

WEISS SEROTA HELFMAN
COLE BIERMAN & POPOK, P.L.

ATTORNEYS AT LAW

A PROFESSIONAL LIMITED LIABILITY COMPANY
INCLUDING PROFESSIONAL ASSOCIATIONS

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*OF COUNSEL

**SENIOR COUNSEL

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MICHAEL S. POPOK, P.A.
JOSEPH H. SEROTA, P.A.
SUSAN L. TREVARTHEN, P.A.
RICHARD JAY WEISS, P.A.
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ALAN K. FERTEL
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ALAN L. GABRIEL
DOUGLAS R. GONZALES
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JOSEPH HERNANDEZ
ROGER S. KOBERT
JOSHUA D. KRUT
MATTHEW H. MANDEL
MATTHEW PEARL
JOHN J. QUICK
ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
ALISON F. SMITH
MARC SOLOMON
LAURA K. WENDELL
JAMES E. WHITE

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ANTHONY C. SOROKA
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ALAN SWCHARTZSEID
PABLO A. TAMAYO
JOANNA G. THOMSON
PETER D. WALDMAN*
ALICIA H. WELCH
SAMUEL I. ZESKIND

December 24, 2014

Laura M. Litzan, City Clerk
City of Marco Island
50 Bald Eagle Drive
Marco Island, FL 34145

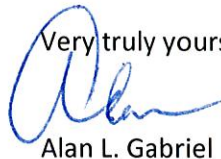
RE: Updated Request for Proposal for City Attorney Services

Dear *Laura* Ms. Litzan:

Enclosed please find our Updated Request for Proposal for City Attorney Services. We have included the original to your attention and copies for the City Manager and City Council. Should you have any questions, please feel free to contact me at your convenience.

I hope you are enjoying the holiday season and I wish you a very Happy and Healthy New Year!

Very truly yours,



Alan L. Gabriel

ALG:lw
Enclosures

**WEISS SEROTA HELFMAN
COLE BIERMAN & POPOK**



Response to City of Marco Island's

Updated Request for Proposal

For

City Attorney Services

December 29, 2014

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**Response to City of Marco Island's
Updated Request for Proposal
For
City Attorney Services
December 29, 2014**

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December 29, 2014

Via FedEx Tracking No. 772368835970

Laura Litzan, City Clerk
City of Marco Island
50 Bald Eagle Drive
Marco Island, Florida 34145

Re: Transmittal Letter – Updated Proposal for City Attorney Services

Dear Ms. Litzan:

The law firm of Weiss Serota Helfman Cole Bierman & Popok, P.L. (the “Firm”) is delighted to submit its proposal in response to your correspondence dated November 19, 2014, where you inquired whether the Firm would like to be considered to serve as the City Attorney for Marco Island. City Attorney Services were previously provided by the Firm to the City of Marco Island, with Alan L. Gabriel as lead attorney from June, 2007 through May, 2011.

Our Firm is the preeminent full-service municipal law firm in South Florida dedicated to serving as the “one-stop shop” for municipalities seeking the services of a city attorney as well as providing specialized legal services in virtually every legal discipline, from administrative law to zoning, that the City might need from time-to-time.

The Firm was created in 1991 with the idea that local governments need the same high level of professional legal representation as for-profit corporations and businesses. Similar to private companies, local governments are multi-million dollar businesses with large staffs, complex regulatory schemes and very demanding shareholders, namely, the citizens who elect

Ms. Laura Litzan
December 29, 2014
Page 2

them. Like corporate law, securities law and estate planning, municipal law is a highly specialized and complex area of the law. Our Firm is one of the few Florida law firms with a practice primarily focused upon the representation of local governments and public-sector entities.

As you can see in the practice area descriptions and attorney profiles enclosed, for more than 23 years, our AV rated Firm has provided the broadest possible range of high-quality legal services, constantly evolving to meet the needs of municipalities, counties, special districts and other governmental entities throughout Florida. Collectively, our approximately 60 attorneys have centuries of experience in the many legal practice areas that are relevant to running cities and local government entities. Our practice areas are structured to interact seamlessly with staff and elected officials and to respond to virtually all of the legal needs of public entities and ensure that local governments effectively meet the legal responsibilities and mandates of local, state and federal law. We understand that our role is to counsel and assist the City officials by providing a legal framework for decision making and thus enable them to meet their responsibilities and earn their constituents' confidence and trust.

Our Firm's full-service approach allows you to avoid the need to hire outside counsel on a case-by-case basis and the unnecessary expenditures of time, effort and resources, financial or otherwise, to compensate and educate new lawyers. Broward County and larger cities like Fort Lauderdale and Hollywood employ large staffs of lawyers in order to respond to the multiple various complex legal issues that they and all municipal governments often face. We provide the same level of specialized knowledge to smaller municipalities in a cost-effective manner.

The general services that the Firm provides include, but are not limited to, all areas of general municipal law, land use and zoning, building, permitting, code enforcement and lien law, procurement and contract law, parliamentary law and procedure, constitutional and legislative issues, and economic development and redevelopment issues as well as litigation and dispute resolution in all administrative, state, federal and arbitral forums at every level. The specialized services that the Firm provides include, but are not limited to, annexations and boundary issues, civil rights and police legal issues, labor and employment issues, eminent domain, litigation, appellate representation, utilities law, environmental and sustainability law, telecommunications, housing issues, municipal finance, real estate and construction law.

The City will have access (cell phone and home number access seven days a week) to every lawyer at the Firm. However, in order to ensure that the City receives the most complete, efficient and cost effective service available in a timely and easily accessible manner, we are proposing that Alan L. Gabriel, and his able colleagues, Dan Abbott and Anthony Soroka will be the lead attorneys assigned to the City. In addition, we invite you to review the "Team Marco Island" section of our proposal which contains a more detailed description of the top tier group

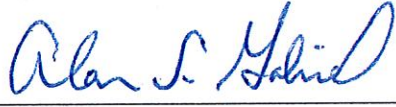
Ms. Laura Litzan
December 29, 2014
Page 3

of attorneys that will have primary responsibility for handling City matters. Enclosed you will find more detail regarding our Firm and individual attorneys' overall expertise.

I am authorized to make representations on behalf of our Firm as a Partner of the Firm. We would be honored to serve as the City Attorney and if you have any questions or concerns please do not hesitate to contact us at (954) 763-4242 or AGabriel@wsh-law.com.

Very truly yours,

Weiss Serota Helfman Cole Bierman & Popok, P.L.

By: 
Alan L. Gabriel, Esq.

TEAM MARCO ISLAND

As with all of our municipal clients, the City will enjoy the benefit of a team of approximately 60 attorneys who have devoted their legal careers to serving the needs of local governments and government agencies. There is virtually no legal issue affecting municipalities that we have not handled in one form or another. After evaluating the particular needs of the City, we have put together "Team Marco Island," representing some of Florida's top attorneys in their areas. We believe that this team of experienced and specialized attorneys will be able to serve all the legal needs of the City.

Team Marco Island consists of the following attorneys from the Firm.

- Alan L. Gabriel – Lead Attorney, who will sit with City Council and advise Council members, the City Manager and staff on a day-to-day basis.
- Anthony C. Soroka – Assistant City Attorney, who specializes in procurement, public finance, general municipal matters and Code Enforcement.
- Paul Gougelman – Assistant City Attorney, who specializes in land use and zoning matters, and general municipal matters.

- Brett J. Schneider* – Labor and Employment.
- Alison Smith – Labor and Employment
- Dan Abbott – Litigation.

Resumes for Team Marco Island can be found on the following pages.

In addition, the Firm has several highly skilled attorneys that it may deploy depending on the City's particular needs. Accordingly, a list of all of our attorneys has been enclosed and biographical and practice area information regarding all of our attorneys can be found on our website www.wsh-law.com.

*Board Certified, Labor and Employment Law



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Practice Areas

- Administrative and Regulatory Law
- Code Enforcement
- Community Redevelopment Agencies (CRA)
- Education Law
- Land Use and Zoning (Private)
- Land Use and Zoning (Public)
- Special Counsel to Local Government
- Special Districts
- Telecommunications/Broadband

Bar Admissions

- Florida, 1979
- U.S. District Court, Southern District of Florida, 1979
- U.S. Court of Appeals, 5th Circuit, 1979

Education

- Nova University Center for the Study of Law
JD, 1979
- University of Florida
BA, *with honors*, 1975

Alan L. Gabriel

Alan serves as general counsel for the Broward Metropolitan Planning Organization. In addition, Alan represents the School Board of Broward County, Florida as special counsel in matters concerning concurrency and zoning. Mr. Gabriel was previous City Attorney for Marco Island. (June 2007-May 2011).

Alan currently is Special Magistrate for Code Enforcement for the City of Pompano Beach, Florida (since 1991-present), the Town of Davie, Florida (since 1994-present), the City of Tamarac, Florida (since 2000-present), the City of Pembroke Pines, Florida (since-2001-present), the City of Lighthouse Point, Florida (since 2001-present), the City of Coral Springs, Florida (since 2001-present), the City of Lauderdale Lakes (since 2003-present) and City of Margate (since 2010-present).

Alan was raised in South Florida and is a long-time resident of the City of Fort Lauderdale.

