

## M E M O R A N D U M

**TO:** Tom Harmer, Town Manager

**FROM:** Allen Parsons, AICP  
Director, Planning, Zoning and Building Department

**DATE:** May 10, 2019

**SUBJECT:** RFP #19-063 Appointment of Code Enforcement Special Magistrate

### **Recommended Action**

Authorize the Manager to execute the contract for appointment of Attorney Milan Brkich as the Town Code Enforcement Special Magistrate.

### **Background**

At their June 4, 2018, Regular Meeting the Town Commission approved amendments to Chapter 33, Code Enforcement Board, including an option to replace the Code Enforcement Board with a Special Magistrate (Ord. 2018-03). The Commission directed the Town to implement the option of having Code Enforcement cases heard by a Special Magistrate and included a provision that would sunset the Code Enforcement Board by September 30, 2019. The intention was to allow time for the Special Magistrate process to be fully implemented and potentially have an option to use either the Code Enforcement Board, the Special Magistrate, or a combination of the two.

The Town issued a Request for Proposal for Code Enforcement Special Magistrate Services (RFP # 19-063). The appointment of a Code Enforcement Special Magistrate is intended to promote, protect, and improve the health, safety, and welfare of the Town's citizens by providing for an equitable, expeditious, effective, and inexpensive method of enforcing Town Codes and Ordinances. The Code Enforcement Special Magistrate is appointed with the authority to impose administrative fines and other non-criminal penalties where pending or repeated violations exist. The Special Magistrate conducts hearings relating to the enforcement and violation of the Business Tax Receipt, Fire, Building, Zoning, Sign, and other related Codes in force in the Town. The Special Magistrate serves at the pleasure of the Town Commission, and is not a Town employee. The Special Magistrate will not be permitted to represent any client before the Town of Longboat Key or any committee, department or agency of the Town, and will not be able to undertake any other private representation which might create a conflict of interest with the Town.

One proposal, from attorney Milan Brkich, was received. A review was conducted by the Town's Purchasing Manager and Town Manager. Mr. Brkich was found to be responsive to the needs of the Town, and qualified (resume attached). Mr. Brkich previously served as an Assistant County Attorney for Sarasota County before retiring from that position in 2017. Staff has checked references and verified the credentials of Mr. Brkich. A contract (attached) has been prepared providing for an initial three year term of service, with the opportunity for two additional one-year renewal provisions. Staff is of the opinion that the fees are reasonable.

At the June 3, 2019 Regular Meeting the Commission may elect to authorize the Manager to execute the contract with Mr. Brkich, schedule further discussion on the topic, or take any other action it chooses as to selection of a Code Enforcement Special Magistrate.

If the Commission authorizes the Manager to execute the contract with Mr. Brkich, it is anticipated that a transition to the Special Magistrate in place of the Code Enforcement Board would be

accomplished by the September 30, 2019 date previously adopted for sunseting the Code Enforcement Board, if not sooner.

**Staff Recommendation**

Authorize the Manager to execute the contract for appointment of Milan Brkich as the Town Code Enforcement Special Magistrate.

**Attachments**

- A. Special Magistrate Contract (Available in Town Clerk's Office);
- B. Special Magistrate Submittal Package (Available in Town Clerk's Office).

**End of Agenda Item**