

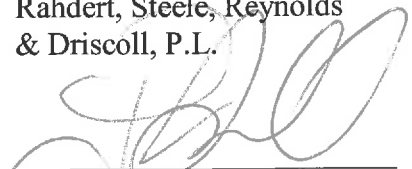
**Timothy P. Driscoll, Esquire
RAHDERT, STEELE, REYNOLDS & DRISCOLL, P.L.
535 Central Avenue
St. Petersburg, Florida 33701
(727) 823-4191
tdriscoll@rahdertlaw.com**

PROPOSAL FOR SERVICES

CITY OF NEW PORT RICHEY, FLORIDA

Submitted August 9, 2016

**Rahdert, Steele, Reynolds
& Driscoll, P.L.**



**Timothy P. Driscoll, Esq.
Vice President**

POSITION

City Attorney, City of New Port Richey, Florida

PERSON PROVIDING SERVICES

Timothy P. Driscoll, Esq. of RAHDERT, STEELE, REYNOLDS & DRISCOLL, P.L.

QUALIFICATIONS AND EXPERIENCE

PROFESSIONAL

Mr. Driscoll was admitted to the Florida Bar in May of 1986. He is admitted to practice before the Federal District Court for the Middle District of Florida, and the 11th Circuit Court of Appeals. He is licensed to practice in all Florida courts.

Mr. Driscoll has been certified by the Supreme Court of Florida as a circuit court civil mediator since 1994.

Mr. Driscoll is a member of the St. Petersburg Bar Association.

EDUCATION

Mr. Driscoll obtained his Juris Doctorate law degree from Stetson University College of Law in 1985. He obtained a Bachelor of Arts degree in finance, cum laude, from the University of South Florida in 1983. He received a partial academic scholarship to Stetson and was a member of the moot court board. He was a finalist in national moot court competition.

Mr. Driscoll has attended numerous continuing education seminars relating to the practice of municipal law and has been a speaker at the Florida League of Cities Convention.

EXPERIENCE

City Attorney for City of Gulfport, Florida from May, 1990 to July, 2009;

City Attorney for City of St. Pete Beach, Florida from January, 2004 to February, 2008.

Mr. Driscoll has extensive experience in municipal law. For over 19 years, he was the City Attorney for the City of Gulfport, Florida, a city with a population of approximately 13,000. Gulfport is a full service municipality with its own fire department, police department, municipal marina, building, sanitation and public works departments. Additionally, the city has undertaken

a significant number of capital projects, necessitating legal services. These include the construction of a theater, municipal services building, police substation/community center, and municipal dock, along with extensive renovation and improvements to the library, recreation center, marina, fire department building, and municipal parks. The city currently has two redevelopment areas, including one with tax increment financing in place. These carry with them the legal requirements for the community redevelopment agency responsible for overseeing those areas. Both of these areas were created during Mr. Driscoll's tenure as city attorney. Gulfport also has a municipal beach and many adjacent waterways, requiring knowledge of the laws relating to bodies of water.

As the city attorney, he was responsible for advising the city in all of its affairs. Representation included attendance at all City Council meetings, attendance as needed at meetings of other city boards, handling of city litigation, prosecution of code enforcement cases, review and drafting of contracts, preparation and review of ordinances and resolutions, consulting with city council members and city staff, and issuance of legal opinions and rendering of legal advice. He has defended numerous legal actions against the city, including auto accident cases, slip and fall cases, employment cases, zoning cases, environmental matters and condemnation cases. He has also prosecuted zoning, code enforcement and nuisance cases, along with other civil matters.

From January of 2004 to February, 2008 Mr. Driscoll also was the city attorney for the City of St. Pete Beach, Florida, a city with a population of approximately 10,000. St. Pete Beach is also a full service city, with a municipal police and fire department, public works, and leisure services. During his tenure as city attorney, the city developed a new recreation center and municipal pool. Legal services provided to St. Pete Beach have included the same services provided to the City of Gulfport. Mr. Driscoll also represented the City in additional cases involving extensive zoning and certiorari challenges, ADA access and citizen referenda power. During his tenure, as a result of citizen initiative, the City of St. Pete Beach City Charter was amended to require voter approval of comprehensive plan amendments. He also attended all Board of Adjustment meetings and advised the board on all matters.