Professional Associations

- Attorneys' Real Estate Council of Broward County-Appointed to the Board of Directors, 2014

Awards and Recognitions

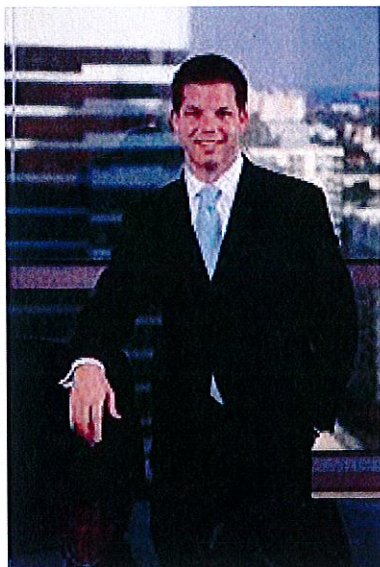
- "Who's Who Among Outstanding Americans," Member of U.S. Registry, 1995-1996

Professional/Civic Activities

- Fort Lauderdale Forum Chair, 2013-present
- Visioning Committee, City of Ft. Lauderdale, 2009-2013
- NW Progresso-Flagler Heights Community Redevelopment Agency, City of Ft. Lauderdale, April, 2007-present
- Marine Advisory Board, City of Ft. Lauderdale, Florida, 2006-2007
- Planning and Zoning Board, City of Ft. Lauderdale, Florida, 2000-2006, Chairperson 2005-2006, Vice Chair 2004-2005
- Alternate and Appointed Member of Board of Adjust., City of Ft. Lauderdale, Florida, 1999-2000
- Alternate Member of Code Enforcement Board, City of Ft. Lauderdale, Florida, 1996-1999
- Community Services Board, City of Ft. Lauderdale, Florida, 1994-1996
- Cemeteries Board of Trustees, City of Ft. Lauderdale, Florida, 1991-1994, Chairman 1992 - 1994.
- Board of Governors, Coral Ridge Homeowners' Assn., Ft. Lauderdale, Florida, 1998-1999
- Unsafe Structures Board, City of Dania, Florida, 1986-1988

Press Mentions

- "News & Notes," *The Florida Bar News*, 2/1/12
- "People on the Move," *South Florida Business Journal*, 11/23/11
- "People on the Move," *Sun-Sentinel*, 8/13/07



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asoroka@wsh-law.com

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Practice Areas

- Business Organization and Transactions
- Community Association, Club and Resort Law
- Community Redevelopment Agencies (CRA)
- Public Finance
- Public/Private Transactions (P3)
- Real Estate
- Special Counsel to Local Government
- Special Districts
- Telecommunications/Broadband

Bar Admissions

- Florida, 2007

Education

- University of Miami School of Law JD, 2007
- University of Central Florida BSBA Finance, 2004

Anthony C. Soroka

Anthony provides counsel to local governments, businesses and community associations. Anthony has served as an Assistant City Attorney to the City of Weston and the City of Miramar for the past seven years. He has extensive experience with government contract disputes, procurement, business taxes, implementation of the municipal budget process, telecommunications, and counsel on compliance with public record, sunshine and election laws. He has served as counsel on charter review committees, municipal code reviews and business tax advisory boards and has drafted numerous government contracts, legislative items and administrative policies. Anthony serves as an alternate special magistrate and municipal prosecutor for municipal clients. Anthony's public sector successes include negotiation of a \$100 million solid waste disposal contract, completion of a comprehensive review and rewrite of the City Code of the City of Weston, preparation of the legal analysis that supported overturning a \$65 million no-bid contract, the dissolution of a local special recreation district, and voter approval of Charter amendments that he prepared.

Anthony's private sector practice includes assisting entrepreneurs and developers in real estate and business acquisitions, condominium association representation, providing counsel and contract preparation for business entities involved in public-private partnerships, and representation of private clients on matters including competitive bidding disputes, land use and zoning, real estate closings and foreclosures. He currently serves as general counsel for multiple community associations in South Florida. His private sector representations include the successful protest of a \$10 million contract award, successful acquisition of a tax and accounting practice, obtaining a substantial insurance refund from FEMA on behalf of a condominium client, representation on code enforcement matters, counsel to real estate developers on establishment of a condominium association and transfer of association control to unit owners and zoning due diligence for a site acquisition company.

Professional Licenses

- Licensed Florida Real Estate Broker

Professional Associations and Memberships

- The Florida Bar City, County & Local Government Law Section
- Broward League of Cities, Fiscal Stewardship Committee
- The Florida Bar Real Property, Probate and Trust Law Section
- Broward County Bar Association Government Law Section
- Miami Association of Realtors

Presentations

- "Exclusivity and Bulk Billing Agreements for Cable and Video Services in Multiple Dwelling Units," *Florida Association of Telecommunications Officers and Advisors*, June 2008
- "Local Government Communications Services and Wifi Networks," *Florida Association of Telecommunications Officers and Advisors*, June 2009

Awards and Recognitions

- Most Effective Lawyers Finalist, 2014 (Lobbying and Regulation)

Press Mention



Paul R. Gougelman

Paul is a senior member of our Municipal Government Law division. He handles municipal law, land use, planning and zoning matters for governments. His work includes negotiating development agreements and approvals, drafting municipal codes and plans, advising municipal staffs, managers and attorneys, handling public hearings and counseling elected officials, as well as advocating for municipalities on legislative issues in his field.

He currently serves as Town Attorney for the Town of Indialantic and has served in that capacity since the late 1980s. He served as City Attorney for the City of Melbourne for eighteen years, City Attorney for the City of Cocoa Beach for two years, and Town Attorney for the Town of Melbourne Beach for twenty-four years. Paul also currently serves as General Counsel for the Space Coast League of Cities. He has served as special counsel to the cities of Maitland, Longwood, and Lake Mary and as a hearing officer for Orange County, Florida.

Paul has a strong background in transportation planning law. He has been General Counsel for the Florida Metropolitan Planning Organization Advisory Council, the statewide governmental agency consisting of 27 Metropolitan Planning Organizations, for over twenty years. He also has served as General Counsel for the Space Coast Transportation Planning Organization for over twenty years.

Paul has a significant background in representing community redevelopment districts. He has assisted several cities in creating four community redevelopment agencies and has represented several such agencies in various municipalities.

He also serves as a member of our Public Land Use and Zoning Group, which handles land use matters for numerous municipalities. The Group also provides outside counsel services on planning, zoning and land use matters to additional Florida cities on an as needed basis. In recent years, these cities have included Boca Raton, Delray Beach, Deerfield Beach, Pompano Beach, Sunrise, Hallandale Beach, Hollywood, Coconut Creek, Dania Beach, Cape Coral, Coral Gables and Miami Springs. Paul is available to assist various South Florida and Central Florida municipalities as needed.

Paul has held leadership positions in The Florida Bar's Section for Environmental and Land Use Law and is a member of the Section for City, County and Local Government Law. He was recognized as City Attorney of the Year by the Florida League of Cities in 2004, has been recognized by Superlawyers, and was ranked as a Top Rated Lawyer in Land Use and Zoning in 2013 by Martindale Hubbell and American Lawyer Media. He has an AV rating (highest attainable) from Martindale Hubbell.

A believer in public service, Paul was appointed by three different Florida Governors, both Republican and Democrat, to serve on the East Central Florida Regional Planning Council for thirteen years, where he chaired the Project Review Committee which provided oversight and regulatory review of over thirty developments of regional impact. He chaired the Brevard County Charter Commission in the mid-1990s, which brought charter government to Brevard County. County voters had twice rejected a county charter in Brevard County, but the Charter that his Commission wrote received over 60% of the vote.

Paul also served as a member and Chairman of the Brevard County Planning and Zoning Board for many years. In the 1990s, he was Chairman of the Board of Directors of the Harbor City Volunteer Ambulance Squad, a public ambulance squad with over 100 employees and 500 volunteers. During his Chairmanship, the Squad was awarded the distinction of the top ambulance squad in America at the annual Clincon competitions for emergency rescue.

Paul speaks and publishes frequently on municipal, planning, zoning and land use issues at Bar and continuing education conferences. Paul grew up in Fort Lauderdale, Florida, moving there in 1958 from Chicago. Prior to becoming a member of the Florida Bar, Paul worked for both the Florida House of Representatives and the Broward County League of Cities in the 1970s.

Of Counsel
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Practice Areas

- Administrative and Regulatory Law
- Code Enforcement
- Community Redevelopment Agencies (CRA)
- Constitutional Law
- Eminent Domain, Property Acquisition and Private Property Rights
- Land Use and Zoning (Public)
- Real Estate, Land Use and Zoning Litigation
- Special Counsel to Local Government

Bar Admissions

- Florida, 1981
- U.S. District Court, Middle District of Florida, 1983
- U.S. Court of Appeals, 11th Circuit, 1983

Education

- J.D., 1980, Nova University Law Center, Fort Lauderdale, Florida
- B.A., Political Science, 1975, Florida International University, Miami, Florida

Memberships

- Florida Bar Section of Environmental and Land Use Law
- Florida Bar Section of City, County and Local Government Law

Publications

- The Death of Zoning As We Know It, feature article in the Florida Bar Journal (March, 1993)
- Impact Fees, Florida Environmental and Land Use Planning Law (1980)
- Moratoria and Interim Growth Management Control, Florida Environmental and Land Use Law (Florida Bar Continuing Law Education Treatise)
- IMPACT FEES: National Perspectives to Florida Practice, 4 Nova L.J. 137 (1980)

Presentations

- A City Clerk's Guide to Ordinance Drafting & Legal Notices, Florida Association of City Clerks (Oct., 2014)
- Florida Update: State & Local Government Law, National Business Institute (Nov., 2013)
- A City Clerk's Guide to Legal Notices, Florida Association of City Clerks (Oct., 2012)
- A City Clerk's Guide to Florida Statutes, Florida Association of City Clerks (Oct., 2011)
- Analyzing the Land Subdivision Process in Florida, National Business Institute (Nov., 2007)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (2003)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (2002)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (2001)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (2000)
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- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (1997)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (1996)
- Handling Quasi-Judicial Hearings; Judicial Review of Zoning Decisions, Florida Chamber of Commerce Land Use Seminar (1995)
- Handling Quasi-Judicial Matters, Florida Chamber of Commerce Land Use Seminar (1994)
- Handling Cases Before Local Governments: A Formula for Success, Florida Bar (Mar., 1991)

Classes Taught

- Adjunct Professor, Land Use Law, University of Central Florida, Brevard County campus; (1994 to 1999)
- Adjunct Professor, Environmental and Land Use Law, Florida Institute of Technology, Melbourne, Florida (1989 to 1998)
- Adjunct Professor, Public Administration Law, Webster University, St. Louis, Mo. (Melbourne, Florida campus; 1989 to 1996)

Professional Associations

- The Florida Bar, City, County and Local Government Section
- The Florida Bar, Environmental and Land Use Law Section
- American Bar Association

- Urban, State, and Local Government Law Section, American Bar Association
- The Florida Bar
- Brevard County Bar Association

Significant Matters

- Attorney of record *amicus curiae* in the landmark Florida Supreme Court zoning case of Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993). This case changed the entire law of zoning and land use in Florida
- Counsel to the Town of Indialantic in its litigation with the Florida Department of Community Affairs of the first comprehensive plan in the State of Florida developed under the landmark 1985 Growth Management Act and Rule 9J-5 proceedings.
- Attorney of record *amicus curiae* in the landmark Florida Supreme Court case regarding transportation utility fees in State v. City of Port Orange, 650 So.2d 1 (Fla. 1994)

Reported Cases

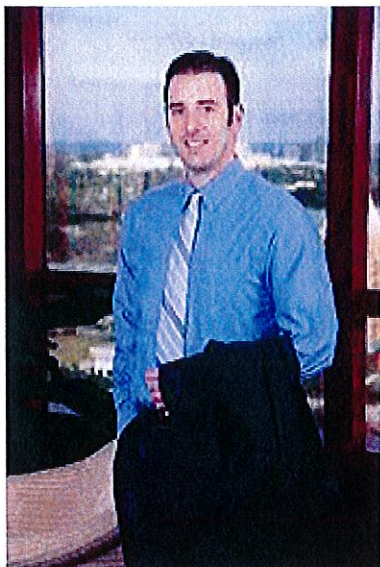
- Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993) *amicus curiae* counsel for the City of Melbourne, Town of Indialantic, and Space Coast League of Cities in this major zoning litigation
- State v. City of Port Orange, 650 So. 2d 1 (Fla. 1994) *amicus curiae* counsel for Florida Bar/Florida Bar Local Government Law Section; arguing for the constitutionality of transportation utility fees.
- City of Melbourne v. Puma, 630 So. 2d 1097 (Fla. 1994)
- City of Melbourne v. Puma, 635 So. 2d 159 (Fla. 5th DCA 1994)
- City of Melbourne v. Puma, 616 So. 2d 190 (Fla. 5th DCA 1993)
- Battaglia Fruit Co. v. City of Maitland, 520 So. 2d 940 (Fla. 5th DCA 1988)
- Paul Gougelman was cited with authority in zoning matters in Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996 (Fla. 2d DCA 1993)

Awards, Community Activities, and Recognitions

- Florida League of Cities City Attorney of the Year, 2004
- Space Coast League of Cities Public Service Award, 2013
- 2012, Space Coast League of Cities Public Service Award, 2012
- Harbor City Volunteer Ambulance Squad Community Service Award, 1994
- Chairman, Brevard County Charter Commission, 1993 to 1994
- Chairman, Brevard County Charter Review Commission, 1997
- Chairman, Brevard County School Board Search Committee for new Superintendent, 1993
- Chairman, Brevard County Planning and Zoning Board/Local Planning Agency (1991 and re-elected 1992)
- Member, Brevard County Planning and Zoning Board/Local Planning Agency, 1989 to 1992
- Governor's Appointee, East Central Florida Regional Planning Council, 1986 to 1997 - Appointed by Governors Graham, Martinez, and Chiles
- Chairman, Board of Directors, Harbor City Volunteer Ambulance Squad, Inc., 1994
- Board of Directors, Harbor City Volunteer Ambulance Squad, Inc., 1990-1992; 1994-1996
- Seminole County Charter Advisory Committee, 1987
- American Bar Association, Special Committee on Creative Growth Management Techniques, 1988 to 1990
- Florida Municipal Attorney's Association, 1986 to Present
- Executive Council, Florida Bar Environmental and Land Use Law Section (1983 to 1987)
- Greater Orlando Chamber of Commerce Project 2000 Governance Task Force, 1986 (studying proposal for charter government in Orange County)
- Member, City of Orlando, Land Development Code Citizens Review Task Force, 1984
- Founding Member, American Planning Association, Florida Atlantic Coast Chapter

Press Mentions

- Longtime Municipal Attorney Steps Away, Sort of, Stacy Barchenger, Florida Today (Sept. 8, 2014)
- Government is More Than a Job to Chairman, Tony Boylan, Florida Today (Jan. 13, 1994)
- Editorial, Wanted: A Hero for Wekiva, Florida Today (Dec. 21, 1987)
- Shark Debate Hooks Town, Rick Neale, Florida Today (Aug. 28, 2014)
- City Restricts Panhandling, Stacy Barchenger, Florida Today (July 9, 2014)
- City Studies Panhandling, Stacy Barchenger, Florida Today (May 6, 2014)
- Many Cheer High Court Ruling on Public Prayer, J.D. Gallop, Florida Today (May 6, 2014)
- Minus Adds Diversity to Melbourne City Council, Stacy Barchenger, Florida Today (Jan. 17, 2014)
- Goodes Death Continues to Draw Emotional Reactions, Rick Neale, Florida Today (Dec. 30, 2013)
- Ocean Avenue Zoning Changes Will Face Review, Rick Neale, Florida Today (Dec. 19, 2012)
- Judge Dismisses Ex-Officers Suit Against Chief, Manager, City, Susanne Cervenka, Florida Today (Oct. 6, 2012)
- Is Potty Over in Melbourne?, Susanne Cervenka, Florida Today (Sept. 2, 2012)
- Officers Tapes Scuffle Fuel for Potential Suit, J.D. Gallop, Florida Today (June, 2012)
- Beggars Could be Losers if City Rules Enacted, Susanne Cervenka, Florida Today (June 12, 2012)
- Bill Gives People Right to Comment, Susanne Cervenka, Florida Today (Jan. 15, 2012)
- Sides Settle In Firing of Beach Town Manager, Rick Neale, Florida Today (Jan. 4, 2012)
- Food Cart Idea Wont Fly in Melbourne, Susanne Cervenka, Florida Today (Dec. 27, 2011)
- City Attorney: Police Must Follow Specifics in Searches, Andrew Ford, Florida Today (2011)
- Truce Ending Water Conflict, Rick Neale, Florida today (May 13, 2011)
- Shoetz, David, Business or Pleasure? Swing Club Showdown, ABC News (Apr. 24, 2008)
- As Road Needs Grow, Impact Fees Surface, Jeff Schweers, Florida Today (May 8, 2006)
- Melbourne Keeps Building Heights in Eau Gallie Area, Jeff Schweers, Florida Today (Feb. 25, 2004)
- Indialantic Swears In Council, Shawna S. Kelsch, Florida Today (Nov., 2003)
- Editorial, Melbourne Curfew Law Not Unduly Restrictive, Florida Today (Sept. 7, 2002)
- Deed Restricts ARCs Sale, Move, R. Norman Moody, Florida Today (Feb. 12, 2002)
- Guest Column, Census: Brevard Residents Older, Poorer, Paul Gougelman, Florida Today (Sept. 24, 2001)
- Residents Fear Loss of Ocean View - Indialantic Breezeway Law Up for Vote, Jim Wayner, Florida Today (July 14, 2001)
- Melbourne Rejects Cellphone Ban, Brad Buck, Florida Today (May 10, 2001)
- Melbourne Settles Ambulance Lawsuit, Brad Buck, Florida Today (April 3, 2001)
- Guest Column, Lack of Annexation Threatens County Areas, Paul Gougelman, Florida Today (May 23, 2000)
- Womens Clinic Zoning May Lead to Lawsuit, Frank Oliveri, Florida Today (Aug. 11, 1998)
- City Council Vote a Tie on Abortion Clinic Zoning Buffer, Frank Oliveri, Florida Today (Aug. 26, 1998)
- Editorial, Melbourne Should Back Off a Fight With Abortion Clinic, Florida Today (Aug. 22, 1998)
- As Condos Rise, So Do Tempers, Dwight R. Worley, Florida Today (Sept. 11, 1997)
- Courts Power Line Decision May Spark Statewide Controversy, Frank Oliveri, Florida Today (May 31, 1997)
- Charter Panel Has Familiar Face at Helm, Maurice Tamman, Florida Today (Aug. 23, 1997)



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Practice Areas

- Business Dispute Litigation
- Employment Litigation and Arbitration
- Governmental Litigation
- Hospitality Law
- Labor and Employment Law
- Litigation
- Local Counsel Representation
- Police Legal Advisement

Bar Admissions

- Florida, 2005
- New York, 1999
- District of Columbia, 2000
- U.S. District Court, Southern District of Florida, 2005
- U.S. District Court, Middle District of Florida, 2006
- U.S. District Court, Southern District of New York, 2001
- U.S. District Court, Eastern District of New York, 2002
- U.S. District Court, Western District of New York, 2003
- U.S. Court of Appeals, 11th Circuit, 2005

Education

- George Washington University Law School

Brett J. Schneider

Brett is the Chair of the Labor and Employment Practice Group and is Board Certified by The Florida Bar in Labor and Employment Law. He represents employers in collective bargaining negotiations, labor impasse hearings, unfair labor practice proceedings and labor arbitrations. In the last several years, he has successfully negotiated collective bargaining agreements on behalf of the Cities of Aventura, Bal Harbour, Deerfield Beach, Hallandale Beach, Homestead, Juno Beach, Key Biscayne, Lauderhill and North Miami. Brett recently has handled labor impasse proceedings for the Cities of Deerfield Beach, Hallandale Beach and Surfside. He also has achieved significant labor arbitration victories for the Cities of Bay Harbor Islands, Deerfield Beach, Hallandale Beach, Key Biscayne, Lauderhill and Miramar.

Brett has successfully represented employers in all phases of employment litigation, up to and including trial, on matters arising under Federal, State and local employment laws such as Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Fair Labor Standards Act, the Family and Medical Leave Act (FMLA) and the Florida Civil Rights Act (FCRA). Brett regularly defends employers in wage and hour suits brought under the Fair Labor Standards Act (FLSA) and had successfully defended a large South Florida-based real estate company in a class action wage and hour case brought by its sales force.

Brett represents employers before Federal, State and local administrative agencies such as the U.S. Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB) and the Florida Public Employee's Relations Commission (PERC). In addition, Brett regularly consults with and advises employers on a wide array of human resources issues, including personnel policies and procedures, discipline and discharge matters, drug and alcohol testing, employee privacy rights and education and training programs for managers and supervisors, and he has worked closely with employers to ensure that their practices do not run afoul of Federal, state or local law.

Brett is certified as a Senior Professional in Human Resources (SPHR) by the HR Certification Institute and regularly lectures throughout Florida on various labor and employment law and human resources matters.

Prior to joining the Firm, Brett practiced labor and employment law at large national law firms in Washington DC, New York and South Florida.

Published Works

- "Bills Would Reform Government Pension Plan," *South Florida Daily Business Review*, March 29, 2011
- "How Employers Can Keep Themselves From Being You-Tubed," *Workforce Management*, May 11, 2009
- "Acting Affirmative Against Harassment," *New York Law Journal Corporate Counsel*, February 4, 2002
- "Employee Privacy 2001 A Review for Employers," *Lawyer Pilot's Bar Association Journal*, Fall, 2001

Professional Associations

- Human Resource Association of Broward County, 2008 - present
 - President, 2014
 - President-Elect, 2013
 - Legislative Affairs Director, 2011-2012
- The Cooperative Feeding Program, Board-member, 2010 - present
- Jewish Federation of South Palm Beach County, Young Adult Division, Board-member, 2012 - present
- University of Maryland South Florida Alumni Association, 2010 - Present
- Anti-Defamation League, Glass Leadership Institute, 2008
- Leadership Broward Foundation, Class XXIV, 2005-2006
- South Florida Touchdown Club Foundation, 2005-2006 Board Secretary

WEISS SEROTA HELFMAN COLE BIERMAN & POPOK

JD, *cum laude*, 1999

Journal of International Law &
Economics

- University of Maryland,
BA, Government and Politics, *with
honors*, 1996
Honors: Golden Key National Honor
Society

Reported Cases

- *Amunraptah v. City of Deerfield Beach*, 93 So. 3d 1040 (Fla. 4th DCA 2012)
- *East Coast Karate Studios, Inc. v. LifeStyle Martial Arts, LLC*, 65 So. 3d 1127 (Fla. 4th DCA 2011)
- *World Rentals and Sales, LLC v. Volvo Construction Equipment Rentals, Inc.*, 517 F.3d 1240 (11th Cir. 2008)
- *Goldberg v. Chong*, 2007 WL 2028792 (S.D. Fla. Jul. 11, 2007)
- *Kaptan v. Danchig*, 796 N.Y.S.2d 706 (N.Y. 2nd Dept., 2005)

Awards and Recognitions

- Florida Bar Board Certified in Labor and Employment Law
- "Senior Professional in Human Resources (SPHR)," *Human Resources Certification Institute*, 2012
- "Florida Rising Star," *Florida SuperLawyers*, 2011-present
- "Top Up and Comer," *South Florida Legal Guide*, 2009

Presentations

- "Labor Rights and How They Impact Your Crew," Florida Public Employer Labor Relations Association 39th Annual Training Conference, January 29, 2013
- "Hiring and Terminating Employees in the Current Economy," Fundamentals of Employment Law (Sterling Education Seminar), November 13, 2012
- "FLSA/Wage and Hour Critical Issues," Fundamentals of Employment Law (Sterling Education Seminar), November 13, 2012
- "FLSA 101," Florida Public Personnel Association annual conference, July 29, 2012
- "Legal Updates," Florida Public Personnel Association annual conference, July 29, 2012
- "HR Case Update," International Public Management Association for Human Resources, South Florida Regional Meeting, June 28, 2012
- "Avoiding Liability for overtime under the FLSA," Certipay HR Seminar, May 15, 2012
- "HR Update," International Public Management Association for Human Resources, South Florida Regional Meeting, March 15, 2012
- "EEOC Investigations," Florida Public Employer Labor Relations Association 38th Annual Training Conference, February 6, 2012
- "What's Up with the Supremes and other Must-Know Legal Developments for HR Professionals," Human Resource Association of Broward County, October 14, 2011
- "Conducting Investigations from A to Z," Florida Public Personnel Association annual conference, July 25, 2011
- "Basic Employment Law Information that Every Future HR Professional Should Know," Human Resource Association of Broward County Student Chapter Meeting, July 23, 2011
- "How to Effectively Redesign Benefit Plans," Florida Government Finance Officers' Association, June 27, 2011
- "What Constitutes and Enforceable Past Practice," International Public Management Association for Human Resources, South Florida Regional Meeting, May 12, 2011
- "Mandatory vs. Permissive Subjects of Collective Bargaining Negotiations," *Florida Public Employer Labor Relations Association 36th Annual Training Conference*, February 9, 2010
- "Labor Relations Update," *Miami-Dade County City Manager's Association Luncheon*, November 20, 2009
- "The Specifics of Ricci v. DiStefano," *International Public Management Association for Human Resources, South Florida Regional Meeting*, August 25, 2009
- "Recent Legal Developments Affecting Florida Public Employers," *International Public Management Association for Human Resources, South Florida Regional Meeting*, April 28, 2009
- "What is New with Labor Law," *Miramar / Pembroke Pines HR Consortium*, April 16, 2009
- "Conducting Investigations from A to Z," *Florida Public Employer Labor Relations Association 35th Annual Training Conference*, February 3, 2009
- "Bargaining in Times of Fiscal Crisis – How to Pull a Rabbit out of an Empty Hat,"

Florida Public Employer Labor Relations Association 34th Annual Training
Conference, February 5, 2008

Press Mentions

- "[Medical Marijuana Could Cost Employees Their Jobs.](#)" *Sun-Sentinel*, 10/30/14
- "[News and Notes.](#)" *The Florida Bar News*, 2/1/14
- "[Legal People.](#)" *Daily Business Review*, 1/16/14
- "[Weiss Serota Helfman Attorney Brett Schneider Becomes Board Certified in Labor & Employment Law.](#)" *CityBizList*, 6/19/13
- "[People on the Move.](#)" *South Florida Business Journal*, 6/19/13
- "[People.](#)" *Daily Business Review*, 1/3/13
- "[Business Monday: Movers.](#)" *Miami Herald*, 12/31/13
- "[People on the Move.](#)" *South Florida Business Journal*, 12/26/12
- "News & Notes," *The Florida Bar News*, 10/1/11
- "Bills Would Reform Government Pension Plans," *Daily Business Review*, 3/29/11
- "People on the Move," *Sun-Sentinel*, 8/13/07



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Practice Areas

- Employment Litigation and Arbitration
- Labor and Employment Law
- Litigation
- Police Legal Advisement

Bar Admissions

- Florida, 2004
- U.S. District Court Southern District of Florida, 2006
- U.S. District Court, Middle District of Florida, 2007
- U.S. District Court, Northern District of Florida, 2009
- U.S. Court of Appeals, Eleventh Circuit, 2006

Education

- Nova Southeastern University
JD, *magna cum laude*, 2003
BA, *summa cum laude*, 2000

Alison F. Smith

Alison Smith is a partner at the law firm of Weiss Serota Helfman Cole Bierman & Popok, P.L. Her primary areas of practice include: labor & employment, commercial litigation, appellate law, and administrative and regulatory law. In the labor and employment field, Ms. Smith has experience handling discrimination lawsuits brought against various public and private entities pursuant to the ADA, Rehabilitation Act, Title VII, and the Florida Civil Rights Act. Ms. Smith provides labor advice to several municipalities such as the Town of Golden Beach, City of Miramar, City of Lauderhill and the City of Homestead on numerous labor and employment topics including the FMLA, FLSA, state and federal discrimination laws, EEOC regulations, among others, and has drafted numerous policies and employee handbooks for municipalities throughout Miami-Dade and Broward counties. She provides in-house training to municipal clients on various cutting edge labor and employment topics and has acted as a speaker/presenter at several labor and employment seminars throughout Florida.

Ms. Smith graduated magna cum laude from Nova Southeastern University Law School in 2003 and was the valedictorian. She was President of the Student Bar Association and a member of the Nova Southeastern University Law Review. While in law school, she was a Research Assistant and Law Student Advisor, as well as a Teaching Assistant for Contracts and Property. She won the Book Award for Property and Remedies and was on the Dean's List every semester.

Reported Cases

- *Nova Southeastern University v. Jacobson*, 25 So. 3d 82 (Fla. 4th DCA 2009)
- *Milson v. State*, 832 So. 2d 897 (Fla. 3d DCA 2002)
- *Enich v. State*, 838 So. 2d 1216 (Fla. 3d DCA 2003)
- *Pollen v. State*, 834 So. 2d 380 (Fla. 3d DCA 2003)
- *Louis v. State*, 855 So. 2d 253 (Fla. 4th DCA 2003)

Professional/Civic Activities

- EEOC and FEPA Liaison Subcommittee, Stephen R. Booher American Inns of Court
- President, Caribbean Bar Association, 2012-present
- Secretary, Caribbean Bar Association, 2011-2012
- Member, Florida Association of Women Lawyers, Miami-Dade Chapter
- Member, Florida Bar's Voluntary Bar Liaison Committee
- Broward County Bar Association Bench and Bar Committee Member

Press Mentions

- ["20 Under 40: Alison Smith," Miami Herald 11/10/14](#)
- ["Alison Smith Appointed to Broward League of Cities Committee," CityBizList, 11/4/14](#)
- ["Rising Stars," Daily Business Review, 9-26-14](#)
- ["Rising Star: Alison Smith," Daily Business Review 9-17-14](#)
- ["Giving Back: Hallmark of Rising Star Lawyers," Daily Business Review 9-17-14](#)



Daniel L. Abbott

Dan focuses on governmental and commercial litigation. He is an experienced trial attorney with extensive experience in the areas of land use/zoning, employment discrimination, civil rights, constitution law, police liability, and products liability, in both State and Federal courts. Dan is also a seasoned appellate attorney, having appeared before the Eleventh Circuit Court of Appeals, Florida District Court of Appeals and the Florida Supreme Court. Dan also has extensive experience in governmental law, having served as City Attorney for the City of Hollywood for 8 years. He has also served as the Town Attorney for the Town of Lauderdale-By-The-Sea and as City Attorney for the City of North Bay Village. Prior to joining us, Dan was the City Attorney of the City of Hollywood from 1999-2007, where he previously served as its Chief Litigation Counsel from 1994-1998.

Reported Cases

- *Johnson v. Lerner*, 2013 WL 136214 (S.D. Fla. Jan. 10, 2013)
- *Navellier v. Town of Manalapan*, 2012 WL 5695178 (Fla. 4th DCA Nov. 14, 2012)
- *City of Boca Raton v. Siml*, 96 So. 3d 1140 (Fla. 4th DCA 2012)
- *Hanna v. City of Hollywood*, 481 Fed. Appx. 475 (11th Cir. 2012)
- *CareerFairs.com v. United Business Media, LLC*, 838 F. Supp. 2d 1316 (S.D. Fla. 2011)
- *Butler v. City of Hallandale Beach*, 68 So. 3d 278 (Fla. 4th DCA 2011)
- *Marion v. City of Boca Raton*, 47 So. 3d 334 (Fla. 4th DCA 2010)
- *Flagler Retail Assoc. Ltd. et al. v. Dept. Of Comm. Affairs and Miami-Dade Cty*, 2010 WL 2948165 (Fla. Div. Admin. Hrgs. 2010)
- *Osorio v. United States*, 2010 WL 3282572 (S.D. Fla. 2010)
- *City of Lake Worth v. Save Our Neighborhood, Inc.*, 995 So. 2d 1002 (Fla. 4th DCA 2008)
- *City of Hollywood v. Mulligan*, 934 So. 2d 12338 (Fla. 2006)
- *Sun-Sentinel Co. v. City of Hollywood*, 274 F. Supp. 2nd 1323 (S.D. Fla. 2003)
- *Uptown Pawn & Jewelry Inc. v. City of Hollywood*, 337 F.3d 1275 (11th Cir. 2003)
- *Leonardi v. City of Hollywood*, 715 So. 2d 1007 (Fla. 4th DCA 1998)
- *Wohl v. City of Hollywood*, 915 F. Supp. 339 (S.D. Fla. 1995)

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Practice Areas

- Administrative and Regulatory Law
- Appellate Law
- Business Dispute Litigation
- Constitutional Law
- Election Law
- Eminent Domain, Property Acquisition and Private Property Rights
- Employment Litigation and Arbitration
- Governmental Litigation
- Litigation
- Local Counsel Representation
- Real Estate, Land Use and Zoning Litigation
- Special Counsel to Local Government

Press Mentions

- "[Unguarded Beaches in Florida Pose Risk to Swimmers, Cities](#)," *Sun-Sentinel*, 7/23/12
- "People on the Move," *Sun-Sentinel*, 8/13/07

Presentations

- "Constitutional Law Disputes with Local Governments," National Business Institute, Inc., 12/16/03

Bar Admissions

- Florida, 1988
- U.S. District Court, Southern District of Florida, 1989
- U.S. District Court, Middle District of Florida, 1989
- U.S. Court of Appeals, 11th Circuit

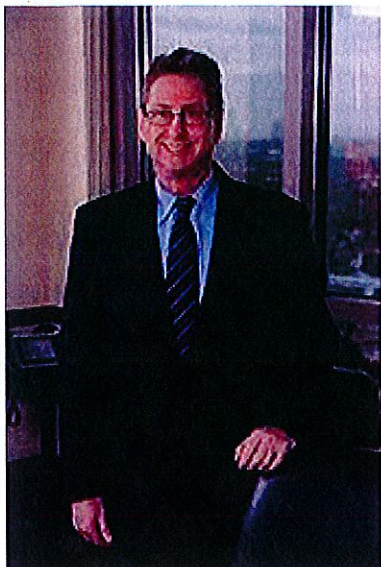
Education

- Vanderbilt University School of Law
JD, 1988

WEISS SEROTA HELFMAN COLE BIERMAN & POPOK

- Emory University
BA, 1985

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Practice Areas

- Litigation

Bar Admissions

- Florida, 1989

Education

- Nova University, Center for the Study of Law
JD, 1989
- Muhlenberg College, Allentown, Pennsylvania
BA, 1986
- University of Warwick, Coventry, England,
1985
- Instituto Internacional Alhambra, Malaga, Spain,
1986

Eric L. Stettin

Eric joined us with over 25 years of representing public and private entities throughout South Florida. He is AV Rated with Martindale Hubbell with extensive trial and appellate experience in both State and Federal Court. Eric has tried in excess of 100 trials including jury, bench and state administrative proceedings. Eric's primary specialization is the defense of personal injury, policy liability, workers compensation on behalf of municipalities and insurance companies. He also has many years of courtroom experience and has handled a wide range of matters in the fields of commercial and civil litigation, real estate disputes, foreclosure and lien collection as well as general collection matters. Over his career, Eric has also developed expertise in insurance coverage disputes representing both insureds and insurance companies. Eric was born and raised in South Florida and has many ties to the community. He is active in professional organizations and civic affairs and is a long time Rotarian in the Weston Chapter.

