

**RESOLUTION NO. 20-08-68**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE LETTER OF ENGAGEMENT BETWEEN MICHAEL J. PAWELCZYK AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE ENGAGEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in September 2005, Islamorada, Village of Islands (the “Village”) appointed Michael J. Pawelczyk (“Pawelczyk”) as Code Compliance Hearing Officer in accordance with Section 2-112 of the Village Code of Ordinances (the “Code”); and

**WHEREAS**, Section 2-112 of the Village Code provides that appointments of the Code Compliance Hearing Officer shall be for a term of one (1) year; and

**WHEREAS**, Pawelczyk has prepared an annual Letter of Engagement outlining the terms related to the continued provision of his services as Code Compliance Hearing Officer; and

**WHEREAS**, the intent of the Letter of Engagement is to acknowledge the Village’s acceptance of the services and related fees; and

**WHEREAS**, Pawelczyk has agreed to provide the services described in the Letter of Engagement to the Village; and

**WHEREAS**, Pawelczyk continues to meet all requisite Code Compliance Hearing Officer qualifications as established in the Village Code; and

**WHEREAS**, the Village Council finds that approval of the Letter of Engagement between Pawelczyk and the Village, attached as Exhibit “1” hereto, is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of Letter of Engagement.** The Village Council of Islamorada, Village of Islands, hereby approves the Letter of Engagement between Michael J. Pawelczyk and the Village to provide the services of Code Compliance Hearing Officer, a copy of which is attached hereto as Exhibit "1", together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

**Section 3. Authorization of Village Officials.** The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Letter of Engagement.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Letter of Engagement.

**Section 5. Execution of Letter of Engagement.** The Village Manager is authorized to execute the Letter of Engagement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Letter of Engagement and to execute any extensions and/or amendments to the Letter of Engagement, subject to approval as to form and legality by the Village Attorney.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilwoman Deb Gillis, second by Councilman Chris Sante

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:**

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilwoman Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES

**PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF AUGUST, 2020.**



\_\_\_\_\_  
MIKE FORSTER, MAYOR

ATTEST:



\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY:



\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

LAW OFFICES  
**BILLING, COCHRAN, LYLES, MAURO & RAMSEY, P.A.**  
ESTABLISHED 1977

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OF COUNSEL  
CLARK J. COCHRAN, JR.  
SUSAN F. DELEGAL  
  
STEVEN F. BILLING, 1947-1998  
HAYWARD D. GAY, 1943-2007

PLEASE REPLY TO: FORT LAUDERDALE

July 31, 2020

Via E-Mail

Seth Lawless, Village Manager  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, Florida 33036

**Re: Islamorada, Village of Islands (“Village”)  
Code Compliance Hearing Officer**

Dear Mr. Lawless:

I have served the Village as its Code Compliance Hearing Officer since September 2005. The purpose of this correspondence is to notify the Village of my intention and desire to continue to serve in that capacity for the 2021 Fiscal Year. I will continue to be the sole attorney in this office responsible for serving as the Village Code Compliance Hearing Officer and will bill at the rate of \$195.00 per hour for all services performed, including, without limitation, preparation for code compliance hearings, travel and attendance at hearings, and review and preparation of orders and pertinent correspondence. There is no increase in the hourly rate from the previous year.

In addition to legal fees, our billing statements will include out-of-pocket expenses advanced on your behalf as well as certain internal charges, if any. Such expenses may include travel, postage, toll calls, photocopying and facsimile charges, overnight courier services, and certain charges related to terminal time for computer research.

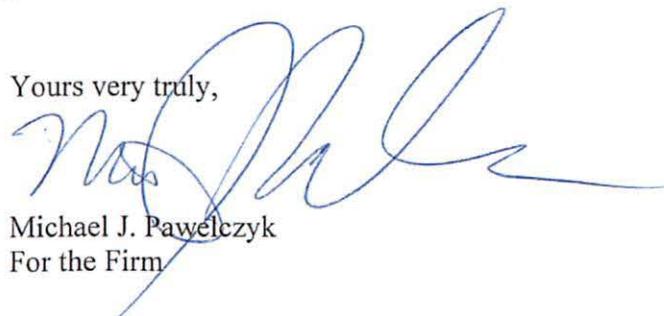
We will bill on a monthly basis and such statements are due when rendered. All invoices will continue to reflect a description of the services rendered, the time allotted for the services, and the applicable hourly rate of \$195.00. Any cost in addition to fees will be itemized and included with the monthly invoice.

Seth Lawless, Village Manager  
July 31, 2020  
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The representation established herein is terminable at will by either of us and fees and cost incurred through the date of termination will be due and payable by the Village.

Should the Village concur with the terms of the engagement indicated above, and I am reappointed as the Code Compliance Hearing Officer at an upcoming meeting of the Village Council, kindly acknowledge the Village's in acceptance of the same by signing a copy of this letter provided and returning it in the enclosed self-addressed, postage prepaid envelope. Again, I wish to thank the Village for the opportunity to continue to serve as its Code Compliance Hearing Officer.

Yours very truly,

  
Michael J. Pawelczyk  
For the Firm

cc: Mary Swaney, Assistant to the Village Manager

AGREED TO AND ACKNOWLEDGED TO THIS:

21<sup>st</sup> day of August, 2020

Maria J Bassett  
Seth Lawless, Village Manager  
Maria T Bassett, Acting Village  
Manager / Finance Director