

TAB 4



City of Palmetto Agenda Item

Meeting Date

6/18/12

Presenter: Jim Freeman **Department:** City Clerk

Title:

SPECIAL LEGAL BILLING

Pursuant to the approved contract with Blalock Walters, special litigation cases are presented on a monthly basis for payment approval.

The following invoices are attached for approval:

Bryant Miller Olive
Statement #50397-Labor & Employment General: \$2,337.30

PBA/Union Discussion

Fournier and Connolly, P.A.
Statement #: 457361 \$2,858.20 and #458224 \$1,288.00

Palmetto Personnel Board-Filipiak Hearing

Budgeted Amount: \$42,920.00 **Budget Page No(s):** 151 **Available Amount:** \$15,033.07 **Expenditure Amount:** \$6,483.50

Additional Budgetary Information: PD SPECIAL LITIGATION #001543109
GENERAL LITIGATION # 0015143107

Funding Source(s): Adopted Budget **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Motion to approve the Bryant Miller Olive legal billing and Fournier and Connolly legal billings submitted for the June 18, 2012 Consent Agenda.

Staff Contact: Jim Freeman

Attachments: Bryant Miller Olive invoice
Fournier and Connolly, P.A. invoices

Bryant
Miller
Olive

RECEIVED
MAY 17 2012
CITY HALL

Statement as of April 30, 2012
Statement No. 50397

City of Palmetto
Shirley Groover Bryant
P.O. Box 1209
Palmetto, FL 34220

Matter

25517.002. City of Palmetto / L&E / General

Current Billing	Previous Balance
2,337.30	0.00
<u>2,337.30</u>	<u>0.00</u>
Total Now Due:	<u>2,337.30</u>

Bryant Miller Olive P.A.

101 North Monroe Street, Suite 900
 Tallahassee, FL 32301
 (850)222-8611

Statement as of April 30, 2012
 Statement No 50397

City of Palmetto
 Shirley Groover Bryant
 P O Box 1209
 Palmetto, FL 34220

25517 002. City of Palmetto / L&E / General

Professional Fees			Hours	Rate	Amount
4/2/2012	DCM	Review union letter to PERC, communicate same to client Barnebey with summary of impasse procedures	0.80	265.00	212.00
4/6/2012	JCC	Telephone conference with Barnebey regarding impasse items	0.40	265.00	106.00
4/6/2012	JCC	Review PBA proposal	0.80	265.00	212.00
4/6/2012	DCM	Telephone conference with client Barnebey regarding impasse issues	0.40	265.00	106.00
4/12/2012	JCC	Review Special Magistrate qualifications	2.20	265.00	583.00
4/12/2012	DCM	Telephone conference with PERC regarding impasse	0.20	265.00	53.00
4/12/2012	DCM	Review email from client Barnebey	0.10	265.00	26.50
4/13/2012	JCC	Review Special Magistrate qualifications	1.40	265.00	371.00
4/13/2012	JCC	Review materials regarding FOP negotiations	0.90	265.00	238.50
4/17/2012	DCM	Telephone conference with client Barnebey regarding impasse, labor issues	0.60	265.00	159.00
4/17/2012	DCM	Telephone conference with union counsel regarding impasse	0.20	265.00	53.00
4/30/2012	DCM	Exchange emails with opposing counsel, client regarding bargaining	0.80	265.00	212.00
				Sub-total Fees.	<u>2,332.00</u>

Rate Summary

James C Crosland	5.70 hours at \$265.00/hr	1,510.50
David C Miller	3.10 hours at \$265.00/hr	821.50
Total hours.	<u>8.80</u>	

Costs	Units	Price	Amount
4/13/2012 Duplication	8.00	0.25	2.00

4/17/2012	Long distance 9419322720	1.00	0.33	0.33
4/17/2012	Long distance 9417480100	3.00	0.33	0.99
4/17/2012	Long distance 9419322720	1.00	0.33	0.33
4/24/2012	Long distance 9417480100	5.00	0.33	1.65
				<hr/>
			Sub-total Costs.	5.30

Payments

5/14/2012	Payment	Check 105056 Statement #50037, 49734	3,731.18
			<hr/>
		Sub-total Payments:	3,731.18

Previous Balance Due.	3,731.18
Payments Received:	3,731.18
	<hr/>
Total Now Due:	2,337.30

Please Reference Client Number on Checks And Wire Transfers

Mail Checks to:
101 North Monroe Street, Suite 900
Tallahassee, FL 32301
850-222-8611 FEIN 59-1315801

Send wire transfers to Capital City Bank, ABA #063100688
for credit to Bryant Miller Olive Account #2132834901
Thank you for your business

Bryant Miller Olive P.A.
Transactions BMO Listing Report

Date	Prof	MatterID/Client Sort Narrative	Units	Price	Value
Component: Dup					
4/13/2012	BRR	25517 002 / City of Palmetto Duplication	8 0000	0.2500	2.0000
			8.0000		2.0000
Component: LD					
4/17/2012	BRR	25517 002 / City of Palmetto Long distance 9417480100	3.0000	0.3300	0 9900
4/17/2012	BRR	25517 002 / City of Palmetto Long distance 9419322720	1 0000	0.3300	0.3300
4/17/2012	BRR	25517 002 / City of Palmetto Long distance 9419322720	1.0000	0.3300	0.3300
4/24/2012	DCM	25517.002 / City of Palmetto Long distance 9417480100	5.0000	0.3300	1.6500
			10.0000		3.3000
			18.0000		5.3000

o M. Barnebey City Of Palmetto c
Mark P. Barnebey, Esq.
Blalock Walters
801 11th Street West
Bradenton FL 34205-7403

