

**NOTICE AND AGENDA**  
CEDAR KEY WATER & SEWER DISTRICT  
510 3<sup>RD</sup> STREET, CEDAR KEY, FL32625

SPECIAL MEETING  
May 20, 2022  
5:30 P.M.

1. Call to order
2. Pledge and Prayer
3. Adoption of Agenda
4. Interview of Candidate for Legal Council
5. General Manager Candidate Bill Pittman
8. Commissioner Comments
9. Public Input
10. Adjourn

All persons are advised that if they decide to appeal any decision made at the above-referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal will be based.

**RESPONSE TO  
CEDAR KEY WATER AND SEWER DISTRICT  
LEGAL COUNSEL REQUEST FOR  
LETTER OF INTEREST AND RESUME**

***Submitted by:***

Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, Florida 32308  
Tel. 850-224-4070  
Fax 850-224-4073

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**TALLAHASSEE**

1500 Mahan Drive  
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Tallahassee, Florida 32308  
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**TAMPA**

2502 Rocky Point Drive  
Suite 1060  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax

**PLANTATION**

8201 Peters Road  
Suite 1000  
Plantation, Florida 33324  
(954) 315-0268 Tel

May 10, 2022

**Via Electronic Delivery**

Cedar Key Water and Sewer District  
510 3<sup>rd</sup> Street  
Cedar Key, Florida 323625  
chad@ckwater.org

Re: Cedar Key Water and Sewer District Legal Counsel

Dear Ladies and Gentlemen:

The law firm of Nabors, Giblin & Nickerson, P.A. ("NG&N" or the "Firm") is pleased to respond to the Cedar Key Water and Sewer District (the "District") request for letter of interest and resume for Legal Counsel. Our response is intended to focus on the unique experience of NG&N and its members, which we feel is specially tailored to assist the District.

NG&N has exclusively represented counties, municipalities, special districts, and governmental authorities since the law firm was organized in 1984. **Since NG&N has limited its practice primarily to the representation of local governments, NG&N avoids conflicts such as representing the District in one matter and representing private parties with adversarial interests to the District in another.** We believe that this is another advantage to having NG&N on the District team.

The Firm currently represents numerous special district entities throughout the State of Florida, including several utility authorities. Additionally, the Firm previously represented the District in 2013 as bond counsel in connection with the District's issuance of water revenue bonds utilized to finance the cost of the acquisition, construction and equipping of improvements to the District's water system.

Among the utility authorities the Firm currently represents is the Florida Governmental Utility Authority or the "FGUA," which was formed in 1999 through an interlocal agreement between Brevard, Lee, Polk and Sarasota counties. Currently the FGUA owns and operates over 98 water and wastewater systems in 14 counties across Florida and provides service to approximately 120,000 customer connections. The Firm assisted in the initial creation of the FGUA and continues to serve as the FGUA's Utility Counsel to this day. In this capacity, the Firm actively provides legal advice and representation to both the FGUA and its staff on issues ranging from the establishment of utility rates and charges, real property matters, contracts, construction disputes, customer relations, procurement, bulk water and wastewater agreements, issues related to state and federal grants, the purchase and sale of utility systems, and the financing of capital improvements.

The Firm also represents the Highway 79 Corridor Authority, a special district created by interlocal agreement between Holmes County, Washington County, and the City of Bonifay to construct, install, operate, and maintain a water and sewer system in portions of each of the three government's jurisdictions. The Firm assisted in the initial establishment of the Highway 79 Corridor Authority in 2018 by drafting all founding documents, including the interlocal agreement creating the Authority, governing board bylaws, procurement policy, and activation plan. Subsequently, the Firm remained heavily involved in the Authority's operations, including attending all Authority Board meetings, and assisting with the successful procurement of professional service providers, which included a general manager, rate consultant, planning and engineering firms, and accounting firm, and assisting with the negotiation and acquisition of necessary easement interests to allow for construction of the water and sewer system. The Firm also successfully assisted the Authority with the management and oversight of grants from DEO and FDOT, including obtaining grant amendments critical to the project's success. The Firm drafted all solicitation and contract documents related to the Authority's successful procurement of a construction contractor to construct the water and sewer improvements. Construction on the project is nearing completion and is scheduled to be completed on time and under budget. Recently, the Firm also assisted with the negotiation of a wholesale water and wastewater service agreement between the Authority and the City of Bonifay pursuant to which the City will provide wholesale potable water and wastewater treatment service to the Authority.

