



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 5.a

TO: Honorable Mayor & Members of the
Village of Biscayne Park Commission

FROM: Roseann Prado, Interim Village Manager

DATE: September 8, 2020

TITLE: Resolution No. 2020-47 - A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE THE ENGAGEMENT LETTER AGREEMENT FOR VILLAGE ATTORNEY BETWEEN NABORS, GIBLIN & NICKERSON, P.A. AND THE VILLAGE OF BISCAYNE PARK FOR PROFESSIONAL LEGAL SERVICES AND EXPEND BUDGETED FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

Recommendation

Adoption of Resolution 2020-47 ratifying the Commission action at its Regular Commission meeting of September 01, 2020 appointing Edward A. Dion and Nabors, Giblin & Nickerson, P.A. as the Village Attorney.

Background

On September 01, 2020, during its Regular Commission meeting of September 01, 2020, the commission voted as follows:

Mayor O’Halpin – Nabors, Giblin & Nickerson P.A.
Vice-Mayor Kennedy – Fox Rothschild LLP
Commissioner Ross – Fox Rothschild LLP
Commissioner Samaria – Nabors, Giblin & Nickerson P.A.
Commissioner Tudor – Nabors, Giblin & Nickerson P.A.

approving Nabors, Giblin & Nickerson, P.A. and Edward A. Dion as Village Attorney by 3 – 2 votes (Vice-Mayor Kennedy and Commissioner Ross opposed).

Resource Impact

Funds budgeted for Legal Counsel.

Attachment(s)

- Resolution 2020-47
- Engagement Letter from Nabors, Giblin & Nickerson

Prepared by: Roseann Prado, Village Clerk

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RESOLUTION NO. 2020-47

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE THE ENGAGEMENT LETTER AGREEMENT FOR VILLAGE ATTORNEY BETWEEN NABORS, GIBLIN & NICKERSON, P.A. AND THE VILLAGE OF BISCAYNE PARK FOR PROFESSIONAL LEGAL SERVICES AND EXPEND BUDGETED FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 3.02 of the Village of Biscayne Park Charter, the Village Commission shall appoint an attorney licensed to practice law in the State of Florida to serve as the Village Attorney; and,

WHEREAS, the Village Commission publicly appointed Mr. Edward Dion with the law firm of Nabors, Giblin & Nickerson, P.A. at the Regular Commission meeting of September 1, 2020 to serve as the Village Attorney.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park hereby approves the engagement letter between the law firm of Nabors, Giblin and Nickerson, P.A. and the Village of Biscayne Park for the position of Village Attorney substantially in the form attached as Exhibit 1 (“Engagement Letter”), and incorporated by reference into this Resolution. The Village Commission authorizes the Interim Village Manager to execute the Engagement Letter and expend budgeted funds on behalf of the Village.

Section 3. This Resolution ratifies the actions taken by the Village Commission at its September 1, 2020 Regular Commission meeting.

Section 4. This Resolution shall become effective upon adoption.

1 **PASSED AND ADOPTED** this 8th day of September, 2020.
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4 The foregoing Resolution was offered by _____, who moved its adoption. The motion was
5 seconded by _____, and upon being put to a vote the vote was as follows:
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7 Virginia O’Halpin, Mayor
8 MacDonald Kennedy, Vice-Mayor
9 Roxanna Ross, Commissioner
10 Dan Samaria, Commissioner
11 Dan Samaria, Commissioner
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13 VILLAGE OF BISCAYNE PARK
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16 _____
17 Virginia O’Halpin, Mayor
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20 ATTEST:
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23 _____
24 Roseann Prado, Village Clerk
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27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
28 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:
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31 _____
32 Edward A. Dion, Village Attorney
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PLANTATION
8201 Peters Road
Suite 1000
Plantation, Florida 33324
(954) 315-0268 Tel

Nabors
Giblin &
Nickerson P.A.
ATTORNEYS AT LAW

TAMPA
2502 Rocky Point Drive
Suite 1060
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

TALLAHASSEE
1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

September 3, 2020

Ms. Roseann Prado
Interim Village Manager
Village of Biscayne Park
600 NE 114th Street
Biscayne Park, FL 33161

Re: Professional Legal Services – Village Attorney

Dear Ms. Prado:

This correspondence shall serve as confirmation that Nabors, Giblin & Nickerson, P.A. (the "Firm") is pleased to provide legal representation to the Village of Biscayne Park (the "Village") as set forth in our response to the Village's Recruitment for Village Attorney.

We propose an annual retainer in the amount of \$75,000, which would be payable in twelve equal monthly installments of \$6,250. The Village agrees to review the number of hours expended by the Firm on behalf of the Village six months from the effective date of this Agreement and negotiate an increase in the amount of the annual retainer, if warranted. This retainer would cover all general representation of the Village. The scope of general representation provided would include the representation of the Village Commission at all meetings and workshops, the provision of legal advice and guidance to the Mayor, the Village Commission, the Village Manager and Village staff, and preparation of ordinances, resolutions and opinions. The only exception from this retainer would be for the following:

A. Litigation in any State or Federal court, representation of the Village before the Division of Administrative Hearings, Equal Employment Opportunity Commission, Florida Commission on Human Relations, Unemployment Compensation Commission, or other State, Federal or local administrative proceeding, would be compensated on an hourly basis at the following rates:

Partners	\$225.00 per hour
Associates	\$170.00 per hour
Clerks/Paralegals	\$ 65.00 per hour

B. Special Projects or activities which would require more than ten (10) hours of attorney time would be charged at the above hourly rates. Prior to commencing such Project, the Firm would notify the Village that the Special Project would exceed ten (10) hours and receive prior authorization. This would include matters which because of the nature of the Special Project, an extraordinary amount of effort would be required. Examples of these types of Special Projects would be the substantial revision of the Purchasing Manual or Comprehensive Plan.

C. Development and implementation of Revenue Programs, such as a special assessment, impact fee or other home rule revenue sources which would be negotiated on a project-by-project basis.

D. Municipal bond or bank financing, which would be negotiated on a transaction-by-transaction basis.

The Firm will not charge the Village for travel time or travel-related costs to the Village. The Firm will be reimbursed for actual costs incurred on travel to locations outside the Village, in conformity with Chapter 112, Florida Statutes. The Firm will also be reimbursed for actual costs incurred in the provision of legal services including, but not limited to, filing fees, depositions, court reporter fees, witness fees, and other court related expenses, on-line research expenses, overnight delivery charges, copy and fax costs, long distance telephone costs, and other charges incurred in providing services to the Village.

The effective date for services under this Agreement shall be September ____, 2020. This Agreement may be terminated by either party upon sixty (60) days' written notice.

We appreciate your consideration of our Firm for representation of the Village. Should any additional information be required, please feel free to contact me. Otherwise, I request that you sign and return a copy of this Agreement at your convenience.

Sincerely,


Edward A. Dion

ACCEPTANCE BY THE
VILLAGE OF BISCAYNE PARK:

BY: _____
As its _____