



City of Largo Agenda Item 11

Meeting Date
05/01/18

Presenter: Henry P. Schubert, City Manager

Department: AD – Administration

TITLE:

REVIEW OF CITY ATTORNEY PERFORMANCE AND COMPENSATION AND APPROVAL OF FOURTEENTH AMENDMENT TO THE CITY ATTORNEY'S AGREEMENT

Alan Zimmet serves as the City Attorney in accordance with an Agreement dated June 6, 2000, which has been subsequently amended thirteen times to adjust compensation. The most recent amendment (number 13), approved on July 11, 2017 for FY 2018, established the monthly retainer fee at \$11,108.58 per month (\$133,302.96 per year). The hourly rate for work outside that provided by the retainer increased to \$205.

During the past year, Mr. Zimmet has continued to provide excellent legal services to the City Commission and staff. The most significant was the favorable decision by the Florida Supreme Court regarding the validity of a Payment in Lieu of Taxes (PILOT) agreement with the owners of Brittany Bay Apartments and the subsequent recovery of all funds owed under the agreement.

The attached Fourteenth Amendment to his contract would increase the monthly retainer by 3% (the same increase as non-represented City employees) to \$11,441.84 (\$137,302.08 per year). The hourly rate for additional services is currently \$205. This amendment would increase the hourly rate to \$235 for shareholders (currently Alan Zimmet and Nikki Nate) and \$210 for attorneys who are firm associates. Based on 2017 billings, this would represent an estimated annual increase of \$18,000. The effective date of the amendment is October 1, 2018.

Staff from Mr. Zimmet's firm are currently covering for a vacancy in the Assistant City Attorney position, the cost of which is being funded through existing budgeted resources. Administration is monitoring the success of this arrangement and will make a decision prior to the second City Commission meeting in July as to whether it is in the best interest of the City to hire a City employee for this position or propose to the City Commission an amendment to Mr. Zimmet's agreement to continue this staffing from his firm.

Budgeted Amount: \$0.00 **Budget Page No(s):** 0 **Available Amount:** \$0.00 **Expenditure Amount:** \$137,302.08

Additional Budgetary Information: The proposed amounts will be budgeted in the proposed FY 2019 Budget.

Funding Source(s): General Fund **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:** N/A

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A **Not Applicable**

Potential Motion/Direction Requested: I MOVE TO APPROVE/DISAPPROVE THE FOURTEENTH AMENDMENT TO THE CITY ATTORNEY'S AGREEMENT.

Staff Contact: Henry Schubert, City Manager 727-586-7454 hschuber@largo.com

Attachments: Fourteenth Amendment to City Attorney Agreement

FOURTEENTH AMENDMENT

THIS FOURTEENTH AMENDMENT entered into on this ____ day of May, 2018, by and between the City of Largo, Florida, a municipal corporation (hereinafter “LARGO”), and Alan S. Zimmet (hereinafter “ZIMMET”), hereby amends that certain Agreement entered into on June 6, 2000, as amended (“the Agreement”).

WHEREAS, in accordance with paragraph 10 of the Agreement, the parties reviewed the Agreement, ZIMMET’s performance and the compensation paid to ZIMMET pursuant to the Agreement on July 11, 2017.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. The above recitals are true and correct and are hereby incorporated herein by reference.
2. The Agreement is hereby amended by providing that the retainer set forth in paragraph 3 of the Agreement shall be increased to \$11,441.84 per month.
3. The Agreement is hereby amended by providing that the hourly rate for attorneys working on litigation matters set forth in paragraph 4 of the Agreement shall be increased to \$235.00 for shareholders and \$210.00 for attorneys who are firm associates.
4. The retainer and hourly rate provided for in this Thirteenth Amendment shall take effect on October 1, 2018
5. Any provision of the Agreement, as amended, not specifically amended by this Thirteenth Amendment shall remain in full force and effect.

The Parties hereto have caused this Fourteenth Amendment to be executed on the day first above written.

“LARGO”

“ZIMMET”

CITY OF LARGO, FLORIDA

By: _____
Louis L. “Woody” Brown, Mayor

Alan S. Zimmet, B.C.S.

Attest:

Witness:

Diane Bruner, City Clerk
