

**RESOLUTION NO. 08-05**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$15,144.54; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, Nagin Gallop Figueredo, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending December 28, 2007, in the amount of \$15,144.54; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$15,144.54, copies of which are attached, are approved for payment.

Section 2. This resolution shall take effect immediately upon approval.

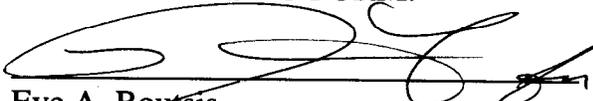
PASSED and ADOPTED this 7<sup>th</sup> day of January, 2008.

Attest:

  
Meighan Rader  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Eve A. Boutsis,  
Nagin Gallop Figueredo, P.A., as Office  
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller                    YES

Council Member Paul Neidhart           YES

Council Member Shelley Stanczyk      YES

Vice-Mayor Linda Robinson              YES

Mayor Eugene P. Flinn, Jr.                YES

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

18001 Old Cutler Road – Suite 556  
Telephone: (305) 854-5353 Miami, Florida 33157-6416 Facsimile: (305) 854-5351

January 2, 2008

Ron Williams, Village Manager  
VILLAGE OF PALMETTO BAY  
8950 SW 152nd Street  
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES  
The Village of Palmetto Bay

Dear Mr. Williams:

Enclosed are our statements for professional services rendered and for fees costs advanced for the period ending December 28, 2007. The amounts due are as follows:

0293-001	Non-Retainer Legal Services <i>Statement No. 19434 dated 12/28/07</i>	Prof'l Services	\$	6,569.50
		Disbursements		149.63
		Total		6,719.13
0293-002	Non-Retainer Legal Services <i>Statement No. 19435 dated 12/28/07</i>	Prof'l Services	\$	2,941.50
		Disbursements		58.83
		Total		3,000.33
0293-004	Code Enforcement <i>Statement No. 19436 dated 12/28/07</i>	Prof'l Services	\$	348.50
		Disbursements		11.77
		Total		360.27
0293-020	HSBC Bank USA v. Hope <i>Statement No. 19437 dated 12/28/07</i>	Prof'l Services	\$	
		Disbursements		15.56
		Total		15.56

Letter to Ron Williams, Village Manager  
December 28, 2007  
Page 2 of 2

0293-022	VPB v. MDC <i>Statement No. 19439 dated 12/28/07</i>	Prof'l Services	\$	4,532.50
		Disbursements		276.25
		Total		4,808.75
0293-023	Suntrust Bank v. Magdalena <i>Statement No. 19438 dated 12/28/07</i>	Prof'l Services	\$	240.50
		Disbursements		0.00
		Total		240.50
<b>TOTAL CURRENTLY DUE</b>			<b>\$</b>	<b>15,144.54</b>

Pease do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,



Eve A. Boutsis,  
Office of the Village Attorney

EAB/lcm

Enclosures

cc: Mayor and Village Council

**NAGIN GALLOP FIGUEREDO<sup>PA</sup>***Attorneys & Counselors*

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
 Village of Palmetto Bay  
 8950 SW 152nd Street  
 Palmetto Bay, Florida 33157

December 28, 2007  
 Matter ID: 0293-001  
 General Municipal  
 Invoice Number 19434

