



# Ocala

## City Council - Special Meeting

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.org](http://www.ocalafl.org)

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**Friday, August 26, 2022**

**1:00 PM**

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#### **City Attorney Candidate Interviews**

#### **1. Call to Order**

##### **a. Welcome and Roll Call**

**Present:** Pro Tem James P. Hilty Sr  
Council Member Kristen M. Dreyer  
Council Member Barry Mansfield  
Council Member Jay A. Musleh  
Council President Ire J. Bethea Sr

**Excused:** Mayor Reuben Kent Guinn

Municipal Officers/Others Present: Interim City Manager Peter Lee, City Clerk Angel Jacobs, Growth Management Director Tye Chighizola, Interim Chief of Staff Chris Watt, IT Representative

#### **2. Public Notice**

**Public Notice for the August 26, 2022 Special City Council Meeting was posted on August 18, 2022**

#### **3. Public Comment**

#### **4. Procedures for Interviews**

Colin Baezienger, Colin Baezienger & Associates, 2055 S Atlantic Avenue, Suite 504, Daytona Beach Shores, FL 32218, explained the interview procedures to Council. The interview time limit is 30 minutes, and candidates are allowed to make a 3-minute introduction. The Council President will introduce each candidate, and Council will have the opportunity to ask the candidates questions.

##### **Interview: Vose Law Firm**

Wade Vose thanked Council for the opportunity to interview for the in-house City Attorney position. The firm will be able to offer the City specialty services to build a strong City Attorney's office. He introduced the firm's partners in attendance: Becky Vose, John Cary, and Nancy Stuparich.

Council Member Mansfield asked why their law firm is the best choice, and how they plan on helping the City. Mr. Vose responded the firm can instill a confidence of independence and single-mindedness in the City Attorney's office, with a focus on doing the work of the Council without conflicts of interest and

maintain control of the costs. He explained since the firm specializes in representing local governments only and does not represent any developers, there would be no conflicts of interest, and legal/litigation expenses are billed on a fixed fee basis. Furthermore, they work with government staff to provide legal advice and contribute to the organization's success.

Council Member Dreyer requested more information regarding their fee structure. Mr. Vose provided a brief overview of their evaluation process. The firm analyzed the budget and litigation records to determine a cost. He commented the firm will lose money the first couple years, due to the amount of up-front set-up costs which will mean their effective hourly rate is quite low. However, once their processes, procedures and advice are in place, their effective rate will be higher as they are able to focus on productive work rather than cleaning up messes.

Council President Bethea asked what their plan is for the first six months. Mr. Vose responded they would collaborate with the outgoing firm to represent the City in litigation matters. Furthermore, the team will thoroughly review land use issues and development applications. The firm will schedule meetings with department heads and Council to discuss current/past issues.

Council Member Hilty noted the firm submitted two proposals, and they have two qualified candidates that meet the City requirements. If Council chose to proceed with Option Two, they would choose a different candidate to act as the in-house attorney, and the firm would be considered a backup option. He questioned if Option Two, would result in a cost loss to the firm. Mr. Vose noted the current hiring market demands. He explained option two would be a fixed rate of \$492,000 annually and would assist an in-house city attorney, with the entire backing of the Vose firm for all legal needs as required.

The firm is very interested in pursuing the in-house attorney position. Furthermore, the City has the option to end services with the firm at any time.

Council Member Musleh asked how the firm manages conflict resolution. Mr. Vose responded the firm manages conflict resolution very carefully and adheres to obligations. He explained the firm works for City Council and works with the City Manager. The firm's policy positions have no place in local government representation, and the goal is to implement the policy position of City Council. The firm will not act as City Manager, and Council Member conflicts are remedied in private meetings.

Council President Bethea thanked the Vose Law Firm for participating in the interview process.

Mr. Vose thanked Council for their time.

**Interview: James E. Saunders**

James Saunders, 15812 NW 15 Court, Primebrook Pines, FL, stated he previously served as the Assistant City Attorney in North Miami. Currently, he serves as the Assistant Attorney for Pompano Beach. He discussed his intensive legal background dealing with traditional government, including procurement, construction, utilities and public records, as well as ethical issues common to public officials and City employees. Due to his experience in private practice, he also understands controlling outside expenses.

Council Member Musleh asked Mr. Saunders how he manages conflict resolution for City staff. Mr. Saunders explained the importance of understanding your role and investment in the matter to remedy matters that arise. The City Attorney will not act as the City Manager, and legal advice will be provided to City staff, to mediate conflicts.

Council Member Hilty discussed what the new City Attorney should expect during the first six months. He requested feedback from Mr. Saunders regarding Option Two. Mr. Saunders responded he does not favor the use of outside counsel for day-to-day operations; however, the City would benefit from using outside counsel for some litigation matters that require more specialized knowledge. Currently, the City utilizes outside counsel for certain litigation matters.

Council President Bethea requested Mr. Saunders share his legal experience handling land acquisition, and planning/zoning matters. Mr. Saunders responded in a private practice setting he served as a title insurance agent and learned the dynamics of real estate transactions on both the private and public side. He has experience managing real estate transactions and executing development agreements. Currently, he serves as counsel to their Planning & Zoning Board, and provides counsel to the Zoning Board of Appeals. He considers himself a wealth of information regarding land use/planning matters.

Council Member Dreyer asked Mr. Saunders how he plans on building a strong team and requested information regarding the onboarding process. Mr. Saunders explained the importance of recruiting high-quality candidates with knowledge of City operations. The on-boarding process consists of learning the various City departments.

Council Member Mansfield asked Mr. Saunders why he chose to seek a City Attorney position in the City of Ocala. Mr. Saunders responded the City Attorney position is a wonderful career opportunity. He favors the opportunity to build a new team and create policies. The position provides full control of building a successful in-house team.

Council Member Hilty asked how Mr. Saunders plans on managing personal life obstacles to successfully fulfill the City Attorney position. Mr. Saunders

responded he is very motivated to secure the City Attorney position. He possesses the skill set needed to satisfy the needs of the City and citizens of Ocala.

Council President Bethea thanked Mr. Saunders for participating in the interview process.

#### **Interview: William E. Sexton**

Mr. Sexton stated he has represented government municipalities throughout his legal career. He previously represented Radford County for 5-years and built a successful in-house team. He discussed the dynamics between private law firms and in-house teams. The City will be able to build a successful City Attorney's Office by utilizing the existing framework, which will result in cost saving benefits. He favors the opportunity to act as the City Attorney for the City of Ocala.

Council President Bethea asked Mr. Sexton how environmental land use laws will contribute to the framework. Mr. Sexton discussed the City's zoning laws for development projects. Council has an opportunity to modify the framework to what they envision. He will advise Council on the perimeters and options available to make a successful policy decision for the City.

Council Member Dreyer asked Mr. Sexton how he plans on building a strong team; and requested information regarding the onboarding process. Mr. Sexton responded he will create a flexible on-boarding process, and work with Council to build the City Attorney's Office they envision. The plan is to hire two legal team members to serve as the Assistant City Attorney or paralegal. He suggested hiring the team members in phases to support the City's budget.

Council Member Hilty requested feedback from Mr. Sexton regarding option 2. Furthermore, he asked how often he plans on utilizing the Human Resources Department to help recruit candidates. Mr. Sexton responded option two provides an additional comfort layer to the City. He does not object to having an outside firm for additional support. He supports involving the Human Resources Department in the recruitment efforts.

Council Member Mansfield asked Mr. Sexton why he wants to work for the City of Ocala; and requested more information regarding his management style. Mr. Sexton responded he favors the opportunity to build a new in-house legal team for the City. His management style consists of an open working team environment with strong communication and collaboration. He is excited to return back to the community with his family; and expressed support for the City's efforts to create an in-house legal team.

Council Member Musleh asked Mr. Sexton how he manages conflict resolution for City staff. Mr. Sexton responded the same information will be equally communicated to all Council Members. The client is considered City Council

only, not the City Manager, and legal advice will be provided to City staff. He discussed the importance of respecting another person's opinion when conflicts arise.

Council President Bethea thanked Mr. Sexton for participating in the interview process.

## **5. Council discussion: Decision and/or next steps**

Interim Chief of Staff Chris Watt commented a 3-year retainer agreement for Mr. Shepard's firm will be presented at the next City Council meeting. The City will utilize the firm's services on an as-needed basis. The firm's fees consist of the following: senior partner services \$325 per hour, and paralegal services \$85 per hour. If the City chose to utilize the senior partner services for 30 hours per week, the City will pay the firm \$41,000 per month. He asked Council to request the Vose Law Firm include backup litigation in their proposal. He noted the firm will not provide backup litigation for insurance matters.

