



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#14-0848

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: July 1, 2014

TITLE: A Resolution Amending the Initial Fixed Fee for the Earnest/Tighe Law Firm, P.A. as Special Counsel Representing the City in Lien Foreclosure Matters

Recommendation

It is recommended that the City Commission approve a resolution providing for an increase to the initial fixed fee from \$750 to \$1,500 for each foreclosure action filed.

Background

The City Commission approved Resolution No. 07-248 on December 4, 2007, retaining the services of Earnest/Tighe Law Firm, P.A. formerly known as the Earnest Law Firm, P.A., to provide legal services for foreclosure actions on liens for violation of the City's Code of Ordinances. The Resolution further provided that special counsel shall receive for such services an initial fixed fee of \$750 for each foreclosure action filed.

Special Counsel has requested an increase to this up-front fee from \$750 to \$1,500 for each foreclosure action filed to compensate the firm for the considerable amount of time spent working on these cases to collect the money owed or to foreclose on the property.

The additional rates set by Resolution 07-248 would remain, which provided as follows: *out-of-pocket expenses and 15% of all money recovered over \$1,000, and if special counsel does not recover any money in handling the foreclosure action and the City becomes the owner of the foreclosed property, then special counsel shall receive an additional flat fee of \$3,000.*

It is recommended that the City Commission increase the initial fixed fee from \$750 to \$1,500 for each foreclosure action filed. Due to current market conditions, staff does not anticipate a financial impact for the current fiscal year.

Resource Impact

There is no fiscal impact to the City for the current fiscal year. This action only establishes a rate change for the life of the agreement. Fiscal impact to the City in future fiscal years is subject to that year's budget appropriation.

Attachment:s: Exhibit 1 – Resolution No. 07-248
Exhibit 2 - Proposed Resolution

Prepared by: Cynthia A. Everett, City Attorney

Charter Officer: Cynthia A. Everett, City Attorney