

**RESOLUTION NO. 2022- 2869**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS TO SPECIAL COUNSEL, LEECH TISHMAN FUSCALDO & LAMPL, FOR LEGAL FEES AND COSTS, IN CONNECTION WITH THE APPEAL OF THE FEDERAL AVIATION ADMINISTRATION'S (FAA'S) SOUTH CENTRAL FLORIDA METROPLEX PROJECT (METROPLEX); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the direction of the Town Commission on November 12, 2020, the Town of Surfside ("Town") engaged special counsel, Leech Tishman Fuscaldo & Lampl ("Special Counsel"), to draft and file a Petition for Review challenging the FAA's Final Environmental Assessment and Finding of No Significant Impact issued in connection with the approval and implementation of the South Central Florida Metroplex Project ("Metroplex"); and

**WHEREAS**, on April 13, 2021, the Town Commission adopted Resolution No. 2021-2776, authorizing expenditure of legal fees and costs to the Special Counsel, of an additional \$35,000.

**WHEREAS**, January 11, 2022, the Town Commission Resolution No. 2022-2851, authorizing an additional expenditure of legal fees and costs to Special Counsel in the amount of \$65,000.

**WHEREAS**, recent legal fees that have been incurred to date, include the review of the FAA's brief and appendix, and preparation of the Town's reply brief and appendix supporting documentation; and

**WHEREAS**, the Town has incurred the Special Counsel legal fees and costs (including consultant fees) in the amount of \$131,151.06 through February 28, 2022, has outstanding fees of \$17,545.50, and is estimated to incur additional fees from April 1, 2022 through oral argument

before the 11<sup>th</sup> Circuit Court scheduled for early June, 2022 of \$10,560.00, resulting in additional legal fees and costs in the estimated amount of \$37,500; and

**WHEREAS**, the Town Commission wishes to authorize additional expenditure of funds to the Special Counsel for ongoing legal fees and costs in the amount of \$37,500, which results in an amount not to exceed \$157,500.000 amount is estimated through oral argument before the 11<sup>th</sup> Circuit Court; and

**WHEREAS**, the Town Commission finds that completion of the appeal with legal representation through oral argument and this Resolution are in the best interest, health and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Approving and Authorizing Expenditure of Funds to Special Counsel for Legal Fees and Costs.** The Town Commission hereby approves and authorizes the additional expenditure of funds to the Special Counsel in an amount not to exceed \$37,500 for additional legal fees and costs, with a cap not to exceed total amount of \$157,500.00.

**Section 3. Implementation.** The Town Commission hereby authorizes the Town Manager to expend additional funds as provided in this Resolution and implement the purposes of this Resolution.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 12<sup>th</sup> day of April, 2022.

Motion By: Commissioner Velasquez  
Second By: Commissioner Meischeid

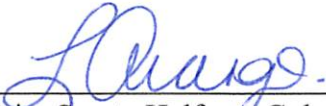
**FINAL VOTE ON ADOPTION:**

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischeid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

  
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Shlomo Danzinger, Mayor

**ATTEST:**  
  
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Sandra N. McCready, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney