

September 19, 2023

VIA PDF EMAIL TO:

sangrand@cityofpsl.com

Honorable Mayor Shannon M. Martin
& Honorable Members of Council
City of Port Saint Lucie, Florida
c/o Ms. Salome Angrand
Executive Assistant
City Manager's Office
City of Port St. Lucie, FL 34984

Re: City Attorney Contract Services

Dear Mayor Martin:

I understand you are seeking contract City Attorney services in the near term, given the anticipated vacancy in the Office of City Attorney, and for the duration of the search for a qualified candidate to fill the position on a full-time basis. I am pleased to have the opportunity to express my interest through this letter.

Bryant Miller Olive P.A. (BMO) and I stand ready, if selected, to provide the City with quality service. BMO has been helping Florida's local governments solve their most challenging legal issues for over 50 years. The firm already serves as the City's Disclosure Counsel and we are familiar with and understand what goes into being a city attorney.

BMO is Florida-based professional association founded in 1970 and is rated "AV Preeminent" by Martindale-Hubbell. BMO is set apart from other qualified candidates because it offers the resources, depth, and expertise of a large firm, with the responsiveness, efficiency, and creativity of a small, local firm. Although the bulk of legal services will be provided by my colleague Ellie Neiberger and I out of our firm's Miami office, we have the support of time-tested legal experts at BMO with experience serving as general counsel for cities, counties, special districts, and other state and local government agencies across an array of complimentary practice areas. Enclosed please find our respective biographies and a brief profile of the firm. Our services are billed hourly in increments of one-tenth of an hour at the rate of \$350/hour for attorneys and \$150.00/hour for paralegals.

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We welcome the opportunity to meet with you and discuss our professional capabilities and experience which make us uniquely qualified to meet the City's needs for city attorney services. Ms. Neiberger or I can be reached at the address, phone or fax number indicated on this letterhead or by email at: lbravo@bmlaw.com or eneiberger@bmlaw.com, and will make ourselves available at your convenience. Thank you in advance for considering our qualifications.

Sincerely,

BRYANT MILLER OLIVE P.A.



Lorena E. Bravo

Enclosures

Bryant Miller Olive

Lorena Bravo

Miami Office

(305) 374-7349 phone

(305) 374-0895 fax

lbravo@bmlaw.com



Education

- University of Miami- J.D., *cum laude*
- Florida Atlantic University- MAC
- Florida International University- B.S.

Bar Admissions

- The Florida Bar

Court Admissions

- All Florida Courts

Biography

Lorena Bravo is a member of Bryant Miller Olive's Labor and Employment practice group with a focus on various areas of labor and employment, including but not limited to employment litigation, preventative counseling and labor disputes. In particular, she has extensive experience handling issues related to public sector employees and employers.

Ms. Bravo has nineteen (19) years of experience as an attorney, of which she served nine (9) years as City Attorney -for the City of Hialeah. During her time as City Attorney, she was responsible for providing counsel to the City's elected and appointed officials; preparing and reviewing all ordinances and resolutions, contracts and any written instruments requiring municipal approval; providing legal opinions on the law pertaining to the duties of municipal offices; and, drafting legislation, policies, and procedures, as well as creating administrative frameworks to implement said policy.

Prior to her role as City Attorney, Ms. Bravo served as Assistant City Attorney for nine (9) years providing representation in various legal matters related to the interests of the City, its

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employees and officials to perform municipal functions and services. Ms. Bravo has in-depth experience handling matters related to the enforcement of local laws through judicial or quasi-judicial actions. In particular, she has distinct expertise providing counsel for City Planning and Zoning Board's, Code Enforcement Special Master, department directors, code inspectors and employees.

Prior to her legal career, she was a Trust Client Service Associate for Merrill Lynch Bank & Trust Co. providing international trust services as a component of private wealth management for a Latin American client base.

Ms. Bravo received her Bachelor of Business Administration in Finance from Florida International University in 1999 where she was the recipient of the Valedictorian Scholarship, Florida Scholars, and Florida Undergraduate Scholarship. She received her Juris Doctorate from the University of Miami School of Law, cum laude, in 2004. During Law School, she served as a Summer Fellow with the Florida Bar Foundation Legal Services. In 2023, she obtained her Master of Accounting from Florida Atlantic University.

