



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	125,000	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	125,000	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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

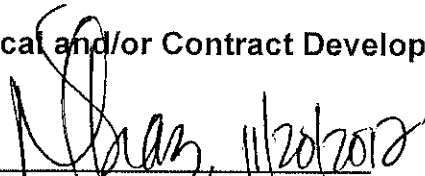
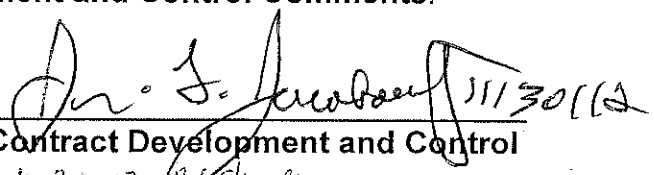
Budget Account No.:      Fund 4001      Department 720      Unit 1110      Object 3125  
 Reporting Category \_\_\_\_\_

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

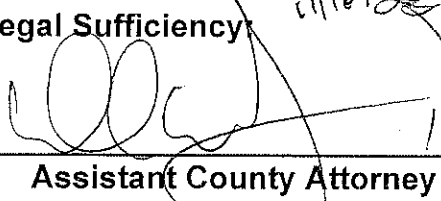
**C. Departmental Fiscal Review: Attorney fees and costs will be paid from the Water Utilities Department funds.**

**III. REVIEW COMMENTS**

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

 11/20/12  
 \_\_\_\_\_ OFMB  
 11/30/12  
 \_\_\_\_\_ Contract Development and Control  
 11-30-12 B. Blockley

**B. Legal Sufficiency**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

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

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

**SECOND AMENDMENT TO LEGAL SERVICES  
AUTHORIZATION R2011-0352-B**

**THIS SECOND AMENDMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 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**, on March 20, 2012, County and Outside Counsel entered into a First Amendment to Legal Services Authorization R2011-0352-B (hereinafter the "First Amendment"), extending the expiration date of the Water Policy LSA for one (1) year; and

**WHEREAS**, County and Outside Counsel wish to amend the Water Policy LSA to modify the Scope of Work and to modify the not-to-exceed amount from \$66,800 to \$116,800.

**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. **Exhibit "A"** to the Water Policy LSA is hereby replaced in its entirety by the **Revised Exhibit "A"**, a copy of which is attached hereto and incorporated herein.
3. The not-to-exceed amount of the Water Policy LSA is hereby amended to \$116,800.
4. All other provisions of the Water Policy LSA, dated May 3, 2011, as amended by the First Amendment, dated March 20, 2012, 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 parties hereto have duly executed this Agreement this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

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


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


By:   
Assistant County Attorney

Accepted by Outside Counsel:

de la Parte & Gilbert, P.A.

WITNESSES:

By:   
Signature

By:   
Edward de la Parte, Jr.

Susan L. Levine  
Print Name

By:   
Signature

Linda K. Foy  
Print Name

## **Revised Exhibit A**

### **WATER POLICY ISSUES SCOPE OF WORK AND BUDGET Agreement Between Palm Beach County and De La Parte & Gilbert, P.A. for Legal Services – Second Amendment – October 17, 2012**

#### **Background**

Palm Beach County owns and operates one of the five largest water utilities in the State of Florida. The Palm Beach County Water Utilities Department (PBCWUD) manages significant potable water, wastewater and reclaimed water system serving more than 500,000 persons. The Florida Department of Environmental Protection (DEP) and the South Florida Water Management District (District) are currently considering complaints regarding PBCWUD's permitted water use and are developing or may in the future develop policy concerning issues, which could potentially impact the operation of the PBCWUD utility system. Some of the issues currently being discussed by DEP and the District are the scope of the 10-year Compliance Report under Section 373.236(4), Florida Statutes, permit duration, historic wetland impact, water demands and conservation, reclaimed water offsets and credits, conditions of issuance for consumptive use permits, minimum flows and levels and reservations and certification of surface water for consumptive use under the Lower East Coast Rule and the Lower East Coast Regional Water Supply Plan update.

#### **Description of the Scope of Work**

Palm Beach County requested De La Parte & Gilbert, P.A. (Firm) to provide advice and counsel regarding water policy issues currently under discussion or which be discussed by DEP and the District. This work will consist of conferring with PBCWUD staff and consultants, developing comment letters and position papers, attending meetings with District staff and other interested stakeholders, appearing on behalf of the County at public hearings and workshops and drafting rule language, guidance reports and other similar documents, whenever required by the County.

