

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

This CONTRACT is between the City of Clearwater (City), Florida, 112 S. Osceola Avenue, Clearwater, FL 33756, and the State of Florida, Division of Administrative Hearings (DOAH).

WHEREAS, Section 120.65, Florida Statutes, authorizes DOAH to provide Administrative Law Judges (ALJs) on a contract basis to any governmental entity;

WHEREAS, Section 2.285, City Code of Ordinances authorizes the City Council to contract with DOAH to provide hearing officers;

WHEREAS, City desires to use the services of DOAH's ALJs to conduct hearings involving the City Civil Service Administration; and

NOW, THEREFORE, the parties, for valuable consideration and the mutual promises between them, agree as follows:

1. Scope of Services. DOAH agrees to make ALJs available to City to act as hearing officers. The ALJs to be provided will be full-time judges employed by the State of Florida, Division of Administrative Hearings. The ALJs to be provided are experts in the adjudication of administrative disputes and such ALJs shall, where possible, be persons familiar with cases involving the

issues at hand. The ALJs will conduct hearings and present a Proposed Order to the City Civil Service Board in accordance with Section 2.285, City Code of Ordinances and the City Civil Service Board Rules and Regulations.

2. Compensation. The fiscal year 2003-2004 General Appropriations Act, Chapter 2003-397, Laws of Florida, requires DOAH to renegotiate its contracts for ALJ services annually so that the hourly rate charged is based on a total-cost recovery methodology. The rate has been determined to be \$148.00 per hour beginning October 1, 2014. DOAH will notify City of the amended hourly rate on or about the first day of September of each year. That rate will become effective on the first day of October of that same year. City agrees to compensate DOAH for each hour actually worked, and subsequently, at the hourly rate determined in accordance with the Florida Legislature's directive. This rate will apply for ALJ services in preparing for hearings, traveling to hearings, conducting hearings, and preparing Proposed Orders.

3. Expenses. City agrees to pay the actual travel expenses of the assigned ALJ in the amount provided pursuant to Chapter 112, Florida Statutes. DOAH agrees, whenever possible, to arrange the travel schedule of such ALJ so that the ALJ can accomplish other work during a

trip, and, in such instances, travel expenses and hourly compensation will be prorated for services to City. In the event a hearing is being conducted by video teleconferencing, City will reimburse DOAH at the current DOAH video teleconferencing rate. DOAH will submit invoices monthly and City agrees to remit payment monthly in accordance with Chapter 218, Part VII, Florida Statutes. DOAH agrees to provide City an itemized statement of the charges and costs in the invoice.

4. Contract Management. Deputy Chief Judge David M. Maloney or Administrative Services Director Lisa M. Mustain, shall provide contract management services under this Contract.

5. Term. This contract is for a term of one (1) year and will automatically renew for succeeding yearly periods one year from the date last signed. This Contract may be amended from time to time by mutual agreement of the parties, and may be terminated by either party for the convenience of that party upon thirty (30) days' written notice.

6. Request for Services. City, in order to obtain the services for an ALJ, shall send a letter to the Chief Judge, Division of Administrative Hearings, requesting the services of an ALJ and shall include with such request a

copy of any materials relevant to the request. DOAH shall provide an ALJ within thirty (30) days of receipt of the letter.

7. Effective Date. This Contract will become effective on the date the last signature is made.

8. Notices. All notices required or permitted by this Contract shall be in writing, and shall be deemed to have been duly given if mailed first-class, certified postage prepaid, addressed as follows:

To City:

City of Clearwater Civil Service Commission
Attn: Joseph Roseto, Human Resources Director
P.O. Box 4748
Clearwater, FL 33758-4748
727-562-4870

To DOAH:

State of Florida, Division of Administrative Hearings
Attn: Lisa M. Mustain, Administrative Services Director
1230 Apalachee Parkway
Tallahassee, Florida 32399
850-488-9675

CITY OF CLEARWATER

By: _____ Date: _____

William B. Horne, II
City Manager

Attest:

By: _____ Date: _____

Rosemarie Call
City Clerk

Approved as to form:

By: _____ Date: _____

Matthew M. Smith
Assistant City Attorney

DIVISION OF ADMINISTRATIVE HEARINGS

By: _____ Date: _____

David M. Maloney
Deputy Chief Judge