

RESOLUTION NO. 03-01

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEY'S FEES; APPROVING ATTORNEY'S FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$23,589.74; 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 invoices to the village for legal services rendered, and costs advanced, for the period ending November 30, 2002, in the amount of \$23,589.74; 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 invoice for attorney's fees and costs received from Nagin Gallop Figueredo, P.A., in the total amount of \$23,589.74, a copy of which is attached, is approved for payment

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

PASSED and ADOPTED this 6th day of January, 2003.

Attest: Meighan Pier  
Meighan Pier  
Village Clerk

Eugene P. Flinn, Jr.  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

Earl G. Gallop  
Earl G. Gallop,  
Village Attorney



FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>AYE</u>
Council Member Paul Neidhart	<u>AYE</u>
Council Member John Breder	<u>AYE</u>
Vice-Mayor Linda Robinson	<u>AYE</u>
Mayor Eugene P. Flinn, Jr.	<u>AYE</u>

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**NAGIN GALLOP FIGUEREDO<sup>P.A.</sup>***Attorneys & Counselors*

3225 Aviation Avenue, Suite 301

Miami, Florida 33133

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
 Mayor  
 Village of Palmetto Bay  
 9100 S. Dadeland Boulevard  
 Suite 1000  
 Miami, Florida 33156

November 30, 2002  
 Matter ID: 0293-001  
 General Municipal

Statement No. 12816

			Hours	Amount
11/6/2002	EGG	Prepared agenda, ordinance and resolution forms; prepared agenda for November 7 meeting; prepared resolutions and commenced evaluating requirements for adoption of utility tax; telephone conferences and attended meeting with mayor; telephone conference comm'r. Feller.	7.90	1,461.50
11/6/2002	JMP	Scanned form interlocal agreements from the Village of Pinecrest and the City of Miami Lakes	1.00	20.00
11/7/2002	EGG	Telephone conferences with mayor Flinn, Mr. Ludovici and Mr. Inguanzo regarding first meeting of village council; revised resolutions; instructions to associate regarding revisions to utility tax ordinance.	2.00	370.00
11/7/2002	EGG	Prepared for and attended first village council meeting.	5.00	925.00
11/7/2002	JMP	Scanned form interlocal agreements from the Village of Pinecrest and the City of Miami Lakes	7.25	145.00
11/8/2002	EAB	Began analysis of chapter 166, Fla. Stat. on authority for municipalities to tax utilities.	3.00	555.00
11/8/2002	EGG	Attended meeting with Mr. Scurr and telephone conference with mayor Flinn and Mr. Scurr regarding structuring negotiations on interlocal government agreement.	0.50	92.50
11/8/2002	JMP	Scanned form interlocal agreements from the Village of Pinecrest and the City of Miami Lakes	6.00	120.00
11/10/2002	EGG	Reviewed prepared memorandum regarding and resolution creating advisory committees; reviewed advice on advertising meetings; instructions to legal assistant regarding Mr. Ludovici's suggestion on order of votes appearing on resolutions; attention to conflicts with council meeting dates	0.70	129.50
11/10/2002	EGG	Reviewed and evaluated interlocal government agreements between MDC and Miami Lakes regarding funding assistance, second	2.50	462.50

Payment is due upon receipt. Please notify us within 10 days of receipt 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.