			Hours	Amount
11/27/2007	EAB	Drafted revisions to computer service agreement; attended meeting with Ms. Arlene Weintraub and Mr. Ephron Nunez relating to school concurrency, comp plan amendments, amendments to parks master plan; finalized audit letter; and communications with Mr. Scott Silver regarding easement agreement.	6.00	1,110.00
11/27/2007	SS	Searched for sample software license agreement.	0.20	13.00
11/28/2007	EAB	Attended staff meeting; attended meeting with Ms. Weintraub, Mr. Nunez, and Mr. Ed Ludovici regarding Enterprise; attention to FT&I; attention to park master plan amendment; meeting with Mr. Ron Williams on pending items; communications with Mr. Joe Centorino; and follow up on code related items.	3.50	647.50
11/29/2007	EAB	Drafted Friends Forever Rescue agreement; telephone conference with Ms. Weintraub relating to administrative adjustments; and attention to Cape Cutler special assessment request.	2.60	481.00
11/30/2007	EAB	Prepared speech for Comm'n on Ethics relating to public officer expenditures and salaries.	1.00	0.00
11/30/2007	EAB	Research on section 2.4 of Village Charter and application of residency and provided information to possible candidate.	2.00	370.00
11/30/2007	EAB	Attended city attorney luncheon relating to elected official expenditures.	1.00	185.00
12/3/2007	EAB	Analyzed agenda; reviewed and analyzed school board interlocal; telephone conference with Ms. Olga Cadaval regarding pending items; attention to a/c session; and telephone conference with Ms. Vanessa Bencomo regarding special master agenda.	1.50	277.50
12/3/2007	EAB	Attention to pending items; legal research of Fla. Stat. re: comprehensive plan and school interlocal requirements; telephone conference with Ms. Shelby Stanczyk, and Ms. Weintraub regarding same; communications with council regarding same; attention to personnel matters; and meeting with Mr. Williams regarding assignments.	1.00	185.00

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

## CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

12/5/2007	EAB	Attention to pending items; meeting with Mr. Ed Silva and Dr. Ed Feller; and follow up with Mr. Desmond Chin regarding retiree definition.	0.50	92.50
12/6/2007	EAB	Attention to Perrine Park title report; follow up with Mr. Silver regarding DCA; attention to easement agreement and survey; communications with Mr. Silver regarding same; attention to antenna item; and began zoning research regarding same.	1.30	240.50
12/7/2007	EAB	Attention to emergency ordinance; attention to antenna regulations; Park use agreement for baseball; survey/easement with PBVC; and communications with Mr. Ludovici.	0.60	111.00
12/7/2007	SS	Worked on edits to Village of Palmetto Bay Center easement agreement, updated legal description.	0.40	26.00
12/11/2007	EAB	Attention to mitigation; telephone conference with Ms. Nina Boniske, Mr. John Hearn, Mr. Bruce Rogow; follow up on state municipal fund.	0.80	148.00
12/12/2007	EAB	Preparation for COW meeting; attention to school interlocal; telephone conference with Mr. Williams; telephone conference with Paul Neidhart (.2 no charge); attention to municipal funding item; communications with council regarding same.	1.00	185.00
12/12/2007	EAB	Attended COW meeting.	1.50	277.50
12/13/2007	EAB	Attention to Friends Forever matter; attention to Atrio matter; telephone conference with Ms. Weintraub regarding same; research on 112.0801, F.S; prepared memorandum on restrictions of use of Thalatta and provided same to council; and follow up with Mr. Chin regarding definition of retiree.	1.40	259.00
12/14/2007	EAB	Attention to state municipal fund and actions by other municipalities regarding same.	0.40	74.00
12/17/2007	EAB	Telephone conference with CP Paul Neidhart, received assignment; conference with Mr. Williams and Ms. Weintraub; and drafted revision to FT&I and cover memorandum.	0.80	148.00
12/18/2007	EAB	Meeting with Ms. Cornice Patterson regarding row and Couret agreements; meeting with Manager regarding same; made final edits to same; attention to unsafe structures items.	2.00	370.00
12/18/2007	EAB	Attention to state fund; telephone conference with attorney for Orange City regarding same; and update of mayor and manager regarding same.	0.40	74.00
12/19/2007	EAB	Meeting with Mr. Silva, Ms. Cadaval, and surveyor; telephone conference with Mr. Silver regarding survey; attention to PBVC and FDCA; telephone conference with Mr. George Lott regarding park title update and unsafe structure title reports; follow up on same; and attended Thalatta staff meeting with Mssrs. Williams, Silva, Chin, Mdms. Garcia, Cadaval, Rader and Weintraub.	2.20	407.00
12/20/2007	EAB	Analyzed Forman contract and draft audit contract; provided input to Mr. Chin regarding revisions to same; attention to Sontag lease	1.50	277.50

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and provided comments to Mr. Williams and Mr. Chin regarding same.

12/21/2007	EAB	Attention to Forman audit, revised same; attention to FF contract; and pending items.	2.00	370.00
12/27/2007	EAB	Met with Ms. Olga Cadaval regarding Thalatta property and TPL requirements; and meeting at P&Z.	1.00	185.00
12/28/2007	EAB	Attention to FF matter; and agenda items with Ms. Meighan Rader.	0.30	55.50
				6,569.50
Total Professional Services				6,569.50

**Rate Summary**

Eve A. Boutsis	1.00 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	35.30 hours at \$185.00/hr	6,530.50
Susan Snavelly	0.60 hours at \$ 65.00/hr	39.00
Total hours:		36.90
		6,569.50

**Disbursements**

8/6/2007	Appraisal Services for Three Properties - 9420 SW 174th St., 9450 SW 174th St., and 9400 SW 174th St.	3,600.00
8/15/2007	Appraisal Service - One Story Office Building (Town Hall)	5,800.00
12/7/2007	Mileage	8.64
12/11/2007	Mileage - Village Hall on 11/13/07	4.80
12/14/2007	Mileage - Village Hall	4.80
12/21/2007	Appraisal Services for 3 properties: 9420 SW 174th St., 9450 SW 174th St. and 9400 SW 174th St.	-3,600.00
12/21/2007	Appraisal Service - One Story Office Building (Town Hall)	-5,800.00
12/28/2007	Disbursements incurred - 2.0%	131.39

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For Professional Services	6,569.50
For Disbursements Incurred	149.63
	<hr/>
Current Balance:	6,719.13
Previous Balance:	10,065.62
Payments - Thank you	0.00
	<hr/>
<b>Total Due</b>	<b>16,784.75</b>

To be properly credited, please indicate Invoice Number on your remittance check.

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	Total hours:	<u>15.90</u>	<u>2,941.50</u>
12/28/2007	Disbursements incurred - 2.0%		58.83
	For Professional Services		2,941.50
	For Disbursements Incurred		58.83
	Current Balance:		<u>3,000.33</u>
	Previous Balance:		3,943.83
	Payments - Thank you		0.00
	<b>Total Due</b>		<u><b>6,944.16</b></u>

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# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

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Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, Florida 33157

December 28, 2007  
Matter ID: 0293-004  
Code Enforcement  
Invoice Number 19436

			Hours	Amount
11/28/2007	SS	Reviewed motion for default, motion for summary judgement and notice of hearing on Espejo property matter, posted hearing ; and updated Boza and Rosenberg pleadings files.	0.60	0.00
11/29/2007	SS	Telephone call with Ms. Vanessa Bencomo concerning release of lien on Turi property; and revised release pursuant to instructions and re-sent to Ms. Bencomo	0.20	13.00
12/4/2007	SS	Scanned Boza code enforcement file and prepared letter to Ms. Bencomo returning file to Village; updated Boza pleadings file; drafted and sent letter to Ms. Palazuelos concerning Reymi Tur property, forwarding release of lien (barred by lis pendens) and payoff information for second (valid) lien.	1.10	71.50
12/6/2007	SS	Scanned Martinez, Rosenberg, and Cerda code enforcement files and prepared letter to Ms. Bencomo returning files to the Village; performed internet research to determine new property owner for Cerda property.	0.80	52.00
12/7/2007	SS	Telephone discussion with Mr. Dave Allport from ReMax Realty concerning Juan Cerda property; telephone discussion with Ms. Bencomo concerning Mr. Allport's call; received and reviewed Claim of Lien on property and forwarded to Mr. Allport for review; reviewed motion for summary final judgement on Rosenberg property, posted hearing date; brief telephone discussion with Ms. Bencomo.	0.70	45.50
12/13/2007	EAB	Attention to pending special master hearings; request for mitigation; and double permit fees for work after the fact; provided direction to Code Compliance staff regarding same; and analyzed unsafe structure notice.	0.60	111.00
12/19/2007	EAB	Attention to Gager foreclosure/code compliance review.	0.30	55.50
<b>Total Professional Services</b>				<b>348.50</b>

