

**OCEAN HIGHWAY AND PORT AUTHORITY**  
**ATTORNEY REPORT**  
**11/2018**

Well, this is my last report. It has been an honor and privilege to serve as attorney for OHPA and I thank you for the opportunity to be of service. I am proud of all that has been accomplished in those years. However, it is time for me to go. I'm tired.

1. City of Fernandina Beach & Port Operations/Facilities:

a. Customs House – Nothing new in the last month;

b. City Comprehensive Plan: The City removed the proposed Floodplain Amendment from immediate consideration as an amendment. We will need to gear up for an update to our Port Strategic Master Plan in order to keep the commitments made to engage in planning that is truly comprehensive. I would recommend that the port operator, port commissioners and the new port attorney review the previous Plans, together with the provisions of Florida Statute 311.14 in order to get a handle on what is involved. As articulated, the goal is an integrated, mutually supportive plan for the waterfront.

c. Crane Purchase: I drafted and delivered to Barbara the Attorney Certification on the purchasing process employed. I had multiple emails regarding the crane purchase, dock inspection and the purchasing compliance requirements.. I drafted multiple contract addendum for purchasing of services related to the crane and crane inspection, and dock inspection.

2. Callahan - Nothing to report.

3. Hilliard - Callahan Corridor: Nothing to report.

4. Yulee – Nothing to report.

5. Nassau County – Nothing to report.

6. Camden County – Nothing to report;

7. Operating Agreement: The final “final draft” was executed by OHPA based upon the vote at the last meeting. It may come as a surprise, but that version did not contain any language that absolved OHPA of the Advanced Use Fee obligation. [At least I cannot find it.] That sum is roughly \$3.9 million. Unless resolved, you are still on the hook. I have prepared and submitted to Nassau Terminals, LLC., a written satisfaction and release of that debt but have not heard back on that matter as of the typing of this report. It will either be satisfied, in writing, or your next attorney will need to figure out how to address the problem.

8. Miscellaneous: I had a call from John Stoeker of National Finance Authority regarding bond funding. Emailed Chris and Pierre and then returned the call. There was more interest in questioning about issues reported on social media than any bond funding of any project. Neither

Pierre, Chris, Adam or I know who solicited bond information from him;

**NEW ATTORNEY AND BUDGET INFORMATION FOR YOUR CONSIDERATION.**

**TOTAL HOURS – October 5, 2018 – November 9, 2018: Includes One Regular Meeting on October 10 and One Special Meeting on October 18. Does not include week of November 12-14 or meeting of November 14.**

**TOTAL** **29.000 Hours Billed**  
**Hours in excess of ten (10) = 19.00**  
**19.00 hours x \$250.00 = \$4,750.00 in addition to the November retainer + \$2,500.00 retainer = \$7,000.00 due.**

**TOTAL HOURS – February 23, 2018 – November 9, 2018 [28.42 weeks] = 167.75 Hours**

I will break down my compensation for you:  
[7 months @ \$1,250.00/mo. = \$8,750.00 (no billing on your excess hours)] + 1 month @ \$7,875.00 + 1 month @ \$7,000.00 = \$23,625.00. Assuming that you pay me for this last month, as above, then your total compensation to me as your attorney is \$23,625.00 for the period ending Friday, November 9.

As you can see from the above, I've worked 167.75 hours during that period. I spent more time than that, but that is the time that I've written down. So, here is the math: \$23,625.00/167.75 hours = \$140.83/hr. This is what your actual rate of compensation to me has been over the past 9 months. If you'd paid me for all of the time at \$250.00 per hour then you would have paid me \$41,937.50. This is why I am advising you to budget as I do.

I will repeat my advice that was given when you prepared your budget: Budget \$60,000.00 for legal services for the year. A \$30,000.00 retainers is reasonable but you should budget to spend twice that amount. If you do not spend it then put it in the reserves, but if you do not put it in the budget then you already know that it is going to be a drain on your reserves each year.

I have packed my files, 13 boxes worth, and will drop them off at the OHPA office. [Marshall Wood gave me one file box of material when I started] The electronic files will be down-loaded to a zip drive and delivered at the same time.

Again, thank you for the opportunity to serve.

Respectfully submitted,

**CLYDE W. DAVIS /s/**