Evan Rosenthal, who is located in the Firm's Tallahassee Office, would take the lead for the Firm on this engagement. Mr. Rosenthal has extensive experience representing water and sewer utility authorities and currently serves as General Counsel to the Highway 79 Corridor Authority and Assistant Utility Counsel to the FGUA. Mr. Rosenthal is also the Deputy Wakulla County Attorney, Deputy General Counsel to the Gulf Consortium, and General Counsel to the Tri-County Airport Authority. Mr. Rosenthal serves as special counsel to counties throughout North Florida, including Jackson County, Columbia County, Levy County, Nassau County, Okaloosa County, and Suwannee County. In his capacity representing these and other local

government clients, Mr. Rosenthal frequently attends board meetings and provides counsel at public hearings, prepares agenda items, reviews and negotiates contracts with vendors, consultants, landowners, developers and other entities, and generally provides any legal advice required, including, but not limited to issues relating to ethics, public records, government in the sunshine, bidding and procurement, and a myriad of other areas. Mr. Rosenthal's practice focuses on local government law, public utilities law, land use, environmental and real estate law, governmental finance and tax matters, and matters related to contracts, grants, and procurement. He is frequently called upon to lecture before local government attorneys, officials, and staff.

Mr. Rosenthal would be assisted by Heather Encinosa and Kirsten Mood, both of whom are located in the Firm's Tallahassee Office. Ms. Encinosa has represented local government entities in the State of Florida for 25 years and has extensive experience in the area of public utilities law, having represented the FGUA for more than 20 years and the City of Sunrise as utility counsel for more than 10 years. Ms. Encinosa is also the Wakulla County Attorney and served as Interim Levy County Attorney until the County hired a permanent County Attorney. Ms. Mood is a former Florida Supreme Court Clerk who also served as attorney to the Blueprint Intergovernmental Agency, a special district created by interlocal agreement between Leon County and the City of Tallahassee to oversee the County's use of local option surtax funds. Ms. Mood currently serves as an Assistant County Attorney for Okaloosa and Wakulla Counties and advocates for local government clients in eminent domain and other litigation.

NG&N provides its clients with the utmost professionalism, and the fact that the Firm has established long term relationship with its clients over multiple projects is a testament to the Firm's ability to find creative solutions to issues while being sensitive to political and economic constraints. In fact, NG&N has been included within the U.S. News - Best Lawyers "Best Law Firms" rankings (Metropolitan Tier 1) for its Tallahassee office, in the field of Municipal Law and for its Tampa office in the field of Public Finance Law each year beginning in 2015.

In representing the District, our mission would entail the following goals and objectives:

- **Attend all regular and special meetings or workshops of the District Governing Board.**
- **Attend other meetings when requested or when deemed appropriate by the District Governing Board.**
- **Oversee the negotiation and preparation of agreements, contracts, agenda items, or other documents when requested.**
- **Respond by telephone, email, or regular mail to requests for advice from District staff, General Manager and Commissioners regarding administrative, executive, and legal issues.**

- **Represent the District in any and all litigation.**
- **Advise the District Board at all public hearings before the Board, including quasi-judicial hearings, rate adoption hearings, etc.**
- **Represent the District in connection with any municipal financings and bank loans.**
- **Represent the District in any sale or acquisition of utility systems or utility assets.**
- **Advise the District and its Board Members with respect to the legal requirements applicable to special district governmental entities under Florida law, including but not limited to Chapter 189, Florida Statutes, Chapter 153, Florida Statutes, the Sunshine Law, public records laws, and public ethics laws.**
- **Advise the District with respect to the development and implementation of rates, fees, and charges for the utility services provided by the District, including the legal requirements associated with same.**
- **Represent the District with respect to all real property matters, including but not limited to the purchase and sale of real property interests, issues related to easements and right of way, etc.**
- **Represent the District with respect to legal matters related to procurement.**
- **Represent the District with respect to legal matters related to state and federal grants and loans (including but not limited to loans through the State Revolving Fund (SRF) program).**

As set forth in our resume, the Firm offers our clients a unique combination of experience and commitment, and our services as the Legal Counsel to the District would be unparalleled. Please feel free to contact the undersigned should any additional information be needed or if there are any questions regarding our response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evan J. Rosenthal', written over a light blue horizontal line.

Evan J. Rosenthal, Esq.

# **NABORS, GIBLIN & NICKERSON, P.A. RESUME**

## **EXPERIENCE**

### **Utilities**

The Firm has extensive experience representing local government clients with respect to all manner of utility issues. As noted above, the Firm has represented two governmental utility authorities—the FGUA and the Highway 79 Corridor Authority—since their inception and continues to represent them to this day. The Firm also provides regular representation to numerous other local governments with respect to their water and sewer utility systems, including the City of Palm Bay, City of Sunrise, Wakulla County, Marion County, Nassau County, Santa Rosa County, Okaloosa County, and Hendry County.

Such representation includes, but is not limited to, drafting, negotiating, and reviewing contracts (such as bulk service agreements, advance refunding agreements, and conveyance and service agreements), drafting and reviewing utility regulations, service extension, and customer service and billing policies, providing counsel with respect to the adoption of lawful utility rates and charges (including utility connection and impact fees), mandatory connection requirements, real property matters, the purchase and sale of utility systems and utility assets, drafting, reviewing, and monitoring legislation impacting water and wastewater utilities, litigation (including related to eminent domain, inverse condemnation, and the Burt J. Harris Private Property Rights Protection Act), and state and federal grants and loans (including the CWSRF, DWSRF, and USDA programs).

### **Sunshine Law, Public Records and Ethics**

The attorney to the District must provide regular advice to the District Manager, District Board Members and District staff on Florida's Government in the Sunshine, Public Records and Ethics laws.

Our attorneys are called upon often to address issues relating specifically to the powers and prohibitions of governmental bodies and the individuals serving on them. In this role, NG&N has provided advice to numerous clients on issues relating to those state laws. The Firm has represented numerous local governments relating to allegations of violations of the Sunshine Law and Public Records law including Orange County, Nassau County and Okaloosa County. Additionally, the Firm has been engaged by numerous governmental entities to develop procedures and guidelines to assure compliance with the Public Records and Sunshine Law. NG&N has also provided St. Johns County with advice concerning whether the policies and practices utilized in the issuance of bonds complied with the open meeting requirements of the Sunshine Law and whether a proposed procedural mechanism under consideration would comply with Sunshine Law mandates. The firm also recently served as counsel to the Ethics Subcommittee of the Broward County Charter Review Commission and provided legal advice regarding the Broward County Code of Ethics.



In his role as Deputy Wakulla County Attorney, Mr. Rosenthal is frequently called upon to render legal advice on the various laws related to the Florida Code of Ethics including conflicts of interest, gifts, public records, and Government in the Sunshine.

Finally, firm members, including Mr. Rosenthal, Ms. Mood and Ms. Encinosa, have lectured extensively on the Sunshine Law and Florida's Public Records Act, Chapter 119, Florida Statutes, before government officials, attorneys, and staff. NG&N attorneys are prepared to advise the District Manager, District Board Members and District staff on issues relating to these important topics.

### **Contracts, Procurement, Commercial Practice, and Grants**

Legal Counsel must be equipped and able to provide legal representation to the District as needed in the transaction of District business in the areas of contracts, procurement, and commercial law. Specifically, Legal Counsel must review, revise and draft contracts with public and private sector entities, including documents for the construction of public facilities and infrastructure, as well as consulting, engineering, and other agreements for professional services. Additionally, the District's Legal Counsel must review all real property leases, licenses, and concessions, a variety of vendor agreements, and other contractual relationships between the District and other governmental entities.

NG&N has demonstrated experience in all aspects of contract, procurement, and commercial law. Similarly, NG&N attorneys have vast experience with franchises, licenses, and other contractual arrangements. Additionally, NG&N has successfully completed numerous land acquisitions and sales on behalf of our clients, including the drafting and negotiating of the purchase and sale agreements, the drafting of all necessary asset transfer instruments and the provision of title insurance. In fact, NG&N has worked on numerous complex deals involving the purchase and sale of utility systems, representing clients from the negotiation of a purchase and sale agreement through post-closing issues. Finally, NG&N has a demonstrated experience in drafting developer agreements, service agreements, and other public contracts, including utility agreements such as advance refunding agreements and bulk service agreements.

The Firm has extensive experience regarding all aspects of public procurement, from the adoption of local government procurement policies and procedures to handling bid disputes. By way of example, Mr. Rosenthal assisted the Highway 79 Corridor Authority and the Gulf Consortium with the adoption of formal procedures governing procurements conducted by these entities. He has also been involved with the preparation of numerous solicitation packages and shepherding local governments through every step of the procurement process.

Additionally, the Firm is very familiar and advises clients with matters related to state and federal grants. Mr. Rosenthal regularly works on grant-related issues in connection with his representation of Wakulla County, the Gulf Consortium, and the Highway 79 Corridor Authority. In 2020, Mr. Rosenthal assisted 14 counties throughout the state with the implementation of their CARES Act programs and activities in response to the COVID-19

Pandemic. Mr. Rosenthal is also currently representing several counties with respect to the newly enacted American Rescue Plan Act of 2021, which includes provisions permitting funds to be expended for water and wastewater infrastructure projects. Mr. Rosenthal's expertise includes advising clients with respect to the requirements of 2 C.F.R. Part 200, the "Uniform Guidance" related to the administration of federal grant awards.

### **Litigation and Appellate Law**

Although we believe that the District's Legal Counsel should strive in its representation of the District to avoid litigation, this is not always possible, and the District's Legal Counsel will inevitably need to represent the District in administrative proceedings and litigation in federal and state court. These judicial proceedings may involve a wide variety of issues including public ethics and open meetings, public records, land use, commercial litigation, eminent domain, employment litigation, personal injury defense, discrimination claims, and finance and tax matters.

NG&N has an active litigation and appellate practice and has represented numerous governmental entities in a wide variety of litigation with the primary focus being matters relating to tax and finance, labor and employment, Sunshine, Public Records and Ethics law, and land use matters, including claims related to inverse condemnation and the Bert J. Harris Act.

As a firm that has been engaged in local government litigation for almost forty years, we have tried cases ranging from impact fee challenges to ad valorem tax disputes to local government suits against the State to alleged Sunshine Law violations to contract claims to construction-related matters to personnel issues—it literally runs the entire gamut of local government issues.

### **Real Estate Practice**

NG&N also has extensive experience representing governmental entities in real estate matters including the acquisition, development and financing of real property for public financing projects. The firm has extensive experience in real estate transactions and has participated in hundreds of real estate closings. NG&N represents borrowers and creditors in commercial lending transactions, negotiating land use restriction agreements, mortgages, environmental indemnity agreements, credit agreements and other traditional lending documents as well as reviewing title and other real estate matters. Both Kirsten Mood and Kerry Parsons, attorneys in the Firm's Tallahassee Office, are licensed Title Agents of Old Republic National Title Insurance Company, qualified to issue title insurance commitments and policies and assist clients with real estate closings.

## **ORGANIZATION, SIZE, STRUCTURE, AND AREAS OF PRACTICE**

We pride ourselves on our responsiveness to our clients' needs, and our growing list of governmental clients in the State attests to this commitment. NG&N is equipped with state-of-

the-art telecommunications (including video conferencing), word processing, e-mail, facsimile, document scanning, and reproduction equipment and operators. Offices of the firm also have access to LexisNexis research tools.

### **Support Personnel**

Support personnel for the Tallahassee office consists of six legal assistants/paralegals, an office manager, a bookkeeper, a receptionist and two part-time couriers. Support personnel for the Tampa office consists of four legal assistants/paralegals, an office manager, and a receptionist. NG&N's support personnel perform with professionalism, competence, and self-direction. The firm has low employee turnover and several legal assistants/paralegals have been with NG&N for over 25 years.

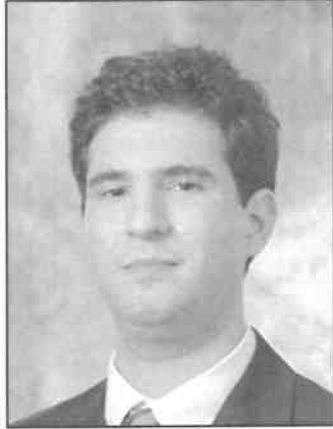
### **Office Organization and Support Capabilities**

NG&N maintains offices in Tallahassee, Tampa, and Plantation. The firm is divided into the following practice areas: Local Government Law; Litigation and Appellate Law, Employment Law, Land Use and Real Estate Law, Public Utilities Law, Public Finance, and Special Project Financing.

## Resumes of Assigned Attorneys

### Evan J. Rosenthal

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Evan J. Rosenthal | Associate | [erosenthal@ngnlaw.com](mailto:erosenthal@ngnlaw.com)  
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308  
850-224-4070 Tel. | 850-224-4073 Fax

Mr. Rosenthal is a 2008 graduate of the University of Florida with a degree in History and a 2013 cum laude graduate of the Florida State University College of Law. Mr. Rosenthal received a certificate in environmental and land use law with high honors and was also a member of the Florida State University Journal of Land Use and Environmental Law as well as an editor for the Florida State University Law Review. Mr. Rosenthal clerked for the Florida Department of Business and Professional Regulation and was also a Legislative Intern at the Florida House of Representatives. As a member of the Firm, Mr. Rosenthal's practice focuses on a wide range of matters connected to local governments, including land use and environmental law, real estate law, public utilities law, appellate law, and finance and tax issues.

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#### Professional, Civic & Community Involvement

- The Florida Bar, Member.
- Florida House of Representatives Legislative Intern, Class of 2012.
- Committee member of the Florida Association of County Attorney's Finance & Taxation Committee.
- Member of the Environmental and Land Use Law; and City, County and Local Government Law Sections of the Florida Bar.

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#### Education

- J.D., Florida State University, College of Law, *cum laude*, 2013.
  - Certificate in Environmental and Land Use Law, *magna cum laude*.
  - Florida State University Law Review Vol. 40, Article Editor.
  - Journal of Land Use and Environmental Law, Member.
  - Book Awards (Highest Grade) in Administrative Law, Environmental Law, and Emerging Issues in Energy Law.
- B.A. University of Florida, 2008.

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#### Publications

- *Letting the Sunshine In: Protecting Residential Access to Solar Energy in Common Interest Developments*, 40 Fl. St. L. Rev. 995 (2013).
- *The Trend is Your Friend: Embracing and Incentivizing the Private Sector's Shift Toward Climate Consciousness*, 12 Fla. St. U. B. Rev. 175 (2013).
- *Rethinking Minimum Parking Requirements*, 5 ABA-SEER Smart Growth & Green Building Committee Newsletter 6, June 2012.

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#### Areas of Practice

- Local Government Law
- Public Utilities Law
- Land Use and Real Estate Law
- Litigation and Appellate Law
- Public Finance

## Heather J. Encinosa

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**Heather J. Encinosa | Shareholder | [hencinosa@ngnlaw.com](mailto:hencinosa@ngnlaw.com)  
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308  
850-224-4070 Tel. | 850-224-4073 Fax**

Ms. Encinosa has dedicated her entire legal career to representing counties, cities, and other local government entities in the State of Florida. Ms. Encinosa is a 1996 graduate of the American University's Washington College of Law (summa cum laude) and a 1993 graduate of the University of Missouri (summa cum laude). Ms. Encinosa has been a member of the Florida Bar since 1997 when she joined NG&N. Ms. Encinosa is a member of the City, County, and Local Government Law Section of the Florida Bar.

Her practice includes representation of local governments on a variety of issues, including the review and negotiation of transactional documents, municipal and county home rule, constitutional and statutory interpretation, public utilities and governmental finance and tax matters.