Mr. Driscoll's experience includes representation of municipal commissioners from the cities of Pinellas Park and Redington Beach. He has provided legal representation to the Cities of Tarpon Springs, Treasure Island and Indian Shores. He participated in the Charter Review Commission litigation involving the cities in Pinellas County. He has represented homeowners' associations, individuals, groups and corporations in matters concerning land use and other governmental and municipal matters, both in court and before municipal and other governmental boards and commissions.

Mr. Driscoll has served as a special magistrate for the City of South Pasadena, Florida since January of 2014. He presides over red-light camera citation appeals, and is appointed to serve as a code enforcement magistrate.

Mr. Driscoll has served as special magistrate for the City of St. Petersburg, Florida since February of 2015. He presides over the City's demolition appeal hearings and civil citation hearings.

Mr. Driscoll's litigation experience includes a variety of civil matters, including all municipal matters, land use, civil rights, environmental, administrative, financing, contracts, debt collection, foreclosure, personal injury, construction, fraud, condominiums, evictions, bankruptcy, land use, condemnation, labor and various business disputes.

His transaction experience includes drafting and negotiating agreements, sales and purchases of real property, sales and purchases of businesses, incorporations, condominiums, and rendering of all types of legal advice to municipal, business and individual clients. As a title agent for the Fund, he has issued numerous title insurance policies and handled numerous real estate closings.

Mr. Driscoll has successfully mediated a wide variety of legal matters, as a certified civil mediator. He has served as a hearing officer for the Pinellas County School Board, as a volunteer, since 1995. He presides over school expulsion hearings and has rendered numerous decisions for the School Board on such matters. He has volunteered his services to assist the Mayors Council of Pinellas County by providing legal services without fees. He has also served as a hearing officer in various municipal proceedings, including labor matters.

As a city attorney, Mr. Driscoll has been solely responsible for representing and advising on a daily basis the cities of St. Pete Beach and Gulfport. Mr. Driscoll personally attended all meetings of the City Council and City Commission, as well the appointed boards, when needed. All advice rendered to the cities was provided by Mr. Driscoll, personally, which provides for continuity and prevents duplicative work. Mr. Driscoll has drafted and approved hundreds of municipal ordinances, resolutions and agreements. Mr. Driscoll has been the sole advisor to municipal governing bodies and boards at hundreds of meetings.

FIRM

Rahdert, Steele, Reynolds & Driscoll, P.L. is a full-service law firm, whose partners have been providing legal services in the area for over 30 years. The firm has an extensive list of corporate and individual clients who have been served over the years in nearly all phases of the law. The firm provides representation in all types of litigation, transactional, real estate and estate matters. Attorneys with extensive municipal, litigation and transaction experience are available to assist in representing the City, as needed.

SERVICES

Mr. Driscoll is immediately available to provide services to the City of New Port Richey, Florida as a City Attorney in all matters. He is capable of representing the City in all of its legal matters. Mr. Driscoll's extensive municipal and litigation experience enables him to represent the City in all legal, litigation and administrative matters. He is able to prepare or review all ordinances and resolutions, and prepare or review all contracts. He is able to represent the City at all meetings of the City Council, and all appointed boards. He is also capable of assisting and advising all City officials regarding all aspects of City business.

Mr. Driscoll can be available on a regular recurring basis for advising City Commissioners and staff outside of public meetings. These will include a minimum of 16 hours per week of office hours at city hall.

Mr. Driscoll is able to provide the following services:

I. General Legal Representation Overview

Perform all general legal representation for the City as required, excluding litigation. Such general legal representation includes, but is not limited to:

- a. Legislative work associated with the City Council meetings, including preparation or review of ordinances and resolutions, and written policies and procedures, together with research work as necessary associated with the preparation of those documents. This activity shall include providing assessments of legal likelihoods in support of City risk analyses.
- b. Preparation of oral or written opinions on legal matters as required by the City Council and/or City Manager.
- c. Negotiation and preparation of agreements, leases, contracts, or similar documents.
- d. Review and comment on contract form(s) between the City and independent contractors.
- e. When requested by the City Council or by the City Manager, performance of investigations that may require interviewing witnesses, taking testimony, review of reports, and legal research.
- f. Participation in meetings and/or telephone conferences with the City Manager and/or City Staff as designated by the City Manager; and the provision of legal counsel, as required.
- g. Provision of staff assistance, legal research and counseling related to the acquisition or sale of real property, preparation of leases, deeds and easements; utility franchise agreements; operations governed by law; liability situations; grant guidelines; pension law; and other matters as necessary requiring legal advice.
- h. Interpretation of the City's Ordinances and prosecution of local ordinance or zoning violations in any Court, if the State Attorney is not handling the prosecution.
- i. Maintenance of legal files and provision to the City Manager of copies of all correspondence, and of all pleadings and orders in all litigation the firm is handling for the City. Monthly, Mr. Driscoll will provide a brief written report on the status

of all litigation that the firm is directly handling or is overseeing on behalf of the City.

j. Keeping the City Council and Manager informed of legislation or judicial opinions that have potential to impact the City.

k. As requested by the City, overseeing, in a cost-effective manner, litigation in which the City is represented by the City's insurer.

l. Performance of other professional duties as may be required including but not limited to conducting legal research as required for the performance of duties representing the City.

II. Specific Services Requested: Perform the following specific duties as City Attorney:

- a. Devote a minimum of sixteen (16) hours per week to staffing an office at City Hall.
- b. Attend all regular City Council meetings, and attend all Special Meetings and Work Sessions thereof when requested by the City Council or City Manager.
- c. Attend meetings of any City Board when so requested by the City Manager or City Council in order to counsel the Board members thereof on any legal matter, which confronts the Board.
- d. Provide legal counseling and guidance including rendering of legal opinions to the City Council in reference to all matters that pertain to the official duties of the Council.
- e. Provide legal counseling, guidance and opinions to the City Manager and the Department Heads in reference to the operations of the City; provided, however that except in the event of an emergency problem, all requests by Department Heads for such legal counseling, guidance and opinions shall be channeled through the City Manager.
- f. Prepare and/or review charter revisions, ordinances, resolutions, referendum questions, contracts, surety/performance/payment bonds, insurance policies, deeds, bills of sale, liens, waivers, subordinations, and other legal instruments, documents and papers that are pertaining to City matters upon request by City Council, Mayor, or City Manager.
- g. Retain an association with, or actually as an employee at his offices, a minimum of one attorney whom shall be referred to as "Deputy City Attorney." Each Deputy City Attorney shall have competent experience in governmental affairs, in particular municipal government law and/or shall acquire such knowledge such

that each attorney shall be able to attend such functions and attend to such matters as enumerated above in this contract when the Attorney is unavailable or unable to attend same.

- h. Notwithstanding the contents of Section (f), the Attorney shall continue to be the City's primary representative in all litigation in any court and all other hearings, meetings, or other such functions as enumerated in this document.
- i. The Attorney shall also represent the City in proceedings in any court of competent jurisdiction and in hearings before administrative tribunals where the City is a party or intervener in respect to the issues that are pending before such court or administrative tribunal when directed to do so by the City Council. The Attorney may also represent the City Council in bond proceedings. The Attorney may also represent the municipality in other matters, not specifically enumerated herein, at the request of the City Manager or the City Council.

III. Litigation and Legal Defense

- a. Providing legal representation and defense to challenges to the City's ordinances and regulations;
- b. Defending the City in lawsuits which are not defended by legal services provided by the City's insurer or when the City's exposure exceeds the insurance coverage. For this purpose, the City shall be understood to include the members of the City Council, individually and/or collectively, the City Manager, and all members of the City staff for any legal actions emanating from their official duties with City business;
- c. Filing and pursuing such litigation as may be authorized by the City Council.
- d. The firm shall not settle any claim without the prior written authorization of the City Manager, in response to explicit direction from the City Council.

IV. Requirements

- a. The attorney or firm shall be governed by the Code of Ethics of the Florida Bar. The attorney or firm shall notify the City Council of any conflict of interest in representing the City and shall endeavor to avoid situations that may result in a perception of a conflict of interest. In any City legal matter in which the City Council determines that a conflict of interest, real or perceived, exists on the part of the attorney or firm, or if, in the determination of the City Council, the attorney or firm or any of its members has an adversarial relationship with any party involved in a legal matter of the City, the City Council shall have the right to engage an attorney-at-law not associated with the attorney or firm to represent the City on that matter. This will be done with written notification by the City to the attorney or firm.

- b. The attorney or firm agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions, and costs of action, including attorney's fees for trial and an appeal of any kind and nature arising or growing out of or in any way connected with the performance of the Agreement whether by act or omission of the attorney or firm, its agents, servants, employees, or others, or because of or due to the mere existence of the Agreement between the parties. The Firm has Lawyer's Professional Liability coverage insuring the Legal Provider against liability arising out of acts or omissions in the furnishing of professional legal services pursuant to this agreement for the minimum limits of liability of \$1,000,000.
- c. With the exception of requests for legal services issued by the City Council acting as a body, the City Manager shall act as a "gatekeeper" for the City in requesting the services or assistance of the attorney or firm, coordinating the flow of work to the attorney or firm, and establishing the relative priorities to be placed by the attorney or firm on each task for which the assistance of the attorney or firm is required. No member of the City staff may require the efforts of the attorney or firm on the behalf of the City unless expressly authorized by the City Manager. Notwithstanding the foregoing, any member of the City Council may request legal services and opinions of the attorney or firm regarding City matters upon approval of Council.

REQUEST FOR PROPOSAL REQUIREMENTS

- Name, address and telephone number of lead firm and statement of how its organization is equipped to handle the scope of services delineated.

Mr. Driscoll will be the lead attorney for the firm representing the City. The firm is a full service law firm with extensive experience in all areas of the law. The staff is in place to handle the City's legal needs.

- Statement of interest pertaining to this specific project and a brief narrative of firm's history.

Mr. Driscoll is interested in the City Attorney position and is well qualified to serve the City. Mr. Driscoll has been with the firm of Rahdert, Steele, Reynolds & Driscoll, P.L. since 2009, when the current firm was formed. The other members of the firm have a long history of serving clients in this area.

- Qualifications of firm principals and key members directly involved in providing the legal services to the City and all relevant Florida legal experience. Please be specific (may include resume).

Mr. Driscoll has extensive municipal experience as outlined above. Attorney Pam Cichon would be the Deputy City Attorney.

Pam Cichon served as a senior Assistant City Attorney for the City of St. Petersburg, Florida for over 23 years. During that time, she worked first under a Commission/Manager form of government and later a strong mayor. Ms. Cichon has successfully defended the City of St. Petersburg at trial and on appeal in numerous personal injury and property damage cases including accidents involving playgrounds, swimming pools, sidewalks, fire and sanitation trucks, police cruisers, and ambulances.

For over ten years, Ms. Cichon was also the City of St. Petersburg's labor/employment litigator defending the disciplinary decisions of its department managers, Fire Chief, and Police Chief in numerous arbitrations, civil service board hearings, and on appeal by petition for writ of *certiorari*. She successfully defended the city in both state and federal courts in cases alleging violation of the FMLA, ADA, and Title VII and various forms of discrimination. She handled all EEOC claims, and represented the city in the arbitration of all union contract disputes. This required working regularly as a team with the city's three labor relations officers and the management of nearly every city department.

For over 20 years, Ms Cichon also served as the legal adviser to St. Petersburg's Board of Adjustment and later the Community Preservation Commission, attending all public meetings and pre-meetings with staff, working with a series of Zoning Officials, and handling any appeals from the Board's decisions. In that capacity, she advised city staff in the drafting of land development regulations and historic preservation ordinances, and defended the city against takings claims. Ms. Cichon began her career with the city drafting ordinances, including the city's first comprehensive noise ordinance, and prosecuted ordinance violations weekly in county court. She continued to regularly advise the Codes Compliance department and the Demolition Coordinators, and often worked with the Building Official in defending the appeals of his condemnation orders after she created the appeals process implemented by the city.

Ms. Cichon has been a resident of the Tampa Bay area since 1989. She is a volunteer tutor with Lawyers for Literacy, a volunteer at St. Pete General Hospital, a volunteer hearing officer at the St. Petersburg Housing Authority, and serves on the Board of Directors of Gulfcoast Legal Services.

- Fee proposal on either a per hour or per month basis;

See below.

- Listing of support personnel including address, qualifications and experience;

All support personnel are located at 535 Central Avenue, St. Petersburg, Florida, 33701. The staff has extensive experience in legal assistant or paralegal work. The firm also has a full service accounting department.

- Description of firm's approach to providing legal services to the City in a cost effective manner.

The Firm's priority will always be to provide proactive legal services. That is, we will strive to keep the City informed of any areas of the law affecting the City that have changed, and we will continually monitor City activities to ensure that all procedures, policies, ordinances and resolutions are current under the law. We will advise the City whenever any particular policy or activity may expose the City to liability. The goal of the firm will always be to minimize expense to the City from legal matters, while preserving and protecting the goals of the City's leaders.

- List of client references from similar work with contact name(s) telephone number(s), extent of legal representation, and years of involvement.

City of Gulfport, Florida – City Manager, James O'Reilly 727-893-1009 – City Attorney for 19 years.

City of St. Pete Beach, Florida City Manager, Wayne Saunders 727-363-9232 – City Attorney for 4 years.

- List of any conflict of interest or potential conflicts of interest as a result of representing the City.

The firm should have no significant conflicts of interest. Because the firm represents the Tampa Bay Times, public record requests pertaining to the newspaper's request of records from the City could create conflicts where the interests of the City and the newspaper are adversarial.

- List of any Bar Actions, Bar Complaints, malpractice actions or judgments, or claims against any attorneys in the firm, this shall include settlements in which no liability was admitted.

There are no Bar Actions or Complaints and no malpractice actions or judgments against members of the firm, nor are there any settlements to disclose.

FEE PROPOSAL

Basic Services can be provided based upon a retainer of \$15,000.00 per month for all basic services, with no time limit. Basic services include attendance at all meetings of the City Commission and appointed boards, and preparation or review of ordinances, resolutions, city documents and contracts, and weekly office hours. This monthly charge shall be exclusive of all copying, telephone, fax and other costs associated therewith. There shall be no travel charge for Basic Services.

The hourly rate for additional services shall be \$200.00 for all attorneys. Additional services shall include litigation matters and other additional services. These rates shall be

exclusive of all clerical, copying, telephone, fax, and other costs associated therewith. Additional services, including litigation, would include all other work, including all code enforcement, administrative proceedings before any government agency, litigation in any court, and consultation and services, before, during and after the same, along with associated travel time.

Alternatively, all services could be provided at a fixed hourly rate of \$200.00 per hour.

Additional budgets should be provided for legal materials, such as municipal legal reference books and attendance at seminars. The complete details of the fee arrangement would be addressed in a subsequent document acceptable to all parties. A specific fee agreement can be tailored to the needs of the City.

All costs will be separately billed and itemized for items not related to the basic services, which may include filing fees, recording fees, deposition and other court fees. All charges are billed at actual costs, with no mark-ups. All travel expenses will be subject to approval by the City in advance.

REFERENCES

References are available from current and former mayors Dan Calabria, City of South Pasadena, Michael J. Yakes, Gulfport, Ward Friszolowski, St. Pete Beach, Bill Mischler, Pinellas Park, and Mary Maloof, Treasure Island, as well as the Mayor and Commissioners of Tarpon Springs. You may also contact the City Manager in Gulfport, James O'Reilly, and City Attorneys, James Denhardt, in Pinellas Park, Tom Trask in Dunedin, and Alan Zimmet in Largo.

Letters of recommendation are attached.

PERSONAL

Mr. Driscoll has been a Tampa Bay area resident since 1972, and has never resided outside the State of Florida.

DESIGNING
POSSIBILITIES
SINCE 1938

STOCKHOLDERS

William B. Harvard, Jr., AIA
Jeffrey E. Cobble, AIA, CPTED
Michael K. Hart, AIA, ACHA
Ward J. Friszolowski, AIA
Steven M. Helsar, AIA
Alejandro F. Gonzalez, AIA
Yvette V. London, AIA, LEED AP
Jack Williams, Jr., AIA
Paul N. Schnitzlein, AIA
Jacquelyn S. Spears, ASID, LEED AP
Leslie D. Brunell, AIA
Stephen L. Johnson, AIA, LEED AP
Philip L. Trezza, Jr., AIA, LEED AP
Louis B. Kubler II
Charles J. Clee, RLA
Marie Harvard Rawls, LEED AP
Howard W. Braukman, AIA, LEED AP
Ronald R. Zajac, AIA, LEED AP
Joseph E. Blouin, Jr., AIA
Winola H. Davidson, LEED AP
Amy E. Jarman, RA, LEED AP
Candace E. Shepherd
Robert S. Cusick, AIA, LEED AP

December 13, 2012

Re: Reference for Mr. Timothy Driscoll, Esq.

To whom it may concern,

I served in elected office in the City of St. Pete Beach from 1994 until 2008. I was a City Commissioner from 1994 to 1995, Vice Mayor from 1995 to 2000, and served as the Mayor of St. Pete Beach from 2000 to 2008.

We selected and appointed Mr. Timothy Driscoll as our City Attorney in January, 2004. I had the pleasure of working with Mr. Driscoll from 2004 through 2008. Mr. Driscoll was directly and personally involved as our City Attorney. He was extremely knowledgeable in municipal legal issues. He was very professional and available. He attended all of our City Commission meetings as well as other special meetings upon our request.

I would not hesitate to recommend Mr. Driscoll as an exceptional attorney. If you have any questions or would like to discuss this with me, please contact me at my office 727-896-4611 or my cell phone 727-642-8296 or home 727-367-7320.

Sincerely,



Ward J. Friszolowski, AIA
Executive Vice President
HARVARD JOLLY ARCHITECTURE



CITY OF GULFPORT, FLORIDA
Gateway to the Gulf

MICHAEL J. YAKES, Mayor

DANIEL LEDERER, Councilmember, Ward 1
BARBARA BAINSON, Councilmember, Ward 2

PHILIPER SALMONS, Councilmember, Ward 3
SARAH THORN, Councilmember, Ward 4
<http://www.citygulfport.com>

December 13, 2012

To Whom It May Concern:

It is with pleasure that I write this letter of recommendation for Timothy P. Driscoll, Esq. Mr. Driscoll served as our City Attorney in the City of Gulfport from May 1990 thru July 2009.

During his tenure with the City, I found Mr. Driscoll to be well versed and knowledgeable in municipal law; keeping abreast of the issues facing municipal governments. His professionalism, commitment and work ethic made him a valuable asset to the City of Gulfport.

I would be happy to speak with you to answer any questions you may have or to provide any additional information necessary. Please feel free to contact me at (727) 893-1012.

Sincerely,

City of Gulfport

Michael J. Yakes
Mayor