

FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (the "Fifth Amendment") made and entered into as of this 12th day of September, 2022, by and between the City of Panama City Commission (the "Commission"), Nevin J. Zimmerman, as the appointed City Attorney ("Zimmerman") and Burke Blue, P.A. ("Burke-Blue") as the "Associated Firm" as that term is used in RFP No. PC 13-116 and the Professional Services Agreement:

WHEREAS, the parties entered into the Professional Services Agreement on April 9, 2013 as amended as specified herein (the "Agreement");

WHEREAS, the parties amended the Agreement by entering into (i) the First Amendment to Professional Services Agreement on March 11, 2014, (ii) the Second Amendment to Professional Services Agreement and the Police Services Supplement on October 24, 2017, (iii) the Third Amendment to Professional Services Agreement on October 23, 2018, and (iv) the Fourth Amendment to Professional Services Agreement on August 25, 2020; and

WHEREAS, the Third Amendment to Professional Services Agreement (the "Third Amendment") provided for payment of legal services at the discounted hourly rates as determined by the Amended Rate Schedule attached as Exhibit A and approved the Hurricane Michael Special Project attached as Exhibit B;

WHEREAS, at the time the Third Amendment was approved the lump-sum retainer for the Police Services Supplement was reduced from \$7,500 per month to \$6,000 per month;

WHEREAS, the Fourth Amendment to Professional Services Agreement (the "Fourth Amendment") was (i) to amend the attorney names associated with the Burke Blue discounted hourly rates, (ii) to continue the reduction in the Police Services Supplement and (iii) to adjust the term of the Hurricane Michael Special Project.

WHEREAS, there is a desire to Amend the Agreement (i) to provide for categories (rather than individual names) associated with specific Burke Blue discounted hourly rates, (ii) to continue the Police Services Supplement and (iii) to continue the Hurricane Michael Special Project.

NOW THEREFORE, IN CONSIDERATION of the mutual covenants and agreement herein expressed, the parties do agree as follows:

1. The discounted hourly rates in the Agreement and as amended in the Fourth Amendment shall be amended as provided in Exhibit A attached hereto and made a part hereof.

2. The lump-sum retainer for the Police Services Supplement shall continue at the reduced rate of \$6,000 per month.

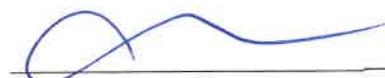
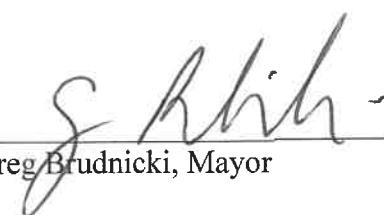
3. The parties agree that Hurricane Michael Special Project shall continue and the term will continue to be the same as the term of the Agreement and subject to termination as provided in the Agreement.

4. All provisions of the Agreement, as amended, shall remain in full force and effect unless amended by this Fifth Amendment.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals as of the date and year first above written.

CITY OF PANAMA CITY
CITY COMMISSION

ATTEST:


Jan Smith, City Clerk-Treasurer
Greg Brudnicki, Mayor

BURKE BLUE P.A.


Edward A. Hutchison, Jr. President

ATTEST:


Joy A. Marler-Masters, Secretary

NEVIN J. ZIMMERMAN, as
appointed City Attorney


Nevin J. Zimmerman

EXHIBIT A

AMENDED DISCOUNTED BURKE BLUE GOVERNMENT RATES FEE SCHEDULE

The Fee Schedule attached to the Agreement and as amended by the Fourth Amendment shall be further amended as follows:

All Attorneys listed with hourly rates shall be changed and hourly rates will be established by category rather than by individual attorney.

An updated list of the Attorneys and Consultants and which category they are classified under will be provided at least annually to the City Commission.

The following categories shall have the following hourly rates:

Appointed City Attorney	\$275 per hour
Senior Shareholder	\$275 per hour
Chief Assistant City Attorney	\$250 per hour
Shareholder/Of Counsel	\$250 per hour
Partner/Senior Associate	\$225 per hour
Associate/Specialty Consultant	\$200 per hour
Paralegal/Legal Secretary	\$85 per hour