

RESOLUTION NO. 24-09-90

**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 "A" hereto is in the best interest of the Village and its residents.

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 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 "A", 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.

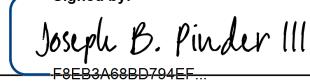
Motion to adopt by Mark Gregg, seconded by Elizabeth Jolin

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

| | |
|------------------------------|-----------|
| Mayor Joseph B. Pinder III | Yes _____ |
| Vice Mayor Sharon Mahoney | Yes _____ |
| Councilman Mark Gregg | Yes _____ |
| Councilwoman Elizabeth Jolin | Yes _____ |
| Councilman Henry Rosenthal | Yes _____ |

PASSED AND ADOPTED THIS 10th DAY OF SEPTEMBER, 2024.

Signed by:

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JOSEPH B PINDER III, MAYOR

ATTEST:

DocuSigned by:


Marne K. McGrath

008BA9A9B2704D5...

MARNE MCGRATH, VILLAGE CLERK

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

Signed by:



362BFAA7FDD417...

JOHN J QUICK, INTERIM VILLAGE ATTORNEY



LAW OFFICES

BILLING, COCHRAN, LYLES, MAURO & RAMSEY, P.A.

ESTABLISHED 1977

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BRUCE M. RAMSEY
RICHARD T. WOULFE

July 22, 2024

VIA E-MAIL ONLY

Robert Cole, Village Manager
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036

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

Dear Mr. Cole:

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 2025 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 \$250.00 per hour for all services performed, including, without limitation, preparation for code compliance hearings, travel and attendance at hearings (as necessary), and review and preparation of orders and pertinent correspondence. This hourly rate has been in place since October 2024.

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 \$250.00. Any cost in addition to fees will be itemized and included with the monthly invoice.

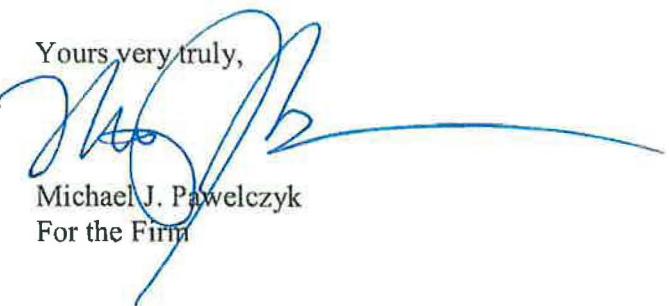
Robert Cole, Village Manager

July 22, 2024

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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: Stefanie Rodriguez, Assistant to the Village Manager/Public Relations Manager (via email only)

AGREED TO AND ACKNOWLEDGED:

4/2 day of October, 2024


Robert Cole, Village Manager

Affidavit Attesting to Noncoercive Conduct for Labor or Services

Nongovernment Entity name: Billing, Cochran, Lyles, Mauro & Ramsey, P.A. ("Vendor")

Vendor FEIN: 591756046

Address: 515 East Las Olas Blvd, Suite 600

City: Fort Lauderdale State: Florida Zip: 33301

Phone number: 954-764-7150 Email Address: mjp@bclmr.com

As a nongovernmental entity executing, renewing, or extending a contract with a government entity, **Vendor** is required to provide an affidavit under penalty of perjury attesting that **Vendor** does not use coercion for labor or services in accordance with Section 787.06, Florida Statutes.

As defined in Section 787.06(2)(a), coercion means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or service are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of Section 893.03 to any person for the purpose of exploitation of that person.

As a person authorized to sign on behalf of **Vendor**, I certify that **Vendor** does not use coercion for labor or services in accordance with Section 787.06.

Written Declaration

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

By: _____


Authorized Signature

Print Name and Title: Michael J. Pawelczyk, Esq., Vice President

Date: August 8, 2024