

RESOLUTION NO. 08-28

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 \$26,095.20; 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 March 25, 2007, in the amount of \$26,095.20; 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 \$26,095.20, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 7th day of April, 2008.

Attest:


Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


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

FINAL VOTE AT ADOPTION:

| | |
|---------------------------------|------------|
| Council Member Ed Feller | <u>YES</u> |
| Council Member Paul Neidhart | <u>YES</u> |
| Council Member Shelley Stanczyk | <u>YES</u> |
| Vice-Mayor Linda Robinson | <u>YES</u> |
| Mayor Eugene P. Flinn, Jr. | <u>YES</u> |

NAGIN GALLOP FIGUEREDO^{PA.}

Attorneys & Counselors

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

March 26, 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 March 25, 2008. The amounts due are as follows:

| | | | | |
|----------|------------------------------------------------------------------------|-----------------|----|----------|
| 0293-001 | Non-Retainer Legal Services <i>Statement No.19542 dated 3/25/08</i> | Prof'l Services | \$ | 8,624.00 |
| | | Disbursements | | 371.29 |
| | | Total | | 8,995.29 |
| 0293-002 | Non-Retainer Legal Services <i>Statement No.19543 dated 3/25/08</i> | Prof'l Services | \$ | 3,906.50 |
| | | Disbursements | | 78.13 |
| | | Total | | 3,984.63 |
| 0293-004 | Code Enforcement <i>Statement No. 19544 dated 3/25/08</i> | Prof'l Services | \$ | 1,973.50 |
| | | Disbursements | | 60.28 |
| | | Total | | 2,033.78 |
| 0293-019 | Mitigation <i>Statement No. 19545 dated 3/25/08</i> | Prof'l Services | \$ | 667.00 |
| | | Disbursements | | 29.09 |
| | | Total | | 696.09 |

Letter to Ron Williams, Village Manager
March 26, 2008
Page 2 of 2

| | | | | |
|----------|------------------------------------------|-----------------|----|-----------|
| 0293-022 | VPB v. MDC | Prof'l Services | \$ | 9,494.00 |
| | <i>Statement No. 19546 dated 3/25/08</i> | Disbursements | | 891.41 |
| | | Total | | 10,385.41 |

TOTAL CURRENTLY DUE \$ **26,095.20**

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^{P.A.}

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

March 25, 2008
Matter ID: 0293-001
General Municipal
Invoice Number 19542

| | | | Hours | Amount |
|-----------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|
| 2/26/2008 | EAB | Follow up on pending items; attention to agenda items; and telephone conference with Ms. Ana Garcia and Ms. Meighan Rader regarding conflict notice. | 1.00 | 185.00 |
| 2/27/2008 | EAB | Meeting with Mr. Ron Williams and Ms. Garcia on pending parks agreements and revisions to same. | 1.00 | 185.00 |
| 2/28/2008 | EAB | Drafted Broncos use agreement; provided revisions to staff; drafted finalized easement agreement with coinciding exhibits; forwarded same to Village and Mr. Scott Silver for authorization and execution; telephone conference with Ms. Shelly Stanczyk on pending items; telephone conference with Mr. Williams on pending items; telephone conference with Ms. Rader on Ms. Horner matter and pending items; several attempted telephone conferences with Mr. John Phillips. | 2.50 | 462.50 |
| 2/29/2008 | EAB | Telephone conference with Attorney Phillips and attention to conflict memorandum. | 0.40 | 74.00 |
| 2/29/2008 | EAB | Attention to and analyzed agenda items; telephone conference with Mr. Williams; and attention to Deering Estate item. | 1.00 | 185.00 |
| 3/3/2008 | EAB | Analyzed revised Coca Cola agreement; provided direction to staff; and attention to Building Dept limited POA request; attention to nonprofit Friends of Library matter; and analyzed agenda. | 1.60 | 296.00 |
| 3/3/2008 | EAB | Attended village council meeting. | 2.50 | 462.50 |
| 3/4/2008 | EAB | Meeting with Mr. Williams and Ms. Arleen Weintraub; communications with Ms. Liz Hernandez, city attorney for Coral Gables; regarding mutual aid agreement; meeting with Mr. Ed Silva on pending building issues; meeting with Ms. Weintraub in drafting LDC, divisions 30-50 and 30-60; communications with Mayor Eugene Flinn (.3 no charge). | 8.00 | 1,480.00 |
| 3/5/2008 | EAB | Attention to conflict resolution item and advertising; and communications with Mr. Williams regarding zoning hearing process. | 0.30 | 55.50 |

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.

