

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD ORIENTATION WORKSHOP
JANUARY 25, 2023 6:00 P.M.**

1. Call to Order

Chair Hughes called the meeting to order at 6:02 p.m.

2. Roll Call

Present: Paul Hughes, Chair; Gerard Sanchez, Vice Chair; Ariel Hernandez, Board Member; Deb Moody, Board Member; Wesley Cook, Board Member; and Kristin A. Vara, Board Member.

Also in attendance: William P. Doney, Town Attorney; Lt. Dana Fisher, Code Enforcement Officer; Police Chief William Smith; and Emilie Pearson, Recording Clerk.

Absent: Taylor Materio, Board Member.

3. Pledge of Allegiance

Chair Hughes led the pledge of allegiance.

4. Approval of Agenda

Motion by Board Member Hernandez to approve the Agenda, seconded by Vice Chair Sanchez; Motion approved (6-0).

5. Presentation by the Town Attorney

(The below Agenda Items were not discussed in order. However, the Minutes reflect the order of the Agenda.)

A. Board Hearing Procedure and Motions

The Town Attorney mentioned that issues sometime come up when cases are continued such as retroactive fines. He explained the general timeline of a case starting with a hearing finding the respondent in violation and giving a deadline to come into compliance or a fine will be assessed. The Town Attorney explained that if a respondent does not comply then a fine is assessed or the Board may give more time to come into compliance. Lastly, there is a hearing to impose a lien on the property.

The Town Attorney also mentioned that a lien imposition hearing was optional and the Order Assessing Fine could constitute a lien when it is recorded in the public records of Palm Beach County. He discussed and answered questions about the impact and enforcement of liens on homestead properties.

B. Robert's Rules of Order

The Town Attorney said the hearings were well run and Members were already following the most important requirements of Robert's Rules of Order. He referred the Board Members to the yellow leaflet that summarizes the Rules.

C. Ethics

The Town Attorney stated that Board Members are required to vote unless there is a conflict of interest or to assure a fair proceeding free from bias or prejudice. He explained what constitute a conflict of interest.

D. Sunshine Law

The Town Attorney discussed the requirements of the Sunshine Law: meetings must be opened to the public, meetings must be noticed and minutes must be taken. He said public business cannot be discussed outside of public meetings. The Town Attorney recommended that Board Members do not discuss cases with respondents outside the Code Enforcement Board Hearings. He also recommended that Board Members do not reply to all when responding to emails sent by the Recording Clerk to the Board.

E. Public Records Law

The Town Attorney explained that all written communications and documentation about public business is public records even text messages. The Town is required to preserve and provide public records if requested.

6. Board Discussion and Questions

(Questions were asked during and after the Town Attorney Presentation. However, the Minutes reflect the order of the Agenda.)

Board Member Hernandez asked whether he could reply to all when sending emails about his attendance at the hearings. The Town Attorney said he was allowed.

Chair Hughes asked whether Board Members have to recuse themselves from voting when they complain of a possible code violation to the Code Enforcement Officer. The Town Attorney responded he did not think so. Chair Hughes asked the Town Attorney to look into it and confirm this is correct.

Board Member Hernandez asked whether Board Members can discuss ideas about the Board outside of hearings. The Town Attorney responded that if it is likely to come up during a hearing then it should not be discussed outside the hearing. He said this includes discussing Board policies and procedures.

Board Member Cook asked how good was a lien on a homestead property and whether the Town gets paid if there is a lien. The Town Attorney responded that liens can attach to other real and personal property of the respondent. He mentioned that some title companies require that the lien be taken care of before the property is sold.

Board Member Moody asked if the Town used other methods to collect their liens and whether Town services such as the issuance of permit may be refused if the respondent does not pay the fine. The Town Attorney said the Town was using a debt collection agency. He did not think the Town could refuse to provide services if the respondent did not pay the lien. Chair Hughes asked the Town Attorney to look into it and confirm that this is correct.

Board Member Cook asked if a lien attached to the property if it is imposed before the owner files for homestead. The Town Attorney said he would confirm his answer but he thought the lien would attach to the property.

Board Member Moody discussed the proposed new motions.

The Recording Clerk suggested that the Board could have a policy in place regarding Orders Assessing Fine. The Board Members discussed the issue and asked about the procedure for recording liens. Board Member Hernandez asked the Recording Clerk to come up with a suggested policy on the topic.

7. Adjournment

**Motion by Board Member Cook, seconded by Board Member Moody;
Motion approved (6-0).**

Meeting adjourned at 6:30 p.m.

Paul Hughes, Chair

Emilie Pearson, Recording Clerk