



Analysis of Special Magistrate and Code Enforcement Board

Compensation:

- The Special Magistrates are compensated at \$95 / hour with a minimum of one (1) hour per hearing. In 2016, Special Magistrate Blandino was compensated \$1,425.00 and Special Magistrate Ross was compensated \$2,256.25.
- The Code Enforcement Board voluntarily rejected the \$10 per meeting stipend several years ago. There is no cost for Board members.

Copy & Legal costs:

- Since the inception of Agenda Quick, there are no real copy costs associated with either the CEB or SM. They are each provided with a paper copy of the agenda only.
- With legal counsel now being an in-house service, there are no legal costs associated with either the CEB or SM. However, their time is now included under “staff time”.

Staff time and costs:

(Details provided in the attached Administration of a Code Enforcement Hearing and Code Hearing – Detailed Breakdown)

- Preparing a single case for hearing takes approximately 40 minutes.
- Preparing for a hearing takes staff approximately 3 hours.
- The actual hearing time varies from 30 minutes to 3.5 hours based upon the nature of the cases presented.
- Post hearing administration time also varies greatly based upon the hearing.

Interpretation and Application of City Code:

- The Special Magistrates are both attorneys and are able to apply both local and state laws with reasonable knowledge and certainty.
- Members of the Code Board are citizens with little or no legal background and often require the assistance of the City Attorney to properly understand the Codes as they apply.
- The Special Magistrates are both local residents with local businesses and clearly understand the dynamics, demographics and needs of the citizens and will enforce the code fairly while considering these extenuating circumstances.
- The Code Board is also comprised of local residents with local businesses and clearly understands the dynamics, demographics and needs of the citizens. However, we have seen on multiple occasions where personal feelings and group dynamics have determined enforcement instead of fair enforcement of the code.

Use of Legal Counsel:

- An Assistant City Attorney is provided to assist the Code staff in presenting cases before the Special Magistrate. She ensures our cases have legal grounds to move forward, are in proper form and provides needed guidance. Additionally, the City Attorney assists by presenting cases in which opposing counsel is present and / or cases with complex legal issues, increasing the City's chance to prevail in higher courts.
- An Assistant City Attorney is provided to the Code Board but not to staff. Code Officers are required to present cases before the Board without any legal advice or guidance.

Impact to staff if Code Board is eliminated:

- The number of hearings will be reduced to two hearings per month instead of three.
 - Currently hearing notices for one hearing overlap the time frame when postings must be done for another hearing. These are required steps in a respondent's due process and failure to comply results in the hearing being postponed. By removing the Code Board hearing, this overlap in time is removed.
 - While the time it takes to prepare a case for hearing is the same for the Special Magistrate as the Code Board, and the number of cases will not decrease but merely be divided among the two Special Magistrates, it becomes more efficient to do this task two days a month rather than three.
- There are more cases processed in less time, with higher legal efficiency and with equal caring and consideration through the Special Magistrate than through the Code Board and staff time (including the Legal Department) would be positively impacted.