

RESOLUTION NO. R-2013-112

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE APPOINTMENT OF KATHLEEN ACHILLE, ESQ., AS SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami ("City") Code of Ordinances ("Code") allows for the appointment of up to three (3) Special Magistrates for Code Enforcement procedures per year; and

WHEREAS, the City Code requires that the Special Magistrates be either retired Florida judges or members in good standing of the Florida Bar for at least five (5) years; and

WHEREAS, City Administration has reviewed the qualifications of the proposed Special Magistrate and determined the candidate to be the best suited for the needs of the City and desires to enter into a one (1) year agreement; and

WHEREAS, the Mayor and City Council desire to designate and appoint the recommended candidate as Special Magistrate for Code Enforcement proceedings for a one (1) year period with an option to renew for an additional one (1) year term.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Designation of Special Magistrate. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the appointment of Kathleen Achille, Esq., as Special Magistrate for Code Enforcement proceedings and authorize the City Manager and City Attorney to execute a one (1) year Letter of Agreement with the Special Magistrate, in substantially the attached form.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 24 day of September, 2013.


LUCIE M. TONDREAU
MAYOR

ATTEST.



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilwoman Steril

Seconded by: Mayor Tondreau

Vote:

| | | | | |
|------------------------------------|---------------|-------|---------------|------|
| Mayor Lucie M. Tondreau | <u> x </u> | (Yes) | <u> </u> | (No) |
| Vice Mayor Scott Galvin | <u> </u> | (Yes) | <u> x </u> | (No) |
| Councilperson Carol Keys, Esq. | <u> x </u> | (Yes) | <u> </u> | (No) |
| Councilperson Philippe Bien-Aime | <u> x </u> | (Yes) | <u> </u> | (No) |
| Councilperson Marie Erlande Steril | <u> x </u> | (Yes) | <u> </u> | (No) |

September 25, 2013

Kathleen Achille, Esq.
1819 Racquet Court
North Lauderdale, FL 33068

RE: APPOINTMENT AS SPECIAL MAGISTRATE

This correspondence sets forth a Letter of Agreement (“Agreement”) between the City of North Miami, a Florida municipal corporation (“City”), and Kathleen Achille, Esq., as an independent legal contractor for Code Enforcement proceedings (“Special Magistrate”). The City and Special Magistrate shall collectively be referred to as the “Parties”.

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council appoints Attorney Kathleen Achille, Esq., as a Special Magistrate, effective September 24, 2013.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term, unless earlier terminated pursuant to this Agreement.
3. **Independent Contractor:** The Special Magistrate shall be deemed to be an independent contractor and not an agent or employee of the City. The Special Magistrate shall not attain any rights or benefits under the City’s Civil Service or Pension Ordinances or any rights generally afforded to the City’s classified or unclassified employees. Therefore, the Special Magistrate is not entitled to Florida Workers’ Compensation benefits.
4. **Compensation:** The Special Magistrate shall be compensated at \$125.00 per hour for services, non-inclusive of travel time to and from Code Enforcement hearings.
5. **Right of City to Terminate:** The City retains the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice at any time prior to the completion of the above services without penalty. The City shall only be responsible to pay the Special Magistrate for any services actually rendered up to the date of termination.
6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Kathleen Achille, Esq.
1819 Racquet Court
North Lauderdale, FL 33068

If to City: City Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

With a copy: City Attorney
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

Code Compliance Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

Chief of Police North Miami
North Miami Police Department
700 N.E. 124th Street
North Miami, FL 33161

7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

For Special Magistrate:

For City of North Miami:

By: _____
Kathleen Achille, Esq.

By: _____
Stephen E. Johnson, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Regine M. Monestime
City Attorney

Enclosure

cc: Marc E. Elias, Chief of Police
Donald Blanchard, Code Compliance Police Supervisor
Alan Graham, Code Compliance Manager

KATHLEEN ACHILLE

1819 Racquet Court
North Lauderdale FL 33068

Residence: (954) 582-0546
Cellular: (954) 681-9081
E-mail: kachilleesq@yahoo.com

Professional

Memberships:

2011

U.S. District Court, Southern District

1999

FL Bar

Professional Experience:

*March 2012 –
present*

David Bakalar, P.A. Hollywood, FL. Civil litigation/ Plaintiff foreclosure. Managed and directed team handling specific client files. Responsible for aggressive approach to resolving contested files, negotiating settlements with borrowers, answering defensive pleadings, taking and defending depositions, and non-jury trials. Met and exceeded billing requirements.

*April 2011 –
March 2012*

Brock & Scott, PLLC. Fort Lauderdale, FL. Civil litigation/ Plaintiff foreclosure. Developed, managed, and directed team handling specific client files. Responsible for specific client relationship, negotiating settlements with borrowers, answering defensive pleadings, non-jury trials, and resolving contested lawsuits. Met and exceeded billing requirements.

*January 2009 –
March 2011*

Ben-Ezra & Katz, P.A. Fort Lauderdale, FL. Civil litigation/ Plaintiff foreclosure. Managed average case load of 150 cases. Responsible for negotiating settlements with borrowers, answering defensive pleadings, and resolving contested lawsuits. Met and exceeded billing requirements.

*March 2003 –
December 2008*

The Law Office of Kathleen Achille, P.A. Fort Lauderdale, FL. Criminal defense. Responsible for all aspects of defending a wide variety of criminal cases, mostly at the felony level. Tried approximately 10 felony cases (jury trials, from third degree felonies to life felonies). Researched and filed Motions for Bond, Motions to Suppress Physical Evidence, and Motions to Dismiss.

*June 1999 –
February 2003*

State Attorney's Office, 17th Judicial Circuit, Fort Lauderdale, FL. Criminal prosecution. Managed average caseload of 150 - 200 cases. Responsible for prosecuting criminal offenses within Broward County, from misdemeanors to first degree life felonies.

Tried approximately 20 misdemeanor, 30 felony cases (jury trials, including drug trafficking and 2nd degree murder). Supervised 8 attorneys at the misdemeanor level. Defended Motions to Suppress Physical Evidence, Motions to Dismiss, and Sworn Motions to Dismiss.

Education:

1998 **University of Florida College of Law, Gainesville, FL. Juris Doctor.**

1995 **University of Florida, Gainesville, FL. Bachelor of Arts.**

Honors & Awards:

2007 **Special Presidential Award, Haitian Lawyers Association**

2006 **Amigo Award, Cuban American Bar Association**

2006 **Gracias Award, Broward County Hispanic Bar Association**

1997 – 1998 **Delores Auzenne Fellowship**

**Professional &
Community Affiliations:**

1999 – 2009 **TJ Reddick Bar Association**

2003 – 2008 **Haitian Lawyers' Association**

- *2003 – 2006* – Secretary
- *2006 – 2008* – Vice-President

2003 – 2009 **Broward Association of Criminal Defense Lawyers**

2005 – 2009 **Broward County Bar Association**

2008 **Broward County Bar Association, Judicial Survey Committee**

2005 – 2007 **The Starting Place, Board of Directors**

2008 – 2009 **Legal Aid Service of Broward County, Board of Directors**

2008 – 2009 **Coast to Coast Legal Aid of South Florida, Board of Directors**