



VILLAGE OF KEY BISCAYNE

Office of the Village Clerk

Village Council

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MEMORANDUM

Village Clerk

Conchita H. Alvarez, CMC

November 14, 2006

TO: Honorable Mayor and Members of the Village Council
FROM: Conchita H. Alvarez, CMC, Village Clerk *CHA*
RE: Appointment of Special Magistrates

Ordinances 92-14 established the Village's Code Enforcement procedures including the appointment of Special Magistrates (Sections 3 and 4). The Special Magistrates are responsible for the adjudication of code enforcement and building violations. They have the power to:

1. Adopt rules for the conduct of the meetings.
2. Subpoena violators and witnesses for hearings.
3. Subpoena evidence to hearings.
4. Take testimony under oath.
5. Assess and order the payment of civil penalties including the placement of liens and fines.

Special Magistrates serve a one year term without compensation. They are appointed by the Mayor with ratification by the Village Council. During the past year, Dennis M. O'Hara, Rosemary Sala, Jennifer D. Leal and Mortimer Fried served as Special Magistrates. Mr. O'Hara is an attorney and was first appointed in 1994. Ms. Sala is also an attorney and was appointed in 1996. Ms. Leal is also an attorney and was appointed in 2001. Mr. Fried is also an attorney and was appointed in 2004. All of these individuals have provided an outstanding service to the Village.

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Sec. 3. Qualifications of Special Masters; Appointment and Removal; Compensation.

Appointments of Special Masters shall be made by the Mayor as needed on the basis of experience or interest in code enforcement. Such appointments shall be submitted to the Trustees for ratification.

(A) Special Masters shall be residents of the Village and shall possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability.

(B) Appointments shall be made for a term of one year. Special Masters may be reappointed at the discretion of the Mayor, subject to ratification by the Board of Trustees.

(C) Special Masters shall not be Village employees but may be compensated at a rate to be determined by administrative order.

Sec. 4. Powers of Special Masters.

Special Masters shall have the power to:

(A) Adopt Rules for the conduct of hearings.

(B) Subpoena Violators and witnesses for hearings; subpoenas shall be served by the Village Police Department or by the Village staff.

(C) Subpoena evidence to hearings.

(D) Take testimony under oath.

(E) Assess and order the payment of civil penalties as provided herein.

(F) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Sec. 5. Village Attorney to Serve as Counsel.

The Village Attorney shall provide legal advice to the Special Masters. If an appeal is taken pursuant to Section 15 of this Ordinance, the Village Attorney shall represent the Village at such proceedings.

Sec. 6. Authority to Initiate Enforcement Proceedings.

Code Enforcement Officers shall have the authority to initiate code enforcement proceedings as provided in Section 8 of this

Sec. 2-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

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~~*Manager* means the Village Manager.~~

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~~*Special MasterMagistrate* means a person appointed pursuant to section 2-33.~~

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~~*Warning* means a written Warning issued to a violator in accordance with the provisions of the article.~~