



## Legislation Text

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File #: 20-3767, Version: 1

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**ITEM: ORDINANCE NO 2020-08 (SPECIAL MAGISTRATE APPOINTMENT POLICY AND PROCESS)**

**AN ORDINANCE OF THE VILLAGE OF WELLINGTON FLORIDA AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-203 OF WELLINGTON'S CODE OF ORDINANCES ENTITLED "SPECIAL MAGISTRATE" TO ELIMINATE THE TERM LIMITS PREVIOUSLY ADOPTED AND CLARIFY THE APPOINTMENT PROCESS AND QUALIFICATIONS FOR SPECIAL MAGISTRATES; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH, INCLUDING ORDINANCE NO. 2012-18 AND RESOLUTIONS R2012-29 AND R2015-43; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**REQUEST:** Council approval 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 in Ordinance No. 2012-18. Ordinance No. 2012-18 limits Magistrates to no more than four consecutive terms of two years. 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-Rivas is serving his final two-year term ending June 1, 2021. Mr. Suarez-Rivas's initial appointment was in 2013. Details of the proposed amendments are outlined below:

- Repeal current term limits.
  - 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 reside outside Wellington.
  - To date, it has not been necessary to retain one "outside" Magistrate. Staff believes it is beneficial to have Magistrates who are familiar with code provisions that are unique to Wellington's equestrian community.
- Reduce the number of Magistrates from three to two.
  - 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.
- Clarifying Magistrates serve two-year terms and outlining the reappointment process.
  - Streamlines reappointment process if a Magistrate chooses to continue to serve.

- Council has the authority to remove a Magistrate.
  - Selection process required if Magistrate declines further appointments or is removed by Council.
- Repeals previous obsolete resolutions.

**BUDGET AMENDMENT REQUIRED:** N/A

**PUBLIC HEARING:** YES                      **QUASI-JUDICIAL:** N/A

**FIRST READING:** YES                      **SECOND READING:**

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** N/A

**WELLINGTON FUNDAMENTAL:** Responsive Government

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