		interlocal agreement regarding same, third agreement regarding transfer of park impact fees, local patrol services, specialized police services and employment benefits with particular attention to subjects and provisions to be negotiated on behalf of VPB.		
11/11/2002	EAB	Completed analysis of Chapter 166, municipal taxation of liens, analysis of draft tax ordinance, comments by FPL, and prepared memorandum to Mr. Gallop on this issue.	4.00	740.00
11/11/2002	EGG	Reviewed and evaluated interlocal government agreements between MDC and Village of Pinecrest with particular attention to subjects and provisions to be negotiated on behalf of VPB.	1.00	185.00
11/11/2002	EGG	Attended meeting with Mayor Flinn, Mr. Scurr and Mr. Rasco regarding start-up actions and particularly administrative, personnel, organization, policy and program, and finance matters.	3.00	555.00
11/11/2002	EGG	After meeting action; reviewed October 30 and September 24, 2002 letters from Ms. Villaamil regarding entering into interlocal agreement with MDC Public Schools, noting October 15, 2002 deadline for response and instructions to Ms. Boutsis to evaluate statutory requirements and advise on subject matter and proposed village response.	0.70	129.50
11/12/2002	EGG	Attention to selection of commander; telephone conference with Mr. Casals, city of North Bay Village, regarding background checks on potential appointees to position of village commander; attention to application for state funding of storm water and potable water project grant funds; telephone call to county manager and telephone conference with Ms. Vivian Duyos to schedule initial interlocal agreement meeting.	1.10	203.50
11/12/2002	DAJ	Telephone conference with Lynn Lipton of the Florida League of Cities requesting membership application package; transmitted village contact list to Ms. Lipton.	0.20	13.00
11/13/2002	EGG	Attention to approval of left turn lane at SW 187 St. and advised mayor Flinn regarding same.	0.10	18.50
11/13/2002	EGG	Received recommendations for city clerk and administrative assistant; communications with mayor Flinn, Mr. Scurr and Mr. Rasco regarding same.	0.50	92.50
11/13/2002	EGG	Prepared contract with Rasco Group, LLC for interim administrative services, resolution approving same; reviewed resolution appointing village manager advisory committee; prepared resolution creating seven advisory committees; attention to a variety of matters.	4.50	832.50
11/13/2002	DAJ	Telephone conference with secretary to attorney Eugene Stearns regarding status of litigation concerning UMSA; conducted PACER search for docket sheet from UMSA case: Levy v. Miami-Dade County.	0.30	19.50

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11/14/2002	EAB	Received assignment as to pending planning and zoning applications; telephone conference with Vice Mayor Linda Robinson regarding Community Council 13, and prepared email communication to Team Metro coordinator Leon Christiano on pending development applications; legal research on interlocal school agreements, and Chapters 163 and 235; began analysis of research in response to Vivian G. Villaamil, Coordinator III of Site Acquisition and Special Projects for Miami Dade County School Board, letter regarding interlocal agreements; analysis of legal research on interlocal school board requirements and prepared memorandum on issue to Mr. Gallop; telephone conference with Ms. Liz Hernandez, City Attorney for Coral Gables and Richard Lorber, City Planner for the City of South Miami regarding their interlocal agreements with the school board; and telephone conference with Mr. Brad Swing counsel for UMSA, in Morgan Lew v. Miami-Dade County and relation to Palmetto Bay mitigation payments.	3.20	592.00
11/14/2002	EGG	Telephone conference with comm'r. Neidhart regarding permitting and other matters; attention to federal action styled Morgan Lew, et al. v. Miami-Dade County and telephone conference with assistant to Mr. Gene Stearns.	0.70	129.50
11/14/2002	EGG	Telephone conference with Mr. Scurr regarding administrative services and attention police services contract and selection of village commander.	0.60	111.00
11/14/2002	EGG	Revised contract with Rasco Group to provide for termination after appointment of village manager, and revised resolutions creating village manger selection committee and creating advisory committees.	2.30	425.50
11/14/2002	EGG	Prepared resolutions establishing interlocal government negotiation team, requesting advanced funding, and authorizing small purchases by advising village manager; began preparing emergency ordinance authorizing small purchase procurements without competitive bidding; reviewed charter.	2.10	388.50
11/14/2002	EGG	Telephone conferences with mayor Flinn and Mr. Scurr; revised resolutions requesting advanced funding assistance, creating a village manager advisory committee, creating advisory committees, final preparation of resolution authorizing assisting village manager to spend up to \$5,000 without council approval; attention to interlocal agreement with MD School Board.	3.00	555.00
11/14/2002	EGG	Telephone conference with Mr. Rasco regarding procurement of services, agenda items for Nov. 18 meeting and other matters.	0.20	37.00
11/14/2002	DAJ	Telephone conference with Gail Dennard, assistant to Lynn Lipton, Florida League of Cities confirming receipt of council packages and	0.10	6.50

