



Reply to:
John M. Miller
Attorney at Law
Direct Dial: 239.208.6542
Email: JohnM@bapfirm.com

January 19, 2023

VIA E-MAIL

Fort Myers Beach Mayor and Town Council Members
council@fmbgov.com

RE: Town attorney services for the Town of Fort Myers Beach

Dear Mayor and Town Council Members:

Through communications with Council Members Karen Woodson and John King, we understand the Town of Fort Myers Beach is seeking a new firm to provide Town Attorney services. With that understanding, and pursuant to a request for a proposal from Council Member Woodson, it is with pleasure that the law firm of Boy Agnew Potanovic Miller, PLLC makes this proposal to provide Town Attorney services to the Town of Fort Myers Beach. Our Fort Myers-based firm has extensive local government, employment, and litigation experience. Representative local government clients in Lee County include the City of Sanibel (City Attorney), Lee County Mosquito Control District (board counsel and employment counsel), Lee County (litigation counsel) and the following entities as employment counsel: Bonita Springs Utilities, Gateway Services Community Development District, Lee County Clerk of Court, District 21 Medical Examiner's Office, City of Fort Myers Community Redevelopment District, Bonita Springs Fire Control and Rescue District, Lee County Supervisor of Elections, South Trail Fire District, Boca Grande Fire Control District, and the School District of Lee County. With our local roots and local government experience, the attorneys of Boy Agnew Potanovic Miller PLLC are ready, willing, and able to take over the representation of the Town.

Our proposal is to provide the Town of Fort Myers Beach, on an external contract basis, with exceptional quality services expected from a Town Attorney and as defined by the needs of the Town Council. Attorney John Miller would take primary responsibility in serving as the Town's point of contact for all of its legal needs, with Attorney John Agnew serving as the primary back-up, understanding that other attorneys in the firm would also be able to provide services as needed. Enclosed for your consideration are biographies for John Miller and John Agnew, together with relevant information about the firm.

Boy Agnew Potanovic Miller, PLLC proposes to provide all legal services required or requested by the Town of Fort Myers Beach on an hourly basis. The hourly rates proposed are \$265.00/hr. for partners, \$175.00/hr. for associates, and \$115.00/hr. for paralegals. These rates are significantly

January 17, 2023

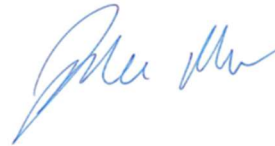
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discounted from our regular rates and are competitive with the rates we currently provide other Southwest Florida local governmental entities. The transparency provided by hourly billing provides accountability and also allows the Town Council and citizenry the opportunity to fully evaluate and understand the time and efforts required of the Town Attorney position.

As previously noted, our firm is located in Fort Myers, just minutes from the Town of Fort Myers Beach. Our attorneys have lived in our community for decades and care very much about seeing the Town rebound from the destruction caused by Hurricane Ian. By utilizing a local firm, the Town would have direct, personal access to its Town Attorney on an as-needed basis, with very short turnaround times. Our firm prides itself on accessibility and transparency and would bring those ideals to its representation of the Town.

We are confident this proposed arrangement can result in a very workable and transparent arrangement between the Town of Fort Myers Beach and its Town Attorney. Should there be any questions related to this proposal, we welcome the opportunity to answer them. If the Town of Fort Myers Beach is interested in proceeding with the proposed engagement, we look forward to working with the Town designee to quickly finalize the details, ensuring the Town has no lapse in its legal support. In the interim between now and the Town Council's decision, we appreciate your consideration.

Very Sincerely,



John M. Miller
For the firm



John D. Agnew
For the firm

cc: Town Manager@fmbgov.com



JOHN MILLER

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John Miller focuses his practice exclusively in civil litigation and has extensive experience representing businesses, government entities, individuals, and insurance carriers at the trial and appellate levels, as well as in arbitration proceedings. He has represented clients successfully in numerous jury trials at both the state and federal level, regularly defends municipal and government clients at the trial and appellate levels, and handles matters of substance ranging from business and employment disputes to personal injury. John also has a growing OSHA practice, where he represents employers facing OSHA inspections or investigations, and defends employers who have been cited by OSHA. To further his knowledge in this growing practice, John earned the OSHA 10-Hour card in construction safety and health.

John holds the highest (AV-Preeminent) rating by Martindale-Hubbell and has been recognized seven times by Florida Super Lawyers® magazine as a "Rising Star" in the field of civil litigation defense. In 2012, John received the James A. Dixon Young Lawyer of the Year Award, given annually to a young lawyer who exceeds the standards of excellence, dedication and commitment to the Florida Defense Lawyers Association and its goals.

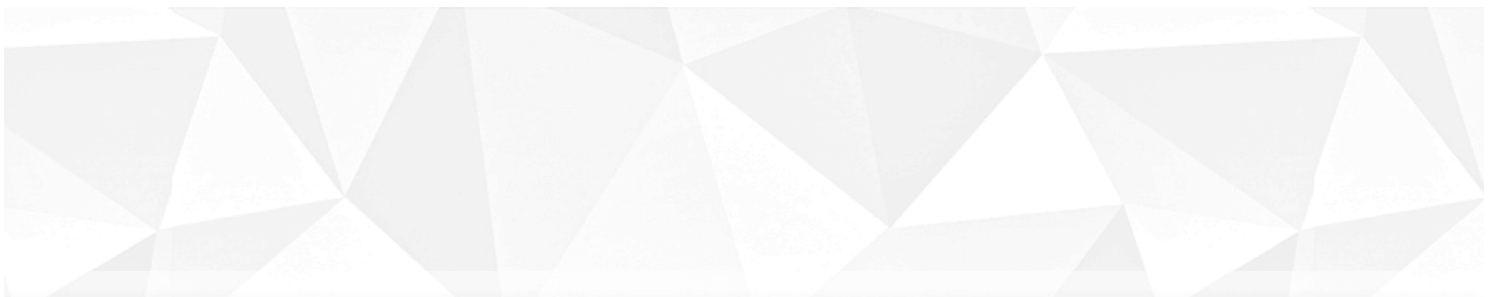
John is an accomplished public speaker, and he regularly speaks to public and private groups on matters involving litigation, particularly on the use of social media and technology in litigation. He is admitted to practice in all Florida State courts, as well as the United States District Court for the Northern, Middle and Southern Districts of Florida, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court.

