



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION EMERGENCY MEETING APRIL 7, 2016 - 12:00 NOON

**Pledge of Conduct:** We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

### CALL TO ORDER

Chair Copeland called the meeting to order at 12:01 p.m.

### PLEDGE TO THE FLAG

### ROLL CALL

**Present:** Mayor Dan Murphy, Commissioner Dale Woodland, Commissioner Chuck Webb, Chair Doug Copeland, and Commissioner Carol Carter.

**Absent:** Vice-Chair Nancy Yetter.

**Also Present:** City Clerk Diane Percycoe, Finance Director Maggie Martinez, and City Attorney Becky Vose (via phone).

**Press:** Islander.

**Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.**

### EMERGENCY MEETING

#### 1. To Discuss the City's Insurance Lawyer to be representing the Civil Lawsuit Shawn Kaleta and Beach to Bay Construction, LLC vs. City of Anna Maria.

*City Attorney Vose* announced the Florida League of Cities has proposed two different Orlando attorneys for the case. Of the two recommended attorneys, City Attorney Vose highly recommended William (Bill) Lawton. She has spoken to Attorney Lawton by phone regarding his representing the City of Anna Maria. As a result, she felt very comfortable recommending him to handle the case.

*Chair Copeland* voiced concern about the League stating the City would still be giving up its right to make any decisions on the settlement.

*City Attorney Vose* agreed, and had discussed that issue with Attorney Lawton. She will provide the Commission with additional details at the Shade Meeting scheduled the following week. However, she feels comfortable there should be no problem.

City Attorney Vose felt she could represent the City just as well as Attorney Lawton, but recommends utilizing the Attorney appointed by the City's Insurance Company in order to save the City money. She noted the City would have retained the right for making all settlement decisions if not utilizing the Insurance Company's Attorney. If Attorney Lawton does make the recommendation to the Insurance Company that the City should settle on terms that Anna Maria cannot live with, he could then be released from the case – but there would be no insurance coverage for the City at that point.

City Attorney Vose felt very comfortable utilizing Attorney Lawton and not paying for her services to handle the case. She does plan to monitor the case along the way.

*Commissioner Webb* disclosed his sister-in-law is the Office Manager for Dean, Ringer, Morton and Lawton PA – but not a partner in the firm. He asked if he had any voting conflict.

*City Attorney Vose* responded there's an ethics opinion relating to having a sister-in-law who has a financial interest in something. It would not be a conflict – a sister, on the other hand, would be a conflict.

*Commissioner Woodland* asked what right the City would have to fire the Insurance Attorney.

*City Attorney Vose* said if the City were to later fire the League's Attorney, the City would lose its monetary coverage.

- **Motion: Move to accept Attorney William Lawton to represent the City of Anna Maria relating to the Shawn Kaleta and Beach to Bay Construction, LLC vs. City of Anna Maria legal case.**  
**Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Chuck Webb.**  
**On Roll Call Vote, the Motion carried unanimously.**

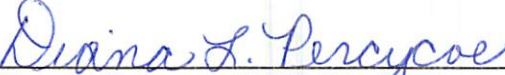
*City Attorney Vose* stated she would be immediately contacting Attorney Lawton, and will update him and send him all her files relating to the case.

- **Motion: Move to authorize Mayor Murphy to contact the Florida League of Cities to inform the City has accepted William Lawton to serve as Attorney for the Shawn Kaleta and Beach to Bay Construction, LLC vs. City of Anna Maria case.**  
**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Carol Carter.**  
**On Roll Call Vote, the Motion carried unanimously**

Press Comment – None.

#### Adjournment

Chair Copeland adjourned the meeting at 12:11 p.m.

  
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Diana L. Percycoe, CMC, City Clerk

Minutes approved: April 28, 2016