



**Cooper City Commission Meeting
Agenda Item Request Form**

Commission Meeting/Workshop Date: January 22, 2018

Requesting Department: Administrative Services/City Clerk

Subject: Resolution No. 19-2-1, Special Magistrate Appointments

Section:

Presentation

Consent

Regular

Discussion

Background and Recommendation (attach backup material to Item Request Form):

At the January 22, 2019 Commission meeting, the Commission discussed the appointments of the Special Magistrate and the Alternate Special Magistrate. A consensus was determined to reappoint the Special Magistrates on a temporary basis while the City Clerk/Director of Administrative Services solicits for interest in the position.

Resolution No. 19-1-11 reappoints the Special Magistrate and Alternate Special Magistrate for a time certain to be determined by the City Commission.

The City Clerk/Director of Administrative Services has solicited for interest in the position through the Florida League of Cities and the Broward County Bar Association. The solicitation has also been highlighted on the City's Social Media sites. As resumes are received, they are distributed to the Commission. At an upcoming meeting, the Commission may discuss the qualifications of the interested parties and ultimately approve a permanent Special Magistrate and Alternate Special Magistrate.

Attachments:

Resolution No 19-2-1

Solicitation for Special Magistrate

General Ledger Account Number(s) and Amount(s):

Approvals:

Finance Director _____

City Manager

City Clerk _____

RESOLUTION NO. 19-2-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, REAPPOINTING CODE ENFORCEMENT SPECIAL MAGISTRATES AND SETTING THEIR COMPENSATION AND TERM OF OFFICE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 09-4-1 (the “Ordinance”) the City Commission has provided for the appointment of a code enforcement Special Magistrate and an Alternate Special Magistrate as authorized by Chapter 162, Florida Statutes; and

WHEREAS, M. Scott Kleiman, Esq. was reappointed by the City Commission as the primary Special Magistrate and Bradley Hartman, Esq. as the Alternate Special Magistrate via Resolution 17-1-3 to serve a term of one (1) year commencing on February 12, 2017 and ending on February 11, 2018; and

WHEREAS, on March 13, 2018, the City Commission adopted Resolution No. 18-3-5, thereby reappointing Mr. Kleiman and Mr. Hartman for an additional term commencing on February 12, 2018 and ending on February 11, 2019; and

WHEREAS, the City Commission seeks to reappoint M. Scott Kleiman, Esq. as the primary Special Magistrate and Bradley Hartman, Esq. as the Alternate Special Magistrate, while at the same time exploring whether there are other parties interested in serving as the City’s special magistrate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, AS FOLLOWS:

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Section 1. **Recitals Adopted.** That the recitals stated above are hereby adopted and confirmed.

Section 2. **APPOINTMENT; TERM; COMPENSATION**

A. That the City Commission of the City of Cooper City hereby reappoints **M. Scott Kleiman, Esq.** as the primary Special Magistrate and hereby reappoints **Bradley Hartman, Esq.**, as Alternate Special Magistrate, with each to serve for a term of office of _____ commencing on **February 12, 2019** and ending on _____, subject to the conditions, limitations and restrictions of the Ordinance.

B. That the rate of compensation for each Special Magistrate shall be One Hundred (\$100) Dollars per hour of time reasonably expended by the Special Magistrate at each “session” (which is defined in the Ordinance and is codified as Sec. 13-65 (d) of the City Code, to mean all cases brought before the Special Magistrate for a hearing on one particular date), with the total compensation for a session not to exceed Four Hundred (\$400) Dollars unless authorized in writing by the City Manager.

Section 3. **Implementation.** That the City Manager shall be authorized to take any action which is necessary to fully implement this Resolution.

Section 4. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 4. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 5. Effective Date. This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED this ____ day of _____, 2019

GREG ROSS
Mayor

ATTEST:

KATHRYN SIMS
City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ROLL CALL FOR M. SCOTT KLEIMAN, ESQ. AS PRIMARY

Mayor Ross
Commissioner Sims
Commissioner Mallozzi
Commissioner Curran
Commissioner Green

ROLL CALL FOR BRADLEY HARTMAN, ESQ. AS ALTERNATE

Mayor Ross
Commissioner Sims
Commissioner Mallozzi
Commissioner Curran
Commissioner Green

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**COOPER CITY, FLORIDA
SOLICITATION FOR THE POSITION OF:
SPECIAL MAGISTRATE**

DUTIES AND RESPONSIBILITIES

Pursuant to Chapter 162 of the Florida State Statutes and Article VI (Code Enforcement) of the Code of Ordinances of the City of Cooper City:

There is a Special Magistrate code enforcement system for the City of Cooper City, Florida, which shall consist of one (1) Special Magistrate and one (1) designated alternate Special Magistrate, who are qualified individuals or firms appointed by the City Commission.

Special Magistrates must be a law firm or an attorney who is a member in good standing of the Florida Bar and shall be selected on the basis of experience or interest in the field of Code enforcement and shall possess outstanding reputations for civic pride, integrity, responsibility and business or professional ability. In selecting and appointing Special Magistrates, the City Commission shall accord a preference to applicants who have prior experience as a special magistrate or hearing officer, and shall grant a preference to residents of the City who possess the qualifications required by this paragraph.

The City Commission shall appoint the Special Magistrates in accordance with Section 13-65 of the City's Code of Ordinances. Appointments shall be made for a term of one (1) year. Any Special Magistrate may be reappointed at the discretion of the City Commission. There shall be no limit on the number of reappointments that may be given to any individual Special Magistrate; provided, however, that a determination as to removal or reappointment must be made for each Special Magistrate by the City Commission at the end of each one-year term of the Special Magistrate. Appointments to fill any vacancy in the office of Special Magistrate shall be for the remainder of the unexpired term.

Special Magistrates shall be compensated for each session in accordance with a compensation schedule to be set by resolution of the City Commission. In accordance with Section 13-65(d) of the City Code, "session" is defined to mean all cases brought before the Special Magistrate for a hearing on one particular date.

Special Magistrates may be removed from office by majority vote of the City Commission with or without cause.

Hearings before the Special Magistrate shall generally occur no less frequently than once a month, but may occur more often as found to be necessary by the City Manager.

Minutes shall be maintained of all hearings conducted by the Special Magistrate, and all sessions shall be open to the public.

The Special Magistrate shall have jurisdiction of only those cases assigned by the City Manager or his or her designee.

The Special Magistrate shall follow and enforce the Code provisions as authorized by Chapter 162, Florida Statutes. Neither the City Manager nor the City Commission or its members shall give orders to the Special Magistrates.

If you are interested in the position of Special Magistrate for the City of Cooper City, please submit your resume via email to ksims@coopercityfl.org, by mail to P.O. Box 29010, Cooper City, FL 33329-0910, or by dropping off at City of Cooper City Hall at 9090 S.W. 50 Place, Cooper City, FL 33328.

The City of Cooper City, Florida is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.