

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT: AUTHORIZATION TO RETAIN OUTSIDE LEGAL COUNSEL  
IN THE FOLLOWING MATTERS: (1) CITY OF AVENTURA'S  
INVOCATION OF FLORIDA'S GOVERNMENTAL CONFLICT  
RESOLUTION ACT AND (2) 20-1500 PROJECT**

**COMMITTEE: PERSONNEL, STUDENT, SCHOOL, & COMMUNITY  
SUPPORT**

**LINK TO STRATEGIC  
BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

**City of Aventura Dispute**

On June 20, 2019, the City of Aventura (City) approved a resolution to initiate conflict resolution procedures pursuant to Chapter 164, F.S., against the School Board seeking a share of the property tax revenue approved by Miami-Dade voters on November 6, 2018. The procedures under Chapter 164 requires the City to send the resolution to the School Board within 5 days of the passage of the Resolution, propose a date and location for a conflict assessment meeting and suggest the officials who should be present at the meeting. Subsequently, the City's outside counsel sent a draft complaint requesting declaratory and injunctive relief against the School Board and demanding a "proportionate share" of the property tax proceeds for its charter schools.

The law firm of Greenberg Traurig, P.A., provided District staff with substantial legal guidance on matters associated with the property tax referendum that was approved by voters in 2018. Mr. Robert C. Gang, a shareholder with Greenberg Traurig, P.A. has also served as the District's Bond Counsel for many years. Mr. Elliot Scherker, also a shareholder with Greenberg Traurig, P.A., provided essential legal opinions regarding the referendum to the Board. Mr. Scherker has over forty (40) years of experience as an appellate lawyer and has handled more than 2,000 appeals in state and federal courts. It is recommended that the Board retain the identified members of the Greenberg Traurig P.A., law firm to represent the Board in the Chapter 164 process with the City of Aventura and any potential litigation.

## **20-1500 Project**

In addition, on June 15, 2015, the Board approved Agenda Item SP-2, which authorized the Superintendent to explore monetization opportunities related to the approximate ten (10)-acre property assembly, commonly referred to as the School Board Administration Complex (SBAB) and to develop an action plan, including but not limited to, issuance of a Request For Qualifications/Proposals and/or Invitations to Negotiate. The monetization plan has been referred to as the District's 20-1500 Project. On March 21, 2018, pursuant to Agenda Item A-2, the Board awarded Request for Proposals No. RFP-16-02-MT Sale of Property Located at 1370 N.E. Second Avenue to offer for sale and or development to highest ranked proposer.

As the 20-1500 Project gets closer to actualization, the legal complexity of the Project has exponentially increased requiring further reliance on legal counsel with expertise in this field. District staff has received considerable legal guidance with this Project from the law firm of Greenberg Traurig, P.A., specifically, by Mr. Gang and Ms. Nancy Lash, Esquire. Additional assistance has also been provided by attorneys from the law firm of Holland & Knight LLP, specifically attorneys Isabel Diaz, Richard Rodriguez, Daniel Hanlon and Vivian de las Cuevas. It is recommended that the Board retain the identified members of the Greenberg Traurig P.A., law firm and of Holland & Knight, LLP to assist and represent the Board in continuing work in furtherance of the 20-1500 Project.

In order to better facilitate and enhance the representation of the Board in both matters, this item requests that the Board authorize the School Board Attorney to retain specified legal counsel from the law firms of Greenberg Traurig, P.A., and Holland & Knight LLP to represent the Board in the dispute with the City of Aventura and with legal work associated with the 20-1500 Project.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the School Board Attorney to retain the following attorneys:

1) Shareholders Mr. Elliot Scherker and Mr. Frank Sanchez at a rate of \$650.00 per hour, Mr. Jay Yagoda (Of Counsel) and Ms. Nancy Lash at a rate of \$550.00 per hour, Mr. Robert C. Gang at \$395.00 per hour, Ms. Brenda Saavedra at \$495.00 per hour, Ms. Stephanie Jimenez at \$375.00 per hour and paralegals from the firm at \$130.00 per hour from the law firm Greenberg Traurig, P.A.; and

2) Attorneys Isabel Diaz, Richard Rodriguez, Daniel Hanlon and Vivian de las Cuevas from the law firm Holland & Knight, LLP at \$494.00 per hour and other attorneys (partners and associates) at \$394.00 per hour, and paralegals at an hourly rate of \$175.00 per hour.