

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 101-182, QUALIFICATIONS AND REMOVAL OF OFFICERS, OF THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 101-182 of the City Code provides the qualifications for hearing officers/special masters and for their removal; and

WHEREAS, it is important to make several edits to the section in order to provide clarity and guidance; and

WHEREAS, the City Commission wishes to adopt these edits/changes.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 101-182 of the City of Coral Gables Code is hereby amended to read as follows (changes in ~~strike through~~/underline format):

CHAPTER 101 – ADMINISTRATION AND ENFORCEMENT

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ARTICLE VI. – CODE ENFORCEMENT

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DIVISION 3. - SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES

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Sec. 101-182. – Qualifications and removal of officers.

- (a) Hearing officers/special masters shall be attorneys who are members, in good-standing, of the Florida Bar and who reside or maintain a business establishment for a minimum of five years within the City of Coral Gables, who possess an outstanding reputations for civic pride, ~~interest~~, integrity, fairness, objectivity, responsibility, and the appropriate legal experience or background. ~~Residency in the city shall not be a requirement to such~~

~~an appointment.~~ Appointments shall be made by the city manager or his or her designee on the basis of experience or interest in code enforcement. Such appointments shall be submitted to the city clerk for ratification by the city commission.

- (b) The city manager or his or her designee shall appoint as many hearing officers/special masters as are deemed necessary. Appointments shall be made for a term of ~~one~~ two years with appointments occurring on July 1st of each year. Any hearing officer/special master may be reappointed at the discretion of the city manager, subject to ratification by ~~the clerk~~ of the city commission. There shall be no limit on the number of reappointments ~~that may be given to~~ of any individual hearing officer/special master. ~~provided however, that~~ A determination as to removal or reappointment must be made for each hearing officer/special master at the end of each of his or her ~~one~~two-year terms. The city manager shall have authority to remove hearing officers/special masters with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.
- (c) Hearing officers/special masters shall not be city employees but shall be compensated at a rate to be determined by ~~administrative order~~ resolution.
- (d) The city attorney or designee may serve as counsel to the hearing officers/special masters or may represent the city by presenting cases before the hearing officers/special masters, but in no case shall the same individual attorney serve in both capacities. The city attorney or designee may, however, serve as counsel, while the deputy city attorney or assistant city attorney(s) represent the city by presenting cases before the board. The city attorney may also retain special counsel to serve in either capacity. If an appeal is taken from any decision of the hearing officer/special masters, the city attorney's office or designee shall represent the city at such proceedings.
- (e) This section shall not apply to the qualifications, appointment or removal of Board of Architects hearing officers/special masters or any other hearing officer/special master that may be created for technical reviews.

SECTION 3. Hearing officers/special master appointed after the effective date of this ordinance will serve an initial term shorter than two (2) years so that the expiration date of the initial term remains June 30, 2019.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word "ordinance" be changed to "section," "article," or other appropriate word to accomplish such intention.

SECTION 7. If the City Code's Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2017.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY