



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#21-0819**

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

**FROM:** Alain E. Boileau, City Attorney

**DATE:** August 17, 2021

**TITLE:** Resolution 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 - **(Commission Districts 1, 2, 3 and 4)**

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**Recommendation**

It is recommended that the City Commission adopt a resolution appointing 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.

**Background**

Section 4.10 of the Charter of the City of Fort Lauderdale, Florida, provides, in part, that "[t]he city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel."

The law firm of Kaplan Kirsch & Rockwell, LLP has served as special counsel for the City of Fort Lauderdale on various matters relating to transportation and the Fort Lauderdale Executive Airport, and is a 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. 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. 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.

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.

### **Resource Impact**

Funds for this agreement in the amount of \$200,000 are available in the FY 2021 Budget in the account listed below:

<b><i>Funds available as of August 12, 2021</i></b>					
<b>ACCOUNT NUMBER</b>	<b>INDEX NAME (Program)</b>	<b>CHARACTER CODE/ SUB-OBJECT NAME</b>	<b>AMENDED BUDGET (Character)</b>	<b>AVAILABLE BALANCE (Character)</b>	<b>AMOUNT</b>
001-ATT010101-3119	City Attorney	Services & Materials/ Legal Services	\$1,055,577	\$582,050	\$200,000
<b>TOTAL AMOUNT ►</b>					<b>\$200,000</b>

### **Attachment**

Exhibit 1 – Resolution

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Prepared by: Alain E. Boileau, City Attorney, City Attorney’s Office

Charter Officer: Alain E. Boileau, City Attorney