Code Enforcement Board
WorkShop
Meeting Minutes
April 18, 2024

A meeting of the Code Enforcement Board Workshop of the City of Cocoa was held on Thursday, April 18, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Vice-Chairman Brown called the meeting to order at 4:07 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

George Brown Jr.	Vice-Chairman
Josue Otero	Board Member
Michael Simpson	Board Member
Melissa Acosta	Board Member
Dik Muller	2nd Alternate

MEMBERS ABSENT:

Lloyd Roberts	Chairman - excused
Chris Davis	Board Member-excused
Sharri Scott	Board Member - excused

OTHERS PRESENT:

Augusto Gonzalez	Interim Code Enforcement Manager
Micheal Mack	Code Enforcement Officer
Michael Folger	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Kristin Eick	City Attorney
Darla Crowl	Recording Secretary

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Workshop Agenda: April 18, 2024

Motion by Mr. Simpson, seconded by Mr. Muller, to approve to the workshop agenda of April 18, 2024. Vote on the motion carried unanimously.

ITEMS:

1. **Code Enforcement process and Chapter 162, Florida Statues**

Attorney Babb-Nutcher gave a PowerPoint presentation on **Chapter 162 Florida Statutes**, the Local Government Code Enforcement Boards Act which provides the following. Chapter 162, Florida Statutes, the Local Government Code Enforcement Boards Act which provides: It is the intent of this part to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist. The "codes and ordinances" mentioned above include: The City's Code of Ordinances, Unified Land Development Regulations and the Florida Building Code. Attorney Babb-Nutcher gave key points on Code Enforcement process. Complaints can't be anonymous per **Florida House Bill 60**. Code Enforcement must give reasonable time to correct the violation. Types of violations are repeat (date the officer first observes and same code within 5 year period), recurring (NOV) and serious threat **(162.06 (4) F.S.).** More discussion amongst Code Board Attorney and staff.

2. Sunshine Law and Ethics

City Attorney Kristin Eick gave a PowerPoint presentation on **Sunshine Law and Ethics. Section 286.011, Florida Statutes**, provides: "All meetings of any board or commission of any agency or authority of any county, municipality, or political subdivision at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings."

Sunshine Law don'ts would include:
Do not talk about matters during recesses.
Do not talk about matters to come before the Board before or after meetings.
Do not talk about such matters between meetings (even at City Hall).
Do not pass notes or whisper to other members during a meeting.
Do not talk about Board business in social settings.
Do not talk about votes, hearings, or actions after the public meeting as the matter may come back before the Board in a different context.

Penalties for violation of Sunshine Law:
Criminal misdemeanor for knowing violation
Removal from office
Noncriminal infraction – fine not exceeding $500
Reasonable attorney's fees assessed
Final action taken is void
Code of Ethics – Voting