

<b>Meeting Date:</b>	April 2, 2013	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Public Hearing	
<b>Department</b>			
<b>Submitted By:</b>	COUNTY ATTORNEY		
<b>Submitted For:</b>	COUNTY ATTORNEY		

**Motion and Title: Staff recommends motion to approve:** (a) Third Amendment to Legal Services Authorization 2011-0352-B with de la Parte & Gilbert, P.A., for legal services related to water policy issues; (b) Second 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) Second 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) Second Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements.

**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.

1. Two (2) Original Third Amendment to Legal Services Authorizations 2011-0352-B
2. Two (2) Original Second Amendment to Legal Services Authorizations 2011-0352-C
3. Two (2) Original Second Amendment to Legal Services Authorizations 2011-0353-A
4. Two (2) Original Second Amendment to Legal Services Authorizations 2011-0353-B
5. Budget Availability Statement

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

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact

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

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

Budget Account No.: Fund 4001 Department 720 Unit 1110 Object 3125

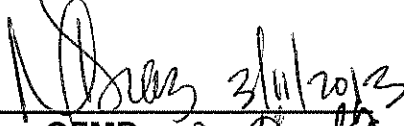
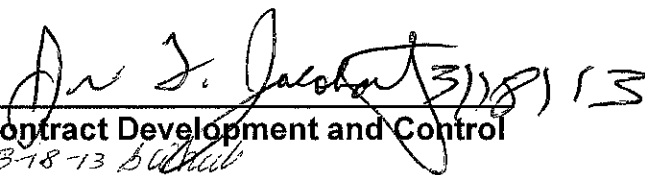
Reporting Category \_\_\_\_\_

### 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:

 _____ OFMB <span style="margin-left: 20px;">3/11/2013</span> <span style="margin-left: 100px;">3/11 3/11 3/11</span>	 _____ Contract Development and Control <span style="margin-left: 100px;">3-18-13</span>
---	---

### B. Legal Sufficiency:

  
 \_\_\_\_\_  
 Assistant County Attorney 3/7/13

### C. Other Department Review:

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

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

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

**THIS THIRD AMENDMENT**, made and entered into this 2<sup>nd</sup> day of April, 2013, 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 for Outside Counsel services related to water policy issues (hereinafter the "First Amendment"); and

**WHEREAS**, on December 4, 2012, County and Outside Counsel entered into a Second Amendment to Legal Services Authorization R2011-0352-B for Outside Counsel services related to water policy issues (hereinafter the "Second Amendment");

**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 14, 2014.
3. All other provisions of the Water Policy LSA, as amended by the First Amendment and the Second Amendment, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

Page 2

IN WITNESS WHEREOF, the parties hereto have duly executed this Third Amendment this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS

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

By: \_\_\_\_\_  
Steven L. Abrams, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

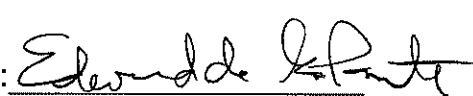
By:   
Assistant County Attorney

Accepted by Outside Counsel:

WITNESSES:

de la Parte & Gilbert, P.A.

By:   
Signature

By:   
Edward de la Parte, Jr.

Susan L. Levine  
Print Name

By:   
Signature

Deborah D. Carlisle  
Print Name

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

**THIS SECOND AMENDMENT**, made and entered into this 2<sup>nd</sup> day of April, 2013, 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**, on March 20, 2012, County and Outside Counsel entered into the First Amendment to Legal Services Authorization R2011-0352-C for miscellaneous legal services related to water utilities regulatory issues (hereinafter the "First Amendment"); 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 14, 2014.
3. All other provisions of the Miscellaneous LSA, as amended by the First Amendment, 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**

Page 2

IN WITNESS WHEREOF, the parties hereto have duly executed this Second Amendment this \_\_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

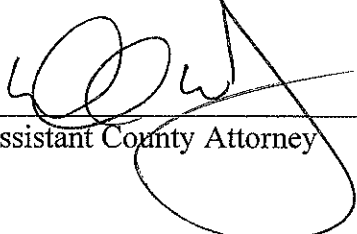
Sharon R. Bock, Clerk & Comptroller

**PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS**

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

By: \_\_\_\_\_  
Steven L. Abrams, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
Assistant County Attorney


Accepted by Outside Counsel:

**WITNESSES:**

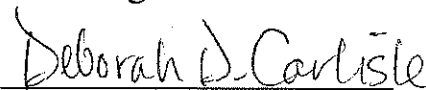
**de la Parte & Gilbert, P.A.**

By:   
Signature

By:   
Edward de la Parte, Jr.