**Revised Water Policy Issues Scope of Work – Second Amendment**  
**October 17, 2012**

Agreement Between Palm Beach County and  
 De La Parte & Gilbert, P.A. for Legal Services

Task Description <sup>1</sup>	Personnel Hours					
	Ed de la Parte	Other Shareholders	Assoc. Atty	Law Clerk	Paralegal	Total <sup>2</sup>
Advise PBCWUD regarding DEP/District Consolidated CUP Rulemaking and related issues.	45	0	42	0	45	132
Advise PBCWUD regarding DEP rulemaking and related issues.	20	0	20	0	20	60
Advise PBCWUD regarding complaints and other issues concerning its permitted water use.	40	0	43	0	45	128
Advise PBCWUD regarding its DEP permits and related issues.	20	0	20	0	20	60
Advise PBCWUD regarding certification of surface water for consumptive use under the Lower East Coast Reservation Rule.	25	0	30	0	30	85
Advise PBCWUD regarding Lower East Coast Regional Water Supply Plan Update.	25	0	30	0	30	85
<b>Total</b>	<b>175</b>	<b>0</b>	<b>185</b>	<b>0</b>	<b>190</b>	<b>550</b>

<sup>1</sup> Task descriptions have been updated to better describe the work to be performed for Palm Beach County.

<sup>2</sup> None of these estimates include fees or costs associated with judicial or administrative litigation or appeals.

**DE LA PARTE & GILBERT, P. A.**  
**WATER POLICY ISSUES SCOPE OF WORK**  
**REVISED BUDGET SUMMARY**

<b>Position</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Edward de la Parte	300	175	52,500
Other Shareholders	250	0	0
Associate Attorneys	200	185	37,000
Law Clerks	140	0	0
Paralegals	120	190	22,800
<b>Subtotal</b>		<b>550</b>	<b>\$112,300</b>
<b>Expenses</b>			<b>\$4,500</b>
<b>Total</b>			<b>\$116,800</b>

**SECOND AMENDMENT TO LEGAL SERVICES  
AUTHORIZATION R2011-0353-C**

**THIS SECOND AMENDMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 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 August 1, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0353-C for Outside Counsel services related to the Glades Utility Authority (hereinafter the "GUA LSA"); and

**WHEREAS**, on January 24, 2012, County and Outside Counsel entered in the First Amendment to Legal Services Authorization R2011-0353-C (hereinafter the "First Amendment") modifying the Scope or Work and increasing the not-to-exceed amount from \$50,000 to \$100,000; and

**WHEREAS**, County and Outside Counsel wish to amend the GUA LSA to modify the Scope of Work, modify the not-to-exceed amount to \$175,000, and extend the date expiration to June 30, 2013.

**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. **Exhibit "A"** to the GUA LSA is hereby replaced in its entirety by the **Second Revised Exhibit "A"**, a copy of which is attached hereto and incorporated herein.
3. The not-to-exceed amount of the GUA LSA is hereby amended to \$175,000.
4. The expiration date of the GUA LSA is hereby extended to June 30, 2013.
5. All other provisions of the GUA LSA, dated August 1, 2011, as



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amended by the First Amendment, dated January 24, 2012, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT  
BLANK; SIGNATURE PAGE FOLLOWS**

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

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

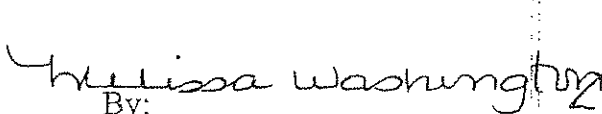
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
Assistant County Attorney

Accepted by Outside Counsel:

WITNESSES:

SUNDSTROM, FRIEDMAN &  
FUMERO, LLP

By:   
Signature

By:   
John Fumero

Melissa Washington  
Print Name

By:   
Signature

BERNICE TORRES  
Print Name

## Exhibit A

### GLADES UTILITY AUTHORITY RELATED MATTERS LEGAL SERVICES SCOPE OF WORK AND BUDGET Agreement between Palm Beach County and Sundstrom, Friedman & Fumero, LLP, for Legal Services – October \_\_\_\_, 2012

#### **Background**

Palm Beach County ("County") previously entered into an agreement with each of the Glades cities (City of Belle Glade, City of Pahokee and City of South Bay) regarding the obligation of each city to repay the County for money the County spent to construction the Lake Region Water Treatment Plant, which is a reverse osmosis treatment plant that provides quality water to Glades residents. The debt of the Glades cities was subsequently assumed by the Glades Utility Authority ("Authority") when the Glades cities transferred their operable utility assets to the Authority on October 1, 2009 pursuant to the Interlocal Agreement, dated June 16, 2009 that created the Authority.

