



Special Magistrate, Code Enforcement Board Discussion

Alachua County
Board of County Commissioners
October 13, 2020



Background Information

- In April 2018, the Board of County Commissioners passed an ordinance creating the Codes Enforcement Special Magistrate.
- On February 25, 2020, Commissioner Byerly moved to agenda for the first available policy discussion the matter of a magistrate vs. a Code Enforcement Board. The motion carried 5-0.
- On September 8, 2020, Commissioner Byerly moved to authorization of advertise an ordinance to replace the Code Enforcement Board with a Special Magistrate. The motion carried 5-0.



Codes Enforcement Options

1. Replace the Code Enforcement Board, and only utilize the Special Magistrate
2. Maintain the current process, but create provisions on member attendance and removal for neglect or misconduct.



1. Replace the Code Enforcement Board, and only utilize the Special Magistrate

- If the Codes Enforcement Board is replaced, then the Special Magistrate would have jurisdiction to hear any alleged violation of the Alachua County Code.
- Use of a Special Magistrate would not preclude either party from appealing a Special Magistrate's order to the circuit court.
- There would not be any change in the County's burden to prove a violation occurred.
- The Codes Enforcement Board shall continue to exist until November 1, 2020, to allow for a transition from the Code Enforcement Board to the Special Magistrate. On November 1, 2020, the Codes Enforcement Board would cease to exist.



Recommended Ordinance Amendment if Code Enforcement Board is repealed

Delete current Code Enforcement Board code, and amend the Special Magistrate code so that all alleged county code violations are heard by the Special Magistrate.



Costs

- Costs per case for notice and recording are the same whether a case is heard by a Special Magistrate or Codes Enforcement Board.
- Currently, the Codes Enforcement Board utilizes an outside attorney who is paid pursuant to contract, which would be comparable to the costs associated with a contract for a Special Magistrate.
- A deputy would be used for both Codes Enforcement Board and Special Magistrate, resulting in no additional cost.
- Codes Enforcement staff will provide administrative and clerical support to Special Magistrates, just as they do for the Codes Enforcement Board, resulting in no additional cost under either proposed ordinance.



Staff Recommendation

Recommend discussion of proposed ordinance to replace the Codes Enforcement Board with the Special Magistrate.