Bryant Miller Olive

Elizabeth "Ellie" Neiberger

Miami Office

(305) 374-7349 phone

(305) 374-0895 fax

eneiberger@bmolaw.com



Education

- Florida State University- J.D., *summa cum laude*
- University of Florida - B.A., *cum laude*

Bar Admissions

- The Florida Bar

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Courts for the Northern, Middle, and Southern Districts of Florida
- U.S. Bankruptcy Courts for the Northern and Middle Districts of Florida
- All Florida Courts

Biography

Elizabeth "Ellie" W. Neiberger is a Shareholder in the Miami Office and practices local government law, with an emphasis on litigation, and dispute resolution. She is currently the Co-Chair of the firm's litigation group, and serves as a member of the Executive Council of the City, County and Local Government Section of The Florida Bar. She has been an attorney licensed to practice in Florida since September 2009, and the primary focus of her practice over that entire period has been representing local governments and other government entities.

Ms. Neiberger regularly represents the firm's government clients in dispute resolution, trial and administrative-level litigation, appeals, and original proceedings for extraordinary writs. Her practice also involves advising governmental clients in a wide variety of issues, including challenges to state statutes, bond validation and other finance issues, public records and Sunshine Law claims, contract disputes, labor and employment

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issues, bid protests, and constitutional challenges. In addition to representations involving litigation and special counsel matters, Ms. Neiberger provides advice and consulting on various matters for the cities and other local governments for which the firm serves as general counsel, including the City of Largo, the City of Safety Harbor, and the Pinellas Suncoast Transit Authority, an independent special district in Pinellas County. *Florida Trend* magazine named her as a "Legal Elite" in 2012-2019. She has been selected as one of *Super Lawyers'* Florida Rising Stars in 2015-2022

Professional & Civic Activities

- City, County, & Local Government Section of The Florida Bar, Executive Council Member
- City, County, & Local Government Section of The Florida Bar, Florida Bar Journal Column Editor
- ABA Council of Appellate Lawyers, Publications Committee Editorial Board Member (2015-2018)
- ABA Litigation Committee, YLD Vice Chair and Publications Content Editor (2015-2016)
- Appellate Practice Section of The Florida Bar, Rules Committee and Pro Bono Committee, Member
- Order of the Coif, Florida State Chapter, Member

Publications:

- *PILOT Agreements Have Liftoff: City of Largo v. AHF Bay Fund*, 47 Stetson L. Rev. 405 (2018) (co-authored with Alan Zimmet and Nikki Nate)
- *An Emerging Value of Oral Argument in the Electronic Age*, Appellate Issues: Journal of the ABA Council of Appellate Lawyers (Fall 2017)
- *Do Elected Officials Have First Amendment Rights When Speaking in Connection with their Official Duties?*, Appellate Issues: Journal of the ABA Council of Appellate Lawyers (Fall 2016)
- *The Line Between Special Assessments and Ad Valorem Taxes*, Stetson Law Review (Spring 2016)
- *Relationship Between Preliminary Injunctive Relief and Final Relief Sought in Complaint*, American Bar Association YLD Litigation Quarterly Newsletter (Winter 2016)
- *December 2015 Amendments to the Federal Rules of Civil Procedure*, American Bar Association YLD Litigation Quarterly Newsletter (Winter 2016)

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- *Judicial Notice of Adjudicative and Nonadjudicative Facts on Appeal*, Appellate Issues: Journal of the ABA Council of Appellate Lawyers (2015)
- *Judge-Friendly Briefs in the Electronic Age*, Florida Bar Journal (2015)
- *Preserving Jury Verdict Objections for Appeal*, American Bar Association YLD Litigation Quarterly Newsletter (Fall 2015)
- *Judicial Profile of Judge Timothy Osterhaus*, The Record: Journal of the Appellate Practice Section of the Florida Bar (2014)
- *Honest Services Fraud: Federal Prosecution of Public Corruption at the State and Local Level*, Florida Bar Journal (2010)
- *Contracting, Purchasing, and Sale of County Property*, Florida County Government Guide, Florida Association of Counties (2010, 2012, 2016, 2018) (co-authored with Susan Churuti)