  
Print Name

By:   
Signature

  
Print Name

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

**THIS SECOND AMENDMENT**, made and entered into this 2<sup>nd</sup> day of April, 2013, 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**, on March 20, 2012, County and Outside Counsel entered into the First Amendment to 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 "First Amendment"); 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 14, 2014.
3. All other provisions of the Sustainable LSA, as amended by the first Amendment, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

Page 2

**IN WITNESS WHEREOF**, the parties hereto have duly executed this  
Second Amendment this \_\_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

Sharon R. Bock, Clerk & Comptroller

**PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS**

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

By: \_\_\_\_\_  
Steven L. Abrams, Mayor

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
Assistant County Attorney

Accepted by Outside Counsel:

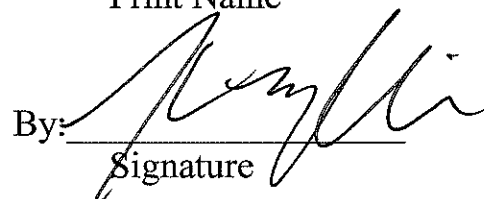
**WITNESSES:**

**SUNDSTROM, FRIEDMAN &  
FUMERO, LLP**

By:   
Signature

BERNICE TORRES  
Print Name

By:   
John Fumero

By:   
Signature

THOMAS F. MULLIN  
Print Name



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

**THIS SECOND AMENDMENT**, made and entered into this 2<sup>nd</sup> day of April, 2013, 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**, on March 20, 2012, County and Outside Counsel entered into the First Amendment to Legal Services Authorization R2011-0353-B for miscellaneous Outside Counsel services related to complex utilities projects/agreements (the "First Amendment"); 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 "Terms of Performance/Deadline for Completion" of the Miscellaneous LSA is hereby amended to reflect an expiration date of March 14, 2014.
3. All other provisions of the Miscellaneous LSA, as amended by the First Amendment, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURES FOLLOW**

Page 2

IN WITNESS WHEREOF, the parties hereto have duly executed this  
Second Amendment this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY  
BOARD OF COUNTY  
COMMISSIONERS

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

By: \_\_\_\_\_  
Steven L. Abrams, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

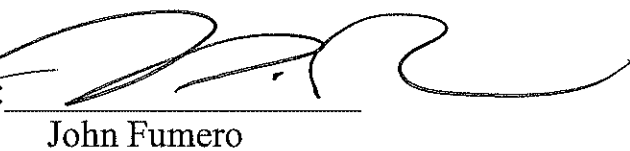
By:   
Assistant County Attorney

Accepted by Outside Counsel:

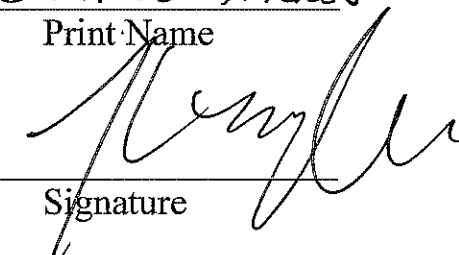
WITNESSES:

SUNDSTROM, FRIEDMAN &  
FUMERO, LLP

By:   
Signature

By:   
John Fumero

BERNICE TORRES  
Print Name

By:   
Signature

THOMAS F. MULLIN  
Print Name

**INTEROFFICE COMMUNICATION  
PALM BEACH COUNTY  
WATER UTILITIES DEPARTMENT  
BUDGET AVAILABILITY STATEMENT**

**DATE:** March 6, 2013

**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 X No \_\_\_\_

Budget Account Number:

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

Source of Funds:

Water Utility User Fees