



## EXECUTIVE SUMMARY

To: Jim Scholl, City Manager  
Cc: Greg Veliz, Assistant City Manager  
From: Jim Young, Director of Code Compliance *JY*  
Date: August 1, 2019  
Subject: RFP 009-19 for Code Compliance Special Magistrate

---

### **Action statement:**

The City Commission will select an appropriate candidate and alternate candidate to serve as the Code Compliance Special Magistrate and Alternate Code Compliance Special Magistrate, as well as authorize the City Manager to negotiate a contract with the selected individual's.

### **Background:**

Pursuant to Florida Statute 162.03, the City of Key West established a Code Compliance system with quasi-judicial hearings being overseen by a special magistrate. The purpose of these hearings is to provide an opportunity for substantive due process for alleged code violators and the City of Key West, as well as hearing certain appeals as provided by the Code of Ordinances,

On June 14, 2019 a Request for Proposals, (RFP), was published in the Citizen newspaper.

On July 17, 2019 the three (3) sealed bid proposals were opened at the City Clerk's Office. The three individuals that responded to the RFP are Albert L. Kelley, Esq., Dirk Matthew Smits, Esq. and Donald E. Yates, Esq.

A Ranking Committee was established by the City Manager comprised of five (5) city staff members, Jeffery Burgess Licensing Official, John Paul Castro Utilities Director, Todd Stoughton Risk Manager, John Wilkins Parking Enforcement Director and Patrick Wright Planning Director. The three (3) proposers were evaluated by this ranking team on July 29, 2019 at 3:00 P.M. The three (3) proposers were evaluated based on the following criteria:

- Qualification and experience in litigation and quasi-judicial proceedings.  
**Max. 30 points**

- Prior experience as judicial or quasi-judicial officer. **Max. 20 points**
- Training and experience in Florida local government. **Max. 20 points**
- Proposed fee arrangement **Max. 25 points**
- Demonstrated positive community relations **Max. 5 points**

Maximum possible total points 500.

The Ranking Committee created a list of the proposers, based on the above criteria and point scale, for the City Commission to consider in order of the most qualified first. The list consists of the following proposers with their ranking score and fee proposal:

1. Donald E. Yates                      450 points  
     Fee Proposal  
     Monthly Fee:                      \$1,400.00  
     Additional Hourly Rate: \$350.00 - \$450.00
2. Albert L. Kelley                      424 points  
     Fee Proposal  
     Monthly Fee:                      \$1,500.00  
     Additional Hourly Rate: \$250.00
3. Dirk Matthew Smits                      352 points  
     Fee Proposal  
     Monthly Fee:                      \$5,000.00  
     Additional Hourly Rate: \$250.00

City staff have provided for the City Commission RFP 009-19 and all three (3) bid proposals and the scoring sheet for their review.

**Recommendation:**

Enter into an agreement with Donald E. Yates, Esq. to provide the services of Code Compliance Special Magistrate and enter into an agreement with Albert L. Kelley, Esq. to provide the services of Alternate Code Compliance Special Magistrate.