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| | | | | |
|-----------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|
| 3/5/2008 | EAB | Finalized draft VMU; telephone conference with Ms. Weintraub analyzing draft ordinance and compared to Comprehensive Plan FLUM requirements; coordinated meeting with Mr. Silver regarding same; telephone conference with Mr. Phillips regarding conflict item; and communications with Ms. Rader regarding advertising on conflict item. | 1.00 | 185.00 |
| 3/6/2008 | EAB | Meeting with Mr. Danny Casals, Ms. Corrice Patterson, Mr. Gator Rebhan, Mr. Efen Nunez, Mr. Ed Silva and Mr. Ron Williams regarding park and public row easement and site plan approval, parking and FT&I criteria for Fern Street property. | 2.50 | 462.50 |
| 3/7/2008 | EAB | Finalized row easement agreement; and analyzed Chapter 24 and administrative codes relating to grading and storm water retention; and provided direction to Ms. Patterson and Mr. Silva regarding same. | 0.50 | 92.50 |
| 3/7/2008 | EAB | Telephone conference with Mr. Phillips and revisions to conflicts memorandum; revised 30-60; and telephone conference with Mr. Silver. | 3.00 | 555.00 |
| 3/10/2008 | EAB | Attended VMU meeting with Mr. Silver and Ms. Weintraub; attention to unity of title; attention to FT&I District and non-application to Fern Street; and follow-up and analyzed change in Fla. law relating to auditing committee and rfp for auditors. | 3.00 | 555.00 |
| 3/11/2008 | EAB | Began analysis of 150 page software rfp; and provided direction regarding same and on Auditing regulations with Mr. Desmond Chin. | 0.50 | 92.50 |
| 3/11/2008 | EAB | Meetings with Mr. Williams, Ms. Weintraub on pending items; telephone conference with Mr. Williams and manager for Cutler Bay relating to election signs; and meeting with Officer Allen White regarding same | 1.00 | 185.00 |
| 3/11/2008 | SS | Filed documents relating to general village matters. | 0.60 | 39.00 |
| 3/12/2008 | EAB | Meeting relating to false alarms and special master; attention to BU-2 zoning and enactment of village's version of MDC in 2003; attention to interlocal with Coral Gables for police services; communication with Commander Truitt and Mr. Bart Armstrong (MDC Attorney); drafted concession vendor agreement for park use; attention to condo draft documents for Village Library and FPL easement agreement; and telephone conference with Ms. Weintraub regarding PT and BU-2 items. | 3.30 | 610.50 |
| 3/13/2008 | EAB | Analyzed information systems rfp; revised same and provided comments; attention to PT matter; and attention to Deering easement, and pending items. | 2.00 | 370.00 |
| 3/14/2008 | EAB | Telephone conference with Ms. Patterson; attention to Maliecwski letter; drafted letter to him; attention to public record request and pulling of documents; telephone conference with Ms. Vanessa Bencomo, Ms. Gladys Javier, Ms. Patterson regarding same; drafted easement agreement with Deering Estate; and telephone conference with Mr. Jason Neil of Waste Management relating to | 2.20 | 407.00 |

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| | | | | |
|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|
| 3/17/2008 | EAB | Attended meeting with Mr. Williams and attention to pending items; meeting with PIO on pending matters; attention to false alarm issue with Cutler Bay; attention to Forman documents with Mr. Chin; and attention to Haas property. | 1.00 | 185.00 |
| 3/18/2008 | EAB | Telephone conference with Pati, with Miami Herald; telephone conference with Ms. Stanczyk (.2 no charge); and telephone conference with Mr. Williams on pending items. | 0.50 | 92.50 |
| 3/19/2008 | EAB | Attention to building related issues and resolution of same. | 1.50 | 277.50 |
| 3/19/2008 | EAB | Attended COW meeting. | 2.30 | 425.50 |
| 3/19/2008 | SS | Performed Lexis legal research concerning amendment to comprehensive plan and 10 year water supply plan. | 0.30 | 19.50 |
| 3/20/2008 | EAB | Drafted BU-2 zoning district update. | 1.00 | 185.00 |
| 3/21/2008 | EAB | Attention to Coral Gables interlocal agreement; and communications with Ms. Liz Hernandez, CG city attorney, regarding same. | 0.20 | 37.00 |
| 3/24/2008 | EAB | Attended meeting with Ms. Garcia and Deering representatives relating to interlocal agreement; meeting with Mr. Williams regarding same; and attention to water supply facility workplan and comp plan amendments; and attention to ethics training; email communication with department heads and council regarding same and regarding updating Shannon Melendi background investigation requirements; and attention to water restriction enforcement matter. | 2.50 | 462.50 |
| | | | Total Professional Services | 8,624.00 |

Rate Summary

| | | |
|----------------|----------------------------|----------|
| Eve A. Boutsis | 46.30 hours at \$185.00/hr | 8,565.50 |
| Susan Snavelly | 0.90 hours at \$ 65.00/hr | 58.50 |
| | Total hours: 47.20 | 8,624.00 |

Disbursements

| | | |
|-----------|-------------------------------|--------|
| 2/15/2008 | Federal Express | 22.37 |
| 2/29/2008 | Database Legal research | 129.15 |
| 2/29/2008 | Database Legal research | 6.69 |
| 2/29/2008 | Mileage - Village Hall | 4.80 |
| 2/29/2008 | Database Legal research | 35.80 |
| 3/25/2008 | Disbursements incurred - 2.0% | 172.48 |

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Payments and Credits

| | | |
|-----------|------------|----------|
| 1/31/2008 | Write Off | 9,715.87 |
| 1/31/2008 | Write Off | 349.75 |
| 3/7/2008 | Check 7176 | 6,467.43 |

| | |
|---------------------|------------------|
| Sub-total Payments: | <u>16,533.05</u> |
|---------------------|------------------|

| | |
|----------------------------|----------|
| For Professional Services | 8,624.00 |
| For Disbursements Incurred | 371.29 |

| | |
|------------------|-----------------|
| Current Balance: | <u>8,995.29</u> |
|------------------|-----------------|

| | |
|-------------------|-----------|
| Previous Balance: | 16,533.05 |
|-------------------|-----------|

| | |
|----------------------|-----------|
| Payments - Thank you | 16,533.05 |
|----------------------|-----------|

| | |
|------------------|------------------------|
| Total Due | <u>8,995.29</u> |
|------------------|------------------------|

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

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.

NAGIN GALLOP FIGUEREDO^{RA}

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

March 25, 2008
Matter ID: 0293-002
Zoning Applications
Invoice Number 19543

| | | | Hours | Amount |
|-----------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 2/27/2008 | EAB | Follow up on zoning items; telephone conferences with Ms. Arleen Weintraub on same; communications with all attorneys on deadlines re: palmer matter; attention to documents enclosed during zoning hearing; follow up with Mayor Eugene Flinn and manager regarding zoning; meeting with Ms. Weintraub regarding Mr. Jeff Flannigan's client and setting meeting regarding same; and follow up on parking restriction with Mr. Flannigan. | 2.80 | 518.00 |
| 2/28/2008 | EAB | Communications with Mr. Carter MacDowell. | 0.10 | 18.50 |
| 2/28/2008 | EAB | Telephone conference with Mr. Malichevski; follow up on the Casado property. | 0.40 | 74.00 |
| 3/3/2008 | EAB | Completed legal research relating to violations and zoning compliance; standards of review, Jennings and special exceptions; updated staff and council regarding same; telephone conference with Mayor Flinn (.3 no charge); telephone conference with Mr. Ron Williams regarding same; and follow up with Ms. Weintraub on pending matters including SUR matter. | 4.50 | 832.50 |
| 3/4/2008 | EAB | Telephone conference with Mr. Joe Corradino; attention to PT application. | 0.20 | 37.00 |
| 3/5/2008 | EAB | Finalized resolution on library parking/site plan modification for PBVC; and finalized easement agreement; and communications with Mr. Williams and Mr. Silver regarding execution of same. | 1.00 | 185.00 |
| 3/5/2008 | SS | Continued working on edits and reformatting of LDC division 30-50 and also worked on LDC Division 30-60. | 2.30 | 149.50 |
| 3/6/2008 | SS | Worked on edits and reformatting of LDC division 30-60. | 1.80 | 117.00 |
| 3/7/2008 | SS | Worked on edits and formatting changes to LDC division 30-60. | 0.30 | 19.50 |
| 3/10/2008 | EAB | Attention to pending items, special master, false alarm ordinance, unity of title. | 0.40 | 74.00 |
| 3/10/2008 | SS | Completed formatting and edits to division 30-60. | 0.20 | 13.00 |

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| | | | | |
|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|
| 3/11/2008 | EAB | Attention to PT traffic study, prior site plans, coordinated meeting regarding same; and follow up on schedule for same. | 0.30 | 55.50 |
| 3/11/2008 | EAB | Analyzed code relating to Haas property and application of same; attention to PT site plan and compliance; telephone conference with Mr. MacDowell and traffic engineers, follow up on same; and communications with Mr. Corradino and Mr. Williams regarding same. | 2.00 | 370.00 |
| 3/12/2008 | EAB | Analyzed prior zoning resolutions of PT. | 1.00 | 185.00 |
| 3/13/2008 | EAB | Attention to PT; communications with Mr. Tucker Gibbs, and Mr. MacDowell. | 0.30 | 55.50 |
| 3/17/2008 | EAB | Attention to PT; email communications with Mr. MacDowell and Mr. Corradino; email communications with Mr. Efren Nunez relating to PB Park Center. | 0.30 | 55.50 |
| 3/18/2008 | EAB | Communications with Mr. Nunez regarding Palmetto Bay Park Center and Art in Public Places; communications with Mr. Corradino; communications with Mr. MacDowell; attention to LDC schedule; attention to BU-2; analyzed chapter 24 and enforcement of same; and attention to pending zoning review. | 1.50 | 277.50 |
| 3/19/2008 | EAB | Attended meetings at village hall; attention to B-2 zoning; meeting with Ms. Weintraub, Mr. Nunez, Mr. Eric Haas and his architect; attention to water plan CDMP amendment; attention to school interlocal amendment; and attention to legislative issue and proposition for support. | 3.00 | 555.00 |
| 3/20/2008 | EAB | Attention to Palmer Trinity matter. | 0.30 | 55.50 |
| 3/24/2008 | EAB | Attention to Fern Street; communications with Ms. Patterson, Mr. Williams, and Ms. Weintraub regarding same; attention to VMU and coordinated meeting with Mr. Silver; attention to Deering Estate road closure and/or perpetual easement; communications with Mr. Irvine regarding same; communications with Mr. Nunez regarding legal description of easement area; and follow up on pending items with Mr. Williams, Ms. Weintraub and Ms. Patterson; and reviewed BU-2 cover memorandum. | 1.40 | 259.00 |
| | | | Total Professional Services | 3,906.50 |

Rate Summary

| | | |
|----------------|-------------------------------|----------|
| Eve A. Boutsis | 19.50 hours at \$185.00/hr | 3,607.50 |
| Susan Snavely | 4.60 hours at \$ 65.00/hr | 299.00 |
| | Total hours: 24.10 | 3,906.50 |
| 3/25/2008 | Disbursements incurred - 2.0% | 78.13 |

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Payments and Credits

| | | |
|-----------|---------------------|------------------|
| 1/31/2008 | Write Off | 3,943.83 |
| 3/7/2008 | Check 7176 | 15,363.24 |
| | Sub-total Payments: | <u>19,307.07</u> |

| | |
|----------------------------|------------------------|
| For Professional Services | 3,906.50 |
| For Disbursements Incurred | 78.13 |
| Current Balance: | <u>3,984.63</u> |
| Previous Balance: | 19,307.07 |
| Payments - Thank you | 19,307.07 |
| Total Due | <u>3,984.63</u> |

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

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.

NAGIN GALLOP FIGUEREDO^{P.A.}

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

March 25, 2008
Matter ID: 0293-004
Code Enforcement
Invoice Number 19544

| | | | Hours | Amount |
|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 2/27/2008 | EAB | Follow up with Ms. DeAngelis regarding Casado; follow up with staff and manager regarding same; telephone conference with Mr. Andy Newman; communications with Mr. Richard Doody regarding Comcast matter; telephone conference with Mr. Michael Maliszewski and attention to pending code compliance matters. | 1.00 | 185.00 |
| 3/3/2008 | EAB | Attention to Comcast/Horner matter; analyzed communication from Mr. Maliszewski and Ms. Horner; communications with Code Compliance regarding same. | 0.30 | 55.50 |
| 3/3/2008 | SS | Drafted and finalized letter to Ms. Vanessa Bencomo returning Casado code enforcement file. | 0.20 | 13.00 |
| 3/5/2008 | EAB | Communications with Ms. Weintraub regarding water violations and proof of compliance/error; and telephone conference with Ms. Arleen Weintraub regarding pending items. | 0.20 | 37.00 |
| 3/6/2008 | EAB | Telephone conference with Mr. Allen White regarding Casado compliance; memorandum to file regarding same; telephone conference with Ms. Horner regarding Comcast matter. | 0.40 | 74.00 |
| 3/7/2008 | EAB | Communications with Ms. Sandra Little, attorney for Citibank regarding foreclosure and demolition; and attention to code compliance issue relating to site plan. | 0.30 | 55.50 |
| 3/10/2008 | SS | Telephone discussion with Karina from closing company concerning 8282 SW 136 Street property; telephone discussion with Ms. Vanessa Bencomo; searched for code enforcement file; further telephone discussion with Ms. Bencomo and Karina. | 1.80 | 117.00 |
| 3/11/2008 | SS | Filed documents relating to Cerda and Duharte matters; e-mail to Ms. Little forwarding proposal for demolition of 8380 SW 153rd Street property. | 0.70 | 45.50 |
| 3/14/2008 | SS | Telephone discussion with Mr. Maliszewski concerning his public records request related to Horner property and upcoming Special Master hearing; drafted, finalized and sent letter to Mr. Maliszewski. | 0.20 | 13.00 |

