Agenda Item #: 3.0.4.

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

Meeting Date:	March 20, 2012	[X] Consent	[] Regular	
Department		[] . wane meaning		
Submitted By:	COUNTY ATTORNEY			
Submitted For:	COUNTY ATTORNEY		a 5 5	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: (a) First Amendment to Legal Services Authorization 2011-0352-B with de la Parte & Gilbert, P.A., for legal services related to water policy issues; (b) First Amendment to Legal Services Authorization 2011-0352-C with de la Parte & Gilbert, P.A., for miscellaneous legal services related to water utilities regulatory issues; (c) First Amendment to Legal Services Authorization 2011-0353-A with Sundstrom, Friedman & Fumero LLP, for legal services related to the Water Utilities Department's sustainable business plan, modification of service availability policies, ratemaking, and related matters; and (d) First Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements.

Summary: On March 15, 2011, the Board of County Commissioners approved agreements with de la Parte & Gilbert, P.A. (R2011-0352) and Rose Sundstrom & Bentley, LLP (R2011-0353) for legal services related to water utilities issues. Pursuant to those agreements, work assignments were to On May 3, 2011, the Board of County be authorized by Legal Services Authorizations. Commissioners approved Legal Services Authorizations 2011-0352-B (R2011-0601) and 2011-0352-C (R2011-0602) with de la Parte & Gilbert, P.A, and Legal Services Authorizations 2011-0353-A (R2011-0598) and 2011-0353-B (R2011-0599) with Rose, Sundstrom & Bentley, LLP, now known as Sundstrom, Friedman & Fumero, LLP. The First Amendments all extend the term of the Legal Services Authorizations for one year to March 15, 2013. In addition, the First Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP amends the not-toexceed amount from \$20,000.00 to \$50,000,00. Legal Services Authorization 2011-0353-A (R2011-0600) with de la Parte & Gilbert, P.A, for legal services related to numeric nutrient criteria rules, is not being extended due to inactivity. Countywide (MWJ)

Background and Justification: Pursuant to Palm Beach County Administrative Code Section 305.04, the County Attorney's Office may utilize the services of outside counsel on matters requiring special legal expertise. Pursuant to the Administrative Code, the County Attorney's Office issued a Request for Proposals seeking outside counsel services for water utilities regulatory issues and complex utility projects/agreements. A selection committee reviewed and ranked the proposals, and recommended award to de la Parte & Gilbert, P.A., and Rose Sundstrom Bentley, LLP. Pursuant to the Request for Proposals, legal services are to be assigned pursuant to a task specific legal services authorization.

Att		ımeni					ì		
	1.	Two	(2)	Original	Legal	Services	Aut	horizat	ions

- s 2011-0352-B
- 2. Two (2) Original Legal Services Authorizations 2011-0352-C
- 3. Two (2) Original Legal Services Authorizations 2011-0353-A
- 4. Two (2) Original Legal Services Authorizations 2011-0353-B 5. Budget Availability Statement

Recommended by:	XI) III Jahan	<u> </u>	
	County Attorney	Date	
Approved by:	N/A		
		Date	

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summar	ry of Fiscal II	npact:			
38	Fiscal Years	2012	2013	2014	2015	2016
Oper Exter Prog	tal Expenditures ating Costs rnal Revenues ram Income (County nd Match (County)	30 000, 60				
NE.	T FISCAL IMPACT	30,000,00	-		*** = = = = = = = = = = = = = = = = = =	
	DDITIONAL FTE SITIONS (Cumulativ	re)		-		
Is Ite	m Included in Curre	ent Budget?	Yes	X No_		
Budg	et Account No.:	Fund <u>4001</u>	Departmen	t <u>720</u> Unit <u>1</u>	110 Object 3	3125
		Reporting C	ategory	er Si	\$ %	¥
B.	Recommended So	ources of Fui	nds/Summa	ry of Fiscal	Impact:	
C.	Departmental Fisc Department user f		The item	will be fun	ded by Wate	er Utilities
		III. <u>REV</u>	IEW COMM	<u>ENTS</u>	F	
A.	OFMB Fiscal and/	or Contract I	00	A.J.	Jacobo	s: (3)9/16
В.	Legal Sufficiency:	-1 1 0	3/2	V		
G.	Assistant Coul	Review:	12/12			
	Department					
THIS	SUMMARY IS NOT	TO BE USE	AS A BAS	IS FOR PAY	MENT.	

FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0352-B

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and de la Parte & Gilbert, P.A., a professional association, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0352-B for Outside Counsel services related to water policy issues (hereinafter the "Water Policy LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Water Policy LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Deadline for Completion" of the Water Policy LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Water Policy LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

Agreement this day of	parties hereto have duly executed the, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: Assistant County Attorney	
Accepted by Outside Counsel:	
WITNESSES:	de la Parte & Gilbert, P.A.
By: Signature	By: Edward de la Parte, Jr.
Linda X Foy Print Name	
By: Signature	
Debovah D. Carlisle Print Name	

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FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0352-B

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and de la Parte & Gilbert, P.A., a professional association, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0352-B for Outside Counsel services related to water policy issues (hereinafter the "Water Policy LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Water Policy LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Deadline for Completion" of the Water Policy LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Water Policy LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	parties hereto have duly executed this, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By:	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: Assistant County Attorney	
Accepted by Outside Counsel:	
WITNESSES:	de la Parte & Gilbert, P.A.
By: Signature	By: Edward de la Parte, Jr.
Print Name	
By: All Malle Signature	
Debovah D Carlisle Print Name	

FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0352-C

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and de la Parte & Gilbert, P.A., a professional association, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0352-C for miscellaneous legal services related to water utilities regulatory issues (hereinafter the "Miscellaneous LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Miscellaneous LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Deadline for Completion" of the Miscellaneous LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Miscellaneous LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	parties hereto have duly executed this, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By:	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: Assistant County Attorney	
Accepted by Outside Counsel:	
WITNESSES:	de la Parte & Gilbert, P.A.
By: Signature	By: Edward de la Parte, Jr.
Frint Name	
By: Allow Carlisle Signature	
Debovah D. Carlisle Print Name	

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FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0352-C

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and de la Parte & Gilbert, P.A., a professional association, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0352-C for miscellaneous legal services related to water utilities regulatory issues (hereinafter the "Miscellaneous LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Miscellaneous LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Deadline for Completion" of the Miscellaneous LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Miscellaneous LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	parties hereto have duly executed this , 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: Assistant County Attorney	
Accepted by Outside Counsel:	
WITNESSES:	de la Parte & Gilbert, P.A.
By: Signature	By: Lived de la Parte, Jr.
Frint Name	e
By: Altrah Carisle Signature	
Delpovah D. Carliste Print Name	

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FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0353-A

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and Sundstrom, Friedman & Fumero, a Florida limited liability partnership, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0353-A for Outside Counsel services related to the Water Utilities Department's sustainable business plan, modification of service availability policies, ratemaking, and related matters (hereinafter the "Sustainable LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Sustainable LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Terms of Performance/Deadline for Completion" of the Sustainable LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Sustainable LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	parties hereto have duly executed this, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	a a
By: Assistant County Attorney	
Accepted by Outside Counsel:	
WITNESSES: By: Signature	SUNDSTROM, FRIEDMAN & FUMERO, LLP By: John Fumero
Them Mullin Print Name	
By: Signature	
Print Name	

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FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0353-A

