




MEMORANDUM

Date: September 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Jim Young
Director of Code Compliance

Subject: New Contract for Code Compliance Special Magistrate Donald E. Yates

Introduction

The City Commission will consider extending the contract for Code Compliance Special Magistrate Donald E. Yates for a one-year period.

Background

On September 29, 2019, a contract was executed between the City of Key West, (City) and Donald E. Yates, Esq. (Yates), whereupon the City offered to engage Yates to serve as the Code Compliance Special Magistrate. Yates accepted the City's offer. Section II (a) of the contract states "The term of this agreement shall be for a period beginning on the 1ST day of October 2019 and shall terminate on the September 30, 2021, with an additional two-year option to extend on behalf of the city."

On August 29, 2021, the City and Yates agreed to extend the contract for two years, making the contract valid until September 31, 2023.

The City is currently in the process of amending the Special Magistrate sections of the Code of Ordinances and is willing to execute a one-year contract with Yates until that process is completed. The total cost of the one-year contract will be Eighteen Thousand Dollars (\$18,000.00), which is currently budgeted in the 2023 – 2024 Code Compliance budget.

Recommendation

The City Manager's Office recommends the Mayor and Commission approve the one-year contract with Yates.



CONTRACT FOR SERVICES

CODE COMPLIANCE SPECIAL MAGISTRATE

This Agreement effective October 1, 2023, by and between the City of Key West, Florida, a Florida municipal corporation, 1300 White Street, Key West, Florida 33040 (hereinafter "City") and the Law Offices of Donald E. Yates, P.A. a Florida corporation (hereinafter "Yates"), 611 Eaton Street, Key West, Florida 33040.

WHEREAS, THE City and Yates mutually desire to enter into an agreement whereby Yates will serve as the Code Compliance Special Magistrate for the City.

NOW, THEREFORE, the parties agree as follows:

I. SCOPE OF WORK.

The City hereby offers to engage Yates, and Yates hereby accepts such an offer of engagement to serve as the Code Compliance Special Magistrate for the City. Yates expressly agrees herein to exercise his authority as Special Magistrate in accordance with Chapter 162 of the Florida Statutes and Chapter 2 of the Key West Code of Ordinances. In addition, Yates expressly agrees herein to observe all pertinent laws in the exercise of his functions, including but not limited to, the Sunshine Law, the Public Records Law, Chapter 112 of the Florida Statutes relating to conflicts of interest, and laws relating to the procedures of quasi-judicial hearings.

II. TERM AND TERMINATION.

- a. The term of this Agreement shall be for a period beginning on **October 1, 2023** and shall terminate on **September 30, 2024**.
- b. The City may terminate this Agreement at any time for cause. "Cause" shall be defined as a failure to adhere to the provisions pertaining to the conduct of code compliance procedures contained in Chapter 162 of the Florida Statutes and Chapter 2 of the Key West Code of Ordinances, or a violation of ordinance or law, upon a majority vote of the City Commission as provided in the Code of Ordinances.
- c. The City may terminate this Agreement without cause upon no less than 30 days written notice to Yates.