Reported Cases

- Huertas v. Palm Beach County, 1991 WL 269757 (Fla. 4th DCA 1991)
- Huertas v. Palm Beach County, 602 So. 2d 553 (Fla. 4th DCA 1992)
- Proudfoot v. Seascope Ltd., Inc., 620 So. 2d 1096 (Fla. 3d DCA 1993)
- Carpenter v. Wemyss Through Wemyss, 638 So. 2d 592 (Fla. 4th DCA 1994)
- Bernard Berman, P.A. v. P. Gary Stern, M.D., P.A., 731 So. 2d 148 (Fla. 4th DCA 1999)
- Ledford Farms, Inc. v. Fireman's Fund Ins. Co., 184 F. Supp. 2d 1242 (S.D. Fla. 2001)
- Kuhlman v. Crawford & Co., 2002 WL 34368089 (S.D. Fla. 2002)
- City of Homestead v. Rogers, 789 So. 2d 483 (Fla. 3d DCA 2001)
- State, Dept. of Ins. v. Accelerated Benefits Corp., 817 So. 2d 1086 (Fla. 4th DCA 2002)
- State v. Accelerated Benefits Corp., 2002 WL 270940 (Fla. 4th DCA 2002)
- Burger King Corp. v. Dan-Kia Enterprises, Inc., 2002 WL 34705358 (S.D. Fla. 2002)
- Friedman v. American Guardian Warranty Services, Inc., 837 So.2d 1165 (Fla. 4th DCA 2003)
- City of Homestead v. Brockington, 838 So. 2d 684 (Fla. 3d DCA 2003)
- Zapata v. City Of Homestead, 867 So.2d 644 (Fla. 3d DCA 2004)
- Butler, Pappas, Weihmuller, Katz, Craig, LLP v. Coral Reef of Key Biscayne Developers, Inc., 873 So. 2d 339 (Fla. 3d DCA 2003)
- Mega Life & Health Ins. Co. v. Tordion, 399 F. Supp. 2d 1366 (S.D. Fla. 2005)
- Protegrity Services, Inc. v. Vaccaro, 909 So. 2d 445 (Fla. 4th DC 2005)
- Trief v. Am. Gen. Life Ins. Co., 444 F. Supp. 2d 1268 (S.D. Fla. 2006)
- Trief v. Am. Gen. Life Ins. Co., 444 F. Supp. 2d 1266 (S.D. Fla. 2006)
- Nias v. City of Florida City, 2008 WL 2332003 (S.D. Fla. 2008)
- S & I Investments v. Payless Flea Market, Inc., 10 So. 3d 699 (Fla. 4th DCA 2009)
- Geico General Ins. Co. v. Rodriguez, 23 So. 3d 1212 (Fla. 3d DCA 2009)
- S & I Investments v. Payless Flea Market, Inc., 40 So. 3d 48 (Fla. 4th DCA 2010)
- Clarendon Nat. Ins. Co. v. Seaport Crane Serv., Inc., 2010 WL 678106 (S.D. Fla. 2010)
- Florida Hurricane Protection and Awning, Inc. v. Pastina, 43 So. 3d 893 (Fla. 4th DCA 2010)
- Ismael v. Certain Lands Upon Which Special Assessments are Delinquent, 51 So. 3d 583 (Fla. 3d DCA 2010)
- GEICO General Ins. Co. v. Pruitt, 122 So. 3d 484 (Fla. 3d DCA 2013)
- Goodman v. Goodman, 126 So. 3d 310 (Fla. 3d DCA 2013).
- Geico General Ins. Co. v. Rodriguez, --- So.3d --- 2014 WL 4435956 ((Fla. 3d DCA 2014)

Publications

- Federal Preemption: Time to Reestablish An Old Doctrine, *12 Nova Law Review* 1331, Spring 1988

Organizations

- Member, Zeta Beta Tau Fraternity

ACCESSIBILITY & RESPONSIVENESS

Our Firm prides itself on its accessibility and responsiveness to its clients. The City will have access (cell phone and home number access, seven days a week) to every lawyer at the Firm. Our Broward County office is located in Downtown Fort Lauderdale at 200 East Broward Boulevard. Our Firm utilizes the latest technology; each office has audio and video teleconference capabilities, thus reducing the need to be present in person to conduct City business when appropriate. Since our Firm is a "one-stop shop" for municipalities seeking the services of a city attorney, our turn-around time for requests made by City staff would be extremely fast. Given our Firm's broad range services and expertise, we believe that most of the general requests made by City staff will be answered on a daily basis. For those more complicated or novel requests, our full service, cost effective approach will allow us to answer such requests in a reasonable time period depending upon the complexity of the issues involved.

EXPERIENCE IN SPECIFIED AREAS

The Firm serves as city attorney for 13 municipalities and as special outside counsel to dozens of other local governments and as general counsel for the Broward Metropolitan Planning Organization. The Firm has handled hundreds of matters of the type listed below. These matters include, but are not limited to, drafting general ordinances, drafting first amendment zoning, establishing innovative Property Assessed Clean Energy (PACE) programs, preparing complex procurement proposals, and handling specialized forfeiture matters.

The Firm has extensive experience coordinating with the Risk Management staff, municipal insurance providers and outside counsel on liability and worker's compensation matters. The Firm is Panel Counsel for Preferred Government Insurance Trust (PGIT) and currently represents Marco Island in several of their matters. In addition, Eric L. Stettin, a shareholder in the Firm has extensive experience in the defense of workers compensation on behalf of municipalities and insurance companies.

More information on the Firm's practice areas and experience can be found on our website at www.wsh-law.com. We invite to review our blog relating to the most recent matters our Firm has handled. Below is a list of some of our litigation matters, in the specified areas, that we have successfully handled over the last five years.

Labor, Employment and Civil Rights

- *Hames v. City of Miami Firefighters' and Police officers' Trust*, 980 So. 2d 1112 (Fla. 4th DCA 2008) [affirming Hearing Board determination which discontinued retirement benefits to officer convicted of obstruction of justice and that such discontinuation was not a forfeiture]
- *Hames v. City of Miami*, 281 Fed. Appx. 853 (11th Cir. May 20, 2008) [affirming lower court decision that officer whose retirement benefits were discontinued as the result of his conviction during employment for obstruction of justice was not deprived of due process rights with his forfeiture claim]
- *Simcox v. City of Hollywood Police Officers' Retirement System*, 988 So. 2d 731 (Fla. 4th DCA 2008) [affirming forfeiture of former police officer's retirement benefits where former officer pleaded guilty in Federal court to conspiracy to possess heroin with intent to distribute]

Governmental Law

- *Addison v. City of Tampa*, 33 So. 3d 742 (Fla. 2nd DCA 2010) [affirming order excluding from defendant class members not from county in which suit originated pursuant to home venue privilege]
- *City of Marco Island v. Dumas*, 13 So. 3d 108 (Fla. 2nd DCA 2009) [granting city writ of mandamus to appeal order declaring portions of ordinance unconstitutional with instructions to reinstate appeal from county court]
- *Department of Agriculture & Consumer Affairs v. Borgoff*, 35 So. 3d 84 (Fla. 4th DCA 2010) [affirming award for damages to compensate for property loss caused by citrus canker eradication program]
- *Feldman v. City of North Miami*, 973 So. 2d 647 (Fla. 3rd DCA 2008) [affirming grant of summary judgment to city where ballot summary language is not clearly and conclusively defective so as to invalidate a Municipal Charter Amendment adopted by popular vote]

- *Perez-Gurri Corp. v. Village of Key Biscayne*, 41 So. 3d 228 (Fla. 3rd DCA 2010) [successfully defended the Village from a bid protest relating to the rehabilitation of drainage wells]
- *Renaissance Charter School, Inc. v. Department of Community Affairs and School Board of Miami-Dade County*, Case No. 1D09-2065 (Fla. 1st DCA 2010) [successfully defended the School Board regarding a Declaratory Statement relating school concurrency]
- *Florida Dept. of Agriculture and Consumer Services v. Cox*, 54 So. 3d 1026 (Fla. 4th DCA 2011) [affirming lower court's determination that owners of destroyed citrus canker trees prevailed on issues of liability and damages]
- *Butler v. City of Hallandale Beach*, 68 So.3d 278 (Fla. 4th DCA 2011) [successfully defended the City against a public records request relating to emails]
- *Pride Homes of Lakes By The Bay-Parcel F LLC, Et Al. vs. Town of Cutler Bay* Case Number: 10-12637 CA 04 (2012) [successfully defended the Town's National Flood Insurance Program Ordinance]

Real Estate, Zoning and Land Use

- *City of Hollywood Community Redevelopment Agency v. 1843, LLC*, 980 So. 2d 1138 (Fla. 4th DCA 2008) [reversing dismissal of eminent domain petition where partial destruction of historically significant hotel did not demonstrate that the condemnation was not reasonably necessary]
- *Padilla v. Village of Key Biscayne and SBR Fortune Associates, LLP* Case Number 07-259 (2008)[successfully defended a site plan approval by the Village]
- *Gil Ericksen Properties, LLC v. Pompano Beach Community Redevelopment Agency*, 997 So. 2d 522 (Fla. 4th DCA 2009) [affirming order stipulating values for property where owner had waived arguments as to fraud and subject matter jurisdiction]
- *Bay Point School Properties, Inc., v. Town of Cutler Bay* Case Number: 12-028 AP (2012) [successfully defended the revocation of an unusual use permit by the Town]

General Litigation

- *Goldsmith v. Brockhouse*, 979 So. 2d 1135 (Fla. 3rd DCA 2008) [holding plaintiffs had no enforceable rights as against vendor in breach of contract claim]
- *Milanese v. City of Boca Raton*, 2008 WL 3889580 (S.D. Fla. Aug. 20, 2008) [dismissing plaintiff's § 1983 and negligence claim for son's wrongful death without prejudice where plaintiff did not demonstrate a special relationship or intent existed, and could not state a claim under § 1983]
- *Osorio v. United States*, 2009 WL 2430889 (S.D. Fla. Aug. 6, 2009) [dismissing complaint without prejudice where plaintiff alleging negligence on part of city in slip-and-fall action was not owner of property where plaintiff allegedly fell]

Municipal Finance/Bonds

- *Green Corridor Property Assessment Clean Energy (PACE) District v. State of Florida, et al.*, Second Judicial Circuit Case No. 2012 CA 002897 (2012) [successfully validated \$500,000 in bonds for the PACE district]



Litigation

We have more than 20 litigators and trial attorneys in the Litigation Division operating in a boutique, team-oriented approach to service our public sector clients. Our clients retain us to handle their most sensitive and high-profile matters. We litigate on behalf of municipalities, governmental and quasi-governmental entities at every level of the justice system. We do not just litigate, we try cases, and we try them in front of juries, judges, administrative panels, arbitrators and appellate panels.

