

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20031338

1. REQUESTED MOTION:

ACTION REQUESTED: Approve continued use of the law firm of Williams, Mullen, Clark & Dobbins through the persons of R. Stuart Broom, Esq. and William ("Tracy") Schwarzschild, Esq. for legal services relating to the Lee County Waste-to-Energy Third Boiler Unit and the Covanta, Inc. Chapter 11 Bankruptcy, for the approved amount of an additional \$200,000.00.

WHY ACTION IS NECESSARY: Expenditures for outside legal services above the County Attorney's and County Manager's authorization levels must be approved by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES: Allows for continued use of outside legal services for two essential matters involving Covanta, Inc. that require outside legal representation.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

C12A

3. MEETING DATE:

11-25-2003

4. AGENDA:

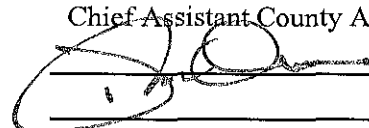
- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Outside Attorney Expenditures

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: David M. Owen
Chief Assistant County Attorney



7. BACKGROUND:

On August 27, 2002, the Board of County Commissioners authorized the use of the law firm of Williams, Mullen, Clark & Dobbins, Washington, D.C., to assist with the Waste-to-Energy Third Unit Project and the Covanta, Inc. Chapter 11 Bankruptcy (Bluesheet No. 20020924 attached). The amount of \$200,000.00 was originally authorized to be expended for the firm's legal assistance in those matters.

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager	
N/A	N/A	N/A	<i>11/13/03</i>	<i>11/7/03</i>	<i>Alman 11/13/03</i>	OA	OM	RISK	GC	<i>James 11-13-03</i>
						<i>11/13/03</i>	<i>11/13/03</i>	<i>11/13/03</i>	<i>11/13/03</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN:	<i>CA</i>
	<i>11/13/03</i>
COUNTY ADMIN FORWARDED TO:	<i>B</i>
	<i>11/13/03</i>

Since that authorization was granted, staff has now spent approximately \$114,000.00 from that prior approval to Williams, Mullen for the Waste-to-Energy Third Unit Project and the Bankruptcy.

With the conclusion of the "Permitting Phase" of the Third Unit Project, and the initiation of the "Construction Phase", staff is requesting authorization to encumber an additional \$200,000.00 for continued engagement of the firm through acceptance testing of the new Third Unit, which proposes a Construction Manager contract with Covanta, Inc..

All of the proposed authorized encumbered funds may not be required, and any remaining encumbered funds will be returned to the Solid Waste Division Reserves. No further authorizations should be required for this firm for the Project.

Funds are available in: R.M.

20092340102.506510

Solid Waste Processing Equip C.I.P. - S.W. mgmt. Fund - other professional services

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020924

1. REQUESTED MOTION:

ACTION REQUESTED: Approved continued use of the law firm of Williams, Mullen, Clark & Dobbins through the persons of R. Stuart Broom, Esq. and William ("Tracy") Schwarzschild, Esq. for legal services relating to the Lee County Waste-to-Energy Third Boiler Unit and Covanta, Inc. Bankruptcy, up to \$200,000.00.

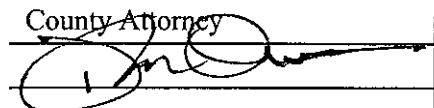
WHY ACTION IS NECESSARY: Expenditures for outside legal services above the County Attorney's and County Manager's authorization levels must be approved by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES: Allows for continued use of outside legal services for two essential matters involving Covanta, Inc. that require outside legal representation in foreign ("out-of-state") venues.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT # CW C12A **3. MEETING DATE:** 08-27-2002

4. AGENDA:
 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE
 ORDINANCE
 ADMIN. CODE
 OTHER Atty. Engagement

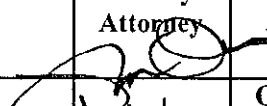
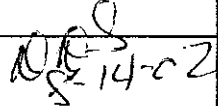
6. REQUESTOR OF INFORMATION:
A. COMMISSIONER
B. DEPARTMENT County Attorney
C. DIVISION General Services
BY: David M. Owen, Chief Assistant County Attorney


7. BACKGROUND: In January, 2002, James Jackson, Esq. and Stuart Broom, Esq., both left the Verner, Liipfert law firm in Washington, D.C.. Both have worked for Lee County on County Waste-to-Energy and Utilities issues since 1990. Mr. Jackson has retired to Nags Head, North Carolina and Mr. Broom has joined the law firm of Williams, Mullen, Clark & Dobbins, with principal offices in Washington, D.C. and Fairfax, Virginia. Mr. Broom is continuing to provide outside legal

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	 8/8/02	OA 8/12/02	OM 8/14/02	RISK 8/13/02	GC 8/14/02	 8-14-02

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

R
C
8-9-02
1:40
COUNTY ATTORNEY
FORWARDED TO:
8/14/02

CO. ATTORNEY
FORWARDED TO CO. ADMIN.
11:33 AM

services to the Department of Solid Waste concerning Covanta, Inc. matters, to include the development of the Third Boiler Unit for the Waste-to-Energy facility.

Mr. Broom was retained by the Lee County Attorney's office on January 30, 2002, by Letter of Engagement.

Following the April 1, 2002 filing of the Chapter 11 Bankruptcy by Covanta, Inc. (New York) and Covanta of Lee, Inc. (Florida), the County Attorney's office retained Mr. William ("Tracy") Schwarzschild, Esq. of the Williams, Mullen law firm through Stuart Broom. The Williams Mullen law firm also secured New York representation in the Covanta Bankruptcy due to its filing in the Southern District of New York, through the firm of Robinson, Silverman, Pearce, Aronsohn & Berman (New York, New York). Their representation is limited, however, to the filing of documents and appearances on behalf of the County. Mr. Schwarzschild is handling all of the substantive matters.

The invoices for the services of the Williams Mullen law firm have now reached \$46,650.00 for services performed since January, 2002.

Request is being made to authorize and increase to the firms' purchase order for expenditures up to \$200,000.00 at this time. Should this amount be reached, staff will revisit the engagement of Williams Mullen with the Board of County Commissioners in the same manner as this request.

Copies of the engagement letters for Mr. Broom and Mr. Schwarzschild are attached, as well as background information on both the Williams Mullen and Robinson, Silverman (New York) law firms for record and audit purposes.