

## **City of Coral Gables City Commission Meeting**

### **Agenda Item – City Attorney Interviews**

**February 22, 2011**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

#### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Wayne “Chip” Withers**

#### **City Staff**

**City Manager, Patrick Salerno**

**Interim City Attorney, Lourdes Alfonsin**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

#### **Interviewees**

**Maria Chiaro**

**Craig Leen**

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City Attorney Interviews [Start: Time Certain 1:11:55 p.m.]

Mayor Slesnick: We will now reconvene our meeting and we now have a specially scheduled session of interviewing two candidates for City Attorney, Maria Chiaro and Craig Leen, and they are being kept in the first floor conference room waiting our call, and I thought we would call them one at a time and we would do it alphabetically. Everybody think that's OK?

Commissioner Anderson: That's fair enough, got a system.

Vice Mayor Kerdyk: OK by me.

Mayor Slesnick: Elsa would you then get us Ms. Chiaro? Let me ask you while we are getting Ms. Chiaro, is there any amount of time you all would want to devote to each candidate and sort of aim at a time?- a half hour each?- 45 minutes each?

Commissioner Anderson: Half hour.

Mayor Slesnick: Well we'll do this, we are not going to make that absolute, but if everybody would try to keep track and see if we can't get it done, if we go over, we go over. I will let them start by telling us a little bit about themselves and then would you all like to go the same way?- we usually go down the line here, or would you like a different system? We'll start with Maria and work right down the line.

Vice Mayor Kerdyk: Either that or ask a question, I don't care.

Commissioner Anderson: Yes, ask the question if they have them. Not a problem.

Mayor Slesnick: OK. Good.

Vice Mayor Kerdyk: Flow easier maybe, people might have follow-ups.

Commissioner Anderson: Make sense.

Mayor Slesnick: Hi Maria, please come on up and make yourself at home at one of the podiums, and position yourself.

Ms. Chiaro: Can you see me?

Mayor Slesnick: Yes, we can see you fine. Just make yourself comfortable, this is a very awkward thing about having to do interviews in public, I'm not sure we have to, but we have done this in the past and so we are doing it today, and we'll like to welcome you to the City Commission Chambers.

Ms. Chiaro: Thank you.

Mayor Slesnick: I know you feel comfortable in the City Commission Chambers.

Ms. Chiaro: Yes, usually on the other side of the microphone.

Mayor Slesnick: What we are going to do is we are going to let you take a few moments to tell us a little bit about yourself and I know that at this time the citizens of Coral Gables are able to see, whether they are watching or not, I can't tell, they are able to meet you personally, and so give yourself a chance to tell us what you want to about yourself now. You know we've all interviewed you personally and we have your resume, but I'd like you to tell us again what you

think is important to you and tell our citizens why you would be the best person for City Attorney.

Ms. Chiaro: OK. You have my resume and my documents that I've submitted, you all know my history and I'd be addressing my comments to the five of you because I know that the citizens can see my resume and documents, but it's you that I need to advise and it's the City Commission that I need to be the City Attorney for. As you know, I've done nothing but municipal law for most of my career, but that nothing but includes a lot of things and in the next few minutes I'm going to try and tell you all of the things that I've done, at least give you kind of a spectrum of that. Some of those are very bold things and some of them are very nuanced, but I want to convince you that my background and experience will make me the best person for this City and for you as your City Attorney. I've drafted probably hundreds of ordinances in my life, I've defended them, some of them have gone to the Supreme Court, I've written the motions, I've defended the pleadings. I've advised the Planning Board, the Zoning Board, the Historic Preservation Board, the Civil Service Boards. I've advised various CRA's (Community Redevelopment Agencies); I've advised the trusts and authorities, and all of the things that are the supporting organizations for cities. I've sat through and handled complete recodifications, charter amendments, purchasing codes, sign codes, the "EAR" process for our comprehensive plans, all of the committees that supported the changes and the public hearings that oppose some of them. I've drafted all kinds of code provisions, some of them banning things, some of them very unique. I've provide advice on the Sunshine law and public records law on the ethics laws; I've acted as a liaison for all the departments for Tallahassee; I've acted as the liaison for the counties and the cities that I've worked in; I've worked probably with every organization that impacts the cities. As I've told you in the documents that I submitted, I have close working relationships with both the State and the National Association for City Attorneys. I think my experience in land use and environmental is my most extensive professional experience. I've handled Bert J. Harris claims; I've handled all the defenses of the nuance statutes related to land use, and land use is the substantive area of the law that I consider, land use and environmental law is the substantive area that I consider my strongest suit. That doesn't mean that I haven't handled every other aspect of municipal law and that I don't know every other aspect of municipal law, I may not be an expert, but I have in those years touched probably every issue; and in that vein I've managed several municipal law offices, large ones and small ones. I currently manage a large law office; I spend about 40 percent of my time administering that office, but I have managed and done the work in small law offices also. So that background and experience makes me particularly suitable to advise you. In those offices I also manage outside counsel and that, when I say manage it's very important to manage those counsel, to know when you need outside counsel and when you don't need outside counsel, but I think probably the most important thing that I do as a City Attorney is that I advise the Commissioners, and for that I think I have the depth and breathe of knowledge that you all need to have me sit with you

immediately to take this responsibility very seriously without any start-up time, if you will. That does not mean that there aren't going to be unique issues for this City and that's the reason I applied for this job. I believe that Coral Gables is at this point in its history uniquely poised to go in a direction that it probably have never gone before, and I think that you need somebody to guide you legally that can help you take it forward and I would love to do that.

Mayor Slesnick: Thank you very much. We are going to start with Mr. Kerdyk.

Vice Mayor Kerdyk: I have several questions, but I'm going to ask one initially and move from that point forward. First of all thank you very much; I've heard a lot of good things about you. One of the things that you mentioned in your presentation is the fact that we are a smaller department, very small, but we are a small-big City, I mean we have a lot of complex issues. I observed in your resume that you reduced the litigation by 75 percent in Naples, which is somewhat of a comparable city to ours size-wise; I would like to hear your thoughts of how you propose on handling the litigation matters in the City of Coral Gables, and if you think that there is a possible reduction in our department here.

Ms. Chiaro: I certainly think that, that would be a goal to reduce the costs of litigation. When I said I reduced the cost of litigation by 75 percent in the City of Naples, I told each of you when I interviewed individually that when I went to Naples there was a massive land use litigation matter that was taking so much money from the City, and my background in land use litigation and my background in handling land use litigation was I think what impelled Naples to hire me to get that under control, and that was reduced; but in addition, and that wasn't the complete focus of the 75 percent reduction. In addition, when I went to Naples as its first full time City Attorney, I immediately put in place training for the employees, training for especially the department directors, worked with the City Manager. So there were a lot of things that had not been done before that I was able to do and at least in handling just in the area of handling the way claims came in there was not a process for handling the claims, and therefore people were forced to sue the city because they weren't getting responses to their claims. So that process was put in place and we handled that, that's not to say I know that Coral Gables has had an on-going, well thought of Law Department, and I know that won't be happening here, that there are a lot of things that are in place here that work very well through your Legal Department, but that's one of the things that I've done there. I think that you always have to revisit the kind of processes that you have to handle your legal plans.

Vice Mayor Kerdyk: I think it's important as you mentioned, we focus on preventative measures, and our previous City Attorney of course did that and she also litigated a lot herself, and you're saying you have extensive experience in litigation, especially as it deals with land use.

Ms. Chiaro: Yes, I came up being a litigator. My early years in practice, my first job, I was hired in a municipal law office, was from a litigation law firm and I handled the slip and falls and the torts and the litigation.

Vice Mayor Kerdyk: Just one last follow up and I'll ask some other questions. '92 through '96 you were in Naples, and since then you've been in a bigger city, and it would be stepping back into a smaller city atmosphere in general, pose any problems for you?

Ms. Chiaro: It doesn't pose any problems at all. I'm excited about it, and make no mistake I would not have applied to any small this city, it's this city that I'm interested in. Its Coral Gables, it's where it is and what it is.

Vice Mayor Kerdyk: I guess I shouldn't be saying small city, we should say small-big city.

Commissioner Anderson: Small-big city – almost like a hometown.

Vice Mayor Kerdyk: We think of ourselves as quite different than every other community around. I like to follow up with some questions.

Commissioner Withers: In following up in the selection of outside counsel, how involved or how much involvement do you want from the City Commission?- and the City Manager on the selection process? Do you feel it's totally in your purview?- do you feel you need to get sign-off in hiring outside counsel?

Ms. Chiaro: As a general statement I think I don't need sign-off for outside counsel. I think it is the City Attorney's responsibility to handle the litigation for the city. That is not to say that I don't listen to all input from the Commissioners, from the Manager insofar as the way litigation is being handled, and who's handling it.

Commissioner Withers: You know, I think our involvement for the most case is in matters that can't be resolved amicably, you know we are brought in to discuss settlements, our insurance company comes to the table; how would you manage that whole process as far as a settlement issue?- do you think it should be done – well let me back up. Do you feel that going into lawsuits it is your goal to settle them, or do you feel it's your goal to try to win them?

Ms. Chiaro: I think it depends; it depends on what the facts are and it depends on what the law is, and I can't make a general philosophical statement about the way I go into lawsuits or the way I send out the lawsuits or the way I defend the lawsuits. I will tell you that the lawsuits for my present city and for every city that I've worked for are lawsuits that I'm intimately involved in

the defense of. Sometimes you fight for a principle and I think that, that's an important thing for cities to know, but sometimes you don't have the law on your side. I sit – I know you want to follow up, but I do want to tell you that I sit in all of the sessions, the Shade meetings to advise the Commissioners, if I'm not advising the Commissioners individually on lawsuits and occasionally you need those Shade meetings to advise them, I sit in on those lawsuits, on those Shade meetings; I participate actively in the presentation of the case.

Commissioner Withers: Does the fact that sometimes you are not playing with our money settling lawsuits affect your decision?

Ms. Chiaro: No.

Commissioner Withers: When I say our money, you are playing with the insurance company's money or...?

Ms. Chiaro: No. I think in defending a city you defend a city honestly and legally and as I said, you look at the facts of the case and the legal position and you approach the defense of a lawsuit that way.

Commissioner Withers: When I first got on the Commission there was an issue with newsracks, I don't know if you are familiar with that ordinance that we had.

Ms. Chiaro: I am not, well not your ordinance.

Commissioner Withers: We were basically wanting to limit the number, the color, the size, the location of newsracks, and it was, I guess, it was a First Amendment challenge I think, I'm not too familiar with that, but it actually went all the way to the top and it ended up costing us probably \$400,000, was it somewhere in that neighborhood?- a lot of money, or half a million bucks; was that money well spent?- I mean we prevailed, obviously you can look back, but was that something you would have chased for principle?- or you would have bailed out early knowing that you kept getting appeal after appeal all the way to the Supreme Court?

Ms. Chiaro: Well again, my job as the City Attorney is to advise you on what the law is. I can tell you when you're very – you have all the law on your side, I can tell you when you have the law against you, and I can tell you when it's in between, I can tell you when it's grey, but the policy decisions are the Commissioners, and I think that my job as the City Attorney is to guide you through those policy decisions. So to answer your question on the money well spent, it depends on how important those newsracks were to the city, and how important the way the city looks as it relates to newsracks was to the city. So I wasn't here at the time so I...

Commissioner Withers: And I was only in elementary school, so. Because you mentioned that a lot of times it's your principle that guides you, if I heard you on selling suits, so I wasn't quite sure whether you meant your principle or you meant principles established by the City.

Ms. Chiaro: If I said my principle, I did not mean to use "my principle." Sometimes the defense of a lawsuit is related to principle.

Commissioner Withers: I got you – understood – OK. Thank you.

Commissioner Anderson: Can you name for me what you think are or some of the challenges, one or two that Coral Gables is facing, challenges or opportunities because I believe everything can be turned, that would fit, that you could be a partner to in the sense from a legal perspective. Let me see if I phrased that correctly. You mentioned that we are kind of at a watershed time or an important moment in our City's history; give me an example of what you think that is?

Commissioner Cabrera: I was going to ask that question. That's good, I wrote it down.

Ms. Chiaro: So I'll answer for both of you. I think that you don't need to be a very visionary person to look around this City and see how beautiful it is, but you also as a professional and I as a professional know that there is then this next phase of development that happens; it happens because of the economy, it happens because of where Coral Gables is in its history, and so certainly one of the things that attracted me about the legal issues that face this City is how to tie the City's history with its development, and how to maintain the integrity of what this City is, and to keep its persona as its leaders want it to be, and while I don't get to do that as the City Attorney, I get to advise the people who do do that.

Commissioner Anderson: I appreciate that.

Commissioner Cabrera: I've got a series of questions that I've put together for both you and Mr. Leen, so I'm going to try and be consistent in my questioning of both of you. Mr. Kerdyk has already hit on the fact that this City has a historically small City Attorney's office, in fact we only have two City Attorneys here, and they've been hands-on working on many cases in-house. So I'm going to deviate a little bit from that because I think you've given him a fairly extensive response. I'm going to take you somewhere else, I'm going to ask you given the experience you've had in municipal government, I'd like you to please describe the elected official that you have admired most, and you don't need to tell me that person's name, I just like to hear some of the feedback that you have regarding that particular elected official, and qualities and also perhaps some of their deficiencies.

Ms. Chiaro: You ask that question and a smile comes to my face because I do always think of an elected official that I've worked with who among my colleagues and friends I point out and this is a person, and I won't even say if it's a he or she, this was a person who there was not a day that went by that there weren't five new ideas that I got phone calls on, and they were five new ideas whether it was for the City Code or whether it was for a plan to build or whether it was for the way the city should be run; and I have to tell you that this person was a very big pain. It took a lot of time, but at the same time it propelled the city forward, it propelled the activity and I think that I admire – I thought of this person as a visionary and I admired that kind of excitement and passion in fulfilling the role as an elected official for that city.

Commissioner Cabrera: Let me take you back then to the discussion that was made by Mr. Kerdyk with regard to the size of your department. How many people do you have reporting to you today?

Ms. Chiaro: I manage all the attorneys in the office, so 23 attorneys and about 20 support staff.

Commissioner Cabrera: OK so 43 staff members.

Ms. Chiaro: And just to be very clear the litigation department has another deputy, I'm a deputy in the office, there is another deputy in the office, so the litigators substantively their issues go through the litigation deputy right now, that's a two year old arrangement, previously I had handled some litigation direct reports. The rest of the substantive work in the office, the non litigation side of the house, if you will, that substantive work is they are direct reports to me, I supervise all that work, I'm responsible for that work, but the management of the office is mine.

Commissioner Cabrera: So therefore, given the fact that you've got an extensive staff of 43 members, how do you see yourself transitioning to a staff with less than 4 members?

Ms. Chiaro: Well make no mistake; I'm very hands-on on the documents that are prepared in the office. I edit everything that goes onto the City Commission, I read every one of those ordinances, I edit everything that goes – every one of the documents that come out of the office to go onto the Commission Agenda. My preference of doing work is I like the actual hands-on, so I don't think there will be any transition; I certainly know how to work with – I know how to do all the work myself, but I certainly know how to work with a small staff. In Naples there was only one attorney and that was me.

