

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO PAY GRAYROBINSON, P.A. FOR LEGAL SERVICES IN THE ICON OFFICE BUILDING PROPERTY MATTER IN AN AMOUNT NOT TO EXCEED \$125,000.00 FOR FY 2016; AMENDING THE FISCAL YEAR 2016 ADOPTED OPERATING BUDGET (R-2015-294), AS DETAILED IN THE ATTACHED EXHIBIT 1, REVISING OPERATING REVENUES, AUTHORIZING BUDGETARY TRANSFERS AND ADJUSTMENTS, REAUTHORIZING AND RE-APPROPRIATING CERTAIN FUNDING; AUTHORIZING THE DEPARTMENT OF FINANCIAL SERVICES TO ESTABLISH ACCOUNTS AS MAY BE NEEDED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, GrayRobinson, P.A. ("the Law Firm") is defending the City of Hollywood against the claims arising out of environmental contamination that allegedly exists on the proposed ICON Office Building property; and

WHEREAS, these claims are now the subject of litigation known as Berman Development Group, LLC, et al. v. City of Hollywood et al.; 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, the total fees to be paid to the Law Firm for FY 2016 for legal services in the ICON matter may approach but are not expected to exceed \$250,000.00; and

WHEREAS, the CRA is named as a co-defendant in the above-described litigation and has tentatively agreed, subject to the approval of the CRA Board, to share equally in the fees and costs paid to the Law Firm, thereby leaving each of the City and the CRA responsible for payment of a maximum of \$125,000.00 under this Resolution; and

WHEREAS, the resolution that will be considered by the CRA Board to approve shared payment to the Law Firm will also include transfer of funds from account numbers 66.0100.07302.552.006301 - Construction Improvements - Small Capital Projects (\$75,000.00), 66.0186.00150.552.004806 - Local Transit System (\$25,000.00), 66.0186.00000.552.004972 - Advertising (\$25,000.00) to account number 66.0186.00000.552.003122 - Legal Services.

WHEREAS, certain routine and periodic budgetary adjustments and transfers are appropriate and necessary; and

WHEREAS, the Fiscal Year 2016 Operating Budget was adopted and approved by the City Commission pursuant to Resolution R-2015-294 and subsequently amended; and

WHEREAS, the transferring of funding between line item accounts is needed to provide funding support for necessary legal services;

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

Section 1: That it hereby approves and authorizes the payment, by the appropriate City officials, of fees, pursuant to the agreement between the City of Hollywood and GrayRobinson, P.A. for legal services in the ICON Office Building property lawsuit, in an amount not to exceed \$125,000.00 for FY 2016.

Section 2: That the Amendments to the Operating Budget of the City of Hollywood for the Fiscal Year beginning October 1, 2015, as set forth in detail in Exhibit 1, attached hereto, and by this reference made a part hereof, are hereby approved, adopted and accepted as Amendments to the Operating Budget of the City of Hollywood Florida, for the Fiscal Year 2016.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY