RESOLUTION NO. R-2013-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE APPOINTMENT OF CHRISTOPHER BENJAMIN 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 FOR 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 Christopher Benjamin 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 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, this 9 day of July 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

for REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Mayor Tondreau

Vote:

Mayor Andre D. Pierre, Esq.	x (Yes)	(No)
Vice Mayor Marie Erlande Steril	x (Yes)	(No)
Councilperson Scott Galvin	(Yes)	x (No)
Councilperson Carol F. Keys, Esq.	(Yes)	x (No)
Councilperson Philippe Bien-Aime	x (Yes)	(No)

July 10, 2013

Christopher Benjamin, Esq.
P.O. Box 694011
Miami, Florida 33269

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 Christopher Benjamin 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 Christopher Benjamin, as a Special Magistrate, effective July 10, 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: Christopher Benjamin, Esq.
   P.O. Box 694011
   Miami, Florida 33269

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:

By: _____
Christopher Benjamin, Esq.

For City of North Miami:

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

CHRISTOPHER E. BENJAMIN

18851 NE 29th Avenue, Suite 700 PMB 168
Aventura, Florida 33180; *Mailing Address*: PO Box 694011, Miami, Florida 33269
(305) 407-1179 Direct Line
(786) 463-4606 Facsimile; (954) 790-7221 Cellular
cbenjamin@thebarrister.net

EDUCATION

St. Thomas University School of Law, Miami, FL
Juris Doctorate, May 2001
Member of the Florida Bar: # 561029

Honors:
- Florida Bar Foundation Scholarship
- Who's Who Among American Law Students
- St. Thomas University School of Law Moot Court Board
- Peter T. Fay American Inns of Court
- Student Bar Association, *Senator*
- Southern Region of National Black Law Student Association, *Treasurer*

Florida Memorial University, Miami, FL
B.A., Political Science/Public Administration, 1998

Honors:
- Dean's List
- Herman Dreer Leadership/Scholarship
- All American Collegiate Scholar
- Student Government Association, *Senior Class President & Attorney General of Student Disciplinary Council*
- Christopher Benjamin Day (Proclamation from the City Council of Opa Locka, Florida)
- Omega Psi Phi Fraternity, Inc. (State, District & International), Undergraduate of the Year

EXPERIENCE

The Barrister Firm, P.A., Aventura, Florida
Managing Shareholder (June 2002-present)

- First chair responsibility in over 200 cases
- Conduct depositions
- Prepare pretrial discovery requests
- Conduct client interviews
- Supervise supporting staff
- Manage office operations
- Practice in the Areas of: commercial litigation, foreclosure litigation, commercial and residential real estate transactions (including title work), bankruptcy, criminal litigation, employment and labor, personal injury litigation, collections and family litigation.

Administration of Courts/11TH Judicial Circuit-Traffic Division, Miami, Florida
Hearing Officer (January 2011-present)
As a traffic hearing officer, I perform the task of taking and evaluating evidence and testimony from witnesses, making findings of fact and conclusions of law. Traffic hearing officers conduct both pretrial hearings and infraction trials for civil traffic infractions, parking infractions, Florida's Sunpass toll infractions and general toll infractions. Traffic hearing officers hear between 100-425 cases per docket and hear cases once or twice a week (with 6-7 dockets per day).

City of North Miami/Nuisance Abatement Board, N. Miami, Florida
Legal Advisor (December 2010 – present)
Provide counsel to the City's nuisance abate board with regards to procedures, rules of evidence and statutory interpretation pertaining to issues coming before the Board.

The Title Experts of South Florida, Inc., Miami Gardens, Florida
Attorney/CEO (August 2004-June 2010)
Providing real estate transactional services such as; title searches, title examinations, encumbrance and ownership reports and title opinions. Providing supervision of personnel performing closings and escrow services.

CHRISTOPHER E. BENJAMIN

18851 NE 29th Avenue, Suite 700 PMB 168
Aventura, Florida 33180; *Mailing Address*: PO Box 694011, Miami, Florida 33269
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(786) 463-4606 Facsimile; (954) 790-7221 Cellular
cbenjamin@thebarrister.net

Florida Memorial University, Miami, Florida
Adjunct Professor (July 2001-July 2006)
Taught various undergraduate courses such as business law, public administration, and criminal justice.

Administration of Courts/11TH Judicial Circuit-Family Division, Miami, Florida
Case Manager (February 2002-July 2002)
Assisted the Judges in reviewing the cases filed in their divisions, for accuracy and completeness, in order to ensure that cases progressed through the system in an efficient manner. These cases included divorces, name changes, adoptions, child support/visitation, and paternities. Scheduled the Judges' uncontested matters for final hearings and all other matters for case management and/or status conferences. Prepared various orders and final judgments as per the Judges' request.

Miami-Dade County Public Defender's Office, Miami, Florida
Certified Legal Intern (July 2000-May 2001)
Performed research. Conducted client interviews and depositions. Drafted and argued dispositive motions. Litigated jury and bench trials in the felony and juvenile divisions.

Brown Law Group, P.A., Miami, FL
Law Clerk/Associate (June 2000-June 2002)
Performed research and draft motions, complaints, and answers on various areas of law including Family Law, Probate, Entertainment, Criminal Defense, and Personal Injury. Handle client relations including client interviews and all correspondences to clients

Douthit Law Firm, P.A., Miami, FL
Law Clerk (April 2000-August 2000)
Performed research and drafted reports and appellate briefs on various areas of law including Bankruptcy, Dependency, Criminal, and Commercial Litigation. Assisted with interoffice operations.

