

ORDINANCE No. 2005-23-61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 2004-11-27, ADJUSTING THE SALARIES OF CODE ENFORCEMENT SPECIAL MASTERS; PROVIDING THAT PRIOR TO APPOINTMENT, ALL SPECIAL MASTERS BE MEMBERS IN GOOD STANDING OF THE FLORIDA BAR, LICENSED TO PRACTICE FOR AT LEAST THREE (3) YEARS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 24, 2004, the City Council approved Ordinance No. 2004-11-27, the City's Code Enforcement Ordinance, and

WHEREAS, the Code Enforcement Ordinance provides for the appointment of special masters, and

WHEREAS, Ordinance No. 2004-11-27 currently provides that special masters are to be compensated at the flat rate of \$300.00 for code enforcement hearings, and

WHEREAS, due to the number of code enforcement cases being processed by the City, special masters are required to spend numerous hours at hearing code enforcement cases, and

WHEREAS, in light of the amount of time that the special masters are spending at code enforcement hearings, the City Manager is recommending that the Special Masters be paid a flat hourly rate of \$100.00 per hour for all services, with a minimum payment of \$300.00 for each appearance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas

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Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Section 5. of Ordinance No. 2004-11-27 is hereby amended as follows:

Qualifications of Special Masters. Appointment and Removal, Compensation.

Appointments of Special Masters shall be made by the Manager, as needed, on the basis of experience, skills, and abilities. Special Masters must be members in good standing of the Florida Bar, licensed to practice at least three (3) years prior to their appointment. Such appointments shall be made for a term of one (1) year. First time appointments shall be submitted to the City Council for ratification of the Manager's appointments.

(A) Special Masters need not be residents of the City but shall possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability.

(B) Special Masters may be reappointed or removed, without cause, at the discretion of the Manager, subject to ratification by the City Council. Appointments to fill any vacancy shall be for the remainder of the unexpired term. Upon the termination of a term of an appointment as Special Master each Special Master shall continue to serve as Special Master until a new appointment of a replacement as Special Master has been made by the City Manager and such new appointment has been ratified by the City Council. The Special Masters so appointed shall serve on a rotating basis.

(C) Special Masters shall not be City employees and shall be compensated at a rate ~~not to exceed \$300.00~~ of \$100.00 per ~~hearing date, hour, with a minimum payment of \$300.00 for each appearance which fee shall for all services includeing case preparation, execution of final orders, and attendance at all hearings including appeals, if necessary.~~

(D) If a Special Master is removed from a case in the event of a conflict of interest, the case may be assigned to another Special Master.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 25th DAY OF MAY, 2005.

PASSED ON SECOND READING ON THE 8th DAY OF JUNE, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 8th DAY OF JUNE, 2005.

ATTEST:



RONETTA TAYLOR, CMC, CITY CLERK



SHIRLEY GIBSON, MAYOR

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

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SPONSORED BY: City Manager

MOVED BY: Vice Mayor Campbell

SECONDED BY: Councilwoman Watson

VOTE: 6-0

Mayor Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) Out of room
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)

skk

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