Account No: 4000-02135M
Statement No: 457361

Palmetto Personnel Board

Fees

		Hours
01/10/2012		
SEW	Telephone conference with Atty. Kurt Lee re procedural matters and City's personnel policies; telephone conference with Atty. Mark Barnebey re service of process, hearing dates and procedural issues; draft email to Haley Bond to initiate file; office conference with Atty. Lee re Personnel manual.	0.80
01/12/2012		
SEW	Review Personnel Policies related to disciplinary appeals; telephone conference with Atty. Mark Barnebey re: status of case.	0.50
SEW	Review email from Atty. Barnebey and list of board members; draft email to Atty. Barnebey with set of questions related to conducting the hearing; telephone conference with Atty. Barnebey to discuss same.	0.60
SEW	Telephone conference with Atty. Kurt Lee regarding introduction of evidence to board prior to hearing.	0.20
SEW	Telephone conference with Atty. M. Lipinski re representation of employee.	0.20
01/17/2012		
SEW	Review Personnel Rules and consider issues related to hearing; telephone conference with K. Lee re general orders; review Sunshine Law language to discuss with board.	1.50
SEW	Prepare for and attend hearing of Personnel Board.	5.50
01/19/2012		
MAM	Office conference with Sarah Warren re: outcome of board hearing and drafting of Final Order. Review and analyze attorney notes of hearing. Assist Sarah Warren with drafting Final Order of Dismissal. Organize exhibits to same. Draft correspondence via facsimile to counsel. Revise order as requested.	1.90
SEW	Review notes from hearing and proposed order by Atty. K. Lee; office conference with paralegal Melanie Marken re drafting of order.	0.60

Palmetto Personnel Board

Hours

SEW	Review and revise draft order.	0.50
SEW	Office conferences with Melanie Marken re revisions to order and distribution to attorneys and clerk.	0.20
SEW	Office conference with Melanie Marken re faxing draft order to attorneys; deadline for response; and language in fax.	0.20
SEW	Telephone conference with Atty. K. Lee re change to order to include "unanimous" decision; office conference with Melanie Marken re revision, second email to attorneys.	0.40

01/20/2012

MAM	Multiple email correspondence with Sarah Warren, Clerk of City of Palmetto and opposing counsel in order to finalize Order and attachments to same.	0.60
SEW	Telephone conference with Melanie Marken re communication with attorneys and distribution to Clerk of final order.	0.20

01/24/2012

MAM	Receive email correspondence from City of Palmetto Clerk. Forward same to Sarah Warren.	0.20
SEW	Review emails from Melanie Marken to Palmetto Clerk with attached order; review email of Atty. K. Lee to Clerk re final copy; review final signed version of order.	0.30

For Current Services Rendered 14.40 2,844.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Melanie Marken	2.70	\$100.00	\$270.00
Sarah E. Warren	11.70	220.00	2,574.00

Expenses

Photocopies	14.21
Total Expenses	14.21
Total Current Work	2,858.21
Balance Due	<u>\$2,858.21</u>

o Mark Barnebey City of Palmetto c
 City of Palmetto c/o M Barnebey
 Blalock Walters
 802 11th Street West
 Bradenton FL 34205

City of Palmetto/sex harassment investigation 2012

Interim Statement

Fees

		Hours	
04/02/2012			
SEW	On Thursday, March 29, 2012 review email from Atty. D. Morton, Police Benevolent Association attorney re officer interviews; draft response; review sections 112.532-34 (Police Bill of Rights); meet with City Attorney and Human Resources Director Sharon Jones to discuss pending sexual harassment complaint; telephone conference with Atty. Whitney C. Coyne re Police Bill of Rights and ability to use non-officers to interrogate officers; telephone conference with Atty. Karen Morinelli re same; review annotations to F.S. 112.532; review Attorney General Opinion and case law related to interrogation rights.	4.20	
HB	Office conference with Atty. Sarah E. Warren; open new file.	0.40	
04/03/2012			
SEW	Consider Sections 112.531-34 (Police Officers' Bill of Rights) and Attorney General Opinions construing 112.532, F.S.; draft email to Atty. Mark Barnebey re interrogation of officers with attached statutes and Attorney General Opinions; telephone conference with Sharon Jones re records request from B. Taylor and Police Officers' Bill of Rights issue; telephone conference with Atty. Mark Barnebey re same; review F. S. 112.532, subsections 1(d) and 4(b) regarding information to be given to police officer prior to interview and prior to disciplinary action being taken.	2.00	
04/04/2012			
SEW	Telephone conference with Atty. Barnebey re Police Officers' Bill of Rights concerns.	0.20	
04/09/2012			
SEW	Review 112.532 and 112.533 and consider issues related to investigation pursuant to Bill of Rights; telephone conference with Atty. Mark Barnebey re same; telephone call to Chief of Police re same.	1.00	
04/25/2012			
SEW	Telephone conference with Atty. Mark Barnebey re use of Sarasota Police Department officer for investigation.	0.20	
	For Current Services Rendered	8.00	1,288.0

<u>Timekeeper</u>	Recapitulation	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Haley Bond		0.40	\$85.00	\$34.00
Sarah E. Warren		7.60	165.00	1,254.00
Total Current Work				1,288.00
Balance Due				<u>\$1,288.00</u>

Fournier and Connolly, P.A.
1 South School Avenue
Suite 700
Sarasota, FL 34237
(941) 906-1199

Page: 1
May 08, 2012
4000M

o Mark Barnebey City of Palmetto c
City of Palmetto c/o M Barnebey
Blalock Walters
802 11th Street West
Bradenton FL 34205

Account No:

	Fees	Expenses	Advances	Balance
4000-02137 City of Palmetto/sex harassment investigation 2012	1,288.00	0.00	0.00	<u>\$1,288.00</u>