

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an additional \$100,000.00 for the purchase order for Nabors, Giblin & Nickerson law firm as special trial counsel in Brown, et al. v. Lee County.

WHY ACTION IS NECESSARY: To cover additional costs anticipated in this lawsuit.

WHAT ACTION ACCOMPLISHES: Provides additional funds needed for continued representation in this case.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12B

3. MEETING DATE:

03-15-2005

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT County Attorney
 - C. DIVISION
- BY: David M Owen
County Attorney

7. BACKGROUND:

The County has retained and utilized the law firm of Nabors, Giblin & Nickerson to assist the County as special trial counsel in on-going litigation of the School Impact Fee Ordinance. The School Board is splitting the costs for the firm's services. The purchase order amount must be increased again in order to cover existing and projected costs of this litigation. A summary of the costs incurred through February 24, 2005 is as follows: (page two)

Funds are available from GC5190315500.503120.537

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	QM	RISK	GC	
N/A	N/A	N/A	N/A	<u>3/3/05</u>	<u>3/3</u>	<u>3/3/05</u>	<u>MF</u> <u>3/3/05</u>	<u>3/3/05</u>	<u>3/3/05</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN: <u>JK</u>
<u>3/3/05</u>
COUNTY ADMIN FORWARDED TO: <u>JK</u>
<u>3/3/05</u>

Fiscal Year 01/02 - Purchase Order Opened 1-29-02

Amount of purchase order - \$25,000.00
Expenditures - \$15,541.34

(Note: Lee County began splitting payments with the Lee County School Board beginning with the April, 2002 invoice. The School Board paid approximately \$5,434.70 during F.Y. 01/02.)

Fiscal Year 02/03 - Purchase Order Opened 10-1-02

Amount of purchase order - \$43,500.00
Expenditures - \$42,886.13

(Note: The School Board paid approximately \$42,886.13 during F.Y. 02/03.)

Fiscal Year 03/04 - Purchase Order Opened 10-1-03

Amount of purchase order - \$195,000.00
Expenditures - \$152,993.91

(Note: The School Board paid approximately \$152,993.91 during F.Y. 03/04.)

Fiscal Year 04/05 - Purchase Order Opened 10-1-04

Amount of purchase order - \$42,006.09
Expenditures as of 2/24/05 billing - \$35,698.23

(Note: Thus far, the School Board paid approximately \$35,398.23 during F.Y. 04/05.)

<u>Fiscal Year</u>	<u>Lee County</u>	<u>School Board</u>	<u>Total Costs</u>
01-02	\$15,541.34	\$5,434.79	\$20,976.13
02-03	\$42,886.13	\$42,886.13	\$85,772.26
03-04	\$152,993.21	\$152,993.91	\$305,987.12
04-05 (to date)	\$35,698.23	\$35,698.23	\$71,396.46
TOTALS	\$247,118.91	\$237,013.06	\$484,131.97