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

| | | | | |
|-----------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------|
| 3/17/2008 | EAB | Attended code compliance meeting in anticipation of special master hearing. | 1.50 | 277.50 |
| 3/18/2008 | EAB | Telephone conference with Mr. Doody and attention to special master hearing. | 0.30 | 55.50 |
| 3/18/2008 | EAB | Prepared for and attended special master hearing. | 4.50 | 832.50 |
| 3/19/2008 | SS | Reviewed foreclosure matter for 8455 S.W. 155 Terrace property; telephone discussion with Ms. Bencomo concerning code enforcement file for same; reviewed complaint and drafted answer; reviewed code enforcement file; created pleadings file and index; and posted upcoming deadlines. | 1.80 | 117.00 |
| 3/20/2008 | EAB | Attention to foreclosure and filing answer to foreclosure action on code compliance property. | 0.20 | 37.00 |
| 3/20/2008 | SS | Reviewed Rosenberg and Espejo foreclosure files to determine whether a claim for remaining funds should be filed with Clerk; telephone discussion with Clerk; and updated relevant deadlines. | 0.90 | 58.50 |
| Total Professional Services | | | | 1,973.50 |

Rate Summary

| | | |
|----------------|---------------------------|----------|
| Eve A. Boutsis | 8.70 hours at \$185.00/hr | 1,609.50 |
| Susan Snavely | 5.60 hours at \$ 65.00/hr | 364.00 |
| Total hours: | 14.30 | 1,973.50 |

Disbursements

| | | |
|-----------|---------------------------------------------------|-------|
| 2/13/2008 | Federal Express - delivery to Michael Maliszewski | 15.82 |
| 2/29/2008 | Database Legal research | 4.99 |
| 3/25/2008 | Disbursements incurred - 2.0% | 39.47 |

Payments and Credits

| | | |
|---------------------|------------|----------|
| 1/31/2008 | Write Off | 1,039.29 |
| 3/7/2008 | Check 7176 | 3,765.12 |
| Sub-total Payments: | | 4,804.41 |

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

| | |
|----------------------------|------------------------|
| For Professional Services | 1,973.50 |
| For Disbursements Incurred | 60.28 |
| Current Balance: | <u>2,033.78</u> |
| Previous Balance: | 4,804.41 |
| Payments - Thank you | 4,804.41 |
| Total Due | <u>2,033.78</u> |

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

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NAGIN GALLOP FIGUEREDO^{PA.}

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

March 25, 2008
 Matter ID: 0293-019
 Village of Palmetto
 Invoice Number 19545

| | | | Hours | Amount |
|------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------------|
| 2/28/2008 | EAB | Meeting with team on strategy; telephone conference with Mr. John Hearn; telephone conference with Ms. Nina Boniske. | 1.00 | 185.00 |
| 3/3/2008 | SS | Telephone call to Mr. Gonzalo Dorta's office requesting copies of discovery propounded in matter. | 0.10 | 6.50 |
| 3/7/2008 | EAB | Coordinated meeting with VPB, ML, Doral and Mr. Bruce Rogow; attention to county motion for summary judgment. | 0.80 | 148.00 |
| 3/10/2008 | SS | Set up teleconference for Village of Palmetto Bay, Doral and Miami Lakes attorneys and managers to discuss mitigation matters. | 0.20 | 13.00 |
| 3/19/2008 | SEN | Participated in teleconference with representatives from Client, Miami Lakes, and Doral, with Mr. Rogow, and Ms. Boutsis; participated in questioning Mr. Rogow; e-mail to Ms. Boutsis. | 0.70 | 129.50 |
| 3/19/2008 | EAB | Attended conference call with three mayors, managers, attorneys and Mr. Rogow. | 1.00 | 185.00 |
| Total Professional Services | | | | 667.00 |

Rate Summary

| | | |
|---------------------|---------------------------|---------------|
| Stephen E. Nagin | 0.70 hours at \$185.00/hr | 129.50 |
| Eve A. Boutsis | 2.80 hours at \$185.00/hr | 518.00 |
| Susan Snavelly | 0.30 hours at \$ 65.00/hr | 19.50 |
| Total hours: | 3.80 | 667.00 |