Council Member Hilty noted Mr. Sexton has connections in Ocala, whereas Mr. Saunders does not. He expressed concern Mr. Saunders will face challenges integrating into the community and building an in-house team. He also, expressed concern regarding the short-term use of option two.

Council Member Mansfield asked how much the firm will charge the City monthly. Mr. Watt responded \$41,000 monthly for backup services (\$325 per hour for 126 hours).

Council Member Musleh suggested allowing the new City Attorney to choose a backup firm.

Mr. Watt noted a retainer agreement will be presented at the next City Council meeting scheduled on September 20, 2022, for Patrick Gilligan's firm.

City Manager Pete Lee noted City staff wanted to present two different options for Council to discuss.

Council Member Hilty disclosed Mr. Sexton's wife is a good friend of the family and she supports her husband's decision to move back to the City. He expressed concern regarding Mr. Saunders wife's motivation to relocate to Ocala. Council President Bethea disagreed, as he does not see any concerns regarding Mr. Saunders wife.

Council President Bethea summarized the candidate's similarities and differences. The candidates both have land development experience.

Council Member Dreyer stated Council has two great qualified candidates to choose from. She noted Mr. Saunders possesses valuable government and private sector experience. She favors electing Mr. Saunders as the new City Attorney.

Council Member Mansfield concurs with Council Member Dreyer's comments regarding Mr. Saunders. He favors electing Mr. Saunders as the new City Attorney. He expressed concern the

Vose Law Firm deviates from the City's vision of creating an in-house team.

Council Member Musleh concurs with Council Member Mansfield's comments regarding the Vose Law Firm. He reiterated the new City Attorney should decide which backup firm they want to collaborate with. He favors electing Mr. Sexton as the new City Attorney, due to his County Attorney experience, and local knowledge.

Council Member Hilty spoke in support of electing Mr. Sexton as the new City Attorney. He noted Mr. Sexton possesses local knowledge.

Council President Bethea stated he favors electing Mr. Saunders as the new City Attorney. He noted Mr. Saunders has a very strong work ethic.

Council Member Mansfield suggested the City confirm Mr. Saunders is able to relocate to Ocala. Council President Bethea requested Mr. Baezienger confirm Mr. Saunders is able to relocate to Ocala.

Council Member Hilty asked Mr. Saunders if his wife is willing to relocate to the City. Mr. Saunders responded his wife supports relocating if he is elected to serve as the new City Attorney, and he will need to provide adequate notice (3-4-weeks) to his employer. He noted his family will need time to navigate through the relocation challenges.

Council Member Hilty asked Mr. Sexton how much time he will need if elected as the new City Attorney. Mr. Sexton responded he would need several weeks to relocate. He noted he has ethical obligations to existing clients; however, he will be able to provide legal support to the City.

Council Member Musleh stated he supports electing Mr. Sexton as the new City Attorney. He asked Council if they would like to vote today and questioned who the lead negotiator would be.

Council Member Mansfield expressed concern regarding Mr. Saunders ability to relocate due to elderly family members. Council President Bethea responded Mr. Saunders addressed relocation concerns.

Mr. Baezienger concurs with Council President Bethea's comments regarding Mr. Saunders. He suggested Council set aside the candidate's personal matters and focus on choosing a strong qualified candidate to act as the City Attorney.

City Manager Pete Lee asked if an HR Management staff member should be present during the negotiation process. Interim Chief of Staff Chris Watt responded yes, a staff member can attend, and the salary range was included in the job posting.

Council agreed to have Council Member Musleh negotiate the contract.

Council President Bethea announced City Council chose to elect Mr. Saunders as the new City Attorney.

Mr. Saunders thanked City Council for the opportunity to serve as the new City Attorney.

Council Member Musleh stated he will be participating in the negotiation process with Mr. Watt.

Council President Bethea thanked Mr. Baezienger and his firm for their hard work recruiting qualified candidates.

Mr. Baezienger thanked Council for their partnership.

There being no further discussion the motion carried by roll call vote.

Approved motion to offer Mr. James Saunders the City Attorney's position.

**RESULT:** APPROVED

**MOVER:** James P. Hilty Sr

**SECONDER:** Kristen M. Dreyer

**AYE:** Hilty Sr, Dreyer, Mansfield, and Bethea Sr

**NAY:** Musleh

## **6. Adjournment**

**Adjourned at 3:03 pm.**

## **Minutes**

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James P. Hilty Sr.  
Council President

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Angel B. Jacobs  
City Clerk