

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

Blue Sheet No. 20040851

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Disclosure and Waiver of Conflicts of Interest document from the law firm of Lewis, Longman & Walker, P.A.. A conflict of interest could potentially arise out of the representation by Lewis, Longman & Walker, P.A. of the Lee County Tourist Development Council.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval is required to waive any conflict of interest.

WHAT ACTION ACCOMPLISHES: Allows John J. Fumero, Esq., of Lewis, Longman & Walker, P.A. to represent the Lee County Tourist Development Council in connection with acting as Lee County's advocate before the South Florida Water Management District.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT # A12B **3. MEETING DATE:** 07-27-2004

<p>4. AGENDA:</p> <p><input checked="" type="checkbox"/> CONSENT</p> <p><input checked="" type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p><input type="checkbox"/> TIME REQUIRED:</p>	<p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input type="checkbox"/> STATUTE</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN. CODE</p> <p><input type="checkbox"/> OTHER</p>	<p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER _____</p> <p>B. DEPARTMENT <u>County Attorney</u></p> <p>C. DIVISION <u>General Services</u></p> <p>BY: <u>Andrea R. Fraser</u> <u>Assistant County Attorney</u></p>
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7. BACKGROUND: The Lee County Tourist Development Council requested that the Visitor & Convention Bureau (VCB) hire a consultant to become better informed of South Florida Water Management District (SFWMD) activities that may impact Lee County and its tourism. Based upon the request, the VCB is attempting to contract for consulting services with Lewis, Longman & Walker Consultants (LLW), a branch of Lewis, Longman & Walker, P.A., attorneys at law.

It is intended that LLW act as Lee County's advocate before the SFWMD. The lead representative for LLW on this contract is John J. Fumero, Esq.. Mr. Fumero formerly served as the attorney for the SFWMD. LLW, with its in-depth knowledge of SFWMD and the Water Resources Advisory Committee, will essentially act as the TDC's "eyes and ears" at SFWMD meetings, assisting the TDC and the County to synthesize and digest the information provided.

This contract will be paid for with tourist tax revenue, specifically beach and shoreline capital improvement funds as water management issues significantly impact the County's shoreline.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

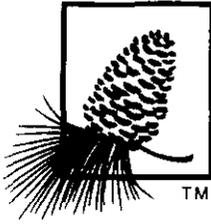
A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> 7-6-04

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

CO. ATTY. 9/28/04
FORWARDED
TO CO. ADMIN.
7/1/04

RECEIVED BY
COUNTY ADMIN. [Signature]
5:10 pm
6/28/04
COUNTY ADMIN
FORWARDED TO: [Signature]
4:40
7/1/04



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

HELPING SHAPE
FLORIDA'S FUTURE®

www.llw-law.com

Reply To: West Palm Beach

June 23, 2004

(Via facsimile: 239-335-2236 and U. S. Mail)
Andrea R. Fraser, Esq.
Assistant County Attorney
Lee County Attorney's Office
P. O. Box 398
Ft. Myers, FL 33902

2004 JUN 25 AM 8:03
RECEIVED BY
LEE CO. ATTORNEY

Re: **Disclosure and Waiver of Conflict of Interest -
Tourist Development Council Issue**

Dear Ms. Fraser:

The purpose of this letter is to disclose the existence of a potential conflict of interest arising out of the representation by Lewis, Longman & Walker, P.A. (the "Firm") of East County Water Control District ("ECWCD"), an independent special tax district created pursuant to Chapter 298, Florida Statutes. Lee County intervened and is now a party to litigation involving ECWCD. This litigation is pending in the 20th Judicial Circuit – Case No. 00-1398-CA-WCM. Lee County is the fee simple owner of lands within the ECWCD.

The Firm has been requested by the County to represent the County in various environmental and water resource matters. Notwithstanding my opinion that Lee County would not be adversely affected by my firm's representation of ECWCD, there is an inherent potential conflict in this representation. By this letter, and your signature, we request that you consent to our continued representation of both Lee County and ECWCD as outlined in this letter. Additionally, you should understand that if a direct conflict of interest were to arise, we could be required to modify or discontinue our representation of Lee County.

If you agree with all of the foregoing and are willing to waive the potential conflict of interest, please execute the enclosed copy of this letter in the space provided and return it to the undersigned via facsimile transmission.

Bradenton
1001 3rd Avenue West
Suite 670
Bradenton, FL 34205
(941) 708-4040
Fax: (941) 708-4024

Jacksonville
9428 Baymeadows Road
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Jacksonville, FL 32256
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Fax: (904) 737-3221

Tallahassee
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125 South Gadsden Street
Suite 300
Tallahassee, FL 32301
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Fax: (850) 224-9242

West Palm Beach
1700 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, FL 33401
(561) 640-0820
Fax: (561) 640-8202

June 23, 2004
Page 2

We appreciate your assistance in this matter.

Sincerely,

LEWIS, LONGMAN & WALKER, P.A.

By: 
John J. Fumero, Esq.

Acknowledged and agreed to:

LEE COUNTY, a political subdivision
of the State of Florida

By: _____
Name: _____
Title: _____
Dated: _____

c: Tamara Pigott
Terry Lewis, Esq.