The Board of Directors of the Authority ("Board") is composed of representatives of the four member entities: the County and the three Glades cities. The County has entered into an Agreement with the Authority to provide operation, maintenance and management services to the Authority ("Service Agreement"). The Palm Beach County Water Utilities Department ("Department") has been performing under the Service Agreement on behalf of the County pursuant to the annual budget adopted by the Board:

It has become apparent that the longstanding defects in the physical facilities that make up the Authority system will require a large capital infusion in order to ensure their future viability. The poor quality of the systems coupled to the cost of operating the facilities and servicing the debt of the facilities results in effectively the highest water and wastewater utility rates in the County. The Authority Board has, to date, refused to adopt utility rates and a budget for this fiscal year, which would pay the cost of operating and maintaining the system, including the debt service thereon. It is anticipated that the system will experience an operating deficit in excess of \$2 million this year, and at least as much in future years. The County has offered to absorb the Authority system into the overall County Water Utilities Department, and has reached a tentative settlement with the Glades cities to do so. In light of the complexity of the legal issues presented, the County Attorney's office has expressed a desire to amend its legal services authorization with Outside Counsel in this regard.

#### **Description of the Scope of Work**

The County Attorney's Office has requested that the firm of Sundstrom, Friedman & Fumero, LLP, (the "Firm") provide advice and counsel regarding the proposed transfer of the Authority's systems to the County Water Utilities Department. This work will consist of conferring with Department staff and consultants, attending meetings and teleconferences, finalizing the proposed transfer, preparing documents and closing the

proposed transfer. Considering the complexity, specialized nature of the representation, and time intensity of this matter, the County Attorney's office requests the Board's authorization to retain outside legal counsel to assist it in this regard.

Palm Beach\GUA Acquisition\Scope of Work and Budget\Glades Utility Authority Scope of Services (Draft 10-18-12)

Glades Utility Authority Related Matters Legal Services  
October \_\_\_\_, 2012

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

Task Description <sup>1</sup>	Personnel Hours			
	Attorneys	Paralegals	Law Clerks	Total
Advise the Department regarding the transfer of the Glades Utility Authority systems to Palm Beach County including but not limited to, finalizing, documentation and closing of the proposed transaction.	663	40	81.66	
<b>Total</b>	663	40	81.66	784.66

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

ROSE, SUNDSTROM & BENTLEY, LLP  
GLADES UTILITY AUTHORITY RELATED MATTERS LEGAL SERVICES SCOPE OF  
WORK  
BUDGET SUMMARY

Position	Rate	Hours	Amount
Attorneys*	225	663.00	\$149,175.00
Paralegals	90	40.00	3,600.00
Law Clerks	60	80.66	<u>4,899.60</u>
<b>Subtotal</b>			<u>\$157,674.60</u>
<b>Expenses</b>			17,325.40
<b>Total</b>			\$175,000.00

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

INTEROFFICE COMMUNICATION  
PALM BEACH COUNTY  
WATER UTILITIES DEPARTMENT  
BUDGET AVAILABILITY STATEMENT

DATE: October 17, 2012

TO: Michael Jones, Assistant County Attorney

FROM: Guy Eggertsson, Fiscal Manager 1  
Water Utilities Department *Guy Eggertsson*

RE: Increase to Legal Services for DE LA Parte & Gilbert, P.a> & Rose, Sunstrom,  
Friedman & Fumero, LLP

**FISCAL IMPACT ANALYSIS:**

Summary of Fiscal Impact:

Is item included in current budget? Yes  No

Budget Account Number:

Fund	Agency	Organization	Object	Amount
4001	720	1110	3125	\$125,000.00

Source of Funds:  
Water Utility User Fees