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

**Rate Summary**

Eve A. Boutsis	0.90 hours at \$185.00/hr	166.50
Susan Snavelly	0.60 hours at \$ 0.00/hr	0.00
Susan Snavelly	2.80 hours at \$ 65.00/hr	182.00

Total hours:	<u>4.30</u>	<u>348.50</u>
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**Disbursements**

12/10/2007	Mileage	4.80
12/28/2007	Disbursements incurred - 2.0%	6.97

For Professional Services	348.50
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For Disbursements Incurred	11.77
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Current Balance:	<u>360.27</u>
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Previous Balance:	1,039.29
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Payments - Thank you	0.00
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<b>Total Due</b>	<b><u>1,399.56</u></b>
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To be properly credited, please indicate Invoice Number on your remittance check.

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

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Miami, Florida 33157

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Ron E. Williams  
Village Manager  
Village of Palmetto Bay  
8950 SW 152 Street  
Palmetto Bay, Florida 33157

December 28, 2007  
Matter ID: 0293-020  
HSBC Bank USA v. Hope and  
Invoice Number 19437

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## Expenses

11/29/2007	Postage Charge for the month of November 2007	1.16
12/11/2007	Tolls - Travel to downtown on 11/7/07	1.00
12/11/2007	Mileage - Downtown on 11/7/07	8.40
12/11/2007	Parking Charge - Downtown on 11/7/07	5.00

Sub-total Expenses: 15.56

For Professional Services	0.00
For Disbursements Incurred	15.56
Current Balance:	<u>15.56</u>
Previous Balance:	32.50
Payments - Thank you	0.00
<b>Total Due</b>	<u><b>48.06</b></u>

Invoice Number: 19437

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# NAGIN GALLOP FIGUEREDO<sup>RA.</sup>

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Ron E. Williams  
Village Manager  
Village of Palmetto Bay  
8950 SW 152 Street  
Palmetto Bay, Florida 33157

December 28, 2007  
Matter ID: 0293-022  
VPB v. MDC - Charter  
Invoice Number 19439

			Hours	Amount
12/14/2007	HJM	Received and reviewed complaint on constitutional grounds by Village.	0.00	0.00
12/14/2007	HJM	Attended strategy conference with S. Nagin, E. Boutsis and H. Kaplan.	0.00	0.00
12/17/2007	SEN	Considered Constitutional issues and research assignments; telephone conference with Ms. Boutsis concerning same. [.2 No Charge).	0.40	74.00
12/17/2007	EAB	Drafted public record request.	0.40	74.00
12/18/2007	HJM	Conducted legal research on issues concerning whether the village can sue Miami-Dade County in federal court and whether all claims must be joined in one suit.	2.90	536.50
12/18/2007	SEN	E-mail to Ms. Boutsis on a federal decision discussing proper construction of a statute and received brief response from her; e-mail from Ms. Boutsis (on staff assignments and tasks list); received and reviewed e-mail from Ms. Snavelly of an extensive April 2001 memorandum on Home Rule powers, etc; considered legal and Constitutional issues and e-mailed Ms. Boutsis concerning same; brief discussion with Mr. Figueredo and Ms. Boutsis on staff commitments to the preparation of a Complaint.	1.70	0.00
12/18/2007	EAB	Research for lawsuit; collected documents for discovery (preliminary research) (no charge).	3.00	0.00
12/19/2007	HJM	Prepared memo regarding issues researched; revised and edited same; sheppardized cases.	2.80	518.00
12/19/2007	EAB	Coordinated research; organized discovery.	3.00	0.00
12/19/2007	EAB	Conducted legal research on contracts of adhesion; and construction of contracts; finalized public record request; and follow up with Village Council regarding this item.	1.00	185.00
12/20/2007	HSK	Review of matters applicable to litigation between VPB and MDC including Palmetto Bay charter, Miami Lakes v. MDC litigation CA	0.00	0.00

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		07-30357; constitutional litigation of Doral, Palmetto Bay & Miami Lakes v. MDC 07-23662, Miami Lakes v MDC, related background documentation including agreement of MDC with Cutler Bay; in re filing of suit by Palmetto bay against MDC		
12/20/2007	EAB	Attention to matrix, drafted same; research re: Dalbert and Frey; and pending items.	3.00	555.00
12/20/2007	EAB	Conference with Ms. Boniske and Ms. Johnson-Stacks; update to council regarding same; communications with Mr. Rogow.	0.50	92.50
12/21/2007	HSK	Continued study of documentation for filing complaint by Palmetto Bay v. MDC, attendance at office conference with Nagin, Boutis, Malvado and Snavely for concepts, issues and counts that can be included in contemplated lawsuit, division of research and work assignments: in re contemplated lawsuit by Palmetto Bay v. MDC. [2 hours No Charge.]	2.00	370.00
12/21/2007	EAB	Finalized public record request.	0.70	129.50
12/24/2007	EAB	Conducted research on reformation.	1.00	185.00
12/26/2007	HSK	Study of case law on contract reformation in Florida; review of advisory committee report for formation of VPB; in re Village of Palmetto Bay v. Miami Dade County	2.80	518.00
12/27/2007	HSK	Study proposed charter for Village of Palmetto Bay and comparison with charter adopted by voters; study of complaints filed by City of Doral and Town of Miami Lakes in constitutional matter and study of Complaint and ANSWER filed by the parties in Town of Miami Lakes vs. MDC; work on draft of complaint for Village of Palmetto Bay; preparation of correspondence and correspondence; in re VPB vs. MDC	6.00	1,110.00
12/28/2007	EAB	Attended meeting regarding mitigation complaint and strategy regarding same.	3.00	0.00
12/28/2007	EAB	Legal research on rescission and mutual mistake.	1.00	185.00
			Total Professional Services	4,532.50

**Rate Summary**

Henry S. Kaplan	10.80 hours at \$	185.00/hr	1,998.00
H. James Montalvo	5.70 hours at \$	185.00/hr	1,054.50
Stephen E. Nagin	1.70 hours at \$	0.00/hr	0.00
Stephen E. Nagin	0.40 hours at \$	185.00/hr	74.00
Eve A. Boutsis	9.00 hours at \$	0.00/hr	0.00
Eve A. Boutsis	7.60 hours at \$	185.00/hr	1,406.00

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\_\_\_\_\_  
Total hours: 35.20

**Expenses**

12/17/2007	Photocopies on 12/17/07	226.75
12/19/2007	Photocopies	34.00
12/19/2007	Photocopies	6.50
12/21/2007	Photocopies	7.00
12/21/2007	Photocopies	2.00

Sub-total Expenses: 276.25

For Professional Services 4,532.50

For Disbursements Incurred 276.25

Current Balance: 4,808.75

Previous Balance: 0.00

Payments - Thank you 0.00

**Total Due** 4,808.75

Invoice Number: 19439

To be properly credited, please indicate Invoice Number above on your remittance check.

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# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

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Ron E. Williams  
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8950 SW 152 Street  
Palmetto Bay, Florida 33157

December 28, 2007  
Matter ID: 0293-023  
Suntrust Bank v. Magdalena

Invoice Number 19438

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			Hours	Amount
12/21/2007	EAB	Drafted answer and affirmative defenses.	1.30	240.50
				<hr/>
			<b>Total Professional Services</b>	<b>240.50</b>

## Rate Summary

Eve A. Boutsis                      1.30 hours at \$    185.00/hr                      240.50

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Total hours:    1.30

For Professional Services	240.50
For Disbursements Incurred	0.00
Current Balance:	<hr/> 240.50
Previous Balance:	0.00
Payments - Thank you	0.00
<b>Total Due</b>	<hr/> <b>240.50</b>

Invoice Number: 19438

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