

Meeting Date:

Agenda Item

October 13, 2015

50

REQUESTED COMMISSION ACTION:

<u>        </u> Consent	<u>        </u> Ordinance	<u>        </u> x Resolution	<u>        </u> Consideration/ Discussion	<u>        </u> Presentation
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SHORT TITLE

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A WAIVER OF CONFLICT BETWEEN THE FIRM OF GREENSPOON MARDER, P.A., BOND COUNSEL FOR THE CITY, AND ITS REPRESENTATION OF ARSH OIL & GAS LLC IN A MATTER ADVERSE TO THE CITY NOT RELATED TO GENERAL OBLIGATION BOND REFERENDUM AND ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

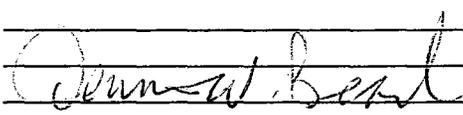
Attorney Denise J. Ganz of Greenspoon Marder, P.A., who serves as the city's bond counsel, is representing Arsh Oil & Gas LLC in the matter of *Arsh Oil & Gas LLC v. City of Pompano Beach*, Broward Circuit Court Appeals Case No. 15-006461 (AW), which is an appeal from a decision of the city's Zoning Board of Appeals. Greenspoon Marder is requesting the City waive any conflict that may arise from their representation of Arsh Oil & Gas LLC in this particular matter.

- (1) Origin of request for this action: Denise J. Ganz, Greenspoon Marder, P.A.
- (2) Primary staff contact: Mark E. Berman, City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: \_\_\_\_\_
- (4) Fiscal impact and source of funding: \_\_\_\_\_

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
<u>City Attorney</u>	<u>9/21/15</u>		<u>See City Attorney's Comm. #2015-1650</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



X City Manager



**ACTION TAKEN BY COMMISSION:**

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
<u>1<sup>st</sup> Reading</u> _____	<u>1<sup>st</sup> Reading</u> _____	<u>Results:</u> _____	<u>Results:</u> _____
<u>2<sup>nd</sup> Reading</u> _____	_____	_____	_____
_____	_____	_____	_____

l:comsn/2015-1651



**City Attorney's Communication #2015-1650**  
September 21, 2015

**TO:** Dennis W. Beach, City Manager  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution - Conflict Waiver / Greenspoon Marder, P.A.

Attached please find the following captioned Resolution addressing the above-referenced matter:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A WAIVER OF CONFLICT BETWEEN THE FIRM OF GREENSPOON MARDER, P.A., BOND COUNSEL FOR THE CITY, AND ITS REPRESENTATION OF ARSH OIL & GAS LLC IN A MATTER ADVERSE TO THE CITY NOT RELATED TO GENERAL OBLIGATION BOND REFERENDUM AND ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING AN EFFECTIVE DATE.**

Please place this matter on the October 13, 2015 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.



MARK E. BERMAN

MEB/jrm  
l:cor/manager/2015-1650

Attachments

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A WAIVER OF CONFLICT BETWEEN THE FIRM OF GREENSPOON MARDER, P.A., BOND COUNSEL FOR THE CITY, AND ITS REPRESENTATION OF ARSH OIL & GAS LLC IN A MATTER ADVERSE TO THE CITY NOT RELATED TO GENERAL OBLIGATION BOND REFERENDUM AND ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That a waiver of conflict between Greenspoon Marder, P.A. and the City of Pompano Beach, a copy of which waiver is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper City officials are hereby authorized to execute said waiver between Greenspoon Marder, P.A. and the City of Pompano Beach.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

# GreenspoonMarder

ATTORNEYS AT LAW

888.491.1120  
www.gmlaw.com

From the desk of:  
Denise J. Ganz, Esq.  
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Boca Raton, Florida 33431  
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Email: denise.ganz@gmlaw.com

September 20, 2015

Mark Berman, Esq.  
City Attorney  
City of Pompano Beach, Florida  
100 West Atlantic Boulevard, Room 430  
Pompano Beach, Florida 33060

Re: Conflict Waiver/ *Arsh Oil & Gas LLC v. City of Pompano Beach*, State of Florida in the  
Broward Circuit Court Appeals Case No. 15-006461 (AW)

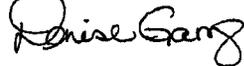
Dear Mark:

As we have discussed, this firm ("GM") is currently representing Arsh Oil & Gas LLC ("Arsh") in the above-referenced proceeding and is also serving as bond counsel to the City of Pompano Beach, Florida (the "City"). We are requesting that the City waive any conflict that may arise from GM's representation of Arsh in this particular matter. GM will obtain a similar conflict waiver from Arsh. We understand that granting of this waiver by the City does not imply a waiver of any future conflict arising from GM's representation of the City.

Once you have had the opportunity to review the foregoing, please let me know if you need any further information. If the waiver is approved, please sign (or have the City Manager of the City sign) this letter in the space provided below and return a copy to me. The acknowledgement below includes the acknowledgment that GM has given the City an opportunity to evaluate GM's representation of Arsh and any conflict of interest which may develop therefrom and to discuss the same with you as its legal counsel.

Thank you in advance for your assistance.

GREENSPOON MARDER, P.A.



Denise J. Ganz, Esq.  
For the Firm

Acknowledged And Agreed To:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**"CITY":**

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
DENNIS W. BEACH, CITY MANAGER

Attest:

(SEAL)

\_\_\_\_\_  
ASCELETA HAMMOND  
CITY CLERK

Approved As To Form:

\_\_\_\_\_  
MARK E. BERMAN  
CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instruments were acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number