Commissioner Cabrera: Thank you. Sure, unless others want to ask, I don't want to take over – no, I'm good. A lot of the questions that I have for Ms. Chiaro we really have discussed those



privately. What I would like you to do though is before you leave us because we are in constant touch with the public via Blackberry devices or computers; I had a member of the public who is watching this afternoon asked me to ask you to say something about, at the end, say something about whatever you want to share with us on a personal note, and I'm very cautious how I ask that question because I know that there are certain HR (Human Resources) criteria that are sensitive, but whatever you'd like to share with us on a personal level at the end of the interview would be welcomed, and I think this resident would probably like the fact that they got this kind of response from their local government. So it's purely up to you, however you want to handle it, OK.

Ms. Chiaro: I look forward to the opportunity at the end.

Vice Mayor Kerdyk: Maria, another question for you. Can you just discuss how you see your relationship with the other appointed officials, in this case the City Manager and City Clerk?- how that relationship works?

Ms. Chiaro: Well that relationship works very much as part of your team. I think that each member of the team provides, I can't see Walter, each member of the team provides you with a different service, and I think certainly with the City Manager there is that day-to-day constant contact knowing what's going on. I would expect to know everything that's going on; I would expect to be telling the City Manager the legal issues of the kinds of things that he is moving forward for your City, and I expect the communication with all of you to be very much constant. I wouldn't – if I thought I would take this job and that I was going to have somebody who was not going to want the information from me, I wouldn't want the position.

Commissioner Withers: You were obviously heavily involved in Miami 21?

Ms. Chiaro: Yes.

Commissioner Withers: What was your role in that? Did you oversee it?- were you involved in a module of it?- or what...?

Ms. Chiaro: I was involved in the entire enactment of Miami 21; our Planning Department engaged an outside firm to put the form base code concept in place, the outside firm also had an attorney attached to it, but the meetings were mine, I mean, I attended all the meetings, I took part in the hands-on drafting, it was a five year process, I won't tell you that I was at every meeting, I certainly was not at every public meeting, the outside firm and the Planning Department did have hundreds of public meetings, but I was very much involved with it, and still

we are at every City Commission meeting, we are working with tweaking if you will, that form base code. I see it as something as a living thing.

Commissioner Withers: How did you deal with the conflicts when the Comp Plan said one thing and your land use map said another?

Ms. Chiaro: Well we....about half way through the process we made some adjustments to our Comprehensive Plan; we went to Tallahassee to talk about those changes, met with the folks in Tallahassee to see how that was received so that we didn't proceed without getting a kind of initial blessing on the Comp Plan changes, and then proceeded. We don't have inconsistencies with our Land Use Plan and our Comp Plan.

Commissioner Withers: If one day is 100 percent, can you break out how much time is spent now currently for you that has to deal with land use issues?- procurement issues?- or do you just deal with strictly with land use?- what is your typical day percentage-wise with the different issues?

Ms. Chiaro: Wow. When I walked out this morning I picked up my list of departments, because whenever I'm trying to track time, and I know kind of going a little bit not directly to your answer, but when I'm tracking time I typically have 30 different things that I'm tracking time to do during the day. I'm dealing with the Purchasing Department, or the Code Enforcement Department, or the Civil Service Board, or the....

Commissioner Withers: I'm sorry, most of it is what?

Ms. Chiaro:....the Civil Service Board or labor issues, land use. Land use – we do a land use agenda once a month, we have two meetings a month, but the land use issues are on one agenda, and so typically for that agenda I'm involved more. I would have to tell you that substantively I deal with all the departments, probably 20 percent of my time is land use.

Commissioner Withers: So that's your heaviest use you think?

Ms. Chiaro: Yes, for sure; all of the land use issues, yes.

Commissioner Withers: Has there been any recent rewrites of your Procurement Code?- and were you involved in those at all?

Ms. Chiaro: Define recent. We took it out of our Charter and we had our entire Purchasing Code in the Charter and we then had a referendum question, should it be removed from the Charter and

made part of the Purchasing Code? So, we did. We made it part of the Code, and so we did do a complete rewrite that was about eight years ago, and I was heavily involved in that rewrite, worked closely with the then Purchasing Director and the attorney, there was a hands-on attorney in the office who did it, but I certainly was aware of every issue. I can tell you everything that's in our Purchasing Code because those kinds of issues come up all the time, the nuances of it.

Commissioner Withers: Do you deal with any of the bid challenges?

Ms. Chiaro: I do not. The person who deals with the bid challenges is a direct report to me, that's the transaction side of the house, but I'll tell you in the last five years we've had two I think. We don't have very many, some cities do. I've been at cities where you had bid challenges all the time, we don't have very many.

Commissioner Withers: Thanks.

Commissioner Anderson: One question. We had an interesting discussion on land use and you shared with me something that happened in Naples, and it was very fascinating to me, because you basically told me that you have the law all of a sudden became three dimensional, and you shared with me something that you did as far as creating a plaza or creating a – through legal instruments.

Ms. Chiaro: Oh, yes.

Commissioner Anderson: And the whole thing about for us, we are about to potentially embark on a remake of our main street, our Miracle Mile. Explain to me that to show kind of how creative the law can be in order to fashion land use that can make something very beautiful happen?

Ms. Chiaro: And this is what we talked about I think in our discussion. We took a street that had been dedicated for use by the public, but it was a one block street; it had across the street on one end and across the street on the other end, and we looked at the dedication saw that it could be dedicated for use by the public, but didn't have to be dedicated as a street; and so the city closed it as a street and used it as a downtown plaza, and then for half of that block the property was given in a unique kind of an agreement, a type of a license agreement to the Naples Players; and the Naples Players then built a performing center, a performance center and the city maintains the plaza in front, that then connected with and was done in conjunction with a CRA, that was created for downtown to deal with mostly parking, mostly parking issues and aesthetic issues. We adopted some uniform colors and created a downtown area, and then ultimately connected that to a city park and gave a portion of the park for use for the Naples Art Association, and it

created its facility there, and so the entire downtown area was connected, and I learned a great deal in doing these agreements, both working with the attorneys with the Naples Art Association, and the Naples Players, because those organizations had some needs, but I was protecting the city. So we balanced how to creatively use these areas with protecting the city and ultimately came up with what is a lovely plan for downtown.

Commissioner Anderson: Thank you.

Commissioner Cabrera: When we first met, which I guess was about three weeks ago at the Coral Gables Youth Center and the five members of the Commission had the opportunity to interview six candidates, I did not have an opportunity to ask you this question, but subsequently you provided the information I was looking for and this is the basis for the question I'm going to ask you. The last time we met as a Commission, I talked about that it would be interesting to know the compensation of the three finalists, and you were kind enough as Mr. Leen was to forward to us, to forward to my office your total compensation package, which I then turned around and sent to the Commission asking them not to reply; and then subsequently the City submitted a package to us last Friday. It's my understanding your base salary is in excess of \$211,000, and I'm just curious, because and I'm trying to boot up my computer so I can actually tell you what Ms. Hernandez salary was before she left, but it was less than \$211,000, and at some point in time if you are in fact the person we choose, we are going to need to negotiate your salary and compensation. I'm going to ask you an open probe and ask now what are your expectations in terms of salary and compensation?

Ms. Chiaro: I don't want to be coy with you and I know that this is not a negotiation, but when I look at this position, the salary is just one element of it, the compensation and salary is just part of the package, it will be important to me to know what the entire package would be. I would not have applied for this position if I didn't think that we could come to an agreement on my salary if you selected me as your City Attorney.

Commissioner Cabrera: That really didn't answer my question.

Ms. Chiaro: To answer your question; your question I think was, what are your expectations?

Commissioner Cabrera: Yes.

Ms. Chiaro: And I can't tell you what my expectations are because I don't know what the entire package is; salary-compensation and other things.

Commissioner Cabrera: OK, that's fair. See, it makes it difficult for us because at some point in time it's going to have to be discussed, and the more transparent and the more open we are about it the more comfortable I become with the whole process, but I appreciate your candor in responding to me.

Mayor Slesnick: Maria this is your chance to let people know a little bit about you and the public, and I know and appreciate the fact that you said you are interviewing with those of us who you would be responsible for the caring and keeping of the Commission, but just to run over a couple things which I think are important. One is, the job of our City Attorney includes, and this is seldom mentioned in our discussions, but includes being our Police legal advisor basically, and I'd like to know what your background experience has been working with the Police Department.

Ms. Chiaro: I advised the Police Department in Naples, I had a Police Legal Advisor in Hollywood, who was working closely with – Oh, my Police Legal Advisor had always reported directly to the City Attorney; I have never worked in a situation where there was a Police Legal Advisor who is separately engaged by the Police Chief, by the way I met your Police Chief when I was being fingerprinted, and so he was excited, I was excited for you to have this new Police Chief....

Commissioner Cabrera: You met the new Police Chief?

Ms. Chiaro: I met the new Police Chief; he was getting fingerprinted the day I was getting fingerprinted.

Commissioner Cabrera: You got me on that one; I haven't met him yet, so that's a good start for you.

Ms. Chiaro: I think it was serendipitous. In any event, I am very aware of Police issues and the kinds of advice that a Police Department needs. I can't tell you that I advise day-to-day because I do have a Police Legal Advisor, but there was a period of time where the Police Legal Advisor reported directly to me substantively.

Mayor Slesnick: So that's not an area of the job to make you shy away from it, you feel comfortable doing that.

Ms. Chiaro: Despite my size I don't scare too easily.

Mayor Slesnick: The other thing is that I think the one thing you may not have mentioned that I picked up on was your work with the Miami River and it's the body that has helped try to bring Miami River back to prominence, and the entire area, and you worked as a legal advisor with them.

Ms. Chiaro: Yes. When the Miami River Commission was first established and it goes way back, it was just a local committee and I advised them as their counsel at that time, I think it's what got me interested in the history of Miami really, but we now, the City of Miami doesn't have too much involvement with the Miami River Commission these days, but I am always aware of what they are doing.

Mayor Slesnick: And I think you did the work for the Miami River Commission pro bono, if I remember correctly?

Ms. Chiaro: Yes.

Mayor Slesnick: Also, one of the things that I don't think we talked about; we talked about land use in general, but you have experience with a very important subject with us, I believe, and that's historic preservation.

Ms. Chiaro: Yes. It is, I think one of the joys of practicing law in this field for cities that appreciate historic preservation. You know, the law is so interesting, it inspires such passion in the people that move the policies forward, and so it's something that I'm always willing to take on. I love sitting at the Board; I don't love all the Boards, but I like that Board.

Mayor Slesnick: So you actually sit with the Historic Preservation Board at times?

Ms. Chiaro: At times, yes.

Mayor Slesnick: And I think it should be mentioned for those of who are interested that you have your law degree from the University of Miami.

Ms. Chiaro: I do have my law degree from the University of Miami – Go Canes!

Mayor Slesnick: Well you just lost Withers vote, but that's OK. He sometimes overcomes...

Commissioner Anderson: Well you have two Canes on the Commission and one Cane over here.

Mayor Slesnick: OK. Well, anybody else have any questions? Maria in closing, I think Commissioner Cabrera said that he'd like to hear any....

Ms. Chiaro: Yes, and I would like to tell you that regardless of what your decision is that I am awed by the process, it was and is a very professional process and I appreciate being able to present myself in what I think is my best light, so this is what I am. I know that – I would love to be part of this City; I am ready to put that Brickell condo for sale and move to Coral Gables, we are ready to establish the rose garden here. My husband and I grow roses and grow some other things, our kids are grown and gone, but I would love to be part of your City as your City Attorney. So thank you very much.

Mayor Slesnick: Well thank you Maria and I want you to know that I for one have gotten a number of attorneys throughout the area that give you very high ratings, and very sound recommendations.

Ms. Chiaro: Thank you.

Mayor Slesnick: So you should be proud and I know you are of what you've done in life. Thank you.

Ms. Chiaro: Thank you.

Mayor Slesnick: We are going to take like a four minute stretch break while we get the other candidate here.

[Note: The Commission took a break and returned to the Chambers to interview the next candidate].

Mayor Slesnick: This is Craig Leen currently an Assistant County Attorney and he is our second finalist to be interviewed today. I was asking you Craig if you would go ahead and take the time to give us a short brief statement of anything you'd like to tell us about yourself, I know you've told each of us that, but it's good for us to be reminded and also for the people who would be watching this now at home or in the future, so tell about yourself.

Mr. Leen: Thank you. My name is Craig Leen, I'm a resident of Coral Gables, I love the City of Coral Gables, and I'm honored to be here today and I thank you for making me one of your finalists. I think there are three reasons why you might think of me as your City Attorney, and I think that I could do a good job, and the first reason, I have a good knowledge of the law, that's something I think if you asked any of my references they would tell you. I have a very broad and

strong knowledge of the law. That comes partially from my work as the Chief of the Appeal Section at the County Attorney's office. In that position I oversaw several attorneys directly in their work on appeals, and also of the Office of Appellate work generally, and in doing that I got to work in basically every area of local government law, and it was helpful to be doing appeals because as an appellate attorney I got to look at the record and what was done in the case below, and I got to see what were the mistakes, what were the good things, and I got to argue that to the Appellate Court, and in doing that I argued to the 11<sup>th</sup> Circuit Court of Appeals, the United States Appellate Circuit, I argued to the 3<sup>rd</sup> District, the District Court of Appeals for this jurisdiction, also to the 11<sup>th</sup> Judicial Circuit, Circuit Appellate Division; and in doing that I got to learn about everything you could imagine on local government law. I did appeals on sovereign immunity issues, and was quite successful in a number of them; I helped with appeals involving land use issues, sat on mute courts involving land use issues, and know the standard involving land use issues. Also in Police matters, and I'll talk about this a little more in a second when I talk about my work as Chief of the Federal Litigation Section, but I also worked on a number of appeals involving Police Officers, involving the County in Police actions. In addition, I also did appeals about ordinances and defending ordinances against the tax under the First Amendment, defending government action against the tax under the Fourth Amendment, and so in that sense I got a very broad understanding from this experience, a broad understanding of local government law. Then I became the Chief of the Federal Litigation Section in my office, and in that role I have been advising numerous departments regarding constitutional issues and also issues involving state law, because even though it's called the Federal Litigation Section, we do work involving both issues of state law and federal law because those issues come up in federal cases, and as part of that work I also serve as an advisor to the Police Department; I go to meetings with the Police Legal Department. I advise them on a range of issues relating to Police work and I'm very close to the Chief Legal Advisor for the County, the Director, the Assistant Director, so I have that experience advising a department. Also with the Corrections Department, I advise there as well, and then other departments, the Building Department; I handled a very important federal case for them a number of years ago involving an action that they took and that was challenged in federal court and was successful in that action. So I think the first thing I'd say is I have a good knowledge of the law; the second important reason why I think I would be an excellent City Attorney is I have a good temperament, or at least so I've been told, I think I do...

Vice Mayor Kerdyk: [Inaudible] – (Laughter)

Commissioner Withers: That won't last long.

Commissioner Anderson: We'll give you a week (Laughter).



Mr. Leen: I will try to maintain that if you give me this position and I want to get along with all the people that I work with, I think that's very important for a City Attorney, and to treat each person with respect and with dignity, particularly considering the very important public offices that you hold, and I understand that and I will work very hard to be there for you. I understand that you are not only choosing a legal advisor for the County, a Constitutional Officer, but also someone that you would want to speak to individually regarding ordinances or things that you would like to do for the City, you want a counsel and I believe I can do that, and I believe I have the temperament to do that; and the third reason is, I know my role, I really do. I came up through the County Attorney's Office, and I know that a lawyer's role is an important one, but it's a limited one, and one thing that you will get from me, I can promise you, is you will not get someone who is trying to get involved in policy matters or in political matters, that's the way I've been trained and that's the way really a lawyer should act in my opinion. So, I understand that role and I'd just like to say, I came up through the County Attorney's Office, I was hired by Bob Ginsberg, I also was an Assistant County Attorney under Murray Greenberg and Bob Cuevas, and one thing about all three of them, and I'll emphasize Bob Ginsberg because he actually became County Attorney at about the same age I would become City Attorney if you selected me, and I remember first meeting him and my interview with him, and he told me certain things to be a good attorney, and they were not things like know this area of law, know this, it was treat others as you'd have them treat you and treat everyone with respect, and they have built an office at the County Attorney's Office that is extremely professional, that in my opinion is the best office in the state in terms of the type of legal work that they do, and I would bring that here, and I would want to build something like that here. I'm not saying necessarily build a large office or anything like that, I'm just saying that sort of professionalism I would bring here, and everyone that would work for me would have that level of professionalism, would recognize that they are the attorney for all of you and for the administration and would act accordingly, and with respect. So those are three of the reasons I think I'd be a good City Attorney, and just on a personal note, you know, I love the City, I live here, my wife and her family they grew up here; my wife grew up here, her family they lived on Astoria, I live on Alcazar, I just walked here today. The opportunity to be the City Attorney for the City I live in and a great City at that, and a famous City throughout the country, a very important one for what it stands for and the quality of life it provides its residents that would be an honor, it would be a true honor, and one thing I can tell you and promise you is, every day I came to work I would give it 100 percent, a 110 percent and I would make sure to be prepared on every issue that you would bring to me, and if I wasn't I would get prepared immediately, because I know that this job is important and I want you to know that I take it very seriously and I would do it to the best of my ability.

Mayor Slesnick: Thank you Craig. We are going to have a few questions and Maria did you lean forward to start?

Commissioner Anderson: Why don't we do what we did before? Bill, do you want to start?

Vice Mayor Kerdyk: I think he answered a lot of my questions before I get started, but I do like the way he defines Coral Gables better than I did the little-big City, but a great City was the better way of defining it. One of the questions I had was of course your litigating experience that's a big plus, especially on a small office like ours because we are going to certainly need a hands-on person to make some, to litigate matters for us; and you touch on an area that I didn't know if you had much expertise on, which is land use, do you want to delve into that a little bit more and talk a little bit about land use knowing that the City of Coral Gables, again our great City has such a definable residential area, but also has a downtown area like no other little-big city, little-big great city around. So there is a lot of opportunity to use land use litigation at some point.

Mr. Leen: Yes, I would like to talk about that, thank you. I'd like to say two things, first I definitely understand that issue because I do live right on Alcazar, right near LeJeune, and I understand that one of the things that I love about the City of Coral Gables is its single family residence, is that area that I live in, in a way that they protect the City, how nice it is, how its protected from growth. I understand that. On the other hand, I love the downtown area too; I go there every weekend and I know from watching your meetings how important it is in having a downtown area that attracts people, and businesses, and things like that. Now, just speaking about that personally, I as your City Attorney would take no position on how you would want to do that, and I understand that wouldn't be my role, but I do understand the importance of the issue. Now, as to land use generally, I'd like to make two points; first, as an appellate attorney and also just in my work in the land use section of our office, which handles a number of land use issues through Miami-Dade County, I do have experience talking about these important issues. I do understand for example, I know very well the standards for zoning decisions, I know what sort of evidence needs to be presented at a hearing, I know the legal issues relating to that, and let me say, the City of Coral Gables is at the forefront nationally on these issues, and many of the important decisions coming out of the State of Florida on land use issues relates to Coral Gables. One of the most famous ones of course involved the newsracks, also trucks, and both of those issues have constitutional dimension. So one thing I would offer you and I think that would help me, I have litigated a lot of constitutional issues, and in preparing for this position when I decided to apply, I went immediately to the Chief of our Land Use Section and Joanie Armstrong Koffee, who is actually going to become the Broward County Attorney, I spoke with her at length to gain the knowledge that I thought would be necessary to be the attorney for you, and she was extremely helpful in that regard, and gave me, and I've read all the leading cases, and like I said I do have the experience as an appellate attorney litigating these issues. Also, I know

though that, that has not been the focus of my practice, so if I do get this position immediately I would focus on that and I would learn more and more about it.

Vice Mayor Kerdyk: Speaking about broad because it is a very broad position, you are going to, do you have a problem – one of the things I see you having to do is meeting with the residents when there is an issue on a one-to-one basis, as much as it is litigating a big case in the City. Are you capable, I know you are capable, is that something that you see as part of your vision of your office there?

Mr. Leen: Yes. I do think I can do that and I think I can do it well. I do recognize though that as the City Attorney it is just important when I meet with individual citizens that they understand that in the end I am the attorney for the City, and I would make that very clear in the beginning, but to the extent I can stop lawsuits or protect the City and protect your time from people complaining about things that are easily fixed, I would do that.

Commissioner Withers: Thank you for being here and I was looking forward to a magic trick but I guess we are not going to see one.

Mr. Leen: Well let me tell you not today, but maybe in the future.

Commissioner Cabrera: You do magic?

Vice Mayor Kerdyk: Didn't you read his resume?

Mr. Leen: I do about 20 tricks.

Commissioner Cabrera: We'll have to compare tricks.

Mr. Leen: Sure that would be great.

Commissioner Withers: The other candidate has probably been in service for 30 years in State's Attorney, or municipal, or county, you've been in maybe for 4-5 years, I think.

Mr. Leen: Six years.

Commissioner Withers: Six years, OK. So you made a comment earlier that I want to pick up on and that is that you mentioned – well let me ask you instead of making a comment. Do you feel that the field of law that municipal law, that the city is moving into right now with you possibly,

is it more based on knowledge of what you learned in the past or is it based on what you forecast will be something new in the future? You understand my question?

Mr. Leen: Yes, I do. Yes, I do. I definitely think it would be both, let me give an example. The one area I've done a lot of litigation in is in government powers and sovereign immunity, so certainly in defending your ordinances, in raising sovereign immunity in lawsuits, which I'll tell you, if you take a look at the reported decisions throughout Florida is not raised that often. In fact Miami-Dade County is really on the leading edge of that, and a lot of that is because of the work I did there in trying to promote raising sovereign immunity which has many different applications. So in that sense I think I'll be a real asset to the City because I would make sure that if I'm handling a case or if I'm overseeing outside counsel handling a case that they are raising these issues, and on sovereign immunity for example, I would be one of the leading people in Florida on that issue just because I've raised it so many times and I've been successful in that. I would also say that in terms of my work in defending ordinances, in terms of my work advising clients, in terms of my work on appeals where I have done appeals in many different areas, I would certainly bring that to this job; and I have many, I have filed briefs and memos in many different types of cases and that would be something that I would bring to this job, that knowledge of the law in those different areas. Now, going forward of course the issues that the City of Coral Gables faces are different than Miami-Dade County; and I understand that, and I would, I mean for one thing we just talked about land use, and some of the constitutional issues that are raised there. I'm ready to litigate those. I know for example, you have a case right now in the Supreme Court on that issue, and if I were your City Attorney I would be very involved in that in making sure that the position of the Commission is known and is defended as well as possible, and one thing that you get from me is an experienced appellate attorney; I am on the Appellate Court Rules Committee, I have litigated numerous cases in the different Courts of Appeal that affect Florida; and I've also overseen, and one other thing that I did I didn't mention in my opening statement, but as head of appeals I oversaw our Code Enforcement litigation as well. So in terms of enforcing a code, which I know is very important at Coral Gables. I do have that experience, of course I have to study this code; and I will, and I have started, but I will if I get the position in particular, and I will be very effective in doing that, I believe.

