

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO APPOINT THREE SPECIAL MAGISTRATES PURSUANT TO CHAPTER 36 OF THE CITY OF HOLLYWOOD CODE OF ORDINANCES AND AUTHORIZING THE EXECUTION OF RETAINER AGREEMENTS WITH THE SPECIAL MAGISTRATES FOR AN ESTIMATED ANNUAL EXPENDITURE OF UP TO \$102,000.00.

WHEREAS, the City desires to appoint Special Magistrates to serve the City; and

WHEREAS, Chapters 162 and 316, Florida Statutes, authorize the City to adopt a processes that give Special Magistrates designated by the City Commission the authority to hold hearings and assess fines against violators of the City's codes and ordinances; and

WHEREAS, Chapters 36.10 and 78 of the City Code of Ordinances authorize the City Commission to appoint Special Magistrates who shall hold their positions at the pleasure of and be compensated as provided for by the City Commission; and

WHEREAS, the duties of the Special Magistrate shall include, without limitation, code enforcement hearings, vehicle impoundment hearings, and traffic detection system violations; and

WHEREAS, Special Magistrates must be members in good standing of the Florida Bar, experienced in administrative law and procedures; and

WHEREAS, on January 29, 2024, Request for Qualifications Number RFQ-168-24-SK ("RFQ") was electronically advertised on OpenGov.com, resulting in a single response, and re-advertised again on March 4, 2024, via RFQ-179-24-SK, to solicit the desired Special Magistrate services in accordance with Section 38.43(A) of the Procurement Code; and

WHEREAS, the RFQs were both publicly opened on April 1, 2024 and resulted in proposals from the following three firms:

- Richard Gendler, LLC
- Nabors, Giblin, & Nickerson, P.A.
- Gregg Pessin, P.A.; and

WHEREAS, on May 30, 2024, the Selection Committee met to evaluate and rank the proposals based upon the approved Evaluation Criteria established in the RFQ: Litigation

and Quasi-Judicial Experience, Special Magistrate Qualifications and Experience, References and Local Preference; and

WHEREAS, based on the Evaluation Criteria, the Selection Committee evaluated the three proposals and the scores were compiled to arrive at the following rankings, with the highest score being the highest ranked:

- | | | |
|----|---------------------------------|-------------------|
| 1. | Richard Gendler, LLC | 92.67 Points |
| 2. | Nabors, Giblin, Nickerson, P.A. | 89.33 Points |
| 3. | Gregg Pessin, P.A. | 88.67 Points; and |

WHEREAS, the Selection Committee recommends that the City Commission authorize the execution of a Retainer Agreement and Blanket Purchase Agreement to provide Special Magistrate services with all ranked firms for terms of three years with options to renew for two additional one-year periods for an estimated annual amount up to \$34,000.00 each; and

WHEREAS, a portion of the funding for these agreements is available in the FY 2024 Operating Budget in account number 001.220101.53900.531240.000000.000.000, and will be budgeted in subsequent fiscal years' operating budgets subject to approval and adoption by the City Commission; and

WHEREAS, additional funding will be allocated in the FY 2025 Operating Budget in account number 001.204301.52100.531240.000000.000.000 via a future budget amendment, subject to approval and adoption by the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves the ranking of the firms as follows:

1. Richard Gendler, LLC
2. Nabors, Giblin, Nickerson, P.A.
3. Gregg Pessin, P.A.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached agreements with Richard Gendler, LLC, Nabors, Giblin, Nickerson, P.A., and Gregg Pessin, P.A., together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form by the City Attorney.

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Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2024.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY