

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 16, 2013 [X] Consent [] Regular
[] Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COUNTY ATTORNEY

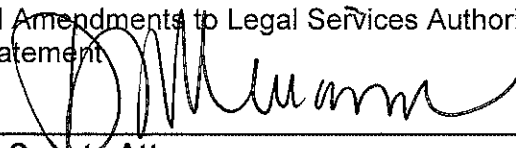
Motion and Title: Staff recommends motion to approve: a Third Amendment to Legal Services Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP, for legal services related to the Glades Utility Authority.

Summary: On March 15, 2011, the Board of County Commissioners approved an agreement with Rose Sundstrom & Bentley, LLP (now known as Sundstrom, Friedman, & Fumero)(R2011-0353) for legal services related to water utilities issues. Pursuant to those agreements, work assignments were to be authorized by Legal Services Authorizations. On October 4, 2011, the Board of County Commissioners approved Legal Service Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP (R2011-1488) for legal services related to the Glades Utility Authority (the GUA LSA). The GUA LSA was amended on January 24, 2012 (R2012-0208) to increase the not-to-exceed amount from \$50,000 to \$100,000, and on December 4, 2012 (R2012-1780) to increase the not-to-exceed amount from \$100,000 to \$175,000 and to extend the expiration date from December 21, 2012 until June 30, 2013. The Third Amendment increases the not-to-exceed amount from \$175,000 to \$225,000 and extends the expiration date until July 31, 2013, and is necessary to utilize the services of Sundstrom, Friedman & Fumero for issues relating to the transfer of the GUA utility system to the County. 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.

Attachments:

- 1. Two (2) Original Third Amendments to Legal Services Authorization 2011-0353-C
- 2. Budget Availability Statement

Recommended by:  _____
County Attorney Date

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>50,000</u>	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$ <u>50,000</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:

<p><u>Jill Wah</u> 7/8/13 OFMB 7/3-7/18/13</p>	<p><u>Dr. J. Jacobson</u> 7/11/13 Contract Development and Control 7-11-13 B. Wheeler</p>
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B. Legal Sufficiency:

[Signature] 7/2/13* Awaiting signed copies of LSA.
Assistant County Attorney

C. Other Department Review:

Department Director

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

**THIRD AMENDMENT TO LEGAL SERVICES AUTHORIZATION
2011-0353-C**

THIS THIRD AMENDMENT, made and entered into this 8th day of JULY, 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 October 4, 2011, County and Outside Counsel entered into Legal Services Authorization 2011-0353-C dated August 1, 2011 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 2011-0353-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, on December 4, 2012, County and Outside Counsel entered in the Second Amendment to Legal Services Authorization 2011-0353-C (hereinafter the "Second Amendment") modifying the Scope of Work and increasing the not-to-exceed amount from \$100,000 to \$175,000; and

WHEREAS, County and Outside Counsel wish to amend the GUA LSA to increase the not-to-exceed amount to \$225,000, and extend the expiration date to July 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. The not-to-exceed amount of the GUA LSA is hereby amended to \$225,000.
3. The expiration date of the GUA LSA is hereby extended to July 30, 2013.

4. All other provisions of the GUA LSA, dated August 1, 2011, as amended by the First Amendment, dated January 24, 2012, and as amended by the Second Amendment, dated December 4, 2012, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

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BLANK; SIGNATURE PAGE FOLLOWS**

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement this ____ day of _____, 2013.

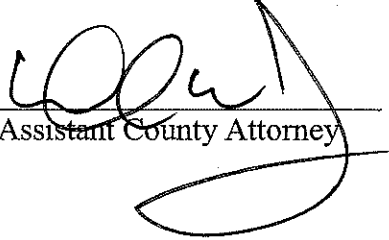
ATTEST:
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY
BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

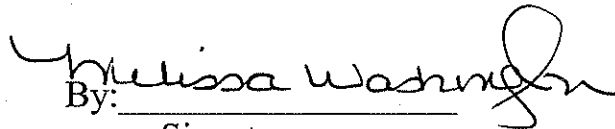
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

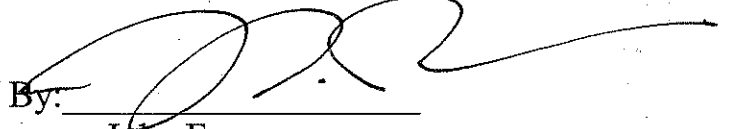
By: 
Assistant County Attorney

Accepted by Outside Counsel:

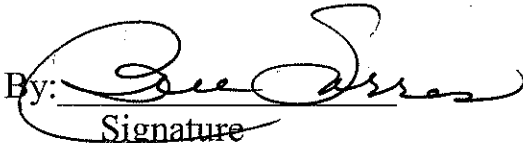
WITNESSES:

SUNDSTROM, FRIEDMAN &
FUMERO, LLP

By: 
Signature

By: 
John Fumero

Melissa Washington
Print Name

By: 
Signature

BERNICE TORRES
Print Name

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

DATE: July 5, 2013
TO: Michael Jones, Assistant County Attorney
FROM: Guy Eggertsson, Fiscal Manager 1
 Water Utilities Department
RE: Additional Legal Services

Guy Eggertsson

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	\$50,000.00

Source of Funds:
 Water Utility User Fees