



# West Manatee Fire & Rescue District

## *Memorandum*

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Date: October 30, 2019

To: West Manatee Fire & Rescue Board of Commissioners

From: Ben Rigney, Fire Chief

Subject: General Council

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### **Executive Summary**

James Dye with Dye, Harrison, Kirkland, Petruff, Pratt & St. Paul, PLLC has served as General Counsel since the formation of the West Manatee Fire & Rescue District (WMFRD). The many years of knowledge and advice has been an invaluable asset to WMFRD. Unfortunately, James Dye is planning to retire at the end of this year.

Many of the fire districts in Manatee County are utilizing Maggie Mooney with Persson, Cohen & Mooney, P.A. as their General Counsel. I had the privilege of listening to a few of her courses that she taught at the Florida Association of Special Districts (FASD) Annual Conference earlier this year. I have talked to many of the other Fire Chiefs in the county who have spoken very highly of her Counsel.

From multiple interactions with Maggie over the last few months, I am confident that she will be able to continue providing excellent General Counsel to WMFRD.

### **Recommendation**

Staff recommends approval of the engagement letter to memorialize Persson, Cohen, & Mooney, P.A.'s, representation as General Counsel to the West Manatee Fire & Rescue District.



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**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson\*\*  
Andrew H. Cohen  
Kelly M. Fernandez\*  
Maggie D. Mooney\*  
R. David Jackson\*  
Regina A. Kardash\*

\* Board Certified City, County and Local Government Law  
\*\* Of Counsel

Telephone (941) 306-4730  
Facsimile (941) 306-4832  
Email: mmooney@swflgovlaw.com

Reply to: Lakewood Ranch

September 24, 2019

Ben Rigney, Administrative Battalion Chief  
West Manatee Fire District  
6510 3<sup>rd</sup> Avenue West  
Bradenton, Florida 34209

Re: West Manatee Fire District ("District")  
General Counsel Services

Dear Chief Rigney:

This letter shall serve as an engagement letter and is intended to memorialize Persson, Cohen, & Mooney, P.A.'s, representation as General Counsel to the District. We will undertake representation of the District at the rate of \$242.00 per hour for my time or the services of any other attorney in the office. This is the same hourly rate charged to other local government clients effective October 1, 2019. To the extent paralegal services are utilized, the paralegal rate is \$95.00 per hour. I anticipate that I will be the primary attorney providing services to the District. As we discussed, David Jackson will also be available to provide legal services on an as-needed basis. Our policy is not to charge for incidental office costs such as copies, faxes and regular postage, but we do charge for significant costs incurred.

In order to avoid the necessity of raising future rates and in order to provide you with sufficient notice for budgeting purposes, we adjust the current hourly rate (excluding any flat rate which will remain constant unless a change is mutually agreed upon) for each fiscal year (beginning October 1, 2021) by the change in the Consumer Price Index ("CPI") for the preceding year. The CPI will be established in February so the District will have ample time to consider what, if any, affect the CPI increase would have upon its next year's budget. We will use the CPI established by

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Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
236 Pedro Street  
Venice, Florida 34285

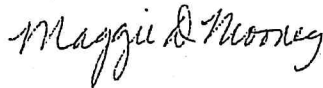
the Bureau of Labor Statistics Southeastern Regional Office. The rate, including CPI, would be rounded to the nearest dollar. In this fashion, we strive to maintain a constant dollar value for the District without being compelled to significantly raise rates every few years.

This agreement may be terminated by either party at their convenience. Persson, Cohen & Mooney, P.A. shall provide a minimum of ninety (90) days written notice to the District. The District shall provide thirty (30) days written notice to Persson, Cohen & Mooney, P.A.

If this arrangement meets with your approval, I ask that you please execute this letter where indicated below. Please keep the original of this letter and return a copy to me.

Thank you for the confidence you have placed in our firm. We look forward to the opportunity to represent West Manatee Fire District.