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County," and Sundstrom, Friedman & Fumero, a Florida limited liability partnership, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0353-A for Outside Counsel services related to the Water Utilities Department's sustainable business plan, modification of service availability policies, ratemaking, and related matters (hereinafter the "Sustainable LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Sustainable LSA to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Terms of Performance/Deadline for Completion" of the Sustainable LSA is amended to reflect an expiration date of March 15, 2013.
- 3. All other provisions of the Sustainable LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	the parties hereto have duly executed, 2012.	this
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS	
By: Deputy Clerk	By:Shelley Vana, Chair	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY		
By: Assistant County Attorney		
Accepted by Outside Counsel:		
WITNESSES:	SUNDSTROM, FRIEDMAN & FUMERO, LLP	
By: / Zy/C	John Fumero	
Signature Theres Mollin Print Name		ē
By: Signature		8
BERNICE TORRES Print Name		

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FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0353-B

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County," and Sundstrom, Friedman & Fumero, a Florida limited liability partnership, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0353-B for miscellaneous Outside Counsel services related to complex utilities projects/agreements (the "Miscellaneous LSA"); and

WHEREAS, County and Outside Counsel wish to amend the Miscellaneous LSA to extend its term for one (1) additional year; and

WHEREAS, County and Outside Counsel wish to increase the not-to-exceed amount of the Miscellaneous LSA from \$20,000.00 to \$50,000.00.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
- 2. The section entitled "Terms of Performance/Deadline for Completion" of the Miscellaneous LSA is hereby amended to reflect an expiration date of March 15, 2013.
- 3. The not-to-exceed amount of the Miscellaneous LSA is hereby modified from \$20,000.00 to \$50,000.00.
- 4. Exhibit "A" to the Miscellaneous LSA is hereby replaced with the Revised Exhibit "A" attached hereto.
- 5. All other provisions of the Miscellaneous LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the p Agreement this day of	arties hereto have duly executed this, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By:	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Assistant County Attorney Accepted by Outside Counsel.	
WITNESSES: By: Cagle Signature	SUNDSTROM, FRIEDMAN & FUMERO, LLP John Fumero
Thomas Mullin Print Name	
By: De Wore	

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BERIJIEE TORRES
Print Name

Revised Exhibit A

MISCELLANEOUS LEGAL SERVICES SCOPE OF WORK AND BUDGET Agreement between Palm Beach County and Sundstrom, Friedman & Fumero, LLP, for Legal Services – March 15, 2011

Background

Palm Beach County ("County") owns and operates one of the five largest water utilities in the State of Florida. The Palm Beach County Water Utilities Department ("Department") manages significant potable water, wastewater and reclaimed water systems serving more than 500,000 persons. From time to time the County Attorney's Office may request assistance from outside counsel to assist the Department and County Attorney's Office with on-going miscellaneous multi-phase legal services related to complex utility projects and agreements that are not covered under a specific legal services authorization. Work performed hereunder shall be provided at the behest of the County Attorney's Office.

Description of the Scope of Work

The County Attorney's Office has requested that Rose, Sundstrom & Bentley, LLP, provide advice and counsel regarding miscellaneous legal services relating to complex utility projects and agreements. This initial phase of the engagement will consist of conferring with Department staff and consultants, attending meetings and teleconferences, conducting legal research and preparing documents, whenever requested by the Department and authorized by the County Attorney's Office.

Miscellaneous Legal Services March 20, 2012

Agreement Between Palm Beach County and Sundstrom, Friedman & Fumero, LLP, for Legal Services

		Perso	Personnel Hours		
Task Description	Attorneys	Paralegals	Law Clerks	Total	
Advise the Department regarding miscellaneous legal services related to complex utility projects and agreements	192.5	12.5	12.5	217.5	
Total	192.5	12.5	12.5	217.5	

¹ None of these estimates include fees or costs associated with judicial or administrative litigation or appeals.

ROSE, SUNDSTROM & BENTLEY, LLP MISCELLANEOUS LEGAL SERVICES SCOPE OF WORK BUDGET SUMMARY

Position	Rate	Hours	Amount
Attorneys* Paralegals Law Clerks	225 90 60	192.5 12.5 12.5	43,312.50 1,125.00 750.00
Subtotal		217.5	45,187.50
Expenses Total		217.5	4,812.50 50,000.00

^{*} There is a blended rate for all RSB attorneys pursuant to the Agreement for Legal Services, dated March 15, 2011.