Commissioner Withers: Take another step then. I guess over the next five years we are going to see just I think major overhauls of how governments manage people and manage communities, we've already started to see a little bit, you are going to see more outsourcing possibly, you are going to see less employee cost hopefully. So you are going to see a general redesign of government in probably areas, not that I'm comparing Coral Gables to events going on in the world, but I think there is just a general feeling that there is an empowerment of private individuals, it's more of the pendulum seems to be swinging back towards more to private rights

and individual rights and government seems to be taking a little bit of a back seat. At least that's my impression, I don't know if that's shared. How do you prepare a city to move into that?

Mr. Leen: Well I do think that, I do monitor the 3<sup>rd</sup> District decisions. I did as the head of the Appeal Section, I still do it, and I have noticed that there do seem to be more decisions that protect private rights and private land owners. I think for the City of Coral Gables obviously that's important, but often the city of course wants to protect its aesthetics, its property values, wants to ensure that people comply with the law. I think I'll be well suited to help with that because one, I would make sure to know the law and I would be up to date on it, and I've done that for years, so I know I can do that. Also, I'd be very good at advocating that opinion because I've done that as well, and in terms of advising you in the end it would be your decision whatever you wanted to do and I would defend it. The only time that I think I would even, I would certainly have a role in advising on what the law is and different ways you can achieve your goals legally; and I would do that because when I'm in charge of the County Attorney's office and also in my work in private practice is that when you come to a client you don't just say no, you also give them different alternative ways that they can reach the legal result; and in addition you make sure never to tell your client no, especially elected representatives unless it truly is no and you should be certain of that, and it shouldn't just be based on some case that you had a couple of years ago or something like that. You really need to know what is the binding law in this issue?- where do you have discretion?- I would do that, I would be more than willing to defend your decisions, even when they are on the cutting edge. As long as you know, and I've advised you of what the legal risks are, and as long as it's not in violation of a binding precedent, I would be more than willing to do that. I respect greatly that you've been elected by the public, your discretion is extremely important, that's one of my roles as a City Attorney is to protect that discretion, and I would do that.

Commissioner Anderson: Two quick questions or take as long as you want. What do you consider your role or your relationship should be with our City Clerk and our City Manager?

Mr. Leen: I think they should be a cooperative and cordial working relationship. Of course this Commission is in charge, I recognize that, that's very important. In addition, I know that you've selected these constitutional officers and you would want me to work with them in order to achieve your goals, and I would. I have a lot of experience working with administrative staff, working with the County Manager's office; here I would work with the City Manager's office. Like I said, I'm cordial, I get along with people very well, I understand that it's very important to have a professional relationship with everyone including staff. In addition, I know as your attorney in the end my goal is to make sure that you have all the material information you need in making every decision that is a legal issue. So, of course if the City Manager came to me and wanted to work on something, of course I would assist, I would work, I would give the legal

advice that he needs, I would not get involved in policy, but I would give the legal advice as to the different options and how to obtain them. But I would also make sure that you as the Commissioners have all the material information you need; and I anticipate having a very good working relationship with the City Manager, so I anticipate that all that information would be disclosed to you, but I understand my role and I know that in the end I'm independent and I work for you, and I would respect that greatly.

Commissioner Anderson: All the good questions were taken, but I'll throw one in there just to see if we can do that. What do you see as Coral Gables biggest challenge and how could you help, a challenge or opportunity as I mentioned earlier, and how do you see yourself fitting in that role as City Attorney?

Mr. Leen: I want to be careful here because again, I don't want to get involved in policy matters and politics, but that's a very good question. I've seen from this Board that one of the main issues that you raised and you raised it here today, and you raised it in a number of your meetings, is the growth issues relating to downtown, and the neighborhoods surrounding downtown, that is a very important issue for the City. Also these constitutional issues that come up, for example in the trucking case, it's very important that you win that case, frankly because if you don't it would limit your powers because these cases often have effects that are wide ranging. So I would make sure that something like that is litigated well. Now from a legal perspective, which I feel more comfortable commenting on, I think that what I would do if you give me this position right away, I would come in and look at all the relationships with outside counsel, and I would make sure I would reevaluate them, make sure we are getting value. I have worked at three private law firms, I have billed, I know what it is to give value, and I know what it is not to give value; and I would make sure you are getting that value and getting the best attorneys you can get, and I would not play favorites or anything like that. Frankly, I don't have connections to lots of people, so that wouldn't be a factor, I would come in there and I would make sure that you have the best legal representation that you could have. In addition, I would meet with each of you immediately and I would find out from you what legal issues you want me to focus on with the city, because I feel in the end it's your decision in that regard. Now of course, I would be the chief legal officer for the City, so once I come in and evaluate the office, I would also act. For example, one thing that I can offer is, I used to actually, I know quite a bit about contract law, I used to actually teach it at Columbia as a Teaching Assistant, and I would of course immediately come in and evaluate, if you'd like, I would look at your leases, your contracts and make sure that the City is being protected to the best extent possible. So I would do something like that. I would also, another thing I would offer, I would make sure in all your cases that you're raising these defenses that protect your authority, such as sovereign immunity and things like that. For example, one thing that I learned at the County which has been very helpful is that if a county or a city in this regard, sets a policy, let's just talk about a typical tort



case, a tort case where someone sues you and let's say either they sue you, they sue the city for something that was done maliciously, or let's say they sue the city for something that was a judgment call by the City Manager or something like that. I know right away because I've done this at the County that there are two potential immunities that would apply, right away; one, for anything that would be alleged to be done with malice, the city shouldn't be sued, there is sovereign immunity there; two, for anything involving judgment calls made by the city including how you respond to what would normally be a tort suit in terms of how you, Public Works or things like that, if there are actual policy decisions being made, I would protect those and make sure sovereign immunity is being raised. So in all of these areas I think I would offer a lot to the City because I think I would bring in fresh eyes, a fresh look, and I would be very cooperative with you in doing this, I would make sure to speak with each of you, with the City Manager's office, and with the Interim City Attorney who works in the office as well, and I would – I would offer that to you and I would take that very seriously, and I would do that right from the start.

Commissioner Cabrera: Mr. Leen, I'm trying to be as consistent as I can possibly be with both of you, so I'm trying real hard to ask the same questions from both candidates. Let me start off by taking you kind of off the beaten path a little bit and get you to think back on elected officials whom you have worked with in the recent past; and I'd like you to describe to me the qualities that you have most admired by that particular person, I'm assuming County government, you don't have to name the person though, and if you have some critiques I would also like to hear those.

Mr. Leen: I think the first thing in any public official is honesty. I've always liked it when the public official, especially if they are a lawyer comes forward to me and is completely honest and candid about the situation, and I admire that in public officials who do that. Second, I'd like them to show trust in the law; I trust them on their policy decisions, I like it when they, I wouldn't say defer to me, because it's not the role to defer, but to respect my legal advice; and if they have a question to ask me, not just to accept it because sometimes I have clients who just accept, but especially on issues of governmental powers or things like that. I have no problem with being challenged, and I will show you why I make a certain decision or why I think the law is as it is. Those are the two main things aside from just getting along with them, being kind and respectful of my position.

Commissioner Cabrera: Mr. Leen you mentioned early on in your interview that you obviously work with other attorneys and other staff members at County Hall, how many people do you actually supervise?

Mr. Leen: I supervise directly seven other attorneys in the Federal Litigation Section. In addition, I assign work to approximately eight additional attorneys and supervise that portion of their work. So that would be I guess 15.

Commissioner Cabrera: Knowing that, or this Commission knowing that you have under your area of responsibility 15 City Attorneys and that you will only have one City Attorney, that's the Interim City Attorney who is doing an admirable job, if I may add that during the interview process, if you (sic: aren't) told that enough, you are doing a great job; how do you see the transition going from an office of 15 attorneys to an office with one attorney?- and then possibly contracting out to law firms outside of the city confines?

