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RESOLUTION NO. 2016-67

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 \$24,278.00 FOR PERIOD ENDING JULY 31, 2016; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Administration)

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 July, 2016, in the amount of \$24,278; 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:

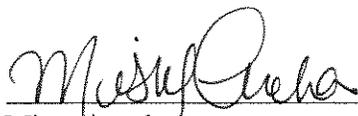
Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

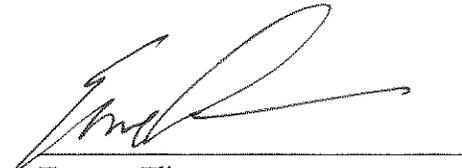
Section 2. Approval. The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$24,278, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 12th day of September, 2016.

Attest:


Missy Arocha
Village Clerk


Eugene Flinn
Mayor

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

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7 Dexter W. Lehtinen
8 Village Attorney
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11 FINAL VOTE AT ADOPTION:

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13 Council Member Karyn Cunningham YES

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15 Council Member Tim Schaffer YES

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17 Council Member Larissa Siegel Lara YES

18
19 Vice-Mayor John DuBois YES

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21 Mayor Eugene Flinn YES

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

July 2016
Village of Palmetto Bay

Statement Period: **July 2016**

Client: **Village of Palmetto Bay, Florida**

<u>Date</u>	<u>Individual</u>	<u>Subject</u>	<u>Time</u>
<u>General Government</u>			
7/1	DL	Draft and review agenda items; meet with Clerk to finalize agenda; meet with Manager, Council members	4.2
7/4	DL	Conference call with attorney Geller; meeting with Manager and Mayor	1.4
7/5	BF	Receipt and review of protest document; confer with Pittser re same ; receipt/review of correspondence from MCM/BAP	1.1
7/5	DL	Meet with Council member re pending ordinances/resolutions and potential ordinances/resolutions; confer with Manager; meet with another Council member re same; re-draft materials	3.8
7/6	BF	Review protest matters; draft correspondence re same; confer with DL re same	0.8
7/6	DL	Confer with BF re unsolicited; review documents and statute	1.0
7/6	CR	Confer with counsel and Olga concerning payoff of lien; research state law re: public participation in connection with consent agenda; email to DL	1.4
7/7	BF	Conference call with Pittser (garage), Manager, DL; further review solicitation matters	4.8
7/7	CR	Research trademark filing for Village under federal and state law; confer several times with DL; review website and facebook postings	2.3

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July 2016/Village of Palmetto Bay

General Government (continued)

7/8	BF	Confer with Pittser (garage); follow-up procurement issues; research re resolution drafting and required language	0.8
7/8	DL	Prepare for upcoming Council meeting; research state law re local government authority	2.0
7/8	CR	email to trademark attorney concerning trademark registration; ; email DL re same	0.7
7/11	BF	Review procurement and process issues; confer with Pittser	2.0
7/11	DL	Meeting of Palmetto Bay Council; prepare for Council meeting; meet with various Council members, Clerk, Manager	7.6
7/12	BF	Follow-up with VPB re bid matters	0.2
7/12	CR	Review and revise release for SAFE events; email to Arocha with revised release	1.0
7/13	DL	Review matters for upcoming Committee of the Whole (COW) meeting; confer with Council members	1.9
7/13	BF	Follow-up re procurement matters	1.6
7/14	BF	Procurement matters follow-up (unsolicited proposal); conference call with DL, others	0.8
7/14	DL	Confer with BF regarding procurement issues	0.6
7/15	BF	Follow-up with Pittser	0.2
7/15	DL	Meet with Clerk to finalize agenda for upcoming Committee of the Whole meeting (COW); confer with Manager and Council members	2.1
7/18	BF	Continued follow-up with Pittser	0.3

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July 2016/Village of Palmetto Bay

General Government (continued)

7/19	CR	Review interlocal agreement for traffic circles	1.1
7/20	BF	Confer with DL regarding process matters (bids); review process; conference call with Pittser	0.6
7/20	DL	Council Committee of the Whole (COW) meeting; participate by telephone conference call	3.1
7/22	BF	Follow-up with Pittser (procurement)	0.2
7/25	BF	Conference call with Pittser; follow-up	0.3
7/27	CR	Research public records law re proper form for electronic public records; confer with DL concerning same	1.0
7/28	BF	Review procurement matters; conference call re same	0.7

Human Resources (Personnel)

7/1 -- none

Zoning and Land Use

7/1 -- none

Litigation

6/1	DL	The following entries from June were inadvertently omitted from the June statement and therefore are entered below	0.0
6/14	BF	Review issues; prepare for conference; strategy conference re potential responses	2.0
6/15	BF	Review summons issue, various information re response strategy (VMU); review information issues vis-a-vis FS 25.08; revise draft indemnification	1.8

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July 2016/Village of Palmetto Bay

Litigation (continued)

6/16	BF	Research comprehensive plan challenges (VMU); research re fiduciary obligations; research re consistency issues	1.5
6/16	CR	Review docket; confer with DL regarding filing fees; review fiduciary duties of Village officials; review jurisdiction of circuit courts where parties did not participate in challenged administrative proceedings (VMU)	2.4
6/17	CR	Review record; background research on opposing counsel; confer with DL; reserach case law on process; research service statute for public officials; drat motion to dismiss complaint for review by DL; email DL (VMU)	3.7
6/21	BF	Review petition for writ of certiorari (VMU)	0.5
6/27	CR	Review writ petition (VMU); research numerous legal issues; confer with DL; review court's letter ordering a response; draft motion to dismiss; review filings	7.3
6/28	BF	Follow-up re legal matters (VMU); revise draft motion to dismiss	0.7
6/28	CR	Research concerning record and transcript; research re various issues pertaining to motion to dismiss; ; draft/revise motion to dismiss; email to BF and DL	4.3
7/1	CR	Draft/review/file complaint for misuse of Village seal; confer with DL concerning same; draft/revise motion for temporary injunction; prepare civil cover sheet	4.6
7/1	DL	Review Village seal lawsuit; confer with CR	1.9
7/1	CR	Review Rincon complaint (wrongful death by police): confer with DL concerning same	0.8
7/1	DL	Rincon (wrongful death case) - review issues; confer with CR	0.6

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July 2016/Village of Palmetto Bay

Litigation (continued)

7/5	CR	Review emails and letters from attorney Auerbacher; email/calls to DL; call from Manager; review Singer email to Manager; confer with DL; draft email to Auerbacher for review by DL (Seal)	1.6
7/5	CR	VMU Writ case - prepare revised motion to dismiss; review all case law cited for accuracy; file same	2.7
7/5	BF	Follow-up responses to issues (VMU Writ)	0.4
7/5	CR	Call to attorney regarding payoff of special assessment lien; email to Desmond/Olga concerning payoff amounts	0.3
7/6	CR	Prepare letter to County Attorney's Office (Rincon wrongful death); confer with DL re liability and proper parties under PB-County agreement; review complaint	3.2
7/6	DL	Review Rincon wrongful death case re: proper parties and Miami-Dade County duties under Palmetto Bay agreement with County; confer with CR	0.9
7/7	DL	Review and research issues re sael use; re-draft clarifying ordinance; research state law application	1.1
7/8	CR	Emails//alls concerning Village seal suit; review aspects of injunctive relief and declaratory relief	0.9
7/8	DL	Confer with CR re Village seal suit (Village seal); study issues re comprehensive plan and TDRs (VMU) under state law and Village code	1.8
7/11	CR	Confer with DL; confer with opposing counsel concerning counsel's request for extension of time; review docket; email Bilzin attorney (VMU counsel) re extension; email County attorney re defense of Rincon (wrongful death) case; review Fla state statute protecting municipal seal	2.8

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July 2016/Village of Palmetto Bay

Litigation (continued)

7/11	CR	Analyze issues in VMU cases (writ and dec action); confer with CR	1.8
7/11	CR	Begin drafting Alexander School appellate brief; factual statement and review of record	4.8
7/13	CR	Research transcript requirement for filing writ (VNU writ case); research statute for consistency challenge on date of filing (VMU dec action); confer with DL	2.3
7/13	CR	Rincon (wrongful death) - confer with attorney Viciano, M-D County attorney office concerning service; confer with attorney Alexander (League of Cities) re defenses; review complaint and service of complaint	0.8
7/13	DL	Analysis of VMU writ and dec action matters; review record; read applicable cases	2.0
7/14	CR	Confer with DL re Rincon case; review correspondence draft by Fla League of Cities; email to attorney with Johnson Anselmo	0.3
7/15	CR	Confer with various counsel and DL concerning coverage (Rincon wrongful death) re coverage; prepare email to all involved counsel	1.8
7/15	DL	Research for Alexander School appeal brief; analyze issues raised in discussions; conference call with CR and opposing counsel	2.6
7/18	CR	Acosta foreclosure - email to opposing counsel concerning amended complaint; Tapia foreclosure - letter to opposing counsel requesting accounting for sale	0.4
7/19	CR	Continue drafting appellate brief on appeal (Alexander School); research various issues	1.8
2/20	CR	Email to Jose Ferrer; continue work on brief (Alexander)	0.7

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July 2016/Village of Palmetto Bay

Litigation (continued)

7/25	CR	VNU Writ - review motion of co-party; review case law cited by co-party compared to Village's pending motion to dismiss	1.3
7/27	CR	Krakoski foreclosure: attend motion for summary judgment; prepare motion to set aside default due to faulty service; confer with opposing counsel re potential settlement	2.8
7/28	BF	Followup re service and related strategy issues (VMU dec action)	0.7
7/28	CR	Krakoski foreclosure: review motion to set aside default; confer with opposing counsel re settlement	0.4
7/28	CR	Confer with DL regarding service of process (seal suit)	0.3
7/29	CR	Confer re numerous matters on VMU suits, with DL, BF and counsel; review docket entries	1.8

Total Fees

Monthly total hours.....	124.0
Total fees due (@ \$190/hour.....)	\$ 23,560

Reimbursable Expenses

WestLaw computer research charge.....	\$ 510
Courier services (complaint/interlocal agreement to M-DC- Rincon).....	\$ 131
Filing fee (summons - Village Seal).....	\$ 11
Courier services (motion to dismiss - VMU).....	\$ 66
Total Reimbursable Expenses.....	\$ 718

Total amount due (fees and expenses).....\$ 24,278

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