We know that regardless of the goal, our clients are most likely to obtain the best results if we are prepared and willing to try the case, and we live by that promise. We also maintain an active appellate and administrative law practice generated both by our own trial court litigation and by referrals from our peers.

Our clients benefit from our extensive knowledge of specialized substantive subject matters including government contracts, municipal law, zoning and land use, commercial law, business law, real estate, employment and labor law, civil rights, election law, eminent domain, environmental law and ADA accessibility, as well as a wide array of State and Federal constitutional challenges. And we are proud that over 150 times, courts have decided that our matters involved such challenging and novel legal issues that they have published their opinions about our cases. These reported court opinions have in turn helped shape the law at the local, State and national levels.

While we are zealous advocates, we always seek to obtain optimum results in a cost-effective manner. We are well-versed in the most current alternative dispute resolution (ADR) methods, and we frequently use them to our clients' financial and tactical advantage. We adopt a "team approach" to every one of our cases, combining our substantive knowledge in a given area being litigated with one of our skilled and accomplished trial attorneys.

In 2013, two of our trial teams simultaneously tried jury cases to successful conclusions in Palm Beach and Miami-Dade Circuit Courts. In one, we obtained a \$5 million settlement midway through the trial of a complex construction matter involving the City of Boca Raton's Library. In the other, we obtained a jury verdict in favor of one of the owners of the legendary Joe's Stone Crabs restaurant in a \$20 million lawsuit involving claims for breach of contract and breach of fiduciary duty. Few firms in the South Florida can claim the breadth of experience and talent to win two high-profile cases at the same time.

The most important member of our "team" is the client. The goal of our litigators is to devise a "winning strategy" with the client's close consultation and approval. Every tactic employed by us to accomplish this agreed-upon strategy is approved by the client in advance (along with the

budget for the matter). Our focus on the client's needs sounds deceptively simple, but is only possible as a result of the dedicated team approach of our seasoned litigators. We put the client in a leveraged position at every interval in the life cycle of the litigation to make the key decision whether to obtain a favorable settlement or try the case. We strive to ensure that our client's position is never compromised, and that the client is leaning forward, not back. This approach is not easy, but it's the only way we know how to practice law.

Governmental Litigation

Our experience in municipal litigation is extensive. We defend municipalities and governmental agencies in all areas of liability. We also defend elected officials, employees, individual departments, branches and divisions in both state and Federal courts at the trial and appellate levels. We have successfully defended law enforcement personnel in the areas of false arrest, excessive force, malicious prosecution and battery, including in §1983 actions. We also represent public sector entities as plaintiffs to prosecute their contract, constitutional or business tort matters.

We also specialize in cases involving negligence, tort liability, complex constitutional law issues, sovereign immunity, qualified immunity, civil rights, as well as torts, and common law claims. Our litigators have extensive experience in a wide array of issues such as violations of Constitutional Rights, including the First, Fourth, Fifth, Eighth and Fourteenth Amendments, racial discrimination, gender discrimination, and disability discrimination.

Our trial lawyers have litigated cases up to the Florida Supreme Court relating to:

- The imposition of municipal taxes
- Special versus general law
- Sovereign immunity
- Election law
- Special assessment
- Safe water issues
- Government health insurance plans
- County fiscal responsibility

Labor, Employment and Civil Rights Litigation

Because of the unique nature of our areas of practice, we often litigate key issues in the labor, employment and civil rights area. With regard to labor issues, we have addressed claims involving:

- Employment discrimination
- Sexual harassment
- Retaliation
- Family and Medical Leave
- ADA
- A union's waiver of statutory rights
- Due process claims relating to collective bargaining
- Pension issues
- Restraints on hiring smokers
- Fair Labor Standards Act
- Breach of employment contracts / non-compete provisions
- Police Liability
- Religious Practices and Worship
- Election Law

We participate in labor arbitrations on a regular basis and have also created law in the following areas:

- Challenges to arbitration reports
- Internal affairs investigations
- Employee discipline
- Employee termination

We have also successfully litigated, in jury and non-jury trials, key employment issues including:

- Enforceability of an ordinance providing for a pension to a mayor
- Enforcement of employment discrimination ordinances
- Enforcement of civil service codes

- Violations of the Florida Whistleblower Act
- Violations of the Florida Civil Rights Act
- Violations of Title VII

Alternate Dispute Resolution

We are experienced in a variety of alternative dispute resolution (ADR) techniques, including binding arbitration and non-binding mediation, and Florida's unique "Summary Jury Trial" process. These methods are often used to settle disputes without exposing clients to the risk, time and expense of a trial. But the most important quality we bring to bear on behalf of the client is that opposing counsel and parties know from our reputation that we are not afraid to try cases and win if we have to. The well-known fact that we thrive in the courtroom setting, helps get cases settled in our client's favor and in a cost-effective manner.

LIST OF FIRM ATTORNEYS

Daniel L. Abbott
Lillian M. Arango
Mateo Arias
Mitchell A. Bierman*
Elisa N. Bramble
Mitchell J. Burnstein*
Jamie Alan Cole*
Sonja C. Darby
Jeffrey DeCarlo
Ignacio Del Valle
Daniel A. Espino
Alan K. Fertel
Chad Friedman
Alan L. Gabriel
Douglas R. Gonzales
Paul Gougelman
Edward G. Guedes
Stephen J. Helfman*
Joseph Hernandez
Eric P. Hockman
Scott Hyman
Kelly Rains Jesson
Roger S. Kobert
Joshua D. Krut
Karen L. Lieberman
Justin D. Luger
Matthew H. Mandel
Mia R. Martin
Aleida Martinez-Molina
Edward Martos
Terence McKinley
Kathryn Mehaffey
Robert Meyers
Gilberto Pastoriza**
Matthew J. Pearl
Michael S. Popok*
Marc C. Pugliese
John J. Quick
Anthony L. Recio
Brett J. Schneider
Clifford A. Schulman
Gail D. Serota

Joseph H. Serota*
Alison F. Smith
Marc I. Solomon
Anthony C. Soroka
Eduardo M. Soto
Alan Swchartzseid
Pablo A. Tamayo
Joanna D. Thomson
Susan L. Trevarthen*
Peter D. Waldman
Richard Jay Weiss*
Alicia H. Welch
Laura K. Wendell
James E. White
David M. Wolpin*
Samuel I. Zeskind

* Member-Owners

** Senior Counsel

WEISS SEROTA HELFMAN COLE BIERMAN & POPOK

REPRESENTATIVE CLIENTS

Governments

- Bal Harbour Village
- Broward County School Board
- Broward Metropolitan Planning Organization
- City of Aventura
- City of Boca Raton
- City of Coconut Creek
- City of Cooper City
- City of Coral Gables
- City of Coral Springs
- City of Dania Beach
- City of Deerfield Beach
- City of Delray Beach
- City of Doral
- City of Fort Lauderdale
- City of Hallandale Beach
- City of Hollywood
- City of Homestead
- City of Lauderdale Lakes
- City of Lauderhill
- City of Lighthouse Point
- City of Margate
- City of Miami
- City of Miami Springs
- City of Miramar
- City of North Lauderdale
- City of Parkland
- City of Pompano Beach
- City of Plantation
- City of Port St. Lucie
- City of Sunrise
- City of Tamarac
- City of Weston
- Delray Housing Authority
- Florida Department of Financial Services
- Florida Department of Transportation

- Florida Housing Finance Corporation
- Hialeah Housing Authority
- Hollywood CRA
- Homestead Housing Authority
- Homestead CRA
- Lake Worth Drainage District
- The Collins Center for Public Policy, Inc.
- Town of Cutler Bay
- Town of Davie
- Town of Golden Beach
- Town of Lauderdale-by-the-Sea
- Town of Medley
- Town of Southwest Ranches
- Village of Indian Creek
- Village of Islamorada
- Village of Key Biscayne
- Village of Pinecrest

PROFESSIONAL REFERENCES

The Firm is proud to provide the following professional references that are familiar with the Firm's work and experience in representing municipalities:

1. Franklin H. Caplan, Mayor
Village of Key Biscayne
88 West McIntyre Street
Key Biscayne, Florida 33149
Telephone: (305) 714-4350
fcaplan@keybiscayne.fl.gov
2. Peggy Bell, Mayor
Town of Cutler Bay
Cutler Bay Town Hall
10720 Caribbean Boulevard, Suite 105
Cutler Bay, FL 33189
Telephone: (305) 322-5305
pbell@cutlerbay-fl.gov
3. John L. Flint, City Manager
City of Weston
17200 Royal Palm Boulevard
Weston, FL 33326
Telephone: (954) 385-2000
JFlint@westonfl.org
4. Greg Ross, Mayor
City of Cooper City
9090 SW 50th Place
Cooper City, Florida 33328
Telephone: 954-434-4300
Mayor_Ross@CooperCityFL.org

COST PROPOSAL – BEST VALUE APPROACH

The Firm bills our cities for legal services on a variety of bases reflecting their preferences and needs. We are accustomed to working within municipal budgets and addressing unanticipated matters through litigation budgets and budget amendments as needed. Some of our longest standing city attorney clients have and are very comfortable with a straight hourly fee arrangement. Others have a blend of a fixed fee component with additional services on an hourly basis. Regardless of the approach, the City will receive detailed bills accounting for the time and expenses expended on its behalf on a monthly basis. We strive to work in partnership with our cities and their management teams to assure that their limited resources are devoted to the matters that are most important to the city, and to the most productive and efficient uses.