Palm Beach\Miscellaneous Scope of Services (3-6-12)

FIRST AMENDMENT TO LEGAL SERVICES AUTHORIZATION R2011-0353-B

THIS FIRST AMENDMENT, made and entered into this 20th day of March, 2012, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County," and Sundstrom, Friedman & Fumero, a Florida limited liability partnership, hereinafter referred to as "Outside Counsel".

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WHEREAS, County and Outside Counsel wish to amend the Miscellaneous LSA to extend its term for one (1) additional year; and

WHEREAS, County and Outside Counsel wish to increase the not-to-exceed amount of the Miscellaneous LSA from \$20,000.00 to \$50,000.00.

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- 2. The section entitled "Terms of Performance/Deadline for Completion" of the Miscellaneous LSA is hereby amended to reflect an expiration date of March 15, 2013.
- 3. The not-to-exceed amount of the Miscellaneous LSA is hereby modified from \$20,000.00 to \$50,000.00.
- 4. Exhibit "A" to the Miscellaneous LSA is hereby replaced with the Revised Exhibit "A" attached hereto.
- 5. All other provisions of the Miscellaneous LSA, dated May 3, 2011, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the Agreement this day of	parties hereto have duly executed this, 2012.
ATTEST: Sharon R. Bock, Clerk & Comptroller	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
By:	By:Shelley Vana, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Assistant County Attorney Accepted by Outside Counsel:	
By: Signature Themes Mulin Print Name	SUNDSTROM, FRIEDMAN & FUMERO, LLP By: John Fumero
BERNICE TORRES	

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Print Name

Revised Exhibit A

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Miscellaneous Legal Services March 20, 2012

Agreement Between Palm Beach County and Sundstrom, Friedman & Fumero, LLP, for Legal Services

Task Description ¹	Personnel Hours			
	Attorneys	Paralegals	Law Clerks	Total
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ROSE, SUNDSTROM & BENTLEY, LLP MISCELLANEOUS LEGAL SERVICES SCOPE OF WORK BUDGET SUMMARY

Position	9	Rate	Hours	Amount
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Subtotal			217.5	45,187.50
Expenses Total			217.5	4,812.50 50,000.00

^{*} There is a blended rate for all RSB attorneys pursuant to the Agreement for Legal Services, dated March 15, 2011.

Palm Beach\Miscellaneous Scope of Services (3-6-12)

INTEROFFICE COMMUNICATION PALM BEACH COUNTY WATER UTILITIES DEPARTMENT BUDGET AVAILABILITY STATEMENT

DATE:

March 8, 2012

TO:

Michael Jones, Assistant County Attorney

FROM:

Guy Eggertsson, Fiscal Manager 1

Water Utilities Department

Buy Eggerts

RE:

Increase to Legal Services for Rose, Sunstrom & Bentley

FISCAL IMPACT ANALYSIS:

Summary of Fiscal Impact:

Is item included in current budget? Yes X No ____ Budget Account Number:

Fund	Agency	Organization	Object	Amount
4001	720	1110	3125	\$30,000.00

Source of Funds:

Water Utility User Fees

INTEROFFICE COMMUNICATION PALM BEACH COUNTY WATER UTILITIES DEPARTMENT BUDGET AVAILABILITY STATEMENT

DATE:

March 8, 2012

TO:

Michael Jones, Assistant County Attorney

FROM:

Guy Eggertsson, Fiscal Manager 1

Water Utilities Department

Buy Eggertsom

RE:

Increase to Legal Services for Rose, Sunstrom & Bentley

FISCAL IMPACT ANALYSIS:

Summary of Fiscal Impact:

Is item included in current budget? Yes X No ____ Budget Account Number:

Fund	Agency	Organization	Object	Amount
4001	720	1110	3125	\$30,000.00
21				

Source of Funds: Water Utility User Fees