3/25/2008 Disbursements incurred - 2.0% 29.09

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NAGIN GALLOP FIGUEREDO^{RA.}

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

March 25, 2008
Matter ID: 0293-022
VPB v. MDC - Charter
Invoice Number 19546

| | | | Hours | Amount |
|-----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 2/20/2008 | HSK | Legal research, preparation of draft complaint of unconstitutionality; in re VPB v. MDC | 3.60 | 666.00 |
| 2/25/2008 | SEN | Lengthy telephone conference with Mr. Montalvo concerning issues in Complaint and status of matter; instructions to Ms. Snavelly concerning exhibits; considered tactical aspects for the proofs required to sustain burdens on various claims. | 2.40 | 444.00 |
| 2/26/2008 | HSK | Final review of complaint, office conference with Steph Nagin, conference with Jim Montavalo regarding constitutional counts and views concerning county position on complaint. [2.6 hours no charge.] | 2.60 | 481.00 |
| 2/26/2008 | SEN | Reviewed e-mail from Mr. Kaplan concerning appropriateness of the breach of contract theory based on the cumulative or combined effect of the 5 municipalities since 2000; review draft "unconstitutionality count;" met for a working lunch with Mr. Kaplan to discuss the Complaint theories and during the meeting, called Mr. Montalvo to request additional research on the Constitutional issues; after lunch met with Mr. Montalvo and Mr. Kaplan to discuss the Complaint; determined to eliminate the Count for Equitable Estoppel (and preserve it as a potential affirmative defense), determined to eliminate Unconstitutionality Count due to standing issue, but to discuss same with the Mayor); discussed proof issues concerning the Contract Breach Count. [4.5 (No Charge 1.2)] | 3.30 | 610.50 |
| 2/27/2008 | HSK | Study of results of legal research regarding MDC ordinance 20-26; conferences with Jim Montavalo concerning county potential objections to counts of complaint particularly collective effect of five incorporations since 2000; and in re VPB v. MDC. | 2.90 | 536.50 |
| 2/27/2008 | SEN | Edited draft Complaint to conform to determinations made on Wednesday, February 27th; checked draft to assure prior paragraph numbering and exhibit identifications were accurate; considered holistic presentation of claims; traveled to and from and met with Mayor Flynn (with Ms. Boutsis) to review the draft, to discuss suggested strategy, and to request the Mayor's review of | 4.90 | 906.50 |

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facts to assure no critical facts were left out [agreed to meet with the Mayor in a week or two, at his convenience, to receive his input, if any]. [4.9 hours (includes 1.1 hours without charge - courtesy discount during lunch)]

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| 2/27/2008 | EAB | Meeting with Mayor Eugene Flinn and Mr. Nagin regarding litigation. [no charge.] | 2.00 | 0.00 |
| 2/28/2008 | SEN | Met with Ms. Boutsis to discuss the Complaint and remaining legal or factual issues; met with Ms. Boutsis and Mr. Montalvo to discuss Mr. Montalvo's critical review of the Breach of Contract Count (based on his question about the specific authority for the basis for utilizing the "collective impact" analysis as a basis for asserting a breach); discussed potential elements of proof on the issue; recommended that Ms. Boutsis and Mr. Montalvo meet with a Miami-Dade County Commissioner or high level employee to ascertain the actual procedure used by the putative Defendant; Ms. Boutsis offered to arrange a meeting with a former high-level Miami-Dade County employee who was involved in the Mitigation Review process for the Village and several other municipalities; suggested that they should obtain an affidavit from the person, which could be attached to the Complaint as an Exhibit, if appropriate [1.7 hours.]; further considered strategy and called Ms. Boutsis to discuss same in the evening as well as logistics for meeting with the Mayor in March. | 1.90 | 351.50 |
| 2/28/2008 | EAB | Meeting with team on strategy; telephone conference with Mr. Hearn; telephone conference with Ms. Boniske. | 1.00 | 0.00 |
| 2/29/2008 | EAB | Analyzed initial lawsuit against MDC re: incorporation; and analyzed documents relating to mitigation history. | 2.00 | 0.00 |
| 3/3/2008 | SEN | Reviewed e-mails from Mr. Montalvo and Mr. Kaplan (concerning the Mitigation Adjustment Policy Review Task Force); reviewed statements by Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, Miami-Dade County; composed and sent e-mail to Mr. Montalvo concerning same; e-mails from and to Ms. Boutsis concerning dates of my availability to meet with the Mayor. [0.6 hours] | 0.60 | 111.00 |
| 3/3/2008 | SS | Worked on memorandum related to Jai Lai case law as it relates to draft complaint. | 0.40 | 26.00 |
| 3/4/2008 | HSK | Study emails concerning testimony of Ms. Glaser-Moon, legal research into past positions of MDC; preparation of letter of opinion and recommendation and correspondence; in re MDC v. VPB | 3.40 | 629.00 |
| 3/6/2008 | HJM | Traveled to and attend meeting with Town Manager Alex Rey and attorney Nina Boniske. | 3.00 | 555.00 |
| 3/6/2008 | EAB | Meeting with Mr. Alex Rey, Ms. Nina Boniske, and Mr. Montalvo. | 3.00 | 0.00 |
| 3/7/2008 | SS | Telephone discussion with Mr. Nagin concerning further edits to draft complaint; coordinated with Mr. Nagin, Ms. Boutsis, Mr. Montalvo and Mr. Kaplan for teleconference to discuss same; located Village of Palmetto Bay Steering Committee final orders | 0.50 | 0.00 |

