

**PUBLIC NOTICE**  
**AMENDED**  
**EMERGENCY CITY COUNCIL MEETING**  
**OCTOBER 6, 2022**

THE CITY OF EVERGLADES CITY, WILL HOLD AN EMERGENCY CITY COUNCIL MEETING ON **THURSDAY, OCTOBER 6, 2022 AT 11:00 AM** WITH SOME COUNCIL MEMBERS AND STAFF PRESENT IN PERSON, COUNCIL CHAMBERS AT CITY HALL EVERGLADES CITY, FLORIDA, AND OTHERS PRESENT BY TELEPHONE.

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL, ADDITIONS, OR DELETIONS TO AGENDA**
5.
  - a. Consideration and approval of Emergency Ordinance 2022-01 creating authorized emergency measures
  - b. Consideration and approval of Resolution 2022-13 Declaring A State of Emergency
  - c. Consideration and approval of FDEM Florida Public Assistance
  - d. Consideration and approval to employ special litigation counsel (Woodward, Pires & Lombardo)

**Cynthea Hummer vs. City of Everglades**
6. **PUBLIC COMMENT**
7. **ADJOURNMENT**

**APPEAL NOTICE:** ANY PERSON WHO DECIDES TO APPEAL A DECISION BY THIS COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS PERTAINING THERETO, AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF EVERGLADES SHALL NOT BE RESPONSIBLE FOR PROVIDING THIS RECORD. THIS AGENDA WAS POSTED AT CITY HALL, CITY OF EVERGLADES WEB PAGE AND EVERGLADES CITY STRONG FB PAGE, THIS 5th DATE OF OCTOBER 2022 BY DOTTIE JOINER, CITY CLERK.

**PUBLIC COMMENT NOTICE:** ALL PERSONS WISHING TO SPEAK IN PERSON ON ANY AGENDA ITEM MUST REGISTER PRIOR TO THE MEETING. ALL PERSONS WISHING TO SPEAK VIRTUALLY VIA ZOOM ON ANY AGENDA ITEM MUST REGISTER BY EMAILING CITY CLERK DOTTIE JOINER @[dsmallwood@cityofeverglades.org](mailto:dsmallwood@cityofeverglades.org). ALL REGISTERED PUBLIC SPEAKERS WILL BE LIMITED TO THREE (3) MINUTES, OR IF IN WRITING 400 WORDS.

**INSTRUCTIONS ON HOW TO VIEW AND PARTICIPATE IN MEETING**

The public may attend either electronically or in person on October 6, 2022, which begins at 11:00 p.m.

1. **Watch the meeting online and provide public comment live during the meeting:**

Request to speak instructions:

To request to speak during the meeting, you must send an email to Dottie Joiner, City Clerk @ [dsmallwood@cityofeverglades.org](mailto:dsmallwood@cityofeverglades.org) prior to 9 a.m. on October 6, 2022.

Zoom instructions: For the October 6, 2022 meeting, please use the meeting link

<https://us02web.zoom.us/j/2916297131?pwd=MTJMTkZkMGExUjNlZ2JyQmtnVksRdz09/Password=34139> virtually attend and watch the meeting by computer, tablet, or smartphone. Those who have pre-registered to speak, will be called upon and the appropriate time limits will be enforced. If joining from a tablet or smartphone, you will need to download the free Zoom app from your device's app store. If joining from a computer, your computer will automatically download and install (if needed) the Zoom program. If you currently have Zoom installed on your computer, tablet, or smartphone, you may join the meeting by entering the meeting ID: 291 629 7131 and Password: 34139.

Dial in option: 1 929 205 6099 US

For additional information or assistance please contact the following prior to the meeting:

- a. For public comment questions:

Dottie Joiner, City Clerk, [dsmallwood@cityofeverglades.org](mailto:dsmallwood@cityofeverglades.org) or (239) 695-4558

- b. For questions on connecting to the meeting:

Karen Cochran, [kcochran@cityofeverglades.org](mailto:kcochran@cityofeverglades.org) (239) 777-6614

2. **Provide public comment in writing:**

To provide public comment in writing to be read during the virtual meeting, you must

send an email to Dottie Joiner, City Clerk @ [dsmallwood@cityofeverglades.org](mailto:dsmallwood@cityofeverglades.org) prior to 9 a.m. on October 6, 2022. All submissions will be read into the record, as limited to the first 400 words.

