



REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

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To: Village Manager and Village Attorney

Date: January 23, 2013

From: Councilman Patrick Fiore

Re: Inclusion under "Other Business"  
Council Meeting of 2/4/2013

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PURPOSE:

Offer an amendment to the Village Charter to the electors, by mail-in ballot, which would remove Section 5.1(E) of the Charter (Run-Off Election); and, revise Section 5.1(D) to allow that the candidate receiving the most votes shall be duly elected in any particular race.

MAJOR POINTS TO BE COVERED:

Following discussion at the recent Committee of the Whole meeting of January 16, 2013, wherein the Council discussed modifying the dates for the run-off election to allow for sufficient time for absentee ballot mailing, the Council will be considering a Resolution moving the run-off election to be held three weeks following the general election. My suggestion is that we ask the electorate whether the expense of a Run-Off election is a worthwhile endeavor.

REASON:

There is a significant cost involved for cities to conduct their own "stand-alone" election (meaning, not piggy-backing onto a County, State, or Federal Election.) Additionally, as our general election is in November, an appropriate run-off date is difficult: two weeks following the election is too short of a time frame; three weeks following begins to interfere with Thanksgiving; and, a longer period begins to interfere with the winter holidays. The cost of the run-off election is not impacted by the turn-out; in other words, Many Miami-Dade County cities do not hold run-off elections, such as: Aventura, Bal Harbour, Coral Gables, Golden Beach, Miami Springs, South Miami, and others.

DESIRED ACTION:

Directing the Village Attorney and staff to draft a resolution for public hearing that would offer the electorate an opportunity to vote on this matter.



## REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

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To: Village Manager and Village Attorney

Date: January 26, 2013

From: Vice Mayor John DuBois

Re: Inclusion under "Other Business"  
Council Meeting of 2/4/2013

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**Purpose:** To enable the Village to interview and hire a Village Attorney under terms more favorable and beneficial to the Village of Palmetto Bay.

**Major points to be covered & Reason:**

1. The existing Attorney Engagement Agreement is under 2 pages and does not provide for adequate contractual terms given the scope and size of business conducted with Village. The following items should be addressed in future contract:
  - a. City Attorney has billed the Village at a rate of \$185 per hour that fall outside the "scope of representation" such as the recent \$462.50 on December 3<sup>rd</sup>, 2012 for "Communications with VM Dubois on billing procedures and updates regarding same." Although it is taken for granted that attorneys do not bill for billing related matters since it is considered part of the administrative overhead, since we have been billed at the Attorney's rate as well as pay our administrative overhead fee every month of 2%; this needs to be explicitly included in our Attorney Engagement Agreement.
  - b. City Attorney has billed the Village consistently and regularly sums of money for "computer research charges" specifically, Lexus type database charges that add up to several thousand dollars per year; the Village should have these charges limited or should require the Village Attorney to use matter specific coding (project codes) which is available and commonly used by attorneys in the Lexus system in order to generate accurate pro-rates for customer pass through billing. Pass through of original bills Lexus with matter specific should be provided to the Village as part of the regular monthly bill if the Engagement Agreement doesn't have a fixed monthly/annual fee for the same.
  - c. City Attorney has, prior to December 3<sup>rd</sup>, 2012, billed using a block billing format that includes blocks of several hours with several different meetings on a single line item which makes it difficult to reconcile billing hours for audit purposes and being able to allocate legal costs to specific projects.
  - d. Other issues not included in the Agreement that may be included in other City's Attorney Engagement Agreement that may be beneficial to the Village.
2. Issuance of RFP/RFQ to law at least 5 law firms recommended by Council and Village Staff for review. Each Council member shall have the right to recommend no more than 1 firm

for this process. The current firm of FBM Law Offices, P.A. shall also have the right and is encouraged to tender a bid.

3. Discussion of any other terms relating to limits on authorization for services rendered and eligibility for billing without prior explicit authorization of Council under Sunshine (or Shade) if so desired by the Council given that the City Attorney reports to the Council as a whole, not the Village Manager. i.e, to potentially narrow the scope of representation by the City Attorney.

**Desired Action:** Resolution to terminate the appointment of Ms. Eve A. Boutsis and FBM Law Offices, P.A. as the Palmetto Bay Village Attorney with an effective date of 30 days and termination of Attorney Engagement Agreement concurrent with the same.