

COUNCIL AGENDA STATEMENT



Meeting Date: November 15, 2022
To: Honorable Mayor and Council Members
From: Ted Lozier, Code Compliance Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2022-129**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.

BACKGROUND

The City of Marathon entered into a one-year agreement with Jeff Vastola in 2021 to perform Code Compliance Special Magistrate services . The terms of this agreement allow for the option to renew the agreement for additional one-year periods. The City continues to require the services of a Code Compliance Special Magistrate, and the parties wish to enter into an additional one-year period. The agreement also provides for the hourly rate be adjusted annually by an Amendment to the Agreement, after mutual written agreement of the parties, and approved by City Council. The parties have negotiated an Amendment to increase the hourly basis rate of \$200 to \$225. All other terms and conditions of the Contract shall remain in full force and effect.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	N/A	_____
2. Other – 2010 Sewer Mandate	N/A	_____

FISCAL NOTE:

The Adopted FY23 Code Department Budget in the General Fund includes appropriations of \$8,500 for this service from October 1, 2022 – September 30, 2023.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-129**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MARATHON AND JEFF D. VASTOLA, ESQ. FOR CODE ENFORCEMENT SPECIAL MAGISTRATE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2021-115 the CITY of Marathon (“City”) and Jeff Vastola entered into an agreement to perform services associated with presiding over Code Compliance Hearings as a Code Compliance Special Magistrate; and

WHEREAS, the Agreement provides for additional one-year renewals; and

WHEREAS, the City continues to require the services of a Code Compliance Special Magistrate; and

WHEREAS, the parties wish to enter into an additional one-year period; and

WHEREAS, the Agreement provides for the hourly rate be adjusted by an Amendment to the Agreement, after mutual written agreement of the parties, annually. The parties have negotiated an Amendment to increase the hourly basis rate of \$200 to \$225. All other terms and conditions of the Contract shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby approves an additional one-year period of the Agreement, as Amended, between Jeff Vastola and the City, a copy of which is attached hereto as Exhibit “A,” for code enforcement special magistrate services, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney.

Section 3. The City Manager is authorized to execute the contract on behalf of the City.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 15TH DAY OF NOVEMBER, 2022.

THE CITY OF MARATHON, FLORIDA

Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steve Williams, City Attorney

**AMENDMENT TO AGREEMENT
FOR
SPECIAL MAGISTRATE SERVICES**

This amendment to the Agreement for Code Compliance Special Magistrate services (the “Amendment”) made and entered into this ___ day of November, 2022 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as “City”) and Jeff D. Vastola, Esq. with his address at 91495 Overseas Highway, Suite C, Tavernier, Florida, 33070, (hereinafter referred to as “Special Magistrate”).

WITNESSETH:

WHEREAS, in November of 2021, the City and the Special Magistrate entered into an Agreement for Code Compliance Special Magistrate Services (the “Agreement”); and

WHEREAS, the City and Special Magistrate desire to renew the term for one year to expire in 2023.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 1.0 **Term**

1.2 The term of this Agreement shall ~~be for one (1) year, commencing upon the effective date~~ continue through November 30, 2023, unless otherwise terminated as provided herein.

Section 3.0 **Compensation**

3.1.1 The CITY shall pay SPECIAL MAGISTRATE on an hourly basis at a rate of ~~\$200.00~~ \$225.00 per hour for all of SPECIAL MAGISTRATE's time, inclusive of all costs incurred to provide said services. There will be no additional charges for office overhead to include administrative assistants/secretaries and other support personnel. The CITY will not provide reimbursement for travel, meals, or mileage.

All other terms and conditions of the Agreement shall remain in full force and effect.

[THE REMAINDER OF THIS PAGE SHALL REMAIN BLANK]

IN WITNESS WHEREOF, the City and Special Magistrate have set their hands and seals, as of the day and year first above written.

Attest:

City Of Marathon, Florida

Diane Clavier,
City Clerk

George Garrett,
City Manager

Approved As To Form And Legality For The Use
And Reliance Of The City Of Marathon, Florida Only:

Steve Williams, City Attorney

Special Magistrate

Jeff D. Vastola, Esq.