

STAFF REPORT UTILITY MEETING

AGENDA DATE: September 24, 2024

DEPARTMENT: Water Utilities

TITLE:

Agreement with Lewis, Longman & Walker, P.A. for Legal Services Related to Water Supply Negotiations with the Town of Palm Beach

SUMMARY:

This Agreement for legal services provides for representation of the City in negotiations with the Town of Palm Beach to potentially supply the Town with potable water.

BACKGROUND AND JUSTIFICATION:

The Town of Palm Beach has expressed interest in receiving potable water supply from the City of Lake Worth Beach upon expiration of their current agreement with the City of West Palm Beach. This Agreement for legal services will provide for representation during negotiations with the Town related but not limited to creating a Wholesale Agreement, addressing water supply quantity and quality issues, and successfully permitting the associated projects that would be required.

The City of Lake Worth Beach and the Town of Palm Beach have discussed the possibility of the City providing potable water to the Town. To assist the City in negotiations with the Town, the City requested proposals from qualified law firms to represent the City in said negotiations.

On September 5, 2024, an interview committee comprised of Jamie Brown, Interim City Manager; Vaughn Hayduk, Interim Water Utility Director; Brian Shields, Former Water Utility Director; and Glen J. Torcivia, City Attorney met and interviewed the following firms:

1. Lewis, Longman & Walker, P.A., represented by Michelle Diffenderfer, Robert Diffenderfer, and Fred Aschauer
2. Akerman, LLP, represented by Philip Sprinkle, Silvia Alderman, and Tim Bramwell
3. Nason Yeager Gerson Harris & Fumero, P.A., represented by John Fumero

The Committee conducted interviews with each of the above three (3) firms, each of which provided a presentation and answered questions from members of the committee.

After the interviews were concluded, the Committee agreed to recommend that the City Commission retain the firm of Lewis, Longman & Walker, P.A. to represent the City in negotiations with the Town of Palm Beach for the supply of potable water to the Town.

MOTION:

Move to approve/disapprove Agreement with Lewis, Longman & Walker, P.A. for Legal Services related to water supply negotiations with the Town of Palm Beach

ATTACHMENT(S):

Fiscal Impact Analysis
Proposal Agreement with Lewis Longman & Walker
Lewis Longman & Walker 8-27-24 Proposal to the City

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Inflows/Revenues					
Appropriated (Budgeted)	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows/Expenditures					
Appropriated (Budgeted)	\$100,000	0	0	0	0
Operating		0	0	0	0
Capital	0	0	0	0	0
Net Fiscal Impact					
<i>(If not budgeted)</i>	0	0	0	0	0
No. of Addn'l Full-Time					
Employee Positions	0	0	0	0	0

Contract Award – Existing Appropriation (Budgeted)	
	Expenditure
Department	General Fund
Division	City Attorney
GL Description	Professional Services / Legal
GL Account Number	402-7010-533-31-90
Project Number	N/A
Requested Funds	\$100,000
Remaining Balance	\$43,338