Specifically, Ms. Encinosa serves as Wakulla County Attorney representing the county in the following practice areas: contracts and torts, procurement and purchasing, constitutional law, employment and labor, public law, litigation and appellate, administrative, finance, land use, planning and environmental, real estate and legislative. Ms. Encinosa also serves as lead counsel to the Florida Governmental Utility Authority ("FGUA"), where she provides on-going representation and advice to this governmental authority.

Ms. Encinosa serves several local governments in a special counsel capacity, touching upon all aspects of local government law. Ms. Encinosa has drafted numerous ordinances, resolutions, opinion letters, and contracts on behalf of her local government clients.

Ms. Encinosa is a frequent speaker before The Florida Bar's annual County, City, and Local Government Law section certification review course, the Florida Association of County Attorneys, the Florida Association of Counties, the Florida Government Finance Officers Association, and at NG&N's seminar on local government finance.

- Serves as county attorney to Wakulla County, Florida.
- Serves as interim Deputy County Attorney to Santa Rosa County, Florida.
- Provides ongoing, day-to-day and special representation to local governments and public utility clients.
- Represents counties and municipalities in the development, structure, and implementation of special assessment programs for services and capital facilities.
- Represents counties, municipalities, and school districts in the development, structure, and implementation of impact fees for various growth-related capital improvements, such as schools, transportation, parks and recreational facilities, fire, EMS, and libraries.
- Assists clients with local government, constitutional, land use, home rule, public records, Sunshine law, and finance and tax issues.

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### **Professional, Civic & Community Involvement**

- The Florida Bar, Member.
- The Florida Bar: City, County and Local Government Law Section, Member.
- The Florida Bar Journal/News Editorial Board, Member.
- Speaker for Florida Association of County Attorneys, Florida Association of Counties Small County Coalition and Florida Government Finance Officers Association.
- Tallahassee Families with Asian Children Leadership Council, Past Chairman.

- Friends of Wakulla Springs, Board of Directors, Past Member.
- Girl Scouts of America Volunteer.
- Democratic Women's Club of Leon County, Past President.
- Florida Association of County Attorneys Friend Award recipient, 2019.
- Tallahassee Community Remembrance Project, Member.
- League of Women Voters, Education Committee.

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**Education**

- J.D., *summa cum laude*, The American University, Washington College of Law, 1996.
- B.J., *summa cum laude*, The University of Missouri, 1993.

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**Areas of Practice**

- Local Government Law
- Public Utilities Law
- Special Project Financing
- Land Use and Real Estate Law
- Litigation and Appellate Law

## Kirsten H. Mood

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Kirsten H. Mood | Associate | [kmood@ngnlaw.com](mailto:kmood@ngnlaw.com)  
1500 Mahan Drive, Suite 200 | Tallahassee, Florida 32308  
850-224-4070 Tel. | 850-224-4073 Fax

Ms. Mood is a graduate of Stanford University and a graduate of the Florida State University College of Law. Ms. Mood joined the firm in 2021 and focuses her practice in the areas of general governmental and litigation. Prior to joining the firm, Ms. Mood served as Assistant Blueprint Attorney for the Leon County – City of Tallahassee Blueprint Intergovernmental Agency and as Senior Staff Attorney to Justice Peggy A. Quince. Ms. Mood is a member of Leadership Tallahassee Class 39, Tallahassee Women Lawyers, Tallahassee Barristers, and the Florida Supreme Court Historical Society. Ms. Mood also serves on the Board of Directors for Beyond the Pantry.

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### Prior Professional Experience

- Assistant Blueprint Attorney, Leon County – City of Tallahassee Blueprint Intergovernmental Agency, 2018-2021.
- Senior Staff Attorney to Justice Peggy A. Quince, Florida Supreme Court, 2015-2018.