Speaking Engagements:

- *Public Records, Sunshine Law, and Social Media*, City, County and Local Government Section Annual Sunshine Law and Ethics Conference (2019-2022)
- *Social Media Policies in Government*, State of Florida CLE (2022)
- *Continuing Education in Ethics for City Officials (Ethics, Sunshine Law, and Public Records Law)*, Florida League of Cities University (2015-2020)
- *Continuing Education in Ethics for City Officials (Ethics, Sunshine Law, and Public Records Law)*, Florida League of Cities Annual Conference (2015-2020)
- *Public Records and Sunshine Law*, City, County and Local Government Section Annual Conference (2019)
- *Electronic Appellate Briefs*, Florida Bar Appellate Practice Section (2017)
- *110 Degrees in the Shade: How to Stay Cool in Shade Meetings Under the Sunshine Law*, The Florida Bar, Annual Sunshine Law, Public Records and Ethics Seminar (2015)
- *Shade Meeting Exemption from the Sunshine Law*, Florida Association of County Attorneys Annual Seminar (2014)
- *Trial Preparation*, Big Bend Paralegal Association (2013)
- *Selection & Retention of Expert Witnesses*, Florida Department of Financial Services (2011)
- *Expert Witnesses*, Big Bend Paralegal Association (2010)

Bryant Miller Olive

Bryant Miller Olive P.A. (“BMO” or the “Firm”) has over a 52-year history of representing Florida’s state and local governments. The firm has served as general counsel to counties, cities, and special districts, and firm attorneys have served in the role of full and part time county attorney, city attorney, and special district attorney in a public capacity. The firm has also served as special counsel to state agencies and counties, cities and special districts. As such, BMO is acutely aware of and experienced in the nuances of public sector practice and the special circumstances of operating on the public eye. We understand our clients’ needs and can meet them properly and cost-effectively. We assist our wide governmental client base in solving a broad spectrum of substantive legal problems, including but not limited to:

- Governance alternatives; charters; redistricting; special districts; interlocal entities; municipal service taxing and benefit districts; educational facilities benefit districts
- Special assessments; alternative revenue analysis and enhancements of every kind; impact fees; tax increment initiatives (statutory and home rule)
- Public records; Government in the Sunshine; public ethics
- Constitutional litigation and appeals
- Fire protection; water; wastewater; stormwater utilities; solid waste
- Local government litigation
- Legislation; lobbying; general law amendments; local bills and special acts
- Ad valorem tax matters
- Community redevelopment

Our familiarity with an extensive local government practice enables us to provide a high quality of service, realizing our overriding mission to understand and then efficiently implement the goals of our clients. Examples of recent matters handled by Bryant Miller Olive’s State and Local Practice Group include but are not limited to:

- Developing two-tiered fire assessment methodology validated by the Florida Supreme Court
- Providing comprehensive legal services while serving as full- and part-time city attorney, full- and part-time county attorney and independent special district utility general counsel
- Drafting a request for an Attorney General’s opinion in support of municipal home rule
- Providing advice regarding contractual indemnification to a water management district
- Creating a stormwater utility for a city; develop and maintain stormwater assessment plans
- Facilitating expansion of municipal water and sewer infrastructure outside city limits and funding same through special assessments
- Facilitating expansion of central wastewater service to areas served by septic tanks and successfully defending the municipality against legal challenges to the State Supreme Court
- Negotiations and drafting marina management agreements for two cities
- Assisting a city, a state college and a bridge authority with Consultants Competitive Negotiations Act problems
- Assisting a county with Bert Harris matters

