

TAB 6



City of Palmetto Agenda Item

Meeting Date

07/16/12

Presenter: Jim Freeman

Department: City Clerk

Title: 2012-17 Kirk Pinkerton BMW Forfeiture and Sale

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

The following invoice is attached for approval:

Invoice # 115197 4/20/12 City of Palmetto/2001 BMW Forfeiture \$1,638.00

Commission approved Res #2012-11 to allocate funds from the sale of this asset in the amount of \$1200. The additional budget to cover this expense is based on FY12 received to date and estimated revenues. Currently, the City has received \$7,215 of which \$7,000 was budgeted. The average revenue for this account is approximately \$700 per month.

Budgeted Amount:	0	Budget Page No(s):		Available Amount:	\$1,200	Expenditure Amount:	\$1,638.00
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Additional Budgetary Information:	001 351 2125 Judgments and Fines	\$438
	001 521 3125 Legal Fees - PD Forfeiture	\$438

Funding Source(s):	FY12 Revenues	Sufficient Funds Available:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Budget Amendment Required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Source:	
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City Attorney Reviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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Potential Motion/Direction Requested: Approve Budget Resolution 2012-17 to provide funding to process Kirk Pinkerton legal bill totaling \$1,638.00 for the 7/16/12 Consent Agenda.

Staff Contact:	Cheryl Miller	Senior Accountant	7/10/12
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Attachments: Kirk Pinkerton Legal Billing Invoice, Budget Resolution 2012-17

RESOLUTION NO. 2012-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, from time to time it is necessary to increase or decrease revenues and expenditures in certain accounts, and;

WHEREAS, it is necessary to provide budgetary authorization for the expenditure of these funds;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA:

Section 1: That Revenue Account 001 351 2125 Judgments and Fines, for the fiscal year ending September 30, 2012 is increased by Four Hundred and Thirty-Eight Dollars (\$438) to provide budget for the Legal Fees associated with the BMW Forfeiture.

Section 2: That Expense Account 001 521 3125 Legal Fees – PD Forfeiture for the fiscal year ending September 30, 2012 is increased by Four Hundred and Thirty-Eight Dollars (\$438) to provide budget for the Legal Fees associated with the BMW Forfeiture.

Section 3: This Resolution shall become effective immediately upon its passage.

Section 4: All Resolutions and parts of Resolutions in conflict herewith are repealed.

PASSED AND DULY ADOPTED, in regular session, by the City Commission of the City of Palmetto, with a quorum present and voting, this 16th day of July, 2012.

CITY OF PALMETTO, FLORIDA
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: JAMES R. FREEMAN

By: _____
City Clerk

KIRK • PINKERTON, P.A.

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE (941) 364-2400

TELECOPIER (941) 364-2490

COPY

April 20, 2012
City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 34835
Client ID: 021733
City of Palmetto/ 2001 BMW Forfeiture

Matter Producer: KEL

Invoice # 115197
Federal ID # 65-0295310

For Professional Services Rendered:

02/13/2012	KEL	review and analyze arrest report and other documents from police department regarding seizure of vehicle	0.50 hr	\$112.50
02/13/2012	KEL	review and analyze law regarding notice requirements and notice provided to vehicle owner in present matter	0.70 hr	\$157.50
02/13/2012	KEL	draft complaint for judgment of forfeiture	1.50 hr	\$337.50
02/14/2012	KEL	conferences with associate attorney regarding draft complaint for judgment of forfeiture	0.30 hr	\$67.50
02/14/2012	KEL	draft verified affidavit in support of complaint for judgment of forfeiture	0.70 hr	\$157.50
02/17/2012	MPB	Rutledge Forfeiture - Review issues related to Rutledge hearing; possible settlement.	0.40 hr	\$90.00
03/16/2012	KEL	review and analyze second emergency motion for continuance	0.30 hr	\$67.50
03/16/2012	KEL	review and respond to email from opposing counsel	0.30 hr	\$67.50
03/26/2012	KEL	telephone conference with opposing counsel regarding settlement	0.30 hr	\$67.50
03/26/2012	KEL	prepare exhibits for preliminary hearing	0.70 hr	\$157.50
03/27/2012	KEL	telephone conference with opposing counsel regarding settlement	0.30 hr	\$67.50
03/28/2012	MPB	Telephone conference with Mayor; review and respond to memo on extension.	0.30 hr	\$67.50
03/29/2012	KEL	telephone conference with opposing counsel regarding settlement	0.20 hr	\$45.00
03/30/2012	KEL	attend preliminary hearing	0.50 hr	\$112.50
03/30/2012	KEL	draft release and receipt	0.50 hr	\$112.50
Total Professional Services:				\$1,687.50

For Disbursements Incurred:

02/17/2012	Filing Fee	\$410.00
02/17/2012	Service of process	\$10.00
02/17/2012	Photocopies	\$18.00
Total Disbursements Incurred:		\$438.00

KIRK ■ PINKERTON, P.A.

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE (941) 364-2400

TELECOPIER (941) 364-2490

April 20, 2012

Matter ID: 34835

Invoice # 115197

Federal ID # 65-0295310

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
MPB	\$225.00	0.70	\$157.50
KEL	\$225.00	6.80	\$1,530.00

For Professional Services:	7.50 Hours	\$1,687.50
For Disbursements Incurred:		\$438.00
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		\$2,125.50
Less Courtesy Discount:		\$487.50
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		\$1,638.00
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Total this Invoice:		\$1,638.00