PUBLIC NOTICE  
AMENDED  
EMERGENCY CITY COUNCIL MEETING

OCTOBER 6, 2022

THE CITY OF EVERGLADES CITY, WILL HOLD AN EMERGENCY CITY COUNCIL MEETING ON **THURSDAY, OCTOBER 6, 2022 AT 11:00 AM** WITH SOME COUNCIL MEMBERS AND STAFF PRESENT IN PERSON, COUNCIL CHAMBERS AT CITY HALL EVERGLADES CITY, FLORIDA, AND OTHERS PRESENT BY TELEPHONE.

**1. CALL TO ORDER**

Mayor Grimm called the meeting to order at 11:00 am.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilperson Minton led the Pledge of Allegiance.

Mayor Grimm gave the Invocation.

**3. ROLL CALL**

Michael McComas, Josh Minton, Vicky Wells, Tony Pernas, Parker Oglesby, Mayor Grimm, City Clerk Dottie Joiner, Financial Administrator Tammie Pernas, City Attorney Zach Lombardo (by zoom)

See attached sign in sheets.

**4. APPROVAL, ADDITIONS, OR DELETIONS TO AGENDA**

None.

**5. a. Consideration and approval of Emergency Ordinance 2022-01 creating authorized emergency measures**

*Councilperson McComas moved to approve Emergency Ordinance 2022-01 creating authorized emergency measures.*

*Councilperson Oglesby second.*

*Discussion-City Attorney Zach Lombardo-this will expire in 6 months I will bring to you a more refined.*

*All in favor.*

**b. Consideration and approval of Resolution 2022-13 Declaring A State of Emergency**

*Councilperson Pernas made a motion to approve Resolution 2022-13 Declaring a State of Emergency.*

*Councilperson Wells second.*

*Discussion-*

*All in favor.*

**c. Consideration and approval of FDEM Florida Public Assistance**

*Councilperson Oglesby made a motion to approve FDEM Florida Public Assistance.*

*Councilperson Minton second.*

*Discussion-Financial Administrator Tammie Pernas-this is FEMA assistance we have to apply for by the 29<sup>th</sup>-will help with expenses*

*All in favor.*

d. Consideration and approval to employ special litigation counsel (Woodward, Pires & Lombardo) Cynthia Hummer vs. City of Everglades  
Councilperson Oglesby made a motion to approve to employ special litigation counsel (Woodward, Pires & Lombardo) Cynthia Hummer vs. City of Everglades.  
Councilperson McComas second.  
Discussion-City Attorney Zach Lombardo-it is with a heavy heart that you are being sued-a personal injury lawsuit and I will emphasize on CR 29.  
All in favor.

6. PUBLIC COMMENT


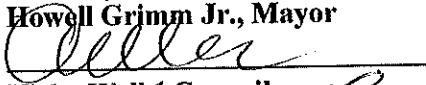


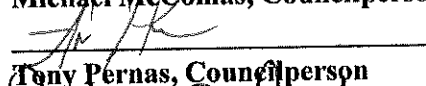
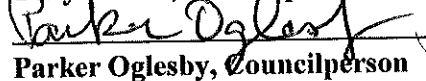
Mayor Grimm-Congressman Mario Diaz-Balart was here the day after the storm with 6 pallets of water and 6 pallets of MRE's-Collier County Commissioner Burt Saunders was here along with Penny Taylor and Bill McDaniel-Senator Marco Rubio-immediately got Congressman Balart and Senator Rubio on the Post Office-immediately got a hold of the insurance company on the fire department got them temporary housing-now is the time to get a grant to raise the fire department-Lauren Melo will be our new representative.  
Councilperson Pernas-The volunteers have been great.  
Councilperson Wells-Our street lights are so comforting.  
Councilperson Minton-Cleaning supplies are coming Saturday.  
Mayor Grimm-Thank you to your dad for the first truck load of supplies.  
Councilperson Oglesby-I jumped the gun and put my stuff out by the fence.  
Councilperson Pernas-I am going to go around and pick up all the pedestools.

7. ADJOURNMENT

Councilperson Minton made a motion to adjourn the meeting.  
Councilperson Pernas second.  
Discussion-None.  
All in favor.

ATTEST:

  
Dottie Joiner, City Clerk

  
Howell Grimm Jr., Mayor  
  
Vicky Wells, Councilperson  
  
Josh Minton, Councilperson  
  
Michael McComas, Councilperson  
  
Tony Pernas, Councilperson  
  
Parker Oglesby, Councilperson

**RESOLUTION NO. 2022-13**

**A RESOLUTION DECLARING A STATE OF EMERGENCY  
IMMEDIATELY IN THE CITY OF EVERGLADES CITY FOR 7  
DAYS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order Number 22-218 declaring a state of emergency for several counties in the state of Florida, in advance of then Tropical Storm Ian; and

**WHEREAS**, Hurricane Ian made landfall in Southwest Florida on September 28, 2022, and severely impacted the City of Everglades City; and

**WHEREAS**, The ongoing effects of the aftermath Hurricane Ian threatens the public safety of the City of Everglades City; and

**WHEREAS**, pursuant to section 252.38, Florida Statutes, and Emergency Ordinance 2022-1, the City Council, to protect the health, safety, and welfare of the City, desires to declare a state of emergency for the City of Everglades City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
EVERGLADES CITY, FLORIDA:**

**Section 1:** A state of emergency is hereby declared in the City of Everglades City, effective immediately, and lasting for 7 days, unless extended by subsequent resolution, pursuant to Emergency Ordinance 2022-1.

**Section 2:** This Resolution shall take effect immediately upon its passage and adoption.

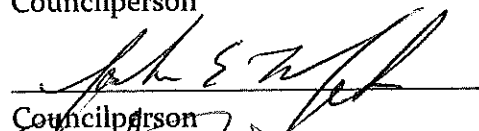
**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVERGLADES  
CITY, FLORIDA THIS OCTOBER 6, 2022**



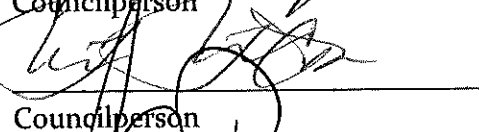
Mayor



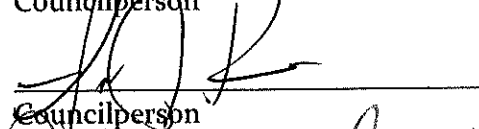
Councilperson



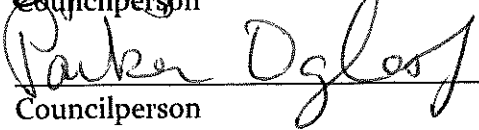
Councilperson



Councilperson

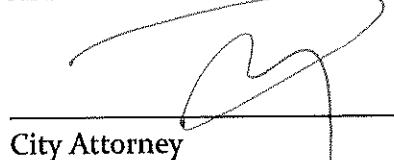


Councilperson



Councilperson

APPROVED AS TO LEGAL FORM:



City Attorney

ATTEST:



Dottie Joiner, City Clerk

**EMERGENCY ORDINANCE NO. 2022-01**

**AN EMERGENCY ORDINANCE CREATING PROCEDURES FOR DECLARING STATES OF EMERGENCY; AUTHORIZED EMERGENCY MEASURES INCLUDING SUSPENSION OF THE SALE OF CERTAIN PRODUCTS, ESTABLISHING CURFEWS, MAKING EMERGENCY EXPENDITURES, DECLARING CERTAIN AREAS OFF LIMITS, PROVIDING FOR TEMPORARY HOUSING, PROVIDING FOR SHELTERS, ADDRESSING POTENTIAL ISSUES WITH WATER USE, PROVIDING FOR PROTECTIONS AGAINST PRICE GAUGING, PROVIDING FOR CONFISCATION, REQUESTING THE NATIONAL GUARD OR OTHERS TO ASSIST, WAIVING CERTAIN FORMALITIES, ADVERTISING, ACTIVATING STATE-WIDE MUTUAL AID SYSTEM, DETERMINING CERTAIN THREATS, ACCESSING PRIVATE ROADS UNDER CERTAIN CONDITIONS, AUTHORIZING REMOVAL OF DEBRIS, AUTHORIZING REMOVAL OF DERELICT VESSELS, AUTHORIZING REMOVAL OF ABANDONED VEHICLES; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR EXPIRATION.**

