

## WORKSHOP – AUGUST 9, 2011

The Board of County Commissioners, Walton County, Florida, held a Workshop on August 9, 2011 at 3:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida, to discuss Code Enforcement Board meetings and procedures.

The following Board members were present: Commissioner Larry Jones, Chair; Commissioner Scott Brannon, Vice-Chair; Commissioner Kenneth Pridgen; Commissioner C. Jones; and Commissioner Sara Comander. Mr. Gregory Kisela, County Administrator; and Attorney Lynn Hoshihara, County Attorney; were also present.

Chairman L. Jones called the meeting to order. He stated that this workshop is to consider possible changes to the Code Enforcement Board (CEB).

Attorney Lynn Hoshihara, County Attorney, stated that previous discussions focused on the review of Chapter 12 of the Land Development Code (LDC) as it relates to the CEB meetings and procedures. She said that the discussions included the possibility of disbanding the existing CEB and to incorporate the use of a Special Magistrate. Another issue discussed was the increase in fines assessed by the CEB. Attorney Hoshihara submitted documentation from Clay County listing the pros and cons relating to the use of Special Magistrates.

Commissioner Brannon asked what the maximum fine was that could be imposed by the CEB. Attorney Hoshihara stated that currently the maximum fine for a repeat violation is \$500 per violation/per day or \$1,500 for irreparable harm. Non-repeat violation fines are \$250 per violation/per day. She reported that Florida Statute allows for higher fines to be imposed upon adoption by the Commission.

Mr. Gregory Kisela, County Administrator, stated that utilization of a Special Magistrate would be more efficient and reported that many cities and counties have changed to that process.

Commissioner Comander voiced concern that the CEB Officers do not have enough authority. Mr. Kisela stated that the authority issue is much broader than what is being discussed at this meeting and felt that it would be better addressed in a separate meeting. Attorney Hoshihara stated that the empowerment of the CEB Officers to issue citations was removed several years ago. She also felt a separate meeting would be better suited to discuss their effectiveness.

Commissioner C. Jones questioned if a two-tiered approach to address code violations had been considered with lesser offenses being presented to the CEB. Discussion ensued regarding the benefits of the CEB, the utilization of a Special Magistrate, and the implementation of a hybrid process.

Commissioner C. Jones asked if there had been a large number of appeals. Attorney Hoshihara stated that she did not have an exact number but there have been two cases appealed within the past three months. Chairman L. Jones stated that having none of the appeals overturned reveals how thoroughly the CEB officers present their case. He felt that a hybrid process using both the CEB and a Special Magistrate is a more feasible system. Commissioner Comander stated that the rules needed to be clarified as to which cases go before the Board and which go before the Special Magistrate. Mr. Kisela said that staff would investigate the use of a hybrid system.

Mr. David Kramer, former CEB member, discussed the issues that are normally addressed with the CEB. He suggested allowing the parties involved to decide whether to have the case heard before the CEB or a Special Magistrate.

Mr. Bob Sullivan, Scenic Gulf Drive Initiative, felt that the code enforcement needed to be more vigilant in collecting fines.

Ms. Charlotte Flint, Code Enforcement Board, felt that the CEB should remain intact and that Special Magistrates are better suited for larger cities and counties.

Ms. Mary Neilson discussed the Florida Statutes regarding fee requirements and appeals.

Mr. Patrick McCarthy, Attorney, spoke in favor of the use of a Special Magistrate.

Ms. Margie Jordan spoke in favor of having a more legal structure.

Commissioner Comander felt that the LDC needed more clarification for enforcement, and that the fines should be increased and strictly imposed. She also felt that the CEB, as opposed to a Special Magistrate, would be more beneficial to the code enforcement process.

Commissioner Brannon voiced concern with the outstanding fines. He asked that a cost analysis of the hybrid process be submitted.

Commissioner C. Jones asked that a comparison of the hybrid system as opposed to a Special Magistrate be performed.

Attorney Hoshihara introduced Attorney Jerry Miller, the recently appointed CEB Attorney.

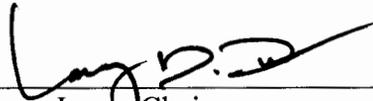
Commissioner Comander questioned how the fines could be increased. Chairman L. Jones stated that an amendment to the LDC would have to be adopted to incorporate the increases. This would include public hearings before the Planning Commission and the County Commission.

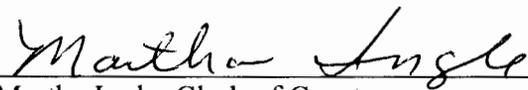
Mr. Kisela requested that the Board give staff time to compile the information requested with the inclusion of a report on outstanding fines.

Commissioner Brannon suggested that a separate workshop be considered to discuss CEB Officers enforcement privileges.

The Board concurred to continue the workshop to September 13, 2011 at 3:00 p.m. at the South Walton Courthouse Annex.

There being no further items to discuss, the workshop adjourned at 3:30 p.m.

  
\_\_\_\_\_  
Larry Jones, Chairman

  
\_\_\_\_\_  
Martha Ingle, Clerk of Courts