Judge Wilkie D. Ferguson, Jr., Ft. Lauderdale, Florida
Summer Clerkship (June 1999-September 1999)
Performed research and reviewed causes of action in order to advise the Judge on the various points of law argued by the parties. Wrote proposed summary judgments, directed verdicts, and memorandums of law to assist the Judge in his final drafts. Assisted with interoffice operations.

Congressional Black Caucus Foundation (CBCF) Internship, Washington, D.C.
Congressional Internship, Congresswoman Carrie Meek (June 1997-September 1997)
Assisted with interoffice operations, researched legislative issues, attended meetings/hearings, wrote constituent correspondence letters and assisted with legislative drafting.

Irving Fryar Foundation, Inc., Coral Gables, FL
Assistant Executive Director (April 1996-May 1998)
Performed research, wrote grants and developed at-risk youth programs. Supervised and evaluated employees. Conducted board meetings and assisted with interoffice operations. Assisted with public relation and fund raising campaigns.

United States Army, Ft. Meade, Maryland
Dental Specialist (June 1991-August 1994)
Assisted in routine dental examinations and operations. Managed the operations of the dental x-ray department. Assisted in the management of a staff of twenty (20). Maintained and reported on equipment valuing over $250,000. Received the Army Achievement Medal and an honorable discharge.

CHRISTOPHER E. BENJAMIN

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LICENSES/CERTIFICATIONS

Florida Supreme Court
Florida Supreme Court Certified Mediator
Florida Supreme Court Qualified Arbitrator

Supreme Court of the United States of America
United States Court of Appeals for the Armed Forces
United States Court of Appeals for the Eleventh Circuit
United States District Court for the Southern District of Florida (including the Bankruptcy Court)
United States District Court for the Middle District of Florida
United States District Court for the Northern District of Florida

Real Estate Broker
Title Insurance Agent ***(with the FUND since 2003)***
Notary Public

MEMBERSHIPS/AFFILIATIONS

The Florida Bar
- Family Law Rules Committee (2009-2011)

Dade County Bar Association
- Solo/Small Firm Committee Co-Chairman (2012-2013)
- Juvenile Court Committee Chairman (2010- 2011)
- Legal Aid Committee Vice Chairman (2005- 2006)

Florida Muslim Bar Association
- President (2011- 2012)

Wilkie D. Ferguson, Jr. Bar Association a/k/a Black Lawyers Association
- President (2009-2010)

NAACP, Dade County Branch
- 2nd Vice President (2011- 2012)
- Legal Redress Committee Chairman (2005- present)

Florida Memorial University National Alumni Association
- General Counsel (2010-present)

Omega Psi Phi Fraternity, Inc., Florida Statewide Organization
- State Counselor/Attorney (2004- 2006)

North Dade Bar Association
Broward County Bar Association
TJ Reddick Bar Association (Broward County Black Lawyers)
Cuban American Bar Association
Haitian Lawyers Association
Federal Bar Association
National Association of Hearing Officials
Florida Association of Professional Mediators
Phi Alpha Delta Law Fraternity, Inc.
5000 Role Models of Excellence
100 Black Men of South Florida, Inc.
American Legion
F&AM and AASR

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HONORS

South Florida Business Journal 40 under 40
Legacy Magazine Top 40 under 40 Black Leaders of Today and Tomorrow
Cystic Fibrosis Foundation 40 under 40 Outstanding Lawyers of Miami-Dade County
Listed in ALM: South Florida's Top Rated Attorneys
National Trial Lawyers Top 40 under 40
Super Lawyers Rising Star
AV Preeminent Attorney (Martindale-Hubbell)
AVVO.com (rated Superb)
Marquis Who's Who in America 67th Edition
International Who's Who of Entrepreneurs
Florida Memorial University President's Fountain of Excellence
Outstanding Young Alumni (National Alumni Council/UNCF)
Outstanding Pro Bono Award (Put Something Back Program-Dade County Bar Association)

PRO BONO ACTIVITIES

Miami-Dade Legal Aid: Put Something Back
Legal Services of Greater Miami: Small Claims Clinic
Volunteer Lawyers Project for the Southern District of Florida
Lawyers for Children of America
Teen Court (Dade and Broward)
William Dandy Middle School Law Magnate Program (Sponsor/Mentor)

The Florida Bar
www.floridabar.org

Christopher Emmanuel Benjamin

Member in Good Standing **Eligible to practice in Florida**

ID Number: - 561029

Address: PO Box 694011
Miami, Florida 332691011
United States

Phone: 305.407.1180

Fax: 786.463.4606

E-Mail: cbenjamin@thebarrister.net
vCard: ?

County: Miami-Dade
Circuit: 11
Admitted: 05/31/2002
10-Year Discipline History: **None**
Law School: St. Thomas University School of Law
Firm: The Barrister Firm, P.A.
Firm Size: 2 to 5
Occupation: Partner / Shareholder
Practice Areas: General Practice
Civil Law Notary: Yes ?
Services: ADA accessible client services
Federal Courts: U.S. Supreme Court
U.S. Court of Appeals for the Armed Forces
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida
Florida Southern District Bankruptcy Court
State Courts: Florida

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