RESOLUTION NO. 12-09-77

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 THE SERVICES OF CODE COMPLIANCE HEARING OFFICER; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LETTER OF 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 accordance with Section 2-112 of the Village Code, Islamorada, Village of Islands (the “Village”) appointed Michael J. Pawelczyk (“Pawelczyk”) as Code Compliance Hearing Officer; and

WHEREAS, Pawelczyk has prepared a Letter of Engagement outlining the terms related to the continued provision 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; and

WHEREAS, the Village Council finds that approval of the Letter of Engagement between Pawelczyk and the Village attached 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 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 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, is approved.

**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 the approval as to form and legality by the Village Attorney.

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

PASSED AND ADOPTED this 12th day of September, 2012.

Motion to adopt by Councilman Achenberg, second by Councilman Blackburn.
FINAL VOTE AT ADOPTION

Mayor Michael Reckwerdt  YES
Vice Mayor Ken Philipson  YES
Councilman Don Achenberg  YES
Councilman Ted Blackburn  YES
Councilman Dave Purdo  YES

KEN PHILIPSON, VICE MAYOR

ATTEST:

DEPUTY VILLAGE CLERK

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

VILLAGE ATTORNEY
August 15, 2012

Ed Koconis, Village Manager
86800 Overseas Highway
Islamorada, Florida 33036

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

Dear Mr. Koconis:

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 2013 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.
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. Pawluczak
For the Firm

Enclosure
cc: Mary Swaney, Executive Assistant to Village Manager (via e-mail only)

AGREED TO AND ACKNOWLEDGED TO THIS:

18th day of September, 2012

Ed Koconis, Village Manager