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and provided to Mr. Nagin.

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| 3/10/2008 | HJM | Prepared Affidavit for Alex Rey, Town Manager for Town of Miami Lakes, reviewed file (1.8); reviewed Stephen Nagin's revisions to complaint (.50 no charge). | 1.80 | 333.00 |
| 3/10/2008 | SS | Set up teleconference for Village of Palmetto Bay, Doral and Miami Lakes attorneys and managers to discuss mitigation matters. | 0.20 | 13.00 |
| 3/12/2008 | EAB | Attention to and strategy relating to complaint; follow up on Mr. Alex Rey affidavit. | 1.00 | 0.00 |
| 3/13/2008 | SEN | Reviewed additional paragraphs (26, 27, 28 and 29) proposed by Mr. Kaplan; reviewed proposed edits by Mr. Montalvo; reviewed comments/edits by Ms. Boutsis; met with Mr. Kaplan, Mr. Montalvo and Ms. Boutsis to review draft and to discuss legal theories; reviewed latest draft; considered strategy and tactics and created chart with same for presentation to Mayor Flinn; met with Mayor Flinn, Ms. Boutsis, and Mr. Kaplan; presented latest draft and explained proposed strategy and tactics using chart; received verbal assent to proceed to file; and assigned tasks to Ms. Snavelly. | 8.00 | 1,480.00 |
| 3/13/2008 | EAB | Attended meeting with legal group and Mayor Finn on strategy. | 2.00 | 370.00 |
| 3/13/2008 | SS | Attended meeting with Mr. Nagin, Ms. Boutsis, Mr. Montalvo and Mr. Kaplan to discuss draft complaint and logistics of filing same with the Court; worked with Mr. Nagin and made revisions and formatting changes to draft complaint. | 2.60 | 0.00 |
| 3/14/2008 | SEN | Conferred with Ms. Boutsis; was advised that Dr. Feller had approved filing the Complaint; participated, with Ms. Boutsis and Mr. Kaplan, in telephonic presentation to Ms. Shelly Stanczyk, responded to her questions, and received verbal assent to proceed with the filing; participated, with Ms. Boutsis and Mr. Kaplan, in telephonic presentation to Mr. Paul Neidhart, responded to his questions, and received verbal assent to proceed to file Complaint; attended, with Mr. Kaplan, telephonic presentation by Ms. Boutsis to Ms. Linda Robinson, who gave verbal assent to file Complaint; reviewed and provided suggested edits to affidavit to Alex Rey (to provide clarity, parallelism in tense, and to adjust punctuation); assigned tasks to Ms. Snavelly; executed mandatory civil cover sheet for filing Complaint; further revised Complaint; further revised Complaint; discussed same with Ms. Boutsis and Mr. Kaplan; executed Complaint for filing; briefly assisted Ms. Boutsis in drafting statement for the Council members concerning the action; brief telephone calls to Mr. Hiaasen, Mr. Nelson, and left message for Mr. Tester. [2.0 no charge.] | 6.00 | 1,110.00 |
| 3/14/2008 | EAB | Telephone conference with Dr. Ed Feller; telephone conference with CP Shelly Stanczyk; telephone conference with CP Paul Neidhart; telephone conference with V-M Linda Robinson (along with Mr. Stephen Nagin and Mr. Henry Kaplan); finalized complaint; telephone conferences with reporters. | 3.70 | 684.50 |
| 3/14/2008 | SS | Made additional copies of exhibits to complaint in anticipation of | 5.20 | 0.00 |

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filing with the Court; searched for contact information for various Miami reporters; assisted Mr. Nagin with final edits to complaint; finalized and prepared complaint for filing; assisted Mr. Nagin with electronic transmission of embargoed complaint to various reporters; and began to make edits to Affidavit of Alex Rey.

