

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 16, 2024

Department	COMMUNITY DEVELOPMENT	Amount	As Needed Per Approved Budget
Division	CODE ENFORCEMENT	Account #	10013508-034000
Subject: RESOLUTION 2024-XX APPROVING A MASTER SERVICES AGREEMENT WITH GRAYROBINSON FOR CODE BOARD ATTORNEY SERVICES			
Presenter: Barbara Grossman, Code Enforcement Manager			
Attachments: 1. Presentation 2. Resolution 3. Master Services Agreement 4. Notice of Intent to Award 5. Project Overview			
Background: This is a legislative item. <u>UPDATE FROM THE MAY 21, 2024, BUSINESS MEETING.</u> City Council heard this item at their May 21, 2024, Business Meeting. Council requested staff negotiate the rates and travel rate terms of the contract with GrayRobinson. The current rates for Code Board Attorney services are \$225/hour and a flat fee of \$150 for travel, which was a professional government rate from the firm. As per Council's request, staff met with GrayRobinson and negotiated the rates. The negotiated rate remained at \$200 per hour for attorney services from GrayRobinson. This is a reduction of \$25 per hour from the current contract. The travel rate agreed upon has been set at \$300 for a round trip instead of per hour. Although, the current rate for travel is less than the GrayRobinson proposal, the rate is fair and just for the current times. The travel rate was negotiated down from \$600 per month to a flat rate of \$300 per round trip/month to equal \$3,600 per year. In addition to the hourly rates, staff and GrayRobinson agreed there will be no anticipated additional expenses to occur in representing the City of Palm Coast's Code Enforcement Board. GrayRobinson welcomed an additional Associate Attorney with Code Board attorney experience to their firm, who will assist in the absence of the primary attorney designated. The Litigation rate has been negotiated to be \$300 per hour and actual expenses to be reimbursed for each case under litigation for any case not covered by the City's current insurance carrier, the Florida League of Cities. Staff completed an analysis of the past years code board hearings. It is estimated the hearing hours for the coming year will be approximately 3 hours per month. GrayRobinson has estimated an additional 2 hours per month for review of the cases prior to the hearing.			

Therefore, an estimate for services from GrayRobinson will be approximately \$16,000 per year including travel.

ORIGINAL BACKGROUND FROM THE MAY 21, 2024, BUSINESS MEETING

In accordance with Section 162.05(5), Fla. Stat., the local governing body attorney shall be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities. The City Attorney was representing the Code Board and issues began to arise in 2015 for staff. Staff required legal assistance. Therefore, in 2015, the City Administration determined since staff works with the City Attorney, it was best to hire an attorney to represent the code board. Since 2015, the City has hired a 3rd party attorney to represent the Code Enforcement Board.

For the past several years, the City enjoyed the services of Fishback Dominic to provide the code board services. In January 2024, under the City's current purchasing policies, City staff advertised for code board attorney services (RFP-CD-24-18). Fishback Dominic did not entertain the bid. However, there were two bids received which were deemed responsive and responsible. The Notice of Intent to Award is attached to this item. Funds for these services have been appropriated in the Fiscal Year 2024 budget and will be expended on an as-needed basis.

SOURCE OF FUNDS Code Enforcement Division

10013508-034000 Other Contractual	\$573,200.00
Total Expended/Encumbered to Date	\$487,108.12
Pending	\$5,000.00
Current	<u>\$7,000.00</u>
Balance	\$74,091.88

Staff recommends City Council approve a Master Services Agreement with GrayRobinson for Code Board attorney services.

Recommended Action:

ADOPT RESOLUTION 2024-XX APPROVING A MASTER SERVICES AGREEMENT WITH GRAYROBINSON FOR CODE BOARD ATTORNEY SERVICES