



Legislation Text

File #: 22-5184, Version: 1

ITEM: RESOLUTION NO. R2022-13 (AUTHORIZATION OF CONTINUED USE OF OUTSIDE LEGAL COUNSEL AND APPROVAL OF BUDGET AMENDMENT #2022-0056)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2021/2022 GENERAL FUND LEGAL DEPARTMENT OPERATING BUDGET TO ALLOCATE UNASSIGNED FUND BALANCE OF \$100,000 FOR ADDITIONAL OUTSIDE LEGAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Authorization of continued use of outside legal counsel and approval of Resolution No. R2022-13 and Budget Amendment #2022-0056 amending the Fiscal Year 2021/2022 general fund budget to allocate unassigned fund balance in the amount of \$100,000 to increase the Legal Department Legal Services budget for litigation costs and legal expenses through September 30, 2022.

EXPLANATION: The Village uses outside legal counsel to assist in matters that require specialized knowledge and skill. For fiscal year 2021/2022, the legal department budgeted \$200,000 for such services. A number of legal matters and pending lawsuits have resulted in greater expenditures for outside legal services than was anticipated. These matters include the ongoing *PR Raintree/Greener Pastures v. Village of Wellington* lawsuit, the ongoing *Wellington v. Pine Tree* special assessment litigation, the "Waters of the State" matter in which we were assisted by the law firm of Manson, Bolves, Donaldson & Varn, P.A., and review and negotiation of the proposed ground lease with Wellington Athletics, LLC. In addition, following the appellate rulings in the two Palm Beach Polo fine reduction cases, the court has entered an order lifting the stay in the Palm Beach Polo foreclosure matter and further expenses are expected to be incurred in prosecuting that matter.

The legal department anticipates that an additional \$100,000 in legal fees and costs will be incurred before the end of the fiscal year on these and the other pending matters. Further, the total fees and costs incurred to date for the services of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. exceed the \$50,000 purchasing threshold. Although legal expenses are exempt from competitive bidding requirements under Wellington's purchasing policy, council approval is required for individual expenses that exceed the threshold. Staff therefore requests approval to exceed the threshold for the services of Johnson, Anselmo, in an amount up to \$50,000.

Staff recommends approval of continued use of outside legal services through September 30, 2022, together with approval to exceed the \$50,000 threshold for individual expenses for the services of Johnson Anselmo in an amount up to \$50,000. The attached budget amendment in the amount of \$100,000 is necessary for sufficient funding in the Fiscal Year 2022 Budget for legal services to cover the cost of these anticipated expenditures.

In the event that not all of the projected funds are expended, any remaining funds will return to the General Fund Unassigned Fund Balance at fiscal year-end.

BUDGET AMENDMENT REQUIRED: YES

PUBLIC HEARING: NO

QUASI-JUDICIAL:

FIRST READING:

SECOND READING:

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: The attached budget amendment in the amount of \$100,000 is necessary for sufficient funding in the Fiscal Year 2022 Budget for legal services to cover the cost of these anticipated expenditures. The General Fund Unassigned Fund Balance is \$18.0 million. Approval of the Amendment will reduce the Balance by \$100,000 to \$17.9 million.

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Authorization to continue use of outside counsel and approval of Resolution No. R2022-13 and Budget Amendment #2022-0056 amending the general fund budget for Fiscal Year 2021/2022 in the amount of \$100,000 to increase the Legal Department Legal Services budget for litigation costs and legal expenses through September 30, 2022.