



Legislation Text

File #: 20-3642, **Version:** 1

ITEM: CODE COMPLIANCE SPECIAL MAGISTRATE APPOINTMENT POLICY AND PROCESS, TERM LIMITS, RESIDENCY, NUMBER OF MAGISTRATES AND REAPPOINTMENT PROCESS

REQUEST: Council direction on recommended changes to the Special Magistrate appointment policy and process.

EXPLANATION: Florida State Statute 162 permits local governments to create administrative boards to enforce local ordinances. The statute's intent is to "provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances". Wellington established a Council appointed Code Enforcement Board in 1996. The Code Enforcement Board was utilized until 2005 when the Village transitioned to a Special Magistrate enforcement system. Magistrate term limits were enacted through Ordinance No. 2012-18 which limits Magistrates to no more than four consecutive two year terms. Magistrates who met the term limit may qualify again for appointment after one two-year term has expired. Subsequently, Council adopted Resolutions R2012-29 and R2015-43 revising the Magistrate selection process and noting at least one Magistrate not reside in Wellington.

Wellington currently utilizes three Magistrates. Special Magistrates Michael Posner and Alan Zangen are currently serving their final two-year term ending June 1, 2020. Both Mr. Posner and Mr. Zangen served as Code Enforcement Board members prior to their appointments as Special Magistrates. Special Magistrate Suarez-Riva is serving his final two-year term ending June 1, 2021. Mr. Suarez-Riva's initial appointment was in 2013 and he resides outside of Wellington.

Staff is seeking Council direction on recommended changes to the Special Magistrate appointment policy and process as follows:

- Revisit current term limits. (Section 2-203, Code of Ordinances)
 - Retaining Special Magistrates promotes continuity and consistency in rulings. Recommended change requires a code amendment to Section 2-203, Code of Ordinances.
- Removal of the requirement that one Magistrate resides outside Wellington. (R2015-43, item j)
 - To date, it has not been necessary to retain one "outside" Magistrate. May require a resolution adopting a policy.
- Reduce the number of Magistrates from three to two. (R2012-29 and R2015-43)
 - Two Magistrates best serve the Village. The hearing intervals between Magistrates will be reduced, allowing less time to lapse if cases are required to be heard by the same Magistrate. Potentially, the same Magistrate will hear the initial and fine certification cases further promoting continuity in rulings. Current code notes as many as four (4) Magistrates may serve. It does not require a code amendment but may require a resolution to formalize the number serving.
- Clarifying Magistrates serve two-year terms and reappointment shall be self-executing. (Section 2-203, Code of Ordinances)
 - Self-executing if Magistrate chooses to continue to serve.

- Council has the authority to remove a Magistrate.

Will require a code amendment and resolution on the reappointment and selection process.

BUDGET AMENDMENT REQUIRED: N/A

PUBLIC HEARING: N/A

QUASI-JUDICIAL:

FIRST READING:

SECOND READING:

LEGAL SUFFICIENCY: N/A

FISCAL IMPACT: N/A

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Council direction on recommended changes to the Special Magistrate appointment policy and process.