John is committed to serving the community and the bar. In service to the bar, he is the Treasurer of the Lee County Bar Association, a past Governor for The Florida Bar Young Lawyers Division Board of Governors, and a past Director on the Florida Defense Lawyers Association Board of Directors. In service to the community, he is a current member of the Fort Myers YMCA Advisory Board, a member of the Foundation for Lee County Public Schools Board of Directors, and a past Chair of the Child Care of Southwest Florida Board of Directors.

A native of Florida, John is originally from Pine Island. He currently lives in North Fort Myers with his wife Kayla, daughters Harper and Olive, son Jack, and dog Addy. When he is not working, John enjoys running, camping, and competing in triathlons.



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JOHN AGNEW

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John serves as the City Attorney for the City of Sanibel and also has a diverse practice in other government, employment, and business matters, representing businesses, individuals, governmental entities, and special districts. His roles range from proactive counseling and document preparation in a boardroom setting, to mediations, arbitrations, and litigation in state and federal court. On the counseling side, John acts as general counsel for clients, providing advice, legal opinions, and alternative solutions to issues with the aim of maintaining compliance or otherwise resolving conflict outside of litigation.

In the event litigation is desired or unavoidable, John has extensive experience in government, business, and employment disputes. Regarding business litigation, some of the matters John routinely handles include disputes relating to contracts, real estate, construction, commercial leases, ADA accessibility and business break-ups. With respect to employment law, John frequently handles cases involving enforcement of non-compete agreements, defense of FLSA wage and hour claims, and defense of discrimination or retaliation claims.

John holds the highest (AV Preeminent) rating by Martindale-Hubbell. He has been named among Florida Trend's Legal Elite and has been selected annually by Florida Super Lawyers® for recognition every year since 2009. Prior to becoming an attorney, John was an Army Ranger, who served overseas on multiple deployments and competed three times in the annual Best Ranger Competition.

John is active in the legal community. He is a member of The Florida Bar Board of Governors and a Fellow of The Florida Bar Foundation. He is a past President of the Lee County Bar Association and was a member of its Executive Council from 2011-2015. He is also a past appointee to the Twentieth Judicial Circuit Professionalism Committee and Twentieth Judicial Circuit Local Professionalism Panel.

John is also active in the general community. He has twice served as the President of the Board of Directors for ACT (Abuse Counseling & Treatment, Inc.) and formerly served on the Executive Committee for the Board of Directors for PACE Center for Girls of Lee County. John is also a member of the Greater Fort Myers Chamber of Commerce, having graduated from its Leadership Program in 2011, and served as an annual facilitator for many of the subsequent Leadership Program classes.

When not working, John enjoys spending time with his family and pursuing as many outdoor activities as possible.



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WHO WE ARE

Suzanne Boy, John Agnew, and John Potanovic formed Boy Agnew Potanovic in January 2019. After practicing together as shareholders in the largest firm in Southwest Florida, they formed the firm after recognizing autonomy was needed to best serve their clients. In June 2020, John Miller—who was a shareholder colleague at their former firm—joined the firm, bringing his extensive litigation experience and shared commitment to client service to the team. With Miller's addition, the firm officially rebranded as Boy Agnew Potanovic Miller.

Rethinking the traditional law firm model, Boy Agnew Potanovic Miller (BAPM) is a collaborative, service-oriented firm that aligns our firm's interests with our clients' interests on everything from fee structures to business goals.

BAPM is the only law firm in Southwest Florida with multiple attorneys who are Board Certified in Labor and Employment Law by The Florida Bar. With that unique credential, our primary focus is naturally on the workplace, and we help employers with all the issues that arise between employers and their employees. We pride ourselves in being proactive in our counseling and our training, with the goal of helping clients avoid claims and lawsuits, but when the need arises, we are also experienced, talented litigators willing to fight for our clients.

In addition to our employment law practice, our attorneys represent several local government entities, acting as general counsel in their day-to-day operations, and we also handle a significant variety of litigation matters ranging from complex business litigation to insurance defense.

We are proud to be part of the fabric of our Southwest Florida community. Suzanne serves the FGCU Foundation Board of Directors, the SHRM SWFL Board of Directors, the Greater Fort Myers Chamber of Commerce Board of Directors, and the Greater Fort Myers Chamber of Commerce Foundation Board of Directors. She is a former President of SHRM SWFL, a former Chair of Grievance Committee 20A for The Florida Bar, and a former Trustee for the Canterbury School. John Agnew is a two-time President and current member of the Board of Directors for Abuse Counseling & Treatment (ACT), a member of the Board of Governors of The Florida Bar, a former President of the Lee County Bar Association, and a former member of the Executive Committee for Pace Center for Girls of Lee County. John Potanovic is a Rotarian and active in his church. He has previously served on many other boards, including SHRM SWFL (formerly HRMA of Southwest Florida), City of Palms Classic, and the YMCA. John Miller serves on the Executive Committee of the Lee County Bar Association, as a Director for the Florida Defense Lawyers Association, as Treasurer for the Southwest Florida Federal Bar Association, as a Director for the Foundation for Lee County Schools, and on the Advisory Board for the Fort Myers YMCA.