

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRM OF KAPLAN KIRSCH & ROCKWELL, LLP, AS SPECIAL COUNSEL, TO REPRESENT THE CITY OF FORT LAUDERDALE IN CONNECTION WITH UNSOLICITED PROPOSAL(S) FOR A PROJECT TO DESIGN, CONSTRUCT, OPERATE, AND MAINTAIN A SUBSURFACE PUBLIC TRANSPORTATION SYSTEM CONNECTING DOWNTOWN FORT LAUDERDALE WITH FORT LAUDERDALE BEACH, INCLUDING ANY ASSOCIATED REGULATORY AND CONTRACTUAL MATTERS.

---

WHEREAS, on July 10, 2012, the City Commission adopted Resolution No. 12-131 appointing the law firm of Kaplan Kirsch & Rockwell, LLP as special counsel to advise the City of Fort Lauderdale in connection with proposed update of Chapter 7, Airport Rules and Regulations of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, on April 19, 2018, the City Commission adopted Resolution No. 17-76 appointing the law firm of Kaplan Kirsch & Rockwell, LLP as special counsel to represent the City of Fort Lauderdale as sponsor of the Fort Lauderdale Executive Airport in connection with an enforcement proceeding before the Federal Aviation Administration and issues pertaining to the payments in lieu of taxes made by the Fort Lauderdale Executive Airport from 2010 to 2016; and

WHEREAS, on January 22, 2019, the City Commission adopted Resolution No. 19-09 appointing the law firm of Kaplan Kirsch & Rockwell, LLP as special counsel to represent the City of Fort Lauderdale in connection with general airport matters pertaining to the Fort Lauderdale Executive Airport, and Airport Noise Compatibility Issues, 14 CFR Part 150 Airport Noise Compatibility Planning and Metroplex studies pertaining to the Fort Lauderdale-Hollywood International Airport; and

WHEREAS, the law firm of Kaplan Kirsch & Rockwell is a national boutique law firm devoted exclusively to helping clients solve problems involving infrastructure, transportation, energy, real estate, environmental, tribal, and related areas of law, and is among the nation's most dynamic practices regularly advising on complex transportation infrastructure projects; and

WHEREAS, the law firm of Kaplan Kirsch & Rockwell is currently advising the San Bernardino County Transportation Authority in negotiations with The Boring Company on a design-build-operate-maintain project to connect a Brightline rail station and Southern California's commuter rail system to the local airport and previously also represented the City of Chicago on negotiations with The Boring Company for the proposed O'Hare Express Project; and

WHEREAS, the law firm of Kaplan Kirsch & Rockwell has significant additional and relevant experience, including on various forms of public-private partnerships, with "progressive" and negotiated project delivery models, on public transportation and municipal projects, on tunnel as well as autonomous vehicle projects, on projects in Florida, and on projects utilizing various forms of USDOT funding and financing programs; and

WHEREAS, the City Commission desires to appoint the law firm of Kaplan Kirsch & Rockwell, LLP, as special counsel to represent the City of Fort Lauderdale in connection with unsolicited proposal(s) for a project to design, construct, operate, and maintain a subsurface public transportation system connecting Downtown Fort Lauderdale with Fort Lauderdale Beach, including any associated regulatory and contractual matters;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the law firm of Kaplan Kirsch & Rockwell, LLP, is hereby appointed as special counsel to represent the City of Fort Lauderdale in connection with unsolicited proposal(s) for a project to design, construct, operate, and maintain a subsurface public transportation system connecting Downtown Fort Lauderdale with Fort Lauderdale Beach, including any associated regulatory and contractual matters;

SECTION 2. That the law firm of Kaplan Kirsch & Rockwell, LLP shall be compensated for such services assigned after the effective date of this Resolution, at the hourly rates of \$475.00 per hour for shareholders and partners, \$375.00 per hour for associates, and \$175.00 per hour for paralegals, to be paid upon the submission of periodic invoices to and approval by the City Attorney.

SECTION 3. That the City Attorney shall serve as liaison to such special counsel.

SECTION 4. That such special counsel hereby appointed shall serve at the pleasure of the City Commission of the City of Fort Lauderdale, Florida.

SECTION 5. That the City Attorney is authorized to execute such documents as are necessary to secure the services of special counsel.

SECTION 6. That this Resolution shall take effect immediately upon its adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Mayor  
DEAN J. TRANTALIS

ATTEST:

---

City Clerk  
JEFFREY A. MODARELLI