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		requesting additional packages.		
11/15/2002	EAB	Telephone conferences with Ms. Diane O'Quinn Williams, Director of Miami-Dade County Planning and Zoning Division regarding pending zoning applications within Village limits; telephone conferences with Ms. Vivian Villaamil, of the Miami-Dade County School Board regarding revised model interlocal school board agreement; analysis of Village of Pinecrest, Village of Miami Lakes and Village of Key Biscayne procedural rules; legal research on code enforcement, procurement, and council procedures; began drafting council procedures ordinance.	7.00	1,295.00
11/15/2002	EGG	Attention to ordinances establishing rules of procedure for council meetings, quasi-judicial hearings, procurement and code enforcement; instructions to work attorney.	0.50	92.50
11/15/2002	EGG	Attention to obtaining information from county regarding pending applications for development permits; telephone conferences with Mr. Scurr and Mr. Rasco, final preparation of interim administrative services contract.	1.20	222.00
11/16/2002	EAB	Continued to draft Ordinance on procedures for commission meetings; establishing committees; agenda items and decorum.	2.50	462.50
11/17/2002	EAB	Drafted ordinance on quasi-judicial hearings and ex parte communications; and finalized commission procedures ordinance.	6.00	1,110.00
11/18/2002	EAB	Finalized drafting of quasi-judicial and commission meeting ordinance; drafted transitional planning and zoning ordinance; telephone conferences with Mr. Held, Asst. City Attorney for City of Miami Beach, and Ms. Sarah Ingel, Asst. City Attorney for the City of Miami regarding school board interlocal agreement.	5.00	925.00
11/18/2002	EAB	E-mail and telephone conference with Mr. Wolpin, counsel for Key Biscayne and Village of Miami Lakes regarding interlocal with county as to P&Z, and attention to interlocal with School Board.	0.60	111.00
11/18/2002	EAB	Attended commission meeting and provided short village attorney report on School Board interlocal agreement with Village [2.5 hrs, no charge].	2.50	0.00
11/18/2002	EGG	Attention to further revisions to agenda.	0.50	92.50
11/18/2002	EGG	Reviewed memorandum and attachment regarding city manager job description and comparative salary and benefit analysis.	0.30	55.50
11/18/2002	EGG	Prepared Village Attorney's report; prepared for and attended Village Council meeting.	6.40	1,184.00
11/19/2002	EAB	Drafted and revised interlocal agreement and resolution authorizing interlocal with county for P&Z services; and telephone conference with Ms. Diane Quinn Williams, Head of County's P&Z Department, regarding pending zoning applications within Village limits.	1.30	240.50

