

TAB 7

PLEASE RESPOND TO BRADENTON OFFICE

December 14, 2009

Via Hand Delivery

The Honorable Mayor Shirley Groover Bryant
City of Palmetto
516 8th Avenue W
Palmetto, FL 34221

Re: City Attorney to the City of Palmetto

Dear Mayor Bryant:

I want to thank you and the City Commission for reappointing our firm as City Attorney to the City of Palmetto. We look forward to working with you, the City Commission and the City staff to provide any legal services required by the City. Additionally, we will strive to provide proactive lawyering as much as possible to reduce potential litigation.

For general representation, the firm will bill the City as follows:

For the period from December 21, 2009 to March 15, 2011:

The sum of \$17,667.00.00 per month (\$212,000.00 per year) which shall be paid by the City on a monthly basis, due and payable within 14 days of receipt of such invoice (with the invoice prepared from the 16th of the month to the 15th of the next month) without the need for further invoice.

The general representation for the sums described above will include all attorney and staff time for non-litigation matters, as well as associated costs incurred by the firm except for extraordinary expenses such as filing fees, out-of-County travel, computerized legal research and the like consistent with our RFP.

As we have discussed, our firm has experienced trial attorneys who can handle most litigation matters that may arise. For such matters involving pending and active litigation and administrative proceeding outside of the City's internal administrative processes, the City will be

The Honorable Mayor Shirley Grover

December 14, 2009

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invoiced separately and will be billed at the rate of \$225.00 per hour for shareholders, \$200.00 per hour for all attorneys with at least 3 years of experience, \$175.00 per hour for attorneys with less than 3 years experience, and \$95.00 per hour for clerks and paralegals. When appropriate due to the need for very specialized expertise, we will retain special counsel. The firm has ongoing matters with the City related to the School Board for which the firm serves as Special Counsel; including the agreements and purchases related to relocating of Palmetto Elementary and matters related to school concurrency. These matters are not adversarial at present, but in the event a conflict arises, we may need to retain outside counsel related to such matters.

These rates represent no increase from our 2008 rates. If at anytime during the term of this agreement, other City Appointed Officers' salaries are increased, then the firm's monthly billing amount and rates will increase an equivalent percentage to the average of any increase to the City Appointed Officers' salaries.

I will be the attorney principally responsible for representing the City. However, we have attorneys specializing in a wide range of practice areas such as real estate, corporate, and tax law, many of whom are Board Certified, who will be available to assist when needed. These services are included in the general representation fee discussed herein.

We strive to be open and available to our clients. We will promptly respond to your inquiries, usually within 24 hours unless circumstances prevent it. Our staff is well trained and knowledgeable. Progress information may be obtained from them, but they cannot give legal advice.

If the arrangement for services as set forth above is acceptable, please sign the attached copy of this letter and return it to this office. If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

KIRK • PINKERTON, P.A.

Mark P. Barnebey
For the Firm

MPB/lc
ACCEPTED:

Mayor Shirley Groover Bryant
On behalf of the City of Palmetto



KIRK • PINKERTON, P.A.

Serving Our Community
Since 1926

ATTORNEYS AT LAW

JAMES E. KIRK 1997-1983

JOHN C. PINKERTON 1916-1997

DONALD C. MCCLELLAND, JR. 1922-2005

WILLIAM STRODE RETIRED

ROBERT T. GARR
L. NORMAN VAUGHAN BIRCH, II **
TIMOTHY S. SHAW *
WILLIAM E. ROBERTSON, JR.
DAVID M. SILBERSTEIN CCA ***
MARK P. BARNEBEY *
THOMAS D. SHULTS
JULIE A. HORSTKAMP *
CRAIG P. COLBURN, JR.
BRADLEY W. HOGREAVE *

SCOTTE RUDACELLI
SUE A. JACOBSON **
SCOTT K. PETERSEN ***
DOUGLAS J. ELMORE
ZACHARY L. ROSS
JERILYN HATTENDORF
OF COUNSEL
BRENDA L. PATTON *

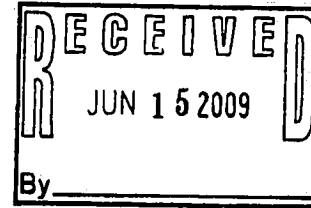
BOARD CERTIFIED IN REAL ESTATE, TRUSTS
AND ESTATES
**BOARD CERTIFIED IN BUSINESS
LITIGATION LAW
***BOARD CERTIFIED REAL ESTATE LAW LAWYER
BOARD CERTIFIED IN CIVIL TRIAL ATTORNEY
BOARD CERTIFIED IN AN ATTORNEY
BOARD CERTIFIED IN CITY, COUNTY
AND LOCAL GOVERNMENT LAW
** ALSO ADMITTED IN NEW MEXICO
* ALSO ADMITTED IN COLORADO
* ALSO ADMITTED IN NEW YORK
* ALSO ADMITTED IN WISCONSIN
* ALSO ADMITTED IN CALIFORNIA

PLEASE RESPOND TO BRADENTON OFFICE

March 10, 2009

Via Hand Delivery

The Honorable Mayor Shirley Groover Bryant
City of Palmetto
516 8th Avenue W
Palmetto, FL 34221



Re: City Attorney to the City of Palmetto

Dear Mayor Bryant:

I want to thank you and the City Commission for appointing our firm as City Attorney to the City of Palmetto. We look forward to working with you, the City Commission and the City staff to provide any legal services required by the City. Additionally, we will strive to provide proactive lawyering as much as possible to reduce potential litigation.

For general representation, the firm will bill the City as follows:

For the period from March 10, 2009 to March 9, 2010:

The sum of \$17,667.00.00 per month (\$212,000.00 per year) which shall be paid by the City on a monthly basis, due and payable on the 1st of each month (with the first month being prorated) without the need for further invoice.

The general representation for the sums described above will include all attorney and staff time for non-litigation matters, as well as associated costs incurred by the firm except for extraordinary expenses such as filing fees, out-of-County travel, computerized legal research and the like.

As we have discussed, our firm has experienced trial attorneys who can handle most litigation matters that may arise. For such matters involving pending and active litigation and administrative proceeding outside of the City's internal administrative processes, the City will be

SARASOTA MAILING ADDRESS
P.O. BOX 3798
SARASOTA, FLORIDA 34230
attorney@kirkpinkerton.com

PLAZA AT FIVE POINTS
50 CENTRAL AVE., SUITE 700
SARASOTA, FLORIDA 34236
TELEPHONE 941-361-2400
FACSIMILE 941-361-2400

1301 6th AVE. W., SUITE 401
BRADENTON, FLORIDA 34205-7433
TELEPHONE 941-711-2338
FACSIMILE 941-711-9691

KIRK • PINKERTON

The Honorable Mayor Shirley Grover

March 10, 2009

Page 2 of 2

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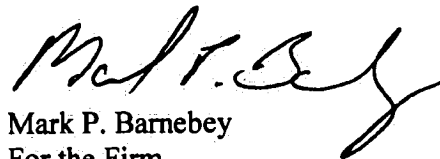
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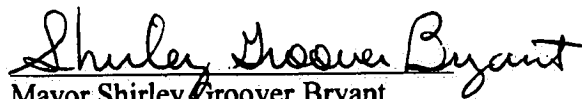
KIRK • PINKERTON, P.A.



Mark P. Barnebey
For the Firm

MPB/lc

ACCEPTED:



Mayor Shirley Groover Bryant
On behalf of the City of Palmetto