

Greg Folley, Chairman, Marco Island City Council
White Paper: Legal Opinion on Ordinance 22-08
June 5, 2023

The City's Vacation Registration Ordinance is now the focus of four different lawsuits. The plaintiffs readily cite our City Attorney's concerns regarding this Ordinance. By approving the stay of enforcing the provisions of the Ordinance, it now affords Council with the opportunity to consider whether in addition to our City Attorney's opinion, another legal opinion is advisable to determine the defensibility of these lawsuits.

If Council decides that another legal opinion is worthwhile, I have compiled a list of attorneys who have represented other Florida City's and who may be able to provide a fresh analysis of our overall defensibility of the current Ordinance.

Pursuant to the City's procurement rules, and with the desire to resolve these lawsuits and to determine how best to proceed with the current Ordinance, Council has the ability to declare these circumstances to be unique and justify proceeding to secure the additional legal opinion from an available experienced municipal attorney. To secure this person, I propose the following options:

- Council direct the City Manager to bring the best 4-5 candidates to the next available Council meeting for a 10 – 15 minute introduction and opportunity to present how they would provide the additional opinion, how long they would need to deliver the opinion, and their financial terms.
- Alternatively, that Council consider directing me (as your Chairman) to work collaboratively with the City Manager to select an attorney, and advise Council at the next available meeting, together with a budget to secure the additional opinion.