

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: February 6, 2018

Consent       Regular  
 Public Hearing

Department:

Submitted By: County Attorney

Submitted For: County Attorney

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: approve a First Amendment to Agreement for Legal Services ("Amendment") with Kaplan, Kirsch and Rockwell, LLP ("Kaplan"), amending the term to provide for a September 1, 2017 commencement date.

**Summary:** On September 26, 2017, the Board approved an Agreement for Legal Services (R-2017-1405) ("Agreement") with Kaplan for expert aviation legal services on various legal matters, including the defense of County in a 14 Code of Federal Regulations, Part 16 complaint concerning jet restrictions at Palm Beach County Park Airport ("Lantana Airport"). The original commencement date of the Agreement was September 12, 2017. This Amendment provides for an adjusted commencement date of September 1, 2017. Countywide (AH)

**Background and Policy Issues:** On August 10, 2017, a complaint was filed with the Federal Aviation Administration pursuant to 14 Code of Federal Regulations, Part 16, concerning jet restrictions at Lantana Airport. In order to timely respond to the complaint, Kaplan performed services under a prior contract; however, insufficient funds remained under the contract to fund the full cost of services performed between September 1, 2017 and September 11, 2017. Approval of this item will authorize payment under the Agreement in the amount of \$6,415. Approval of this Amendment does not increase the original contract not-to-exceed amount.

**Attachments:**

- 1. First Amendment (3)

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

County Attorney

1/11/18  
Date

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

N/A

**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (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 \_\_\_\_\_

Does this item include the use of federal funds? Yes \_\_\_\_\_ No X

Budget Account No.: Fund 4100 Department 120 Unit 1110 Object 3125

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

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

No fiscal impact. Approval of this item does not modify the approved not to exceed amount of \$222,500.

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

**III. REVIEW COMMENTS**

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

<p><u>[Signature]</u> 1/18/18          OFMB          1/17/18          1/18/18</p>	<p><u>[Signature]</u> 1/18/18          Contract Development and Control          1/18/18</p>
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B. Legal Sufficiency:

Anne Delgant 1-19-18  
 Assistant County Attorney

C. Other Department Review:

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

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

**FIRST AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY AND  
KAPLAN, KIRSCH AND ROCKWELL LLP FOR LEGAL SERVICES**

This First Amendment to Agreement for Legal Services ("Amendment") is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and Kaplan Kirsch and Rockwell LLP, hereinafter referred to as "Attorney".

**WITNESSETH:**

WHEREAS, the parties entered into that certain Agreement for Legal Services dated September 26, 2017 (R-2017-1405) ("Agreement"); and

WHEREAS, the parties desire to amend the Agreement as provided for herein.

Now, therefore, in consideration of the mutual covenants and agreements expressed herein the parties agree as follows:

1. The first sentence of Section 26 of the Agreement is hereby deleted in its entirety and replaced with the following:

This Agreement shall be effective upon execution by the Palm Beach County Board of County Commissioners and shall apply to Legal Services performed after August 31, 2017, and shall terminate two (2) years from the effective date of this Agreement.

2. Except as modified herein, all terms and conditions of the Agreement shall remain in full force and effect.
3. This Amendment shall become effective when signed by both parties and approved by the Palm Beach County Board of County Commissioners.

In witness whereof, the parties hereto have duly executed this Amendment on the day and year first above written.

**ATTEST:**  
**SHARON R. BOCK**  
Clerk & Comptroller

**PALM BEACH COUNTY, FLORIDA BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Melissa McKinlay, Mayor

**APPROVED AS TO FORM &**  
**LEGAL SUFFICIENCY**

*Anne Delgado*  
\_\_\_\_\_  
County Attorney

**WITNESS:**

By: *[Signature]*  
\_\_\_\_\_  
Signature

By: *[Signature]*  
\_\_\_\_\_  
Signature

**ATTORNEY:**

Kaplan Kirsch & Rockwell LLP

By: *[Signature]*  
\_\_\_\_\_  
Peter Kirsch, Esq.