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### Professional, Civic & Community Involvement

- The Florida Bar, Member
- The Florida Bar City, County and Local Government Law and Young Lawyers Sections, Member.
- The Florida Bar Continuing Legal Education Committee, Young Lawyers Section Representative, 2015-2018
- The Florida Bar Eminent Domain Committee, Member 2019-2020
- Florida Association for Women Lawyers, Member
- Tallahassee Women Lawyers, Member
- Florida Supreme Court Historical Society, Member
- Tallahassee Barristers, Member
- Leadership Tallahassee, Member, Class 39
- Beyond the Pantry, Board Member

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### Education

- J.D., Florida State University College of Law
- B.A., Stanford University

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### Areas of Practice

- Litigation and Appellate Law
- Local Government Law

## FEE SCHEDULE

NG&N will strive to provide top quality legal representation to the District at an economic price. In order to remove uncertainty as to the types of legal services included and provide ease of budgeting, NG&N proposes a lump sum retainer arrangement with the District in the amount of \$2,000 per month, which would include up to sixteen (16) hours of attorney time per month.

The only exceptions from the retainer would be for the following:

A. Litigation in any State or Federal court, representation of the County before the Division of Administrative Hearings, Equal Employment Opportunity Commission, Florida Commission on Human Relations, Unemployment Compensation Commission, or other State, Federal or local administrative proceeding, would be compensated on an hourly basis at the hourly rates indicated below.

B. Municipal bond or bank financing, which would be negotiated on a transaction-by-transaction basis.

C. Any legal work over and above 16 hours per month would be billed on an hourly basis at the following rates (billed on a monthly basis), which represent a substantial discount from the Firm's standard hourly rates:

Attorneys ..... \$225/hr

### Travel and Costs

NG&N will not charge for travel time or travel-related costs for one (1) trip per month to Levy County. Travel time associated with additional trips would be charged in accordance with the above-described fee schedule, and would count toward the 16 hour monthly cap. If more than one trip to Levy County is required in a given month, NG&N would also be reimbursed for actual travel costs associated with such additional trip(s), as well as for all other travel incurred in furtherance of District business, in conformity with Chapter 112, Florida Statutes.

NG&N will also be reimbursed for actual costs incurred in the provision of legal services including, but not limited to, filing fees, depositions, court reporter fees, witness fees, and other court related expenses, on-line research expenses, overnight delivery charges, copy costs, and other charges incurred in providing services to the County.



## REFERENCES

1. **WAKULLA COUNTY**  
David Edwards, County Administrator  
3093 Crawfordville Highway  
Crawfordville, Florida 32327  
Phone: (850) 926-0919, Ext. 702  
Email: dedwards@mywakulla.com  
  
Sommer Pell, Planning and Community Development and Code Enforcement Director  
3093 Crawfordville Highway  
Crawfordville, Florida 32327  
Phone: (850) 926-3695 Ext. 744  
Email: spell@mywakulla.com
2. **Levy COUNTY**  
Nicolle Shalley, County Attorney  
612 E. Hathaway Avenue  
Bronson, Florida 32621  
Email: LevyCountyAttorney@levycounty.org  
Phone: (352) 486-3390
3. **COLUMBIA COUNTY**  
David Kraus, County Administrator  
35 NE Hernando Avenue, Suite 203  
Lake City, Florida 32055  
Email: david\_kraus@columbiacountyfla.com  
Phone: (386) 758-1005
4. **HIGHWAY 79 CORRIDOR AUTHORITY**  
Tray Hawkins, Chairman  
1331 South Blvd,  
Chipley, Florida 32428  
Email: thawkins@washingtonfl.com  
Phone: (850) 703-1644  
  
Robert Sheets, System Manager  
1500 Mahan Dr  
Ste 250  
Tallahassee, FL 32308  
Email: rsheets@govserv.com  
Phone: (850) 681-3717

5. **FLORIDA GOVERNMENTAL UTILITY AUTHORITY**  
Steve Spratt, System Manager  
280 Wekiva Springs Road  
Protegrity Plaza, Suite 2070  
Longwood, Florida 32779  
Email: [steve.spratt@fgua.com](mailto:steve.spratt@fgua.com)  
Phone: (407) 629-6900

## **CEDAR KEY WATER AND SEWER DISTRICT**

### **EXEMPT EMPLOYMENT AGREEMENT**

**THIS AGREEMENT** is entered into and effective the \_\_\_\_\_ day of May, 2022, by and between the Cedar Key Water and Sewer District (“District”) a chartered special district in the State of Florida, having a principal place of business located at 510 3<sup>rd</sup> Street, Cedar Key FL 32625, and Bill Pittman, an individual residing at 2446 Las Calinas Blvd, St. Augustine FL 32095 (“Employee”).

#### **WITNESSETH:**

**WHEREAS**, the District desires to employ Employee in the position of General Manager, and Employee is willing to work for the District in that position.

**NOW, THEREFORE**, the District and Employee, in consideration of the premises and mutual covenants contained herein, agree as follows:

1. **Employment:** The District agrees to employ Employee and Employee agrees to serve the District in the position set forth above and/or to perform such services for the District as may be assigned by the District governing board (Board), in accordance with the terms herein set forth.

2. **Exclusive Service and Best Efforts:** Except as otherwise provided in writing, Employee shall devote his full time and best efforts to the performance of the District’s duties for the District, and shall faithfully adhere to the District’s regulations and procedures. The Employee’s duties generally shall be as set forth in the Job Description attached hereto.

3. **Salary:** Unless otherwise agreed to in writing, the District shall compensate Employee for Employee’s service as follows: The District shall pay Employee a biweekly a salary of \$2,692, and a biweekly amount of \$575 as an allowance for expenses incurred by Employee for traveling by personal vehicle from St. Augustine to Cedar Key, and staying overnight in Cedar Key as needed.

4. **Hours of Work:** Employee shall be an exempt salaried employee, and as such shall have no set hours for performance of the duties set forth herein. Employee shall, however, generally be expected to observe an 8-hour weekday, 40-hour week, Monday through Friday. At times, the needs of the District may require that Employee work overtime, and Employee agrees to be available for overtime work. Employee agrees to be onsite in Cedar Key for at least three full working days of each week and thereafter each week as needed. The Employee may work remotely for the remainder of the Employee’s workweek.

5. **Expenses:** The District shall reimburse Employee for reasonable expenses incurred by Employee on behalf of the District in the performance of Employee’s duties, if and to the extent

approved by the Board. Employee shall furnish the District with the appropriate documentation required by the Internal Revenue Code and Regulations in connection with such expenses.

6. **Benefits:** Employee hereby expressly waives all right to retirement contributions, and health insurance payments, that would otherwise be made by the District on behalf of the Employee. The Employee shall be entitled to paid annual leave and paid sick leave in accordance with District policy.

7. **Terms of Employment:** The District and Employee hope that their association will continue for a substantial period of time, but the parties recognize that the future is inherently uncertain and that assurances of permanent or continuing employment are not feasible. Accordingly, in accordance with the District's standard policy, the employment shall be "at-will," that is, either party may terminate the employment at any time for any reason, with or without cause, by giving two weeks' notice to the other party. However, the District is not required to give Employee notice of termination if the termination is for cause.

8. **Licensing:** Employee understands that a primary goal of the District is to have the District's general manager have both a water and wastewater operator license. Employee therefore agrees that he will maintain in effect both his current water and wastewater licenses.

9. **Assignment:** This Agreement and the obligations hereunder may not be assigned or transferred by Employee or by the District.

10. **Entire Agreement; Amendments; Waivers:** This Agreement contains the entire agreement between the parties, and supersedes any and all prior agreements, understandings or representations, oral or written. It may not be changed orally, but only by express terms, in writing, signed by each of the parties.

11. **Construction; Venue:** This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance, or otherwise, by the laws of the State of Florida. Venue shall be in Levy County, Florida. The paragraph headings used in this Agreement are solely for convenience and shall not affect, or be used in connection with, the interpretation of this Agreement.

I, Bill Pittman, having read and understood this Employment Agreement and agreeing to fully comply with the same, do hereby accept this offer of employment.

DATED this \_\_\_\_\_ day of May, 2022.

\_\_\_\_\_  
Bill Pittman  
Employee

\_\_\_\_\_  
Dottie Haldeman  
Chair, Cedar Key Water and Sewer District