

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

Blue Sheet No. 20060196

1. ACTION REQUESTED/PURPOSE: 1. Request Board authorize the creation of a subsidiary account for the immediate use by the County Attorney's Office to secure and employ outside counsel and expert witnesses for any legal action(s) that may be directed by the Board in the future relating to the discharges from Lake Okeechobee.
2. Request the transfer of an initial amount of \$250,000.00 into this account from the General Fund Reserves.
3. Authorize previously made expenditures from County Attorney budget as directed by the Board in December, 2005.

2. WHAT ACTION ACCOMPLISHES: Provides the County Attorney's Office with funds to investigate and prepare for potential Board litigation concerning the Lake Okeechobee discharges.

3. MANAGEMENT RECOMMENDATION: Provide the requested funds to initiate the investigation and preparation for litigation if deemed necessary and appropriate by the Board at a later time.

4. Departmental Category: 12

A12D

5. Meeting Date:

02-28-2006

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent
<input checked="" type="checkbox"/> Administrative
<input type="checkbox"/> Appeals
<input type="checkbox"/> Public
<input type="checkbox"/> Walk-On

<input type="checkbox"/> Statute
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Admin. Code
<input type="checkbox"/> Other

Commissioner
Department <u>County Attorney</u>
Division
By: <u>David M. Owen</u>
<u>County Attorney</u>

9. Background:

At its January 31, 2006 regular meeting, the Board directed the County Attorney's Office to investigate and prepare for potential litigation concerning excessive discharges from Lake Okeechobee to the Caloosahatchee River.

Funding is being requested to prepare a case for filing at the future direction of the Board. Because of the nature, complexity and evolving case law in this matter, outside counsel and experts will be necessary to perfect the case.

The amount of \$250,000.00 is being requested as an initial working fund, inasmuch as a case of this magnitude is beyond what is budgeted for litigation by the County Attorney's Office.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i> 2/14/06	RK2/16	2/14/06	2/16/06	2/16/06	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTORNEY
FORWARDED
TO CO. ADMIN.
[Signature]

