

**Lee County Board of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20040233**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve additional \$50,000.00 for purchase order for Nabors, Giblin & Nickerson law firm as special trial counsel in Brown, et al. v. Lee County and Lee County School Board.

**WHY ACTION IS NECESSARY:** To cover additional costs expected in this lawsuit.

**WHAT ACTION ACCOMPLISHES:** Provides additional funds expected to be needed to complete the trial of this case.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #**

*C12A*

**3. MEETING DATE:**

*03-09-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: James G. Yaeger  
County Attorney

**7. BACKGROUND:**

The County has retained the law firm of Nabors, Giblin & Nickerson to assist the County as special trial counsel in pending litigation of the School Impact Fee Ordinance. The School Board is sharing the costs for the firm's services. The original purchase order amount, as increased in Fiscal Year 2002/2003 and Fiscal Year 2003/2004 must be increased again in order to cover existing and projected costs of this ligation through the trial phase. A summary of the costs incurred through January 31, 2004 is as follows:

Funds are available in String Account DB5140300100.503120.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>aj</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>plw ifm</i>
					<i>RK 2/26</i>	<i>2/26</i>	<i>2/26/04</i>	<i>2/26/04</i>	<i>DD 4-26-04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
*2-26-04*

RECEIVED BY  
COUNTY ADMIN: *RL*  
*2/26/04*  
*1:55 pm 367*  
COUNTY ADMIN  
FORWARDED TO: *RL*  
*2/26/04*  
*4:45 pm*

**Fiscal Year 01/02**

Purchase Order Opened 1-29-02

Amount of purchase order - \$25,000.00  
Expenditures - \$15,541.34

(Note: Lee County began splitting payments with the Lee County School Board beginning with the April, 2002 invoice. The School Board paid approximately \$5,434.70 during F.Y. 01/02.)

**Fiscal Year 02/03**

Purchase Order Opened 10-1-02

Amount of purchase order - \$43,500.00  
Expenditures - \$42,886.13

(Note: The School Board paid approximately \$42,886.13 during F.Y. 02/03.)

**Fiscal Year 03/04**

Purchase Order Opened 10-1-03

Amount of purchase order - \$45,000.00  
Expenditures as of 12/31/03 billing - \$37,156.85

(Note: Thus far, the School Board paid approximately \$37,156.85 during F.Y. 03/04.)

**Invoice received in the total amount of \$34,492.97 for charges through 1/31/04. The School Board will be responsible for \$17,246.48 of this invoice.**

<u>Fiscal Year</u>	<u>Lee County</u>	<u>School Board</u>	<u>Total Costs</u>
01-02	\$15,541.34	\$5,434.79	\$20,976.13
02-03	\$42,886.13	\$42,886.13	\$85,772.26
03-04 (to date)	\$37,156.85	\$37,156.85	\$74,313.70
<b>TOTALS</b>	<b>\$95,584.32</b>	<b>\$85,477.77</b>	<b>\$181,062.09</b>