Our best-value cost proposal is based on our collective Firm experience serving as city attorney for numerous municipalities since we opened our doors in 1991. We are confident that we can provide the City with the highest level of legal services, professionalism and dedication at the most cost-effective rates available. We believe we can maintain or reduce your overall cost of services, while at the same time lowering your costs due to unnecessary legal risk and exposure. We can do this because of our business model, our knowledge and experience acquired from our many years of representing other Florida municipalities, and the resulting economies of scale resulting from having a single firm that can provide all of the City's legal services. Based on our experience and the City's needs, we are pleased to offer you the following cost proposal options:

PROPOSED STRUCTURE OF COMPENSATION AND FEES

We propose two alternative approaches to compensation, and are open to further refinements or a combination of approaches if selected by the City. Option A recognizes the growing demand by clients for flat fees for all legal work, which would allow the City to have certainty and predictability. Option B provides the City with maximum control over legal fees since the amount of fees incurred is dependent largely on what services the City Council and staff request. Both Options A and B assume an exclusive arrangement whereby all of the City's legal matters would be handled by the Firm except for those matters which we are precluded from handling due to a conflict that cannot be resolved. We believe that our Cost Proposal provides the City with two best-value options, either of which would afford the City a high level of service in a cost effective manner.

Option A: Base Retainer Fee.

The Firm will charge a base fixed retainer of \$12,500 per month for (i) attendance at up to two regular monthly Council meetings, two Planning Advisory Board meetings and one Code Enforcement Magistrate meeting; (ii) review of the Agendas and the Agenda backup materials for these regular monthly meetings; and (iii) any and all telephone calls with individual City Councilors, the City Manager and individual City Board members. The City will not be charged for travel time associated with these regular monthly meetings.

For those matters not covered by the fixed retainer fee, we will bill the City at a rate of \$220 per hour (unless a different rate is specified in cases where fees are being paid by a person or entity other than the City, such as cost recovery matters).

Option B: Hourly.

The Firm will charge for all attorney time at a discounted and blended governmental hourly rate of \$220 per hour. It is our practice to charge for actual time expended on behalf of a client, but not less than 2/10ths of an hour for each activity.

Under this option, we would manage the work in close consultation with City Council and the City Manager to ensure that we remain within the budgeted amount or bring forward budget amendments if needed for extraordinary or unanticipated matters.

Costs.

In addition to attorney's fees, the Firm will add a 2.5% administrative fee to each bill to cover administrative costs such as delivery charges, long distance telephone charges, photocopies, postage, faxes and computer research expenses. Non-incidental costs such as court reporter expenses (including cost of transcript and court reporter's fees for attendance), court costs (such as filing fees, service of process, newspaper publication costs, subpoena costs, witness fees, recording fees, etc.), accounting and appraisal fees, expert fees, trial/hearing exhibit costs, investigation costs, and applicable lobbyist registration fees will continue to be itemized and billed.

Alternative.

The Firm is willing to discuss other various billing options if we are selected, including retainer, fixed fee or hourly arrangements, or any combination thereof.

WEISS SEROTA HELFMAN
COLE BIERMAN & POPOK, P.L.

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INCLUDING PROFESSIONAL ASSOCIATIONS

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ALAN SWCHARTZSEID
PABLO A. TAMAYO
JOANNA G. THOMSON
PETER D. WALDMAN*
ALICIA H. WELCH
SAMUEL I. ZESKIND

December 23, 2014

City Council
City of Marco Island
50 Bald Eagle Drive
Marco Island, FL 34145

Re: City Attorney Representation Agreement

Dear Chairman Sacher and City Councilors:

We are pleased that you wish to engage our Firm to perform legal services for the City of Marco Island (the "City") as its City Attorney. Our Firm is the preeminent full-service municipal law firm dedicated to serving as the "one-stop shop" for municipalities seeking the services of a city attorney firm with the ability to address the full spectrum of issues faced by municipalities. We are confident that we can be of service to the City. We have found that clients appreciate a frank and open discussion and understanding of the services that we will perform and the basis upon which they will be expected to pay for those services.

Please allow this letter to set forth our understanding as to the nature and scope of the legal services we will provide for the City, the amount of our fees for those services, the manner in which our fees for those services shall be determined and the terms upon which you will make payment.

1. Nature of Legal Services. You have engaged us to serve as City Attorney. Our services will include the representation of the City, working with the Chairman and City Council and administration, in all legal matters relating to the City's affairs, from day-to-day administrative

issues to the development of policies and programs from Council and the City Manager. The general services that the Firm will provide include, but are not limited to, all areas of general municipal law, land use and zoning, building, permitting, code enforcement and lien law, procurement and contract law, constitutional and legislative issues, as well as litigation and dispute resolution in all administrative levels. The specialized services that the Firm is available to provide include, but are not limited to, civil rights and police legal issues, labor and employment issues, collective bargaining, eminent domain, litigation, appellate representation, utilizes law, environmental and sustainability law, telecommunications, municipal finance, real estate and construction law.

While the City has engaged our Firm as City Attorney, Mr. Alan L. Gabriel will be designated as your City Attorney and will be principally responsible for attending to your matters. Mr. Gabriel will be assisted by Mr. Daniel Abbott (litigation), Mr. Paul Gougelman (zoning and land use) and Mr. Anthony Soroka (code enforcement). This working team dynamic creates a redundancy effect in which at all times a dedicated lead attorney is knowledgeable about all the issues currently being faced by the City. Mr. Gabriel will attend the regular, special and workshop Council meetings, as well as such meetings with the administration as may arise from time to time. Mr. Gougelman will attend Planning Board meetings and Mr. Soroka will attend Special Magistrate hearings. Depending upon the type of matter which needs legal attention, different attorneys of the Firm, with specific specialized expertise and/or experience, may from time to time be assigned by Mr. Gabriel to address the City's particular legal matters, under the supervision of Mr. Gabriel.

2. Fees for Services. You will be charged and agree to pay for our services on the following basis:

Base Retainer Fee: The Firm will charge a base fixed retainer of \$12,500 per month for the preparation for and attending up to two regular monthly Council meetings, two Planning Advisory Board meetings and one Code Enforcement Magistrate meeting and all telephone calls with individual City Councilors, the City Manager and individual City Board members. The City will not be charged for travel time associated with these regular monthly meetings.

Hourly Rate: The Firm will charge for those matters not covered by the base retainer fee, an hourly rate of \$220 per hour for all attorneys' handling all other legal services including litigation, labor law and any other general legal advice or services including meetings with City Councilors and staff related to such work (but not including telephone conferences with City Councilors for which the City will not be charged), review and preparation of proposed ordinances, contracts or other matters. It is our practice to charge for actual time expended on your behalf, but not less than 2/10ths of an hour for each activity.

3. Costs. In addition to the attorneys fees discussed in paragraph 2, the firm will add a 2.5% administrative fee to each bill to cover administrative costs such as delivery charges, long distance telephone charges, photocopies (xerox), postage, faxes, and computer research expenses. Non-incidental costs such as court reporter expenses (including cost of transcript and court reporter's fee for attendance), court costs (such as filing fees, service of process, newspaper publication costs, subpoena costs, witness fees, recording fees, etc.), accounting and appraisal fees, expert fees, trial/hearing exhibit costs, investigation costs, and applicable lobbyist registration fees, will continue to be itemized and billed.

4. Payment of Fees and Costs. Our invoices will be submitted to you on a monthly basis and each invoice will be due and payable when rendered. You must understand that if any invoice remains unpaid for more than 30 days after it is rendered, we reserve the right, in our discretion (subject to court approval, if necessary), to cease to provide further legal services to you. You will, however, be liable to us for the payment of any fees earned and any costs incurred by us to that time, together with any applicable taxes.

5. Representation of Other Clients. We are bound by rules of legal ethics not to represent any client if the representation of that client will be directly adverse to the interests of another client, unless each such client consents to such representation after consultation. Should such a situation arise, you will be immediately informed and a proposed manner to address the conflict will be provided by our office.

6. Withdrawal from Representation and Termination. The City at any time may choose to terminate this agreement with or without cause and shall only be liable for fees and costs incurred up to the date of termination. We, likewise, reserve the right to withdraw from representing the City, if you have misrepresented or failed to disclose material facts to us, or if we disagree about the course of action which should be pursued.

7. Fees for Other Services. In the event you ask us to render legal services with respect to other matters outside the scope of this representation agreement, the other matters will be handled on an hourly basis, and fees and costs will be payable under the same terms and conditions as provided for in paragraph 2 of this letter.

8. Commencement of Representation. If the foregoing is agreeable to you, please acknowledge your understanding and agreement by signing this letter and delivering it to us.

We are honored to return to the City of Marco Island and be of service to the City once more. We appreciate your confidence in our Firm and we assure you that we will make every effort to perform our services in a prompt and efficient manner. If you have any questions or concerns, please do not hesitate to contact our office to discuss.

Very truly yours,

WEISS SEROTA HELFMAN
COLE BIERMAN & POPOK, P.L.

By: _____
Alan L. Gabriel

ACKNOWLEDGEMENT AND AGREEMENT

Having been duly authorized by an affirmative majority vote of the members of the City Council for the City of Marco Island, Florida, the undersigned has read this representation agreement and on behalf of the City of Marco Island, Florida, agrees to the terms set forth herein.

AGREED AND ACCEPTED on _____, 2015.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Larry Sacher, Chairman