

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

Blue Sheet No. 20041568

**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 Robert Riley, Esq. for legal services relating to the Lee County Waste-to-Energy Third Boiler Unit and the County's power sales arrangements, for the additional amount of \$400,000.00.

**WHY ACTION IS NECESSARY:** Board approval required.

**WHAT ACTION ACCOMPLISHES:** Allows for the continued use of outside legal services for essential Waste-to-Energy matters that require outside legal representation.

**2. DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #: \*  
County-Wide

**C12A**

**3. MEETING DATE:**

**12-07-2004**

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE AC-4-4
- OTHER Outside Attorney Expenditures

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT County Attorney
- C. DIVISION \_\_\_\_\_

BY: David M. Owen  
Chief Assistant County Attorney



WALK ON  
TIME REQUIRED:

**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 20020924 attached). It was originally expected that the amount of \$200,000.00 would be expended for the firm's legal assistance in those matters.

The Board approved an additional \$200,000.00 On November 25, 2003 for continued assistance and representation on matters involving Covanta, Inc. (Bluesheet 20031338 attached).

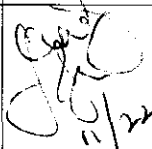
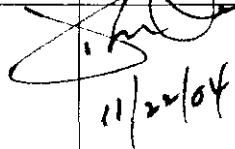
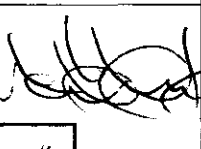
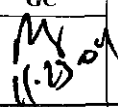
The Solid Waste Division is now exploring other options for sales of power that could provide additional revenues to the County. Approval of additional expenditures up to \$400,000.00 is being requested to allow for outside legal services necessary to continue both processes. (WTE 3<sup>rd</sup> Unit and change in entity for power sales).

Funds are available in: 20092340102.506510

Attachments: Bluesheets 20020924 and 20031338

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing of Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
	 11/22	N/A		 11/22/04	OA	OM	Risk	GC	
							10/22/04	 11-23-04	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 11/22/04  
Time: 3:30  
Forwarded To:  
Budget  
11/23/04 8:30am

RECEIVED BY  
COUNTY ADMIN  
11-23-04  
9:45 AM  
COUNTY ADMIN  
FORWARDED TO  
11-23-04  
11am

**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	<i>8/8/02</i>	<i>OA 8/12/02</i>	<i>OM 8/14/02</i>	<i>RISK 8/13/02</i>	<i>GC 8/14/02</i>	<i>8-14-02</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

8-9-02	<i>CA</i>
1:40	
COUNTY ATTORNEY	
FORWARDED TO:	
<i>8/14</i>	<i>GR</i>

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

**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:**

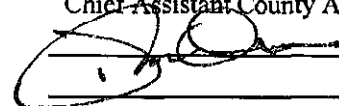
- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**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>	OA	OM	RISK	GC	<i>11-13-03</i>
					<i>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>D</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*