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| 3/17/2008 | HJM | Received and reviewed executed affidavit of Mr. Rey. | 0.20 | 37.00 |
| 3/17/2008 | SEN | Reviewed e-mails; spoke with Ms. Snavelly concerning the Judge assigned to the case by the Clerk's office; instructed Ms. Snavelly to effectuate service of the Complaint, today; spoke with Ms. Boutsis about the judge assigned to the matter; was advised by Ms. Snavelly that service was perfected, today; sent Ms. Boutsis information about a succinct summary of the action. | 0.70 | 0.00 |
| 3/17/2008 | EAB | Telephone conference with Mayor Flinn (no charge); attention to case filing; telephone conference with Mr. Bill Kress; and follow up with Ms. Boniske. | 0.60 | 0.00 |
| 3/17/2008 | SS | Performed Internet research for information on Judge Maria Espinosa Dennis; telephone call to Bureau of Elections Records; further research; telephone discussion with process server, arranged for service on Mayor of Miami-Dade County; Internet searches for articles relating to filing of suit in matter; telephone discussion with process server to confirm service completed. | 2.30 | 149.50 |
| 3/19/2008 | SS | Completed edits to Alex Rey Affidavit and forwarded to Mr. Nagin for review and approval; continued research. | 1.60 | 0.00 |
| 3/20/2008 | SEN | E-mail to and telephone conference with Ms. Boutsis concerning strategy at this juncture, take to Mr. Kaplan concerning elements of proof for each allegation in the Complaint; discussed proposed discovery tactics, maintaining momentum, and showing perseverance with the filed and served action. | 0.30 | 0.00 |
| 3/20/2008 | EAB | Update on action (no charge). | 0.30 | 0.00 |
| 3/20/2008 | SS | Searched for news articles on instant action; forwarded Miami Herald article to team for review; reviewed Sec. 20-8.7 of County Code. | 0.20 | 0.00 |
| | | | Total Professional Services | |
| | | | 9,494.00 | |

Rate Summary

| | | |
|-------------------|----------------------------|----------|
| Henry S. Kaplan | 12.50 hours at \$185.00/hr | 2,312.50 |
| H. James Montalvo | 5.00 hours at \$185.00/hr | 925.00 |
| Stephen E. Nagin | 1.00 hours at \$ 0.00/hr | 0.00 |
| Stephen E. Nagin | 27.10 hours at \$185.00/hr | 5,013.50 |
| Eve A. Boutsis | 9.90 hours at \$ 0.00/hr | 0.00 |

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| | | |
|----------------|---------------------------|----------|
| Eve A. Boutsis | 5.70 hours at \$185.00/hr | 1,054.50 |
| Susan Snavelly | 10.10 hours at \$ 0.00/hr | 0.00 |
| Susan Snavelly | 2.90 hours at \$ 65.00/hr | 188.50 |

| | | |
|--------------|--------------|-----------------|
| Total hours: | <u>74.20</u> | <u>9,494.00</u> |
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Disbursements

| | | |
|-----------|--------------------------------------------------------------------------|--------|
| 2/12/2008 | Conference Call | 19.56 |
| 2/29/2008 | Database Legal research | 82.61 |
| 2/29/2008 | Database Legal research | 130.79 |
| 2/29/2008 | Database Legal research | 60.97 |
| 3/6/2008 | Mileage - travel to Town of Miami Lakes for meeting with Town Manager | 26.30 |
| 3/14/2008 | Filing fee - Complaint | 256.00 |
| 3/16/2008 | Tolls | 2.00 |
| 3/17/2008 | Mileage - Downtown Courthouse | 16.80 |
| 3/17/2008 | Parking Charge - Downtown Courthouse | 10.00 |
| 3/25/2008 | Disbursements incurred - 2.0% | 286.38 |

Payments and Credits

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| 3/7/2008 | Check 7176 | 16,944.06 |
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|---------------------|------------------|
| Sub-total Payments: | <u>16,944.06</u> |
|---------------------|------------------|

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|----------------------------|-------------------------|
| For Professional Services | 9,494.00 |
| For Disbursements Incurred | 891.41 |
| Current Balance: | <u>10,385.41</u> |
| Previous Balance: | 16,944.06 |
| Payments - Thank you | 16,944.06 |
| Total Due | <u>10,385.41</u> |

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

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