

RESOLUTION NO 2024-064

CITY OF LAKE CITY, FLORIDA

A RESOLUTION OF THE CITY OF LAKE CITY, FLORIDA APPROVING THAT CERTAIN LEGAL SERVICES AGREEMENT WITH CAVENDISH PARTNERS, P.A. FOR LEGAL SERVICES RELATED TO INVESTIGATING THE CIRCUMSTANCES SURROUNDING A FINAL EMPLOYMENT PAYMENT MADE TO DEPARTING CITY MANAGER PAUL DYAL; INVESTIGATING THE ACTIONS OF CITY LEGAL COUNSEL REGARDING SAID PAYMENT; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT THEREOF; RECOGNIZING THE AUTHORITY OF THE CITY COUNCIL TO ENGAGE SAID LAW FIRM; DIRECTING THE CITY CLERK TO COMMUNICATE TO SAID LAW FIRM THE CITY'S DECISION TO ENGAGE SAID LAW FIRM; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, legal services are exempt from the competitive procurement processes of the City of Lake City (the "City"); and

WHEREAS, the city attorney, Folds Walker, LLC, has a conflict of interest in providing representation to the City with respect to the matters set forth herein; and

WHEREAS, in light of the foregoing conflict of interest, the City has need of specialized legal services to assist the City in examining the facts and circumstances surrounding a final employment payment made to departing city manager Paul Dyal (the "Project"); and

WHEREAS, the law firm of Cavendish Partners, P.A. (the "Vendor") specializes in the field of representing Florida city and county governments and providing legal advice to their attorneys and to their governing bodies, and has consented to represent the City in furtherance of the Project; and

WHEREAS, the Vendor has submitted a proposal in the form of an engagement letter (the "Agreement") in the form attached as an exhibit hereto; and

WHEREAS, the City desires to and does accept the terms of Vendor's proposed Agreement; and

WHEREAS, completing the Project by engaging the Vendor's services pursuant to the Agreement is in the public interest and in the interests of the City; now therefore

BE IT RESOLVED by the City Council of the City of Lake City, Florida:

1. Engaging the Vendor to provide the services in the Agreement to complete the Project is in the public or community interest and for public welfare; and
2. In furtherance thereof, the Agreement in the form of the Exhibit attached hereto should be and is approved by the City Council of the City of Lake City; and
3. The City Clerk is directed to communicate to the Vendor the City Council's approval of and desire to be bound by the terms of representation set forth in the Agreement;
4. All prior resolutions of the City Council of the City of Lake City in conflict with this resolution are hereby repealed to the extent of such conflict; and
5. This resolution shall become effective and enforceable upon final adoption by the City Council of the City of Lake City.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, Florida, at a regular meeting, this ____ day of July, 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY,
FLORIDA

Stephen M. Witt, Mayor

ATTEST, BY THE CLERK OF THE CITY
COMMISSION OF THE CITY OF LAKE CITY,
FLORIDA:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

Exhibit to Resolution 2024-064 Not for Execution



Michael Cavendish
Cavendish Partners, P.A.
cavendish@cavpartners.com
(904) 515-5110

June 6, 2024

Via Electronic Mail (sikesa@lcfla.com)

Audrey E. Sikes
City Clerk
City of Lake City
205 North Marion Avenue
Lake City, FL 32055

Dear Ms. Sikes:

This law firm engages in the representation of Florida City and County governments, among other areas of legal practice.

This letter confirms that your office contacted me to request an estimate for the provision of a formal independent legal opinion on a matter involving a final employment payment made to a departing City Manager.

This letter confirms that you and I spoke today by telephone about this request, and that I provided the following information and guidance:

- (1) This firm does not have conflicts, and can engage in the matter described;
- (2) The matter described is within the areas of experience in this firm's legal practice representing Florida City and County governments, and providing legal advice to their attorneys and to their governing bodies;

- (3) A typical amount of legal labor to complete an opinion for a matter like this, in our experience, is a hypothetical 10 hours;
- (4) An actual amount of legal labor hours required to complete the specific project you request may vary from this hypothetical estimate, depending chiefly upon the quantity of facts, records, and witnesses with knowledge that the matter entails;
- (5) We would extend our firm's discounted municipal government client rate of \$330.00 per hour to the City of Lake City for this engagement;

In addition, I will add that

- (6) This engagement would be performed by attorney Michael Cavendish, and no part of the legal work required would be performed by an associate or of counsel attorney;
- (7) Once the opinion is completed, reduced to a formal writing, and delivered, we would send our firm's first invoice for services. These typically are payable on a 30 day standard, although if a municipal client requires a longer invoice payment period, we work with the client to help them maintain uniformity in their accounts payables policy;
- (8) If, after the opinion is delivered, additional time is requested, such as for instance, meetings with City personnel, or attendance at a Council or Commission meeting to present the opinion and answer questions, we would bill for such additional requested time at the same hourly rate.

Please contact me at (904) 234-6002 or cavendish@cavpartners.com with any questions. Thank you for the privilege of discussing this matter.

Sincerely yours,



Michael Cavendish

**Exhibit to Resolution 2024-064
Not for Execution**