Respectfully,



Maggie D. Mooney  
Signed electronically

MDM/ag

Agreed and accepted:

WEST MANATEE FIRE DISTRICT

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

Date: \_\_\_\_\_



**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

**MAGGIE D. MOONEY**

6853 Energy Court, Lakewood Ranch, Florida 34240

Tel: (941) 306-4730 Fax: (941) 306-4832

E-Mail: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

Practice areas include: Local Government and Special Districts, Zoning and Land Use Law

Education: University of Florida College of Law, Gainesville, Florida  
J.D. and Certificate in Environmental & Land Use, 2001

Florida State University, Tallahassee, Florida,  
B.S. in Communications, Cum Laude, 1997

Qualifications:

- Board Certified in City, County and Local Government Law
- Represented private and government clients before all courts in Florida, including Florida federal district Courts
- Lecturer on Florida's Public Records and Sunshine Laws, Ethics Laws, Public Procurement, the Legislative Process, Special Districts, Intergovernmental Relations and Conflict

Affiliations: The Florida Bar, May 2001 - present  
Florida Bar City, County and Local Government Section,  
Executive Council Board Member (2011-2014)  
Manatee and Sarasota County Bar Associations  
Chair, Sarasota County Bar Association's Local & State  
Government Section (2016-present)

Awards: Biz941 Magazine's "Top 25 People to Watch" (2009)  
Government/Cities/Municipalities by Super Lawyers  
Magazine (2011-2015)  
"AV" Rated by Martindale Hubbell





**PERSSON, COHEN & MOONEY, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

**R. DAVID JACKSON**

6853 Energy Court, Lakewood Ranch, Florida 34240

Tel: (941) 244-5351

E-Mail: [djackson@swflgovlaw.com](mailto:djackson@swflgovlaw.com)

Practice areas include: Governmental Law, Special Districts  
and Environmental Law

Education:

Stetson University College of Law  
Gulfport, Florida  
Juris Doctorate, 1999

University of Florida  
Gainesville, Florida  
B.S. Civil Engineering, 1994

Qualifications:

- Board Certified in City, County and Local Government Law
- Over 19 years of legal practice
- Representation of public and private clients on a variety of issues including, but not limited to, civil and administrative proceedings
- Lecturer on Florida's Public Records and Sunshine Laws
- Formerly served as Assistant General Counsel to the Southwest Florida Water Management District

Affiliations:

Florida Bar Association  
United States Patent and Trademark Office, registered Attorney  
Chair - Leadership Manatee Board of Governors  
Member, Executive Board of Directors - Braden River Soccer Club

Andrew H. Cohen serves as District Counsel to 19 Community Development Districts, one dependent special district and the Holiday Park Recreation District. Mr. Cohen also practices in the area of community association collections. He has practiced law for over 22 years and is a frequent lecturer on sunshine and public records laws as well as neighborhood and condominium collection rights. Mr. Cohen grew up in Sarasota and enjoys working on his classic cars in his spare time.

Maggie D. Mooney is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law and is "AV" rated by Martindale-Hubbell. Her practice focuses on governmental law, special taxing districts, land use and litigation. She currently serves as the Town of Longboat Key's Town Attorney and as General and Special Counsel to several independent special fire control districts and community development districts. She also serves as a Special Magistrate for the City of Bradenton. Ms. Mooney enjoys spending time with her kids and playing tennis.

Kelly M. Fernandez is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law. Ms. Fernandez practices in the areas of local government, land use, and community association law. She is the City Attorney for the City of Venice, serves as special counsel to the City of Punta Gorda and the City of Sarasota, and is a hearing officer for land use matters in Manatee County. She has handled litigation for public and private clients in the state courts and before the Florida Division of Administrative Hearings. She previously served as a Senior Assistant General Counsel for the Florida Department of Community Affairs. Ms. Fernandez enjoys traveling and is actively involved with the Junior League of Sarasota.

R. David Jackson is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law. Mr. Jackson practices in the areas of governmental, environmental, and intellectual property law. His work for the firm's public clients focuses primarily on procurement, permitting issues, and airport-related matters. Mr. Jackson is also a registered attorney with the United States Patent and Trademark Office. He previously served as an attorney in the Office of General Counsel for the Southwest Florida Water Management District. Prior to attending law school, Mr. Jackson worked as a civil engineer. He is a native of Manatee County and enjoys music and baseball.

Regina A. Kardash is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law. Ms. Kardash has represented government clients throughout Pinellas County. She serves as the Town Attorney for Indian Shores and Belleair Shore, the Board Attorney for the Pinellas County Homeless Leadership Board and serves as the Assistant Town Attorney for the Town of Longboat Key. She has advised boards, staff and departments at all levels of municipal government. Ms. Kardash was appointed to the Pinellas County Local Planning Agency, and served as Chairwoman in 2016 and 2017. In her free time, Ms. Kardash enjoys being with her son and practicing yoga.