



ITEM SUMMARY

MEETING DATE: December 5, 2022

FROM: City Attorney

SUBJECT: Appointment and Agreement for Special Magistrate

BACKGROUND

The items seeks the appointment of an alternative special magistrate for the Code Compliance Division and execution of an agreement with for magistrate services.

ANALYSIS

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 Code Compliance Division currently utilizes Florida attorney Myrnabella Roche, as its special magistrate for all hearings. From time to time, Ms. Roche has a hearing conflict and cannot serve as the City's special magistrate. The Code Compliance Division desires to have an alternate special magistrate appointed to utilize when Ms. Roche has a conflict. Amity "Mitty" Barnard with the law firm of Keith Davis & Associates, P.A., is an attorney admitted to The Florida Bar and is Board Certified by The Florida Bar in City, County, and Local Government law. Ms. Barnard is qualified to serve as a special magistrate under section 2-288 of the City's code of ordinances. The City Attorney's office is familiar with Ms. Barnard having worked with her at other municipalities and appeared before her as a special magistrate. The City Attorney's office recommends Ms. Barnard for the City's alternate special magistrate.

FINANCIAL INFORMATION

The proposed agreement for special magistrate services is similar to the agreement with the current special magistrate and provides an hourly rate of \$175 with a two hour minimum for hearings. Travel time is not authorized under the agreement.

LEGAL

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

STAFF RECOMMENDATION

Recommend approval of Resolution No. 2022-___ appointing Ms. Barnard as the alternate special magistrate and authorizing the execution of an engagement agreement for the services of the same.