Mr. Leen: As an initial matter for three years I was Chief of our Appeals Section and in that role I directly supervised two people, and in doing that we supervised Code Enforcement, all Code Enforcement appeals for the County, and in addition would take appeals from other entities; and one thing I think, if you would ask my references, one of the things I was known for at the County Attorney's office was helping to build that section, and make it a very respected section at the County Attorney's office where people would come to us and ask for appellate advice. So, I do have experience with a smaller office and I think I can do that well; I think coming in here I think the first thing to do would be of course to meet with the Interim City Attorney, and to discuss all the different legal issues that come before the City and all of the different cases that we have pending, and to begin immediately the reevaluation of all of that to make sure that the City is getting the best value, make sure that the City is raising all of the different defenses that protects it. Then in addition, another part would be – one thing I think that I offer you that I think would be helpful, if you wanted the City Attorney's office to grow for example and to hire one or two other attorneys, I could do that. I have supervised two or three attorneys, on the other hand if you didn't I could do that as well because I have a lot of practical experience doing litigation, advising clients, advising departments. So I offer both of those things to you and of course a lot of that will happen once I learn, if I became the City Attorney, once I learn more about the department.

Commissioner Cabrera: My last question of the day is we did not have an opportunity to discuss this during our interview, but subsequently the interviews that took place at the Coral Gables Youth Center, I communicated with the finalists and asked you to provide me with your current compensation, salary and compensation, and incidentally I want to thank you because you responded I think within minutes and I'm very grateful for how responsive you were.

Mr. Leen: Thank you.



Commissioner Cabrera: Knowing and I believe you may or may not know this, but our City Attorney's base compensation which I was able to find on the computer, I wasn't able to do that with the first candidate, but it was \$179,549, and then there were other parts of the compensation program, and that came directly from the HR Department, I didn't make this figure up. Knowing that your current base salary is \$175,310 and then you also have other compensation and benefits variables, what are your expectations?

Mr. Leen: My expectations are this is great public trust and I leave it to you to decide my salary, that salary would be fine. My current salary or the salary that you just mentioned would be fine, I would be happy with that. If you wanted to give me a little bump I'd be happy with that too, but I would leave that completely up to you.

Commissioner Cabrera: I really admire your candor. Thank you sir.

Mayor Slesnick: [Inaudible – off mike]...but the fact of the matter is that other people are trying to get to know you too that are not necessarily sitting here, and I just wanted to point out, you didn't mention your educational background, but you are a graduate of Georgetown and Columbia, your law degree is from Columbia; and I take it that you are an Adjunct Professor at the University of Miami Law School.

Mr. Leen: Yes. I'm on their adjunct faculty. I taught six years, legal research and writing and I have a class that's in development.

Mayor Slesnick: At the County do you have an opportunity to sit with any of the Boards or any of the sub-groups, and to include that in your answer do you have an occasion to sit with the Commission?

Mr. Leen: It's not my current role, but I have; I have sat with the Unsafe Structures Board, often it's helping other attorneys, but I've done it myself, I've done the Unsafe Structures Board, I have done BORA, the Board of Rules and Appeals, but I never had the direct assignment of handling that for a long period of time. I do know how to do it though and I have defended the actions of the Unsafe Structures Board, in fact I would like to mention one of the appeals that I worked on which I think has been very helpful for the County is, there was an appeal where someone was challenging the actions of the Unsafe Structures Board and they were doing it long after the Board had issued its order. The person was trying to basically get an injunction to stop the demolition of an unsafe structure, so in doing that even though it was just a typical injunction action, they really were undermining the power of the Unsafe Structures Board because they were essentially appealing that decision long after the deadline for appeal was done; and with another colleague in my office we took an appeal where the 3<sup>rd</sup> District ruled, and it's called Fry

v. Miami-Dade County, in an excellent decision that there was no jurisdiction and that the person had to, challenging the Board, had to do it within the time required by the rules of appellate procedures. So I've handled a number of appeals from Code Enforcement and also from Unsafe Structures Board and from other County Boards; and I'm very familiar with the judiciary process and with the standards that need to be met, and the evidentiary standards that need to be in front of these Boards so that whatever decision they decide it can be upheld, so that their discretion is protected.

Mayor Slesnick: We allowed the last candidate and we are going to allow you to do a close, you did an opening and now you can close with any personal observations or last impressions you'd like to leave us with.

Mr. Leen: I want to thank you again, I've enjoyed this, I would love to be the City Attorney. I hope that you pick me; there is a very qualified candidate against me, so I understand if you don't. I would say that if you don't I do have a wonderful job, I'm sure that many of them are watching probably on the web right now, and I feel very lucky in that regard, but I really do want this, and I can tell you that if you give me this position you won't regret it and I will work every day to make sure that's true.

Mayor Slesnick: OK. Thank you Craig, appreciate you being with us today and thank you for your answers.

Mr. Leen: Thank you Mr. Mayor.

Mayor Slesnick: Let's take another four minutes and be back here quarter of.

[Note: The Commission took a break at approximately 1:56 p.m. for a few minutes and returned at approximately 2:03 p.m. to wrap up discussions]

Mayor Slesnick: One of the feedbacks I got today when I mentioned bringing in another candidate was the desire to finish it today, so if that is a common desire, then I guess we are at that point. We can either just go ahead and vote, or we can have discussion, it's up to you what you'd like. I will only offer this observation, I think we have two excellent finalists, two incredibly capable and competent people, we have one person who has senior experience in almost every area of municipal law, and we have someone who is capable and competent and assertive in abilities to either use all their talents at this time and develop other talents.

Commissioner Cabrera: Can I just ask that whatever we do today we just openly make the decision instead of how we did it last time, because you know what happened last time, I didn't know how everyone voted until a resident sent me an e-mail with everyone's numbers.

Mayor Slesnick: Well here's what I suggest, if you think about it, I still thought that we could write it down, but we could read them into the record; if we vote sequentially then the people who are voting late in the game are obviously either....

Commissioner Cabrera: That's what we did for the City Manager, that's exactly the way it went down, and in fact it was a 3-2 vote and then it became a 4-1 vote.

Mayor Slesnick: OK. I just thought at the first ballot it might be a better expression of everyone's soul if they just wrote down and then we announce it, but that's OK, I don't care, however the Commission wants to.

Commissioner Cabrera: I'm OK; you all can do it however you want, I'm going to announce it.

Commissioner Anderson: I think it's going to be alright – whatever is fine.

Vice Mayor Kerdyk: I'm OK with either too.

Mayor Slesnick: Did you have something else to say?

Commissioner Anderson: Yes, actually I think the choice between is – I think we are lucky to have two really wonderful candidates, I guess the choices between, as you say a person who is a very seasoned veteran and a person who may not have had that much experience, but has great desire.

Vice Mayor Kerdyk: I'm ready to make a motion for one person, if you want to go ahead and do it like that, I'll do whatever....

Mayor Slesnick: That's fine with me too.

Vice Mayor Kerdyk: I'd like to hire both of them, it would be great if we could hire both of them, but we know that's not an option, both of them would be very capable.

Commissioner Anderson: Absolutely.

Vice Mayor Kerdyk: My person that I would like to make a motion for is Craig Leen; I would like to move Craig Leen.

Commissioner Cabrera: I'll second that.

Mayor Slesnick: Anything you want to say.

Vice Mayor Kerdyk: No, I made the motion, I thought they were standouts, both of them were standouts, and like I said I can hire either one of those individuals. I just feel comfortable with Craig and I'm just very supportive of him.

