RESOLUTION NO. 2015-__

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 LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF $13,182; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay engaged the law firm of Lehtinen Schultz Riedi Catalano Fuente, PLLC to provide Village Attorney legal services for the Village; and,

WHEREAS, Lehtinen Schultz Riedi Catalano Fuente, PLLC, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending November 30, 2015, in the amount of $13,182; 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. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. **Approval.** The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of $13,182, copies of which are attached, are approved for payment.

Section 3. **Effective Date.** This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this __ day of January, 2016.

Attest: _____

Meighan J. Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham ____

Council Member Tim Schaffer ____

Council Member Larissa Siegel Lara ____

Vice-Mayor John DuBois ____

Mayor Eugene Flinn ____

Lehtinen Schultz Riedi Catalano Fuente

1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November 2015
Village of Palmetto Bay

Statement Period: **November 2015** Client: **Village of Palmetto Bay, Florida**

Date	Individual	Subject	Time
		General Government	
11/2	DL	Conference at Village Hall regarding re-financing of debt; conference with Planning Dept regarding upcoming issues; prepare for Land Planning Agency and Council meeting; attend meeting of Land Planning Agency; attend meeting of Village Council	9.8
11/2	JC	Review correspondence from D. Chin regarding documentation pertaining to local closing and review pending matters for loan (re-financing)	0.7
11/3	JC	Telephone conference with lender's attorney regarding loan documents; finalize opinions and prepare transmittal	1.6
11/4	DL	Meeting pg Palmetto Bay Outreach Committee; brief on public meetings and public records law; prepare for meeting	1.7
11/5	DL	Conferences with staff regarding proposed ordinances, including downtown redevelopment and others	3.1
11/9	JC	Follow-up with attorney for lender regarding matters pertaining to closing and funding; follow-up with Chin regarding same; review correspondence and transcript from lender's counsel; prepare correspondence for Chin with closing binder	1.1
11/9	DL	Charter Revision Commission meeting; prepare for meeting; review list of proposed amendments from prior meetings	2.2
11/9	CR	Call from attorney Amy Boulris regarding possible sale of certain property; confer with DL regarding same	0.3

Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November 2015/Village of Palmetto Bay

General Government (continued)

11/10	CR	Review art repair services agreement with artist Weiner; confer with Delsalle regarding same	2.5
11/13	DL	Meeting with Planning Dept, other staff regarding proposed ordinances and resolution issues	2.9
.11/16	DL	Conference with Manager and others regarding downtown development issues (General Obligation Bond funding, ordinance, impact fees, TDRs, etc); meeting regarding employment issues; Council zoning meeting	4.3
11/17	CR	Various e-mails to/from VPB Staff concerning various contracts and ordinances	0.4
11/16	CR	Meet with Manager, staff and DL regarding GOB interlocal agreement (General Obligation Bonds); confer with DL regarding same and related matters	1.6
11/19	CR	Review financial provisions of interlocal Gen. Obligation bond agreement; re; e-mail to VPB staff; review draft Festival agreement	1.1
11/20	DL	Meeting at Village Hall regarding ordinances, esp. downtown redevelopment; return to Village Hall for continued conferences	3.6
11/20	JC	Review correspondence from Public Works regarding demand for right of way; further review title report and issues relating to same	1.2
11/130	CR	Research Florida law on Public-Private Partnerships; e-mail to DL concerning same	

Human Resources (Personnel)

none

Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November 2015/Village of Palmetto Bay