**WHEREAS**, pursuant to both section 47(d), City of Everglades City Charter, and section 166.041(3)(b), Florida Statutes, the City Council, by a two-thirds vote, may enact an emergency ordinance; and

**WHEREAS**, section 252.38, Florida Statutes, authorizes and encourages City's to create emergency management programs; and

**WHEREAS**, the City is subject to a wide range of natural and manmade disasters than can create emergencies that endanger the health, safety, and wellbeing of the residents, business owners, and visitors, of the City; and

**WHEREAS**, most recently, the City has been severely impacted by Hurricane Ian; and

**WHEREAS**, before Hurricane Ian impact the City, it declared a state of emergency; and

**WHEREAS**, the impact of Hurricane Ian has necessitated certain emergency action; and

**WHEREAS**, the City Council hereby desires to create an emergency management program; and

**WHEREAS**, this Emergency Ordinance does not enact or amend a land use plan or rezone private real property, nor does it establish or amend the actual zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERGLADES CITY, FLORIDA:**

**Section 1:** The above recitals are true, correct, and incorporated by reference as if set forth fully herein.

**Section 2:** Declaring a State of Emergency.

A. City Council has the authority to declare a state of emergency by resolution.

- B. Pursuant to section 252.38, Florida Statutes, as amended, a declared state of local emergency will last for a period of up to seven days, which may be extended by resolution of City Council in increments of up to seven days up to a maximum of not more than 42 days.

**Section 3: Authorized Emergency Measures.**

- A. In addition to any other powers conferred by law, upon the declaration of a state of emergency pursuant to this Ordinance, the Mayor, or Mayor Pro Tem, in his or her absence, and in the absence of the Mayor and Mayor Pro Tem; the next City Councilperson in order of seniority, or if two or more were appointed on the same date, then in alphabetical order among them, and in the absence of any City Councilperson or the Mayor; the City Clerk (collectively referred to as the "Authorized City Official"), may order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, and with such limitation and conditions as he may deem appropriate to protect the health, safety and welfare of the community:
- (1) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles.
  - (2) Establish curfews, including but not limited to, the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated, essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.
  - (3) Utilize all available resources of the City government as reasonably necessary to cope with the disaster emergency. Any single expenditure exceeding \$50,000.00 shall be cosigned by the City Attorney or his or her designee.
  - (4) Declare certain areas off limits to all but emergency personnel.
  - (5) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
  - (6) Establish emergency operating centers and shelters.
  - (7) Declare that during an emergency it shall be unlawful and an offense against the City for any person to use the fresh water supplied by the City, or local municipalities or other entities for any purpose other than cleaning, cooking, drinking or bathing.
  - (8) Declare that during an emergency it shall be unlawful and an offense against the City for any person operating within the City to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during the 30 days immediately preceding the emergency or at a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.
  - (9) Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency, with the exception of emergency vehicles. Reimbursement shall be within 60 days and at customary value charged for the items during 90 days previous to the emergency.
  - (10) Preceding or during the emergency, the Authorized City Official shall have the authority to request the National Guard or the Army, Coast Guard, or other law

enforcement divisions as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.

- (11) Further, the City has the power and authority to waive the procedures and formalities otherwise required by law pertaining to:
  - a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
  - b. Entering into contracts.
  - c. Incurring obligations.
  - d. Employment of permanent and temporary workers.
  - e. Utilization of volunteer workers.
  - f. Rental of equipment.
  - g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
  - h. Appropriation and expenditure of public funds.
- (12) Authorize the emergency purchase of radio, television, print or any other paper or electronic media for the purposes of advertising residents of protective action recommendations, recovery information and debris removal or disposal requirements or any other pertinent information in support of public health or safety.
- (13) Activate a statewide mutual-aid system. Any expenditure made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for direct protection and benefit of the inhabitants and mitigate the potential for severe environmental property damage of the City.
- (14) Make a determination that:
  - a. There is a threat to public health and safety that may result from the generation of widespread debris throughout the City;
  - b. Such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services;
  - c. There is an endangerment to all properties in the City;
  - d. There is an environment conducive to breeding disease and vermin;
  - e. There is a greatly increased risk of fire;
  - f. It is in the public interest and safety to collect and remove disaster debris from all property, whether public lands, public or private roads, and gated communities, to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.
- (15) Authorize the City or its contracted agent(s) the right of access to private roads or gated communities as needed for:
  - a. Emergency vehicles such as, but not limited to, fire, police and medical care.
  - b. Performance of damage assessment, emergency management, specialized search and rescue teams.
  - c. Human services and victim relief.
  - d. Temporary emergency traffic controls or detour efforts.
  - e. Debris removal vehicles and equipment, utility equipment and sanitation efforts to alleviate immediate threats to public health and safety.

- (16) Authorize the removal of debris, wreckage or collapsed structures resulting from a major disaster for a safe and sanitary living or functioning condition of the proximate environment.
- (17) Authorize the removal of derelict vessels pursuant to Florida Statutes and in conjunction with the Florida Fish and Wildlife Conservation Commission.
- (18) Authorize the removal of abandoned vehicles pursuant to Florida Statutes in conjunction with law enforcement of the city, county or state.
- B. Any emergency measure which may require law or code enforcement of any kind shall be memorialized as soon as reasonably practical by a Resolution signed by the Authorized City Official who took such action, which Resolution shall upon execution have the same force and effect as if adopted by the City Council. The Resolution shall be filed as Miscellaneous Correspondence at the next regular meeting of the City Council.

**Section 4:** Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Resolution shall not be affected.

**Section 5:** This Emergency Ordinance shall take effect immediately upon its passage and adoption.


**Section 6:** This Emergency Ordinance shall expire 180 days from adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVERGLADES CITY, FLORIDA THIS OCTOBER 6, 2022.**


APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
Dottie Joiner, City Clerk

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Councilperson

  
\_\_\_\_\_  
Councilperson

  
\_\_\_\_\_  
Councilperson

  
\_\_\_\_\_  
Councilperson

  
\_\_\_\_\_  
Councilperson





# Florida Public Assistance

FloridaPA.org manages the Public Assistance (PA) grant in Florida. The system manages the PA process from application through closeout.

- This Portal Is for Governments and Non-Profits Use Only.
- Individuals looking for Individual Assistance, please visit [FloridaPA.org](#) for assistance.
- Businesses looking for assistance should visit the Small Business Administration's disaster assistance website.

AGENDA ITEM  
NUMBER 5.16.2

## Returning User Login:

Email:

accounting@cityofeverglades.org

Password:

.....

☐ Remember Me

Sign In

Register

Forgot Password?

RPA's now accepted for DR-4673 Hurricane Ian (Deadline: Oct 29, 2022)

APPLY NOW

Filing # 157743519 E-Filed 09/20/2022 10:07:26 AM

IN THE CIRCUIT COURT OF THE  
20TH JUDICIAL CIRCUIT IN AND  
FOR COLLIER COUNTY, FLORIDA9/23/22  
1:05 pm  
SN

CASE NO:

#206378

CYNTHIA HUMMER,

Plaintiff,

vs.

COLLIER COUNTY, FLORIDA  
DEPARTMENT OF TRANSPORTATION,  
CITY OF EVERGLADES CITY,

Defendants.

AGENDA ITEM  
NUMBER

5.8d.

SUMMONS

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of said State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the  
amended complaint, interrogatories and request to produce in this action on:

## CITY OF EVERGLADES CITY

By Serving:

Sammy Hamilton Jr., Mayor  
Everglades City Hall  
102 Copeland Ave N  
Everglades City, FL 34139

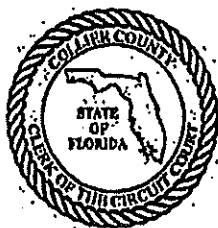
Each defendant is required to serve written defenses to the amended complaint on:

FRED L. FULMER, ESQUIRE, plaintiff's attorney, whose address is:

Law Offices of Fred Land Fulmer, P.A.  
Galleria Corporate Centre, Suite 1216  
2455 East Sunrise Boulevard  
Fort Lauderdale, Florida 33304within 20 days after service of this summons on that defendant, exclusive of the day of  
service, and to file the original of the defenses with the clerk of this court either before service  
on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be  
entered against that defendant for the relief demanded in the amended complaint.

WITNESS my hand and the Seal of said Court

Date: Sep 20 2022

CRYSTAL K. KINZEL  
As Clerk of said CourtBy Soraya  
As Deputy Clerk

IMPORTANTE



EST. 1971

MARK J. WOODWARD  
Board Certified: Real Estate  
Law and in Condominium &  
Planned Development Law

ANTHONY P. PIRES, JR.  
Board Certified: City, County,  
and Local Government Law

J. CHRISTOPHER LOMBARDO

ANTHONY J. DIMORA  
Licensed in FL and OH

LENORE T. BRAKEFIELD

CRAIG R. WOODWARD  
Senior Counsel  
Board Certified: Real Estate Law

KENNETH V. MUNDY

ZACHARY W. LOMBARDO

CAMERON G. WOODWARD

ROSS E. SCHULMAN  
Licensed in FL and NY

F. SCOTT PAUZAR, III

CHRISTOPHER R. HEFLIN

WOODWARD, PIRES & LOMBARDO, P.A.  
ATTORNEYS AT LAW

October 6, 2022

*By Email*

City Council, City of Everglades City  
102 Copeland Avenue N.  
Everglades City, 34139

**Re: ACKNOWLEDGMENT OF DESIRE TO EMPLOY FIRM**

Dear Mayor Grimm:

The purpose of this letter agreement is to confirm that Woodward, Pires & Lombardo, P.A. will represent the City of Everglades City in providing the following services:

- Representation in the defense of Collier County Case Number 22-CA-001647, Hummer v. Collier County, Florida Department of Transportation, City of Everglades City.

You acknowledge that we have made no promises or guarantees regarding the outcome of your case. Rather, we have discussed with you the unpredictability of most legal matters. You agree to allow us to extend professional courtesies to opposing counsel.

**ADVANCE FEE:** We will require no initial advance before we review the necessary information and documents or take any action related to this representation.

**HOURLY FEES:** The hourly rate for associates is \$200.00 and the hourly rate for partners is \$300.00. All fees are billed in increments of six (6) minutes. Often tasks are delegated to paralegals, law clerks, legal secretaries, and other non-lawyer personnel in an effort to render the most cost efficient and thorough legal services. These rates currently range from \$125.00 to

REPLY TO:

☒ 3200 TAMiami TRAIL N.  
SUITE 200  
NAPLES, FL 34103  
239-649-6555  
239-649-7342 FAX

☐ 606 BALD EAGLE DRIVE  
SUITE 500  
P.O. BOX ONE  
MARCO ISLAND, FL 34146  
239-394-5161  
239-642-6402 FAX

WWW.WPL-LEGAL.COM

\$200.00. However, we will always maintain a direct relationship with you, supervise the delegated work and have complete professional responsibility for the work performed on your matter. These rates are subject to change at any time. As prescribed by The Florida Bar, the following factors will be considered as guides when determining the reasonableness of fees for legal services: (1) the time and effort required, the novelty and complexity of the issues and the skill required to perform the legal services promptly; (2) the fees customarily charged in the community for similar services and the value of the services to you; (3) the amount involved and the results obtained; (4) the time limitations imposed by you or by the circumstances; (5) the nature and length of the professional relationship with you; and (6) the experience, reputation and expertise of the attorneys performing the services.

**EFFECTIVE DATE OF REPRESENTATION:** Our representation shall become effective upon our receipt of this letter agreement that has been properly signed and dated by you and, if applicable, accompanied by the required Advanced Fee.

**COSTS:** (a) In-House Costs: In-house costs are typically incurred, including charges made by government agencies and service vendors, as well as out-of-pocket expenses and in-house services. Whenever such costs are incurred, we will carefully itemize and bill these costs and you agree to pay these costs.