Commissioner Cabrera: I find it refreshing to have someone like Mr. Leen present to us. It's interesting because when I first ran for office I had all kinds of experience working on various Boards and I have colleagues today that didn't have that kind of experience coming into it, but I've seen them develop and learn and they've always brought a very fresh perspective to things without that institutional knowledge and experience, which I think is critical. I like his candor, I like his demeanor, I enjoyed the way he responded to questions, very methodically, numerically, and was not afraid to discuss any and all topics that were affronted to him; and I think I speak for the rest of us that I'm also very impressed with Ms. Chiaro, but getting down to it time to make a decision. That's why we get hired to make these difficult decisions that will be criticized for months, and perhaps years to come, but that's OK, I'm very comfortable with Mr. Leen and I'm going to support him for the last, I've got 27 months left, some of you have 49 days left.

Vice Mayor Kerdyk: And counting – when you said hired, also hired and fired could go along in the same verbiage.

Commissioner Cabrera: So I feel like I have 27 months to work with him or not, so I'm very comfortable in what I heard today, that's really it. I have nothing more to say. I'll just defend my position later on.

Commissioner Anderson: You know, I love them both. I think what has been a deciding factor for me, I mean; it was hard, because Ms. Chiaro has incredible experience in land use and things like that. I think what kind of a thought process as I watched it unfold, actually it happened here, the eagerness and the desire, and I remember also being finished in college and nobody would give me a job because I didn't have the experience, but if nobody gives you the chance and you have the desire then it never really happens, and I think he comes well recommended to as well. I'm very comfortable, I was ready today to come here and I knew that whoever we picked we were going to be in great shape.

Vice Mayor Kerdyk: I do too.

Commissioner Withers: I think Ralph kind of started the conversation off correctly, the City has a veteran of thirty-some years in the trenches, a lot of her answers were guarded with some kind of institutional cover a little bit; Mr. Leen came out green without a lot of the battle scars that an aged veteran would have, so his responses did seem very energetic, very refreshing, and I think it's a philosophical decision that the City is going to be making right now, I tend to agree with the group. If we are on a real advised forward type of mission of the City, a forward thinking City, a City that's going to be taking some changes, but not unguarded chances, I think Mr. Leen is our individual.

Mayor Slesnick: Well let me say, I think I expressed in my opening comments had no problem with either candidate and really had no problem with either candidate from the beginning, but I want to say that I think that Maria Chiaro is an excellent attorney, and I think that the City of Miami is very lucky to have her in their stable of attorneys and is one of the lead persons, and I think that we could probably have a lot more conversation about it, but having heard the four of you I certainly want you to understand that I will join in making the choice unanimous. We have a motion and a second, Mr. Clerk if you'd call the roll please.

**Commissioner Anderson: Yes**

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Mayor Slesnick: Yes**

**(Vote: 5-0)**

Mayor Slesnick: From here we move to the point of the fact that we have to come to an agreement with Craig, and....

Commissioner Withers: Sounded like he already did it today.

Commissioner Cabrera: Yes, well I put him on the spot, but in all fairness every person that I hired in my life when it came down to making the decision to hire them, compensation was an important variable. I saw no reason why we should shy away from it. If any of you are interested I mean, you've seen – you all saw what they both receive in terms of compensation, I think I sent you all what our current or excuse me.....

Mayor Slesnick: Ralph, that figure you suggested I'm not sure it's accurate, I'm not sure.

Commissioner Cabrera: What figure is that sir?

Mayor Slesnick: You said \$179,000.

Commissioner Cabrera: Well, I'm looking at an e-mail from the HR Director and I asked her to provide me with on Wednesday, February 9<sup>th</sup> at 8:48 a.m., she provided me with Ms. Hernandez' former City Attorney Elizabeth Hernandez salary, and at that time it was \$179,549.75, with a five percent loyalty for ten years of service at \$8,977.49, and then five percent loyalty for 15 years of service for \$9,426.36, along with a car allowance of \$450.00 a month or \$5,400.00 annually, and a medical insurance, I'm assuming a reimbursement of \$982.00 a month which is \$11,784.00 and that included dental, as well as a PHP plan at \$950.00 yearly. So those are the numbers directly from....

Mayor Slesnick: I agree because I was including those two five percent as part of base salary, they are considered as the calculate either....around \$190,000 I believe.

Commissioner Cabrera: Yes, I wanted her to break it down for me because I consider the years of service and so....

Vice Mayor Kerdyk: Around \$198,000 Ralph, is that what you said, I'm sorry.

Commissioner Cabrera: No, I didn't say that, I didn't say \$198,000; I broke it down for you and I'd like to continue to break it down because – look I'm going to be very candid here, it's very, very difficult for me to give a new incoming City Attorney the same compensation that we gave to a former City Attorney that spent 16 years here.

Vice Mayor Kerdyk: I agree.

Commissioner Cabrera: I really wanted to kind of use the benchmark that I asked for and again, I'll go over it again with you.

Mayor Slesnick: Ralph, how about this? Let me make a suggestion then that we offer Craig Leen the same base salary as you termed it that Liz had, obviously that would not include the steps for loyalty and so forth, that would start him at \$179,000 from what you said....

Commissioner Withers: I'm a little uncomfortable discussing benefits from this package. I would rather you or someone preferably hear what his needs are, because we don't know what his needs are. There are different things that could be important to him.

Commissioner Cabrera: I'm not uncomfortable talking about it, it comes with the job; this is what we are supposed to do. So if it's the will of the Commission to have someone do it, so be it, but I'm certainly not uncomfortable.

Commissioner Withers: I know Ralph, but the candidate's not here, so my only point is maybe there are some things that we can hear from him that are more important to him and things that are less important to him and we fashion a package accordingly.

Commissioner Cabrera: Or we present a package to him and allow him to come back and provide feedback as to how comfortable he is with that package. I just want to keep the process going.

Mayor Slesnick: Let me offer this. I did this with the Commission for the City Manager, I think I did a relatively good job, I'd be happy to do it, but I've heard Commissioner Cabrera's concerns and I want to make sure that if in fact you all entrusted me to do it that I want to make sure that we keep it as an open process, I think that having some private discussions-negotiations is good for the candidate, I want to make sure that each of your thoughts are represented, and working through the City Attorney I would like to certainly keep each of you involved, if you ask me to do it, and I would love the input as to what we think each of the packages should be, and besides that I really want to say that I think everyone should have a comment on it before it's finalized, not that it should be a final done deal. That's all.

Commissioner Anderson: I'm comfortable with that.

Mayor Slesnick: Ralph, I'd love your support and your participation.

Commissioner Cabrera: No comment. My job is done.

Mayor Slesnick: Would you all like me to...?

Commissioner Withers: Yes, I would, I feel comfortable you've done it before, I feel comfortable you doing it now.

Mayor Slesnick: OK. Maria?

Commissioner Anderson: That works for me. You did a good job with the previous, I'm comfortable.

Mayor Slesnick: I have the impression from our early discussion and from Ralph's comments, I kind of know where we are headed and I saw some heads nodding. OK. When would you like the report back?- obviously as soon as possible.

Commissioner Withers: By the next meeting.

Mayor Slesnick: That's two weeks away.

Commissioner Anderson: Next Commission meeting.

Commissioner Withers: If you can do it earlier than that.

Mayor Slesnick: I would like Lourdes' guidance, I will try to work through Lourdes to make sure that you all are kept fully informed in a legal way, in a legal manner, and that you all have the right to comment back through Lourdes if something bothers you.

Vice Mayor Kerdyk: And I think, no offense to you Lourdes, but sooner rather than later that we get him on board – no, no, I think he should have a transition from this Commission to the new Commission, by April 1<sup>st</sup> for sure.

Mayor Slesnick: I presume he has to give notice.

Vice Mayor Kerdyk: Yes. So by April 1<sup>st</sup> I would think would be our day...

Mayor Slesnick: Well with that, that concludes our business for the day.

Commissioner Anderson: You can hit the gavel now.

Mayor Slesnick: We are adjourned.

[End: 3:02:50 p.m.]