



## ITEM SUMMARY

**MEETING DATE:** February 5, 2024

**FROM:** City Attorney

**SUBJECT:** Appointment and Agreement for Special Magistrate

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### BACKGROUND

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This item seeks the appointment of an alternative special magistrates for the Code Compliance Division and approval of an amended agreement with for magistrate services.

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### ANALYSIS

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The City's Code Compliance program utilizes a special magistrate to hear code compliance cases consistent with the City's Code Compliance ordinance set forth in Article VIII of Chapter 2 of the City's code of ordinances and for other purposes as may be necessary.

The City Council previously appointed Florida attorney Myrnabella Roche as its primary special magistrate and Amity "Mitty" Barnard as its alternate special magistrate. However, on January 11, 2024, Ms. Roche gave notice of her resignation, creating a need for additional alternate special magistrates while the City seeks a permanent replacement for Ms. Roche.

The law firm of Keith Davis & Associates, P.A., employs attorneys, including but not limited to Ms. Barnard and Keith Davis, who are qualified to serve as a special magistrate under section 2-288 of the City's code of ordinances.

The City Attorney's Office recommends that the professional services agreement approved pursuant to Resolution 2022-63 be amended to allow Ms. Barnard, Mr. Davis, and any other attorney from the law firm of Davis & Associates, P.A., to provide special magistrate services, and that the foregoing attorneys be appointed as alternate special magistrates. The proposed magistrate schedule for calendar year 2024 is with Ms. Barnard and Mr. Davis providing coverage for each monthly hearing.

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### FINANCIAL INFORMATION

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The proposed amendment to the agreement for special magistrate services allows for any attorney with the law firm of Davis & Associates, P.A., to serve as an alternate special magistrate. The hourly rate is unchanged as follows: \$175 with a two-hour minimum for hearings. Travel time is not authorized under the agreement.

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### LEGAL

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City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

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## STAFF RECOMMENDATION

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Recommend approval of Resolution No. 2024-\_\_\_ appointing Ms. Barnard, Mr. Davis, and all attorneys of the law firm of Davis & Associates, P.A., as alternate special magistrates and authorizing the execution of an amended engagement agreement for the services of the same.