I think we got more of a preference than really an outline of the different types of documents. But Vice Mayor actually mentioned a letter of interest, and I think that the letter of interest would accommodate what's being said. So in terms of consensus, I do support us going forward with a letter of interest, and certainly management can get with each of us, in terms of anything, give us a sample, or add as we need to before it comes back here.

MAYOR MESSAM: So you don't have to come back up to the podium, but with the solicitation, with the RLOI, just for the record, again, that we have the price component that would be on there, in terms of the hourly rate, because then that's the only way, in the initial screening, that we will be able to based off qualifications, as well as the price that we have on there. Thank you. All right, seeing no other speakers, staff has been presented direction, and we will have this item that will come before the Commission on our next meeting, which will be, I think, June 5<sup>th</sup>, I think is our next meeting. June 5<sup>th</sup>.

## **ADJOURNMENT**

MAYOR MESSAM: And now this workshop is adjourned.

The meeting was adjourned at 6:19 p.m.

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Denise A. Gibbs, CMC  
City Clerk  
DG/cp