



Legislation Text

File #: 16-190, Version: 1

TO: Mayor and Commissioners
FROM: Noel Pfeffer, City Attorney
DATE: February 16, 2016

APPROVAL FOR FY 2016 SPENDING LIMITS GREATER THAN \$25,000 FOR SPECIAL COUNSEL

Recommended Action:

Motion to Approve spending limits in an amount not to exceed \$150,000.00 for Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, and not to exceed \$75,000 for Allen, Norton & Blue. This complies with the Code of Ordinances, Chapter 36, Section 36.03(A), "Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year" requires City Commission approval of any agreement for services.

Background:

Section 36.03(A) of the City's Code of Ordinances requires City Commission approval of any agreement for services which exceeds \$25,000 in any fiscal year.

Weiss, Serota, Helfman, Pastoriza, Cole & Boniske

Weiss Serota et. al. is presently engaged as special counsel in two pending matters; (i) the Atlantic Crossing litigation, and (ii) the potential Match Point, Inc. litigation challenging the validity of the 2005 licensing agreement for the promotion of tournaments at the City's tennis center. For fiscal year 2015/2016 the City has expended \$36,799.45 in connection with the Atlantic Crossing litigation and \$3,459.89 for Match Point. The City Attorney is seeking budget approval not to exceed \$150,000 for FY 2015/2016.

Allen, Norton & Blue

Allen, Norton & Blue serves as labor counsel for the City. Requests for labor counsel legal services have been scaled back over the past several months. For example, the City Attorney's office provided all necessary legal support for the recently concluded SEIU collective bargaining agreement. Grievance reviews, civil service hearings, EEOC Complaints, and administrative labor matters are now handled by the City Attorney's office. Labor counsel is engaged selectively on complex or novel labor issues.

Although the City has settled and fully resolved the legal claims of Plaintiff, Vinnie Gray, there remain outstanding several counts against Ralph Phillips in the case of Vinnie Gray v. City of Delray Beach, Ralph Phillips and Anthony Strianese. Mr. Phillips also filed a Cross Claim against the City for attorney's fees. In order for Mr. Phillips to prevail in his Cross Claim for attorney's fees, he must first prevail in the underlying action on the remaining unresolved counts. Mr. Phillips, through counsel, has noticed this case for jury trial later this year. Given the complex history and facts underlying this case, Allen, Norton & Blue, with significant historical knowledge remain assigned to this matter.

The City has expended \$13,952 for IAFF matters, \$2,658 for PBA matters and \$191.15 for general matters in legal fees with this firm.

The City Attorney is seeking budget approval not to exceed \$75,000 for FY 2015/2016.