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- Facilitate an intergovernmental dispute process with a county and a fire district
- Assist a city in implementing a citizen initiation
- Coordinating a comprehensive contracting agreement between an electric utility and a water utility
- Obtaining successful mediated settlement for a county for faulty land design by engineer
- Assisting a municipality in transition from strong mayor to city manager form of government and representing the municipality in reopening a twenty five year old federal court injunction to allow the new form of government with an expansion of the districts, represented the city in the redistricting process
- Successfully defending a state agency against a lawsuit brought under the Federal Civil Rights Act and the State Waiver of Sovereign Immunity Act
- Facilitating and validating a consensual special assessment program to improve roadway construction needed to meet concurrency requirements and developing a potential back-up tax increment source of revenue outside of a community redevelopment regime

BMO organizational summary:

BMO has full-service offices in Tampa, Orlando, Miami, Jacksonville, Tallahassee, Washington, D.C. and Atlanta, Georgia, with a limited-service office in Atlanta, Georgia. The Firm's strong Florida presence is attributable, in part, to its founder, C. Farris Bryant, who was the Governor of Florida in the early 1960's.

The Firm offers a multidisciplinary range of legal services, with practice groups focused in the following areas: Affordable Housing, Appellate Advocacy, Corporate Trust & Default, Government Consulting, Government Procurement, Labor & Employment, Litigation, New Tax Market Credits, Public Finance, Public Private Partnerships, Real Property & Commercial Transactions, and State & Local Government. The Firm also offers legal services in Federal and State Tax issues, both in relation to public finance work and as a separate area of practice that addresses non-public finance related tax issues. We have attorneys who are certified by The Florida Bar in the areas of City, County and Local Government Law, Tax Law, Construction Law, Real Estate Law and Labor & Employment Law. The Firm has a wholly owned arbitrage rebate service subsidiary, Integrity Public Finance Consulting, to assist tax-exempt borrowers with post-issuance compliance with the Internal Revenue Code and regulations promulgated thereunder.

The Firm's strategic direction is guided by a board of directors. The board consists of three members serving staggered three-year terms plus three members annually elected to one-year terms: a chairperson, a managing shareholder, and a chief financial officer. The Managing Shareholder, JoLinda Herring, is responsible for the successful operation of the Firm on a daily basis. She is supported by a non-attorney operations director located in Tampa, who oversees accounting, facilities, human resources, and technology. The Managing Shareholder is also supported by managers of each office and practice group leaders. BMO is structurally sound, well-managed by seasoned attorneys and is a financially stable organization with the viability to fulfill the commitments to the City.

References Check Summary
Lorena Bravo – Bryant Miller Olive

William Grodnick, Esq.,
Former City Attorney, City of Hialeah
(305) 281-2662

Is your City Attorney a charter officer position?

The City of Hialeah has a strong mayor form of government, the City Attorney position never had a contract, therefore only the Mayor can remove a City Attorney.

Who did you work with at the law firm?

Worked with Lorena for 10 years. While [Mr. Grodnick was] the City Attorney for Hialeah, hired Lorena out of law school. When [he] retired in 2014, Lorena become City Attorney (2013-2023).

What kind of work did Lorena do?

Zoning, Land use, Code, Contracts, Ordinances, Labor, Conflict of Interest cases

How many staff did they oversee and supervise in the City Attorney's office, if any?

As City Attorney, Lorena had 2 – 3 other attorneys under her; the City Attorney is comprised of 5- 10 staff. They did a lot of in-house work.

Would you hire them again to assist in the same manner?

Definitely would.

Would you like to provide any other information about your experience with the firm?

She is a principled, brilliant, thorough, and articulate. She is divorced from the political world, since the City of Hialeah government can be very political. She is a quality person and excellent attorney. Has the highest regard for her.

Armando Vidal
former Public Works Director, City of Hialeah
former County Manager, Miami-Dade County
(305) 450-4142
avidalgarcia@outlook.com

Mr. Vidal responded by email to several question provided.

Is your City Attorney a charter officer position?

Yes

Who did you work with at the law firm?

David Miller and Lorena Bravo as City Attorney and employee of the city.

What services did the law firm provide to your city?

Labor law and bond counsel

What did the law firm do to assist during this period?

As bond counsel worked on a \$45M issuance for a water plant. As labor attorneys worked on numerous cases for the city some very complexed.