(b) External Costs and Services: All external costs, including, but not limited to, filing fees, deposition and transcript costs, witness fees, computerized research, investigative services and charges made by outside experts and consultants, including accountants, appraisers and other legal counsel will be sent directly to you for payment. **Due to the urgency of payment to these vendors, the firm also requires that a credit card be kept on file. If payment to the vendor is not paid in a timely manner, the firm will charge your credit card in order to pay the vendor directly. Before making any charge to your credit card, the firm will contact you to authorize the charge.** Alternatively, the firm may require a cost deposit.

**MONTHLY INVOICES:** We will bill you on a monthly basis and you will receive an itemized billing statement. **Please check one of the following boxes as to how you would like to receive your monthly itemized billing statement:** ☐ regular mail, ☐ e-mail or ☐ both regular mail and e-mail. Payment is due upon receipt and will be deemed late if not received within fifteen (15) days from the date of the statement, unless you have previously paid an advance in which the advance will be applied to the monthly invoice; however, you will be billed for any fees

and costs that exceed the advance. Please make your check payable to Woodward, Pires & Lombardo, P.A. Any unpaid balance that remains outstanding for sixty (60) days gives us the right to withdraw as your attorneys. If you have elected to receive your billing statement by e-mail, the e-mail will be sent from [billing@wpl-legal.com](mailto:billing@wpl-legal.com).

**RECORDS RETENTION:** During the course of your matter, you may be required to provide us documents such as tax records, expense records, banks records, deeds and other similar records. We will make copies of these records and return any originals to you upon the conclusion of this matter and payment of your final invoice. We will hold copies of these records for you during the pendency of your matter. When your matter is concluded, please make arrangements for the return of any copies of your records which are originals you provided. If you do not make arrangements for the return of your records at the conclusion of your matter, they will be destroyed.

**WITHDRAWAL OF ATTORNEY:** Our Firm has the right to withdraw from your representation if you misrepresent or fail to disclose material facts to me or any member of our Firm, or if you fail to follow our advice. Your consent to such application to withdraw is hereby deemed agreed to. Our Firm also have the right to withdraw from representation in the event you do not make payments in the manner set forth herein.

**SUPERVISION AND CONTROL OF CASE:** The undersigned attorney will be the primary attorney handling this case and if other persons in this Firm should perform services on your behalf, they will be under the personal supervision and direction of the undersigned attorney. We are to have full control over the conduct of your representation.

**CHARGING LIEN AND RETAINING LIEN:** You specifically consent to the imposition of an attorney charging lien on this case or its proceeds, to assure payment of attorney fees and costs and to an attorney retaining lien on all documents in our possession.

**CONTROLLING LAW, JURISDICTION, AND VENUE:** This Agreement shall be construed by and controlled under the laws of the State of Florida. The Parties consent to jurisdiction over them in the State of Florida and agree that venue for any state action arising under this Agreement shall lie solely in the courts located in Collier County, Florida, and for any federal action shall lie solely in the United States District Court for the Middle District of Florida.

**CONCLUSION:** If this letter agreement accurately reflects our understanding, we request that you sign the original and return it to our office along with the initial advance, if requested. A copy of this letter agreement is enclosed for your records. The fees agreed upon herein do not include services for an appeal or retrial if such should become necessary. In the event an appeal or retrial is filed, a new and separate agreement will be entered into. Unless and until we receive a signed copy of this letter agreement, along with the initial advance fee, if requested, we may elect not to undertake any work on your behalf.

Your cooperation in this matter is very important; specifically, you must keep us informed of all relevant facts and circumstances and respond promptly to all papers sent to you. We appreciate your expression of confidence in our work and assure you that we will strive to obtain a resolution of this matter in a professional and cost-effective manner. Please feel free to call me if you have any questions or comments about our representation.

Sincerely,



Zachary W. Lombardo, Esq.

Associate, Woodward, Pires, & Lombardo, P.A.



Lenore T. Brakefield, Esq.

Partner, Woodward, Pires, & Lombardo, P.A.

**ACKNOWLEDGMENT OF DESIRE TO EMPLOY FIRM**

I/We understand and agree to the terms set forth above and hereby employ your services in accordance with the same and authorize(s) you to use the funds held in your trust account for attorneys' fees and costs incurred during your representation.

By: Will A2

Printed Name: Howell Grimm

Date: 10/6/22