

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

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**Meeting Date:** March 11, 2008

☒ **Consent** ☐ **Regular**  
☐ **Public Hearing**

**Department**

**Submitted By:** COUNTY ATTORNEY

**Submitted For:** COUNTY ATTORNEY

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve:

- A)** Amendment No. 11 to the Contract (R96-0714D) with Denise M. Nieman, County Attorney; and
- B)** A salary increase at the same level provided to other County employees effective March 26, 2008.

**Summary:** In accordance with the terms and conditions of the original contract, this Amendment provides for the County Attorney's services through March 25, 2013. The current contract expires March 25, 2012. This is a one-year extension. This year marks the completion of 21 years as a County Employee, and 12 years as County Attorney. Based on the Board's evaluation of performance and comparison with similar positions, it is requested that the Board consider a salary increase at the same level as that provided to other County employees. Current salary is \$194,646.40. Countywide (DN)

**Background and Policy Issues:** Paragraph 1 of the Employment Contract with the County Attorney provides that the employment of the County Attorney automatically renews and continues for additional one-year periods unless earlier terminated pursuant to the terms of the Contract. With the automatic renewal, the Contract was extended to March 25, 2013. Paragraph 1 further provides, in relevant part, that "[a]ny salary increase . . . for any renewal hereof shall be negotiated between the parties in advance of the beginning of each subsequent yearly period." The salary increase requested is that which will be provided other County employees as determined by Board policy during the budget process, and will become effective retroactive to March 26, 2008.

**(Continued on Page 3.)**

**Attachments:**

- 1. Amendment
- 2. Salary Comparison Survey

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**Recommended by:**

  
**Department Director**

**Date**

2/8/08

**Approved by:** \_\_\_\_\_ **N/A**

## II. FISCAL IMPACT ANALYSIS

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Inc. (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No \_\_\_\_\_

Budget Account No.: Fund 0001 Department 280 Unit 2100 Object 1201

Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review: \_\_\_\_\_**

## III. REVIEW COMMENTS

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*[Signature]* 2-26-08  
OFMB *[Signature]* 2/26/08  
2/22/08

*[Signature]* 2/27/08  
Contract Development and Control  
2/27/08

**B. Legal Sufficiency:**

*[Signature: Maureen Cullen]*  
Chief Assistant County Attorney

This amendment complies with  
our review requirements.

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**Background and Policy Issues:** (Continued from Page 1.)

The Office Management Plan that was adopted in 1996 continues to provide the framework and set the tone for the operation of the County Attorney's Office, one of the largest law firms in the County. Your law firm has demonstrated time and again its ability to effectively and efficiently represent the County in a variety of matters. The County Attorney's Office is highly respected by the judiciary and legal community.

This past year, the County Attorney's Office continued to be very active on a wide variety of cases and issues. The Fire-Rescue dispatch case is on appeal, the Max Planck agreements are being negotiated, and the Sector Plan issues are ongoing. We also have an increased workload due to changes in the Value Adjustment Board's handling of petitions, and our more extensive involvement in matters pertaining to the Code of Ethics. The reports that were submitted each quarter this past year provide further detail of the work and accomplishments of the County Attorney's Office. For the most part, we have handled all work in-house, and in the instances where outside expertise was required, we partnered with the private firm, remaining directly involved in representing the County. In addition to juggling the high pressure and profile matters and caseload, attorneys and support staff found time to serve our community through mentor programs and volunteer work for various charities and not-for-profits.

On November 6, 2007, I celebrated my 21<sup>st</sup> year with the County Attorney's Office, and am wrapping up my twelfth year as the County Attorney. I greatly appreciate the opportunity to continue to serve you.

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**Amendment No. 11 to Contract  
between Palm Beach County  
and Denise M. Nieman, County Attorney**

**This Amendment No. 11**, dated March 11, 2008, to the Contract dated June 4, 1996 (R96-0714D) between **Palm Beach County**, a political subdivision of the State of Florida (hereinafter "County"), and **Denise M. Nieman, Esq.** (hereinafter "County Attorney"), an individual residing at 111 E. Tarpon Lane, Jupiter, Florida 33477;

**WITNESSETH:**

**WHEREAS**, the parties hereto have previously entered into an employment contract (R96-0714D dated June 4, 1996; "the Contract"); and

**WHEREAS**, the parties have amended the Contract annually; and

**WHEREAS**, the Contract has automatically extended for an additional year; and

**WHEREAS**, the parties hereto desire to further amend the Contract to reflect changes associated with the extension.

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter set forth and for other such good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties agree as follows:

1. Section 1 of the Contract is hereby amended to read:

The County shall employ Denise M. Nieman as the Palm Beach County Attorney pursuant to Section 4.3 of the Palm Beach County Charter for a five (5) year term commencing March 26, 2008. The County may employ Denise M. Nieman, as of July 1, 2004, as the Palm Beach County Prosecuting Attorney pursuant to Section 125.69(2), Florida Statutes, as may be amended from time to time. The County shall pay the County Attorney an annual salary of \$194,646.40 plus an increase, effective March 26, 2008, in the same percentage as provided other County employees as determined by the Board of County Commissioners during the budget Process, and a continuing annual contribution on behalf of the County Attorney into the NACO Deferred Compensation Program in the maximum amount allowable by law. Any salary increase for subsequent years shall be negotiable between the parties in advance of the beginning

of each year of this Contract. In addition, the County shall pay the County Attorney a car allowance of five hundred dollars (\$500) per month. This contract shall continue on the same terms and conditions as provided for herein for additional one (1) year periods unless terminated in accordance with Paragraph 10 or 11 herein.

2. All other terms and conditions of the Contract shall remain in full force and effect. This Amendment shall be effective upon execution hereof by the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seal on the day set forth above.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_

\_\_\_\_\_  
Addie L. Greene, Chairperson

WITNESSES FOR COUNTY  
ATTORNEY:

COUNTY ATTORNEY

  
\_\_\_\_\_

  
\_\_\_\_\_  
Denise M. Nieman

  
\_\_\_\_\_

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
\_\_\_\_\_  
Chief Assistant County Attorney

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**COUNTY ATTORNEY SALARY SURVEY - JANUARY 2008**

<b><u>ORGANIZATION</u></b>	<b><u>SALARY</u></b>	<b><u>DEFERRED COMP</u></b>	<b><u>CAR ALLOWANCE</u></b>	<b><u>BONUS</u></b>	<b><u>DATE OF HIRE</u></b>	<b><u># OF EMPLOYEES SUPERVISED</u></b>
MIAMI-DADE COUNTY	\$290,732	\$1,500 annual contribution to a 401A Supplement Retirement Account	\$250 Bi-Weekly	\$10,000 Annually	06/17/1990	151
BROWARD COUNTY	\$240,345	\$15,500 Annually	\$600 Monthly	N/A	05/31/2005	69
HILLSBOROUGH COUNTY	\$210,143	6.60%	\$295 Monthly	Insurance Paid	08/16/2004	83
PINELLAS COUNTY	\$193,015	\$20,000 Annually	\$450 Monthly	N/A	05/1994	19
ORANGE COUNTY	\$203,757	\$15,500	N/A	N/A	10/28/2002	19
PALM BEACH COUNTY SCHOOL BOARD	\$194,500	None	\$6,000 Annually	None	11/04/05	20
<b>PALM BEACH COUNTY</b>	\$194,646.40	\$15,000 Annually	\$500 Monthly	N/A	11/06/1986	55
SOUTH FLORIDA WATER MANAGEMENT DISTRICT	\$178,152	Er matched contribution	\$720 Annually*	N/A	07/24/2003	56
CITY OF WEST PALM BEACH	\$161,813.12	Employee: 7.5% City: 9.5%	\$6,000 Annually	\$5,200 Annually (Annual Management Incentive Amount)	06/09/2002	19

*\*Eligible for assigned vehicle for business & personal use, which is treated as income at \$3/day or \$60/month. (60/month x12months=\$720)*