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Memo

To: Mayor and Town Commission, Town of Lauderdale-By-The-Sea
From: Susan L. Trevarthen, Town Attorney
Cc: Connie Hoffmann, Town Manager
Date: August 19, 2011
Re: **Legal Expenses for Fiscal Year 2011-12**

In response to the direction given at the Town Commission's July budget meeting, I have met with the Town Manager and re-evaluated my budget proposal for next year for legal services. The original proposal was to reduce the total budgeted amount by 3%, as compared to the budget for the current fiscal year, to a total of \$390,000, divided between \$40,000 for litigation and \$350,000 for all other legal services. Several Commissioners indicated a desire to reduce the budget by a larger percentage.

My revised proposal is for a budget of \$368,000, which is an 8% reduction, divided between \$35,000 for litigation and \$333,000 for other legal services. In the time since the original proposal was developed in June, several things have happened which should assist in reducing fees. We have continued to develop approved forms for many kinds of recurring agreements, including the continuing services agreements, construction agreements, work orders, service bid agreements and other kinds of agreements. Forms greatly reduce the required review time if they are used and accepted with minimal changes. We have also provided approved forms for Code Enforcement and for some Development Services matters.

The Commission approved the Ordinance revising the Code so that agreements under \$15,000 will no longer require attorney review. The Commission approved the Manager's updated purchasing manual. The Town is continuing to recruit an experienced planner for the Development Services Department. The state released a new schedule for updating comprehensive plans, which means that legal work supporting that effort will not be required this budget year. We have worked with the Town Manager and her staff, and are continuing to work on improving communications and workflow to avoid duplicated efforts and improve efficiencies.

With regard to litigation, we have obtained a proposed settlement of one litigation matter (Olinzock), which will be considered by the Commission at the August 23 meeting. Nearly all other outstanding labor matters have come to a resolution. We await a ruling on our renewed motions to dismiss in the Palm Club and related cases regarding the charter height limit, and have answered the sewer claims in the Palm Club complaint. The federal court denied reconsideration of its order dismissing the federal challenge to the Town's solid waste hauling rate structure (Buena Vista), and

retained jurisdiction to seek a fee award on those counts; we have moved to dismiss the realleged state claims and mediation is set for September.

There was also some discussion at the budget hearing about how the legal function is managed. As I mentioned that evening, I am responsible for this function, on behalf of my law firm. If there are concerns with our performance or our budget, they need to be brought to me so that I have the opportunity to respond to them when they arise. The Town Manager provides the Commission monthly financial reports which include legal expenses but, based on the input received, we have agreed that monthly report will be placed on the agenda under reports (rather than sent to the Commission by email) going forward. (The Manager feels this will be helpful to the Commission in their financial oversight on a variety of matters, not just in monitoring the legal fees budget.)

I am available at any time to discuss any questions or concerns you may have with those expenses (without charge). My team is aware of the Town's direction to reduce costs, and we are actively seeking ways to do so without sacrificing quality. When work is assigned that will involve more than several thousand dollars in legal work and is not immediately needed, I can give an estimate of the time involved which can be evaluated before we proceed.

In conclusion, my revised budget proposal for Fiscal Year 2011-12 is \$368,000. I request that the Town Commission approve this proposal, and appreciate the opportunity to continue serving the Town of Lauderdale-By-The-Sea.