

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GREENBERG TRAURIG, P.A., FOR LEGAL SERVICES IN UTILITIES MATTERS, INCREASING THE MAXIMUM AMOUNT OF FEES FOR FY 2018 FROM \$200,000.00 TO \$250,000.00; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GREENBERG TRAURIG FOR LEGAL SERVICES IN UTILITIES MATTERS IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR FY 2019; AND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2018 CAPITAL IMPROVEMENT PROGRAM R-2017-289 ADOPTED SEPTEMBER 27, 2017.

WHEREAS, Greenberg Traurig, P.A. (“Law Firm”) is representing the City in matters regarding the water and wastewater utility system, primarily involving ongoing litigation with the City of Pembroke Pines, one of the City’s large users; and

WHEREAS, Section 38.40(C)(2) of the Code of Ordinances exempts from the competitive bid and competitive proposal requirements of the Purchasing Ordinance contracts for professional services; and

WHEREAS, in view of the considerable amount of legal services being rendered by the Law Firm and anticipated to be rendered throughout FY 2018, on February 7, 2018, the City Commission adopted Resolution No. R-2018-034 which, among other things, authorized the payment of fees to the Law Firm for FY 2018 in an amount not to exceed \$200,000.00; and

WHEREAS, it is now anticipated that the total fees to be incurred for FY 2018 will approach but not exceed \$250,000.00; and

WHEREAS, the Law Firm has submitted a new agreement for FY 2018 that will increase the amount authorized to be paid from \$200,000.00 to \$250,000.00; and

WHEREAS, Pembroke Pines has filed three civil actions regarding the ongoing “large user agreement” issues, including one that was filed in the month of July; and

WHEREAS, the City is defending the civil actions vigorously and the issues are complex; and

WHEREAS, the Law Firm has devoted and will continue to devote extensive amounts of time to the City's defense of the civil actions; and

WHEREAS, it is virtually certain that the civil actions will continue to be litigated for several years; and

WHEREAS, the Law Firm has submitted an agreement for FY 2019 that would authorize the payment of fees in an amount not to exceed \$250,000.00; and

WHEREAS, funding for FY 2018 is available in the FY 2018 budget in Account Number 42.4000.85860.536.003126; and

WHEREAS, it is necessary to amend the approved FY2018 Capital Improvements Program and allocate funding in the amount of \$300,000.00 as set forth in the attached Exhibit A; and

WHEREAS, funding for FY 2019 will be available in the FY 2019 budget.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached engagement letter with Greenberg Traurig, P.A. for legal services in matters regarding the water and wastewater utility systems, in an amount not to exceed \$250,000.00 for FY 2018, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached engagement letter with Greenberg Traurig P.A. for legal services in matters regarding the water and wastewater utility systems, in an amount not to exceed \$250,000.00 for FY 2019, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: That it approves and authorizes an amendment to the approved FY 2018 Capital Improvement Program, as more specifically set forth in the attached Exhibit "A".

Section 5: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

RESOLUTION APPROVING FY 2018 AND FY 2019 AGREEMENTS WITH
GREEBERG TRAURIG P.A. REGARDING UTILITY DISPUTES WITH PEMBROKE
PINES

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY