

RESOLUTION NO. 2010- 1951

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RETAINER AGREEMENT WITH THE LAW OFFICE OF BENEDICT P. KUEHNE, P.A. TO REPRESENT THE TOWN OF SURFSIDE IN CONNECTION WITH THE LEGAL SUFFICIENCY OF THE PETITION FOR REFERENDUM REGARDING ORDINANCE 10-1558 AND RELATED ISSUES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (“TOWN”) wishes to enter into an agreement with the Law Office Of Benedict P. Kuehne, P.A. to represent the Town in connection with the legal sufficiency and related issues of the Petition to Submit Ordinance 10-1558 (as adopted by the Town Commission on August 10, 2010) to the voters of the Town of Surfside; and

WHEREAS, after a search by the Town Attorney for qualified counsel to represent the Town including experience, reputation, and hourly rates, and upon recommendation by the Town Attorney, the Town Commission believes that it is in the best interest of the Town to enter into a retainer agreement with the Law Office Of Benedict P. Kuehne, P.A.;

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

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the execution of a retainer agreement with the Law Office Of Benedict P. Kuehne, P.A. attached hereto as Exhibit “A” and authorizes the Town Attorney and Town Manager to do all things necessary to effectuate this Agreement.

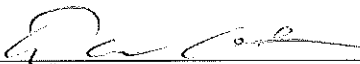
Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 14 day of Sept., 2010.

Motion by Commissioner Kopelman, second by Commissioner Karukin.

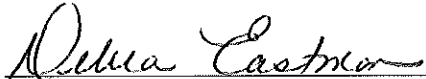
FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	<u>yes</u>
Commissioner Edward Kopelman	<u>yes</u>
Commissioner Marta Olchyk	<u>yes</u>
Vice Mayor Joseph Graubart	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



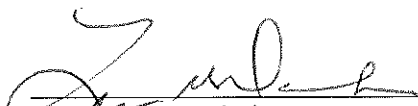
Daniel Dietch, Mayor

ATTEST:



Debra E. Eastman, MMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser
Town Attorney

EXHIBIT A

LAW OFFICE OF
BENEDICT P. KUEHNE

PROFESSIONAL ASSOCIATION

MIAMI TOWER, SUITE 3550

100 S.E. 2ND STREET

MIAMI, FLORIDA 33131-2154

Telephone: 305.789.5989

Facsimile: 305.789.5987

Email: ben.kuehne@kuehnelaw.com

Email: susand@kuehnelaw.com

BENEDICT P. KUEHNE*
SUSAN DMITROVSKY

*Board Certified
Appellate Practice and
Criminal Trial Practice

FORT LAUDERDALE OFFICE

Las Olas Centre, Suite 1700

350 East Las Olas Blvd.

Ft. Lauderdale, FL 33301-2229

REPLY TO: Miami

September 13, 2010

Lynn M. Dannheisser
Town Attorney, Town of Surfside
9293 Harding Ave
Surfside, FL 33154
Fax: 305-993-5097
ldannheisser@townofsurfsidefl.gov

Re: Legal Services Agreement
Legal Review and Analysis of Petition for Referendum
Regarding Ordinance 10-1558

Dear Town Attorney Dannheisser:

I welcome the opportunity to provide legal assistance to the Town of Surfside for the purpose of conducting a legal review and analysis of the Petition for Referendum regarding Ordinance 10-1558. Because of the public service impact of my representation, I am agreeable to utilizing a reduced hourly rate of \$250.00 for my firm's representation.

In connection with this engagement, I will conduct appropriate research addressing the legal issues involved in and arising from the referenced Petition. If my legal analysis results in or precedes litigation, I will represent the interests of the Town in any ensuing litigation concerning the Petition.

Although I will assume primary responsibility for this representation, I intend to utilize the assistance of other lawyers as needed, including Susan Dmitrovsky.

I will send bills for legal services rendered and costs expended on a regular basis throughout the course of this representation. Payment in full of each billing statement is due promptly upon the Town's receipt. Whenever possible, the Town will be consulted prior to incurring major expenditures.

Lynn M. Dannheisser, Town Attorney
September 13, 2010
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My firm's file and record retention policy allows the destruction of records within five (5) years of the conclusion of the matter. Until then, the firm maintains electronic copies of the file, and may not retain paper documents. By signing this agreement, the Town consents to this policy.

The Town agrees to indemnify and hold the firm and its lawyers harmless from any and all claims made against them arising out of the representation in the matter described in this agreement.

Very truly yours,
S/ Benedict P. Kuehne
BENEDICT P. KUEHNE

The Town of Surfside accepts and approves the terms and conditions set forth above, and agrees to be bound thereby.



On Behalf of the
TOWN OF SURFSIDE