Zoning/Land Use

11/5	CR	Review version of ordinance allowing private development pending appeal; draft e-mail to Delsalle concerning same	0.3
11/12	JC	Attend to matters regarding South BMW Motors easement; review provisions relating to easement restrictions; prepare summary of pending issues for DL	1.3
11/13	DL	Meet with CR, Delsalle, others regarding BMW Motors issues (easement, etc); review BMW application	1.6
11/13	CR	Meet with Delsalle, DL, others to discuss BMW rezoning Issues; meet with staff and citizen to review TSR ordinance and related matters; confer with Clerk Alexander; email to JC re: BMW easement	3.2
11/13	JC	Follow-uo with CR regarding to BMW South Motors parcel and easement	0.5
11/17	JC	Attend to matters regarding Van Orsdel right of way and telephone conference with attorney to discuss same; follow-up e-mail communication; prepare draft right of way deed; review various requirements in connection with same	1.5
11/20	CR	Research Florida Bert Harris Act (statutory takings payment provisions); e-mail to DL	1.0
11/23	JC	Review issues relating to release of claim of lien on Van Orsdel property; follow-up regarding same	0.5
11/24	JC	Analyze issues relating to agreement for deed and questions relating to re-plat; e-mail correspondence to counsel for Van Orsdel regarding pending matters; telephone conference with respect to an agreement for deed	1.3

Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November 2015/Village of Palmetto Bay

Litigation

11/3	CR	Research equal protection and due process in connection with signature prerequisite for rezoning of private school attendance caps (Alexander Montessori School); draft answer; review relevant VPB Code sections	3.8
11/4	DL	Review complaint and consider appropriate answer; research affirmative defenses	3.1
11/7	DL	Research Florida Attorney General Opinions regarding delegation of legislative power and quasi-judicial power, especially to citizens (either part of citizens or all of citizens); review Florida Snyder case establishing quasi-judicial status of land-use decisions and requirements of due process therein (Alexander School)	5.6
11/9	DL	Research Florida Constitution principles or right of access to court (Art. I, Sec. 21) as applied to access to quasi-judicial proceedings (Alexander School)	2.7
11/10	DL	Prepare revised and review answer for Alexander School litigation (answer to complaint) (requirement for signatures as prerequisite to land use quasi-judicial application)	3.4
11/10	CR	Final draft and review of answer (Alexander School) and affirmative defenses; confer with DL; file answer	0.4

(see next page for summary)

Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November 2015/Village of Palmetto Bay

Total Fees

Monthly total hours..... 68.3
Total fees due (@ $190/hour.....$ 12,977

Reimbursable Expenses

WestLaw computer research charge.....$ 180
FedEx transmittal of re-financing documents.....$ 25
Total Reimbursable Expenses.....$ 205

Total amount due (fees and expenses).....$ 13,182

DL = Dexter Lehtinen CR = Claudio Riedi JC = John Catalano
BF = Bob de la Fuente TS – Tom Schultz

To: Honorable Members of the Village Council

Date: November 19, 2015

From: Eugene Flinn, Mayor

Re: Miami Tiger Beetle

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE MIAMI TIGER BEETLE AND ENCOURAGING BOTH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AS WELL AS THE US FISH AND WILFLIFE SERVICE TO DESIGNATE THE MIAMI TIGER BEETLE AS A THREATENED SPECIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

The purpose of this supporting Resolution is to encourage both the Florida Fish and Wildlife Conservation Commission's approval of a biological review group to assess the status of the Miami Tiger Beetle for listing as a state-designated Threatened Species as well as the US Fish and Wildlife Service, which is undergoing a similar process, to list the Miami Tiger Beetle under the US Endangered Species Act; and; therefore, become formally protected.

Miami Tiger Beetles were presumed extinct until recent surveys detected individuals at three sites in the Richmond pine rocklands in Miami-Dade County. This is the very last habitat on earth known for this creature. Tiger beetles are predatory insects and need open sunny habitats, like the pine rocklands, in order to spot prey and to warm themselves. The beetles play an important role in indicating the health of a habitat. The United States has approximately 200 species of tiger beetles. Five beetle species are already protected by the Endangered Species Act, while two more species, including one in Central Florida, are candidates.

I encourage my fellow Council Members to join me in supporting this cause and urge both the Florida Fish and Wildlife Conservation Commission and the US Fish and Wildlife Service to review and positively act on these requests to evaluate the species and take immediate actions to list the Miami Tiger Beetle and afford it the fullest protection under both Florida State and Federal law/Rules.

FISCAL/BUDGETARY IMPACT: None.

RECOMMENDATION: It is recommended that the Village Council adopt the attached Resolution in support of the Miami Tiger Beetle and encouraging the Florida Fish and Wildlife Conservation Commission to designate it as a Threatened Species and the US Fish and Wildlife Service to list the Miami Tiger Beetle under the US Endangered Species Act.

RESOLUTION NO: _____

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE MIAMI TIGER BEETLE AND ENCOURAGING BOTH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AS WELL AS THE US FISH AND WILFLIFE SERVICE TO DESIGNATE THE MIAMI TIGER BEETLE AS A THREATENED SPECIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay (the "Village") recognize that one of the last tracts of endangered pine rockland ("Rockland") within Miami-Dade County is located along S.W. 152 Street and S.W. 127 Avenue in unincorporated Miami-Dade County; and

WHEREAS, Rockland is a globally imperiled habitat containing an array of rare plants, animals, and insects which are rare and exclusive to that habitat; and

WHEREAS, preservation of the native Rockland, and the species for which it provides a home, is of great importance for the protection of our native forest's unique and endangered environment; and

WHEREAS, one of the rare inhabitants of the Rockland is the Miami Tiger Beetle; and

WHEREAS, the Miami Tiger Beetle was presumed extinct until a recent survey detected the species in the Rockland; and

WHEREAS, on June 29, 2015, the Florida Fish and Wildlife Conservation Commission received a request to evaluate the status of the Miami Tiger Beetle for listing as a state-designated threatened species from the Center of Biological Diversity and individuals; and

WHEREAS, the US Fish and Wildlife Service is undergoing a similar process, and has scheduled a January 13th Public Hearing at Miami Dade College Kendall Campus as part of its' rule making process for its' proposal to list the Miami Tiger Beetle under the US Endangered Species Act; and

WHEREAS, the Village is concerned that the rare Miami Tiger Beetle will become extinct within Miami-Dade County and/or world-wide; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

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

Section 1. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. The Village Council hereby expresses its support for the Florida Fish and

Wildlife Conservation Commission to include the Miami Tiger Beetle in its state-designated Threated species list.

Section 3. The Village Council hereby expresses its support for the U-S Fish and Wildlife Service to list the Miami Tiger Beetle under the U-S Endangered Species Act.

Section 4. The Village Clerk is hereby directed to transmit this resolution to Florida Fish and Wildlife Conservation Commissioners, Florida State Legislators representing the Village, and all elected municipal officials in Miami-Dade County.

Section 5. The Village Clerk is hereby directed to transmit this resolution to members of the U-S Fish and Wildlife Service, our south Dade members of the US Congress and US Senate.

Section 6. This resolution shall become effective immediately.

PASSED and ADOPTED this _____ day of January, 2016.

Attest: _____

Meighan Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO: _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY; RELATING TO THE BOARDS AND AGENCIES; REVISING THE NAME OF THE YOUTH ADVISORY COUNCIL TO BE KNOWN AS THE YOUTH COMMUNITY INVOLVEMENT BOARD; AND REVISING THE AGE LIMITATIONS OF MEMBERS; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the members of the Youth Advisory Council are desirous of modifying the name of their advisory board; and

WHEREAS, the members of the advisory board would like the age limitation to be clarified.

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

Section 1. Name: The name of the Youth Advisory Council shall be modified and be now known as **Youth Community Involvement Board.**

Section 2. Membership: Membership shall be limited to middle school students, high school students, and students up to age twenty-one (21) or through date of graduation.

PASSED AND ADOPTED this ____ day of January, 2016.

Attest: _____

Meighan J. Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____