

Meeting Date:

Agenda Item

JUNE 9, 2015

5

REQUESTED COMMISSION ACTION:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consideration/ Discussion	<input type="checkbox"/> Presentation
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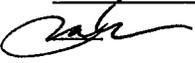
SHORT TITLE A resolution approving an agreement with the Law Offices of Steven A. Schaet, Esquire to provide legal services to indigent defendants charged with violations of City codes

Summary of Purpose and Why:

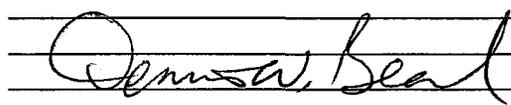
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE LAW OFFICES OF STEVEN A. SCHAET, ESQUIRE TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY CODES; PROVIDING AN EFFECTIVE DATE.

- (1) Origin of request for this action: City Attorney
- (2) Primary staff contact: Mark E. Berman, Assistant City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
<u>City Attorney</u>	<u>5/13/15</u>	_____	<u>See City Attorney's Comm. #2015-956</u> 
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



City Manager



ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 st Reading _____	1 st Reading _____	Results: _____	Results: _____
2 nd Reading _____	_____	_____	_____



City Attorney's Communication #2015-956

May 13, 2015

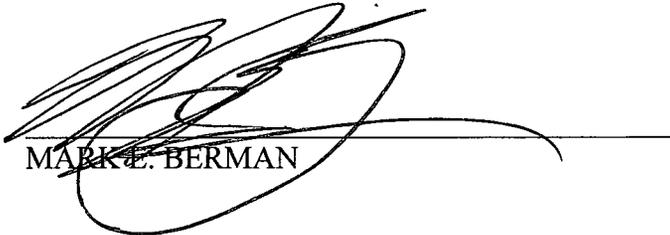
TO: Dennis W. Beach, City Manager
FROM: Mark E. Berman, Assistant City Attorney
RE: Resolution – Legal Services to Indigent Defendants

Attached please find the following captioned Resolution addressing the above-referenced matter:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE LAW OFFICES OF STEVEN A. SCHAET, ESQUIRE TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY CODES; PROVIDING AN EFFECTIVE DATE.

Please place this matter on the May 26, 2015 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.


MARK E. BERMAN

MEB/ds
l:cor/manager/2015-956
Attachments

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE LAW OFFICES OF STEVEN A. SCHAET, ESQUIRE TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY CODES; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That an Agreement between the City of Pompano Beach and The Law Offices of Steven A. Schaet, Esquire to provide legal services to indigent defendants charged with violations of city codes, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and The Law Offices of Steven A. Schaet, Esquire.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/ds

5/12/15

l:reso/2015-334

***AGREEMENT FOR LEGAL SERVICES TO REPRESENT
INDIGENT DEFENDANTS***

THIS AGREEMENT for legal services regarding the representation in Broward County Court of indigent Defendants charged with City of Pompano Beach municipal ordinance violations, is made and entered into on the date stated below, between the Law Offices of Steven A. Schaet and the City of Pompano Beach, a municipal corporation, based upon the terms and conditions set forth below.

WHEREAS, Florida municipalities are currently obligated to pay for the services of either the Public Defender or a private attorney to represent indigent Defendants charged with a municipal ordinance violation pursuant to § 27.51 (4), F.S.; and

WHEREAS, a Florida municipality may enter into a contract with the Public Defender for reimbursement on an hourly basis at the rate of Fifty Dollars (\$50.00) per hour pursuant to F.S. § 27.51 (1)(b)(4) and § 27.54 (2)(a); and

WHEREAS, the Public Defender's Office for Broward County has notified Broward municipalities that the Public Defender's Office will not contract with the County or Broward municipalities to provide representation to indigent Defendants in municipal ordinance violation cases; and

WHEREAS, municipalities are authorized to contract with attorneys licensed to practice law in Florida to represent Defendants charged with municipal ordinance violations and to pay a reasonable expense for legal services and costs incurred; and

WHEREAS, the Law Offices of Steven A. Schaet agrees to provide legal representation in Broward County Court for indigent Defendants charged with municipal ordinance violations of the City of Pompano Beach under the terms stated in this agreement.

NOW THEREFORE, the parties agree as follows:

1. The City of Pompano Beach agrees to pay the Law Offices of Steven A. Schaet a fixed fee for legal services of Two Hundred Dollars (\$200.00) for each case in which the Law Offices of Steven A. Schaet is appointed by a County Court Judge to represent an indigent at the Main County Courthouse charged with a Pompano Beach municipal ordinance violation. The firm's representation will commence on the date of appointment and continue thereafter until final disposition of the case.

2. The City of Pompano Beach agrees to pay the Law Offices of Steven A. Schaet a fixed fee of Fifty Dollars (\$50.00) for its representation and appearance on behalf of indigent Defendants charged with a Pompano Beach municipal ordinance violation when the legal services furnished are limited to advising the indigent Defendant of his or her rights, representing the Defendant's interest before the Court and otherwise providing legal services for an indigent Defendant solely at a First Appearance Hearing.

3. The Law Offices of Steven A. Schaet agrees that it will not represent any Defendant charged with a City of Pompano Beach municipal ordinance violation which is ancillary to a State charge, and the City shall not compensate him for same, as per § 27.51 (1) (b)(4), F.S., the Public Defender is required to provide such representation.

4. The Law Offices of Steven A. Schaet shall submit to the City of Pompano Beach monthly statements for attorney fees and costs incurred within 30 days after delivery of such services or payment of such costs. The City of Pompano Beach shall make payment of the submitted invoice within 30 days or notify the Law Offices of Steven A. Schaet in writing of any objection to such statement of fees and costs and pay any undisputed fees and costs.

5. The parties agree that Steven A. Schaet is an independent contractor and not an employee or officer of the City of Pompano Beach.

6. This agreement may be terminated by either party by thirty (30) days notice in writing to the other party.

7. This agreement contains the entire agreement between the parties and the terms of this agreement are contractual and not a mere recital. No changes or additions to this agreement shall be effective unless made in writing specifically referring to this agreement and signed by the parties.

8. This agreement shall be interpreted in accordance with the plain meaning of its terms and not for the drafter of this Agreement.

9. This agreement is non-exclusive and the Law Offices of Steven A. Schaet may represent defendants, other than those under this Agreement, and likewise the City may retain other defense counsel if appointed by the Court at a Satellite courthouse, and subsequently required to follow a case to the Main Courthouse for trial only, based upon time already put forth to prepare a defense.

IN WITNESS WHEREOF, the undersigned parties have read and agree to be bound by this agreement.

"CITY":

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved by:

GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager, and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

Witnesses:

Victoria Cruz

Victoria Cruz

Print Name

Stephen Plant

Stephen Plant

Print Name

LAW OFFICES OF STEVEN A. SCHAET

Steven A. Schaet

By:

Steven A. Schaet, Esquire

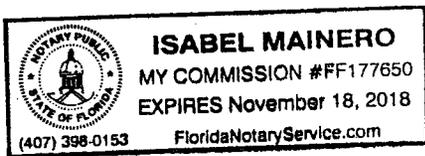
Steven A. Schaet

Typed, Stamped or Printed Name

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 27 day of April, 2015 by Steven A. Schaet, Esquire, He is personally known to me or has produced personally known (type of identification) as identification.

NOTARY'S SEAL:



MEB/ds
4/24/15
l:agr/2015-882

Isabel Mainero

NOTARY PUBLIC, STATE OF FLORIDA

Isabel Mainero

(Name of Acknowledger Typed, Printed or Stamped)

FF177650

Commission Number