Did the law firm provide any interim City Attorney work and in what capacity?

No to my knowledge.

Was this person on site or worked remotely during the need?

See above

How many staff did they oversee and supervise in the City Attorney's office, if any?

See above

Would you hire them again to assist in the same manner?

There is no reason not to use the firm again they are extremely competent responsible and responsive.

Would you like to provide any other information about your experience with Ms. Bravo?

Lorena Bravo is a very experienced and capable municipal attorney in all phases of municipal business. I dealt with her on large contracts, bid awards, bid protests, personnel issues, lawsuits, investigations of all types, bond issuance, budget ordinances, she was always fully capable of handling those issues extremely capable.

Carlos Hernandez
Former Mayor (May 2011 – Nov 2021), City of Hialeah
305-206-7001
chaconsulting@yahoo.com

Is your City Attorney a charter officer position?

The City Attorney position is a charter position. Lorena was the “in-house” City Attorney.

Who did you work with at the law firm?

[While Mr. Hernandez served] as mayor for 10 years, Lorena was City attorney for 7 of those years.

Has also dealt with the law firm, for example, David Miller, who worked on contract negotiations, arbitration, and litigation, and Jolinda Harris, who worked on bonds.

How many staff did they oversee and supervise in the City Attorney’s office, if any?

Lorena oversaw a team of 12-15 staff members including support staff, also consisting of 5-6 attorneys.

Was this person on site or worked remotely?

The attorneys from the law firm would work remotely.

Would you hire them again to assist in the same manner?

Would definitely hire her again. Highly recommends her and her team.

Would you like to provide any other information about your experience with the firm?

Can’t speak highly enough of her. She is very professional, always great, fantastic!

In reference to Bryant Miller Olive

Maggie Paluch
Acting City Manager, City of Largo
(727) 587-6744
mpaluch@largo.com

Who did you work with at the law firm?

Worked with Alan Zimmet who serves as the City Attorney of Largo of 40 years.

Mr. Zimmet brought over other attorneys from the firm to assist with different tasks: Jacina Parson, Isabella Sobel – works with Code Enforcement Board, and Jaime [last name not noted] who is a trial attorney.

Did the law firm provide any interim City Attorney work and in what capacity?

The City of Largo had an in-house City Attorney office 5-6 years ago, but circumstances resulted in the City transferring the responsibilities of that office to Alan Zimmet and his team.

How many attorneys from the law firm work with your city?

There are 5 attorneys from the firm assigned to the City of Largo, and more attorneys are added as needed.

What services did the law firm provide to your city?

General Counsel, Trial, Code, Permitting, Easement and land transactions, other services.

Since Largo's City Hall had undergone changes and provides retail space leasing opportunities (the name of the project is called Horizon West Bay), other attorneys were pulled in to help with the leases for storefronts at City Hall.

Was this person on site or worked remotely during the need?

The attorneys have different office hours, they are not in the office all week. They attend Commission meetings in person.

Would you like to provide any other information about your experience with the firm?

Mr. Zimmet is a premier attorney and is "really good." They work well together. It is advantageous to access knowledge of attorneys from across the state.

Matthew Spoor
City Manager, City of Safety Harbor
(727) 724-1555
mspoora@cityofsafetyharbor.com

Mr. Spoor responded by email to several questions provided.

Is your City Attorney a charter officer position?

Yes, appointed position by the CC.

Who did you work with at the law firm?

Isabella Sobel is our main point of contact, but we have worked with many attorneys at the firm, depending on the task.

What services did the law firm provide to your city?

City Attorney, Contract Negotiations/Drafting, Land Purchasing, Litigation, etc.

What did the law firm do to assist during this period?

BMO has served as our City Attorney for many years.

Did the law firm provide any interim General Counsel work and in what capacity?

N/A

Was this person on site or worked remotely during the need?

Remotely, on-site as needed.

How many staff did they oversee and supervise in the General Counsel office, if any?

N/A

Would you hire them again to assist in the same manner?

Absolutely!

Would you like to provide any other information about your experience with the law firm?

The BMO team is excellent to work with.