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Date	Initials	Description	Hours	Amount
11/19/2002	EAB	Analysis of other municipal procurement policies (Miami Lakes, Key Biscayne, Aventura and Pinecrest); drafted procurement ordinance; and reviewed new assignments on funding ordinances (franchise fees, and utility taxes).	3.00	555.00
11/19/2002	EGG	After meeting actions; revised resolutions.	0.70	129.50
11/19/2002	EGG	Telephone conferences with Mayor Flinn, Mr. Rasco and Ms. Cynthia Johnson-Stack, ass't. county attorney, and telephone calls to Mr. Ray Baker [CMO] and Ms. Sylvia Farina, ass't. to comm'r. Sorenson, regarding agenda item authorizing \$300,000 funding assistance and pledge of utility tax revenue; reviewed charter regarding pledges of tax revenues.	1.20	222.00
11/19/2002	EGG	Instructions to work attorney regarding preparing ordinances regarding electricity franchise fees and utility taxes, and local communications service tax; began preparing schedule for adoption of tax and fee ordinances with particular attention to adoption requirements.	2.70	499.50
11/20/2002	EAB	Prepared ordinance for Village Seal; legal research on utility taxes; and began drafting utility tax ordinance.	4.00	740.00
11/20/2002	EGG	Reviewed list of pending zoning applications; reviewed Mr. Ludovici's draft of utility tax ordinance and applicable Florida statutes; prepared memorandum regarding interlocal agreement subjects and schedule; telephone conference with Mr. Mark Lawson, municipal tax attorney, regarding sources of tax revenue; telephone conferences with mayor Flinn, Mr. Scurr and Mr. Rasco; attended meeting with same regarding county negotiations on interlocal agreement; final preparation of emergency ordinance creating village seal.	5.80	1,073.00
11/21/2002	EAB	Continued to research and drafting of utility ordinance.	2.00	370.00
11/21/2002	EGG	Prepared resolutions rescinding reso. no. 02-01 appointing city clerks and resolutions appointing (1) Public Safety; (2) Parks and Recreation; (3) Long-term Planning; (4) Planning, Zoning and Code Enforcement; (5) Building and Permitting; (6) Community Services and Public Works; (7) Finance and Budget; (8) Public Information and Community Awareness advisory committees; analyzed decisional authorities holding that advertised public notice of enactment emergency ordinance is not required; reviewed agenda for first interlocal agreement negotiating meeting.	3.50	647.50
11/21/2002	EGG	Prepared resolution selecting executive search firm.	0.50	92.50
11/22/2002	EAB	Finalized utility ordinance.	3.00	555.00
11/22/2002	EAB	Legal research on County Ethics ordinance and conflict of interest for committee members and bidding; and prepared memorandum to file.	1.30	240.50

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11/22/2002	JMP	Picked up applications from planning and zoning.	0.75	15.00
11/25/2002	EGG	Final preparation of resolution approving interlocal agreement for MDC to provide zoning and building permitting services; reviewed ch. 33, MDC zoning code and revised emergency ordinance by which Village Council assumes zoning authority; telephone conferences with mayor, council members, Mr. Scurr and Mr. Rasco	3.50	647.50
11/25/2002	EGG	Prepared for and attended council meeting.	3.70	684.50
11/26/2002	EGG	Final preparation of resolution selecting village manager search firm and transmitted same to Colin Bangings & Assoc.	0.20	37.00
11/26/2002	EGG	Completed review of ch. 33, MDC zoning code and prepared emergency ordinance under which village council assumes planning and zoning powers; prepared MOA on county provision of building and zoning services; telephone conference with Ms. Tabak.	3.90	721.50
11/26/2002	EGG	Attended meeting with mayor Flinn, Mr. Scurr, Mr. Rasco, Ms. Tabak, Mr. Fernandez and Ms. Diane O'Quinn Williams regarding status of pending zoning applications and further handling needs.	2.50	462.50
11/27/2002	EGG	Final preparation of resolution approving MOA regarding county provision of zoning and building services, and emergency ordinance regarding assumption of zoning powers; transmitted same to Ms. Pier for inclusion on agenda.	0.30	55.50
11/27/2002	EGG	Telephone conference with comm'r. Breder regarding advisory committee appointments and application of conflict of interest rules; reviewed county code and advised regarding same.	0.30	55.50
11/27/2002	EGG	Prepared MOA for county zoning and building services.	2.20	407.00
			Total Professional Services	23,316.00

**Rate Summary**

Eve A. Boutsis	2.50 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	45.90 hours at \$ 185.00/hr	8,491.50
Earl G. Gallop	78.30 hours at \$ 185.00/hr	14,485.50
Debra A. Jester	0.60 hours at \$ 65.00/hr	39.00
Jennifer M. Penichet	15.00 hours at \$ 20.00/hr	300.00

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Total hours: 142.30

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**Expenses**

Parking Charge	5.00
Courier charge	99.75
Photocopies	156.25
Postage Charge	0.74
Mileage	3.00
Telefacsimile charge	9.00

Sub-total Expenses: 273.74

For Professional Services	23,316.00
For Disbursements Incurred	<u>273.74</u>
Current Balance:	23,589.74
Previous Balance:	0.00
Payments - Thank you	0.00
<b>Total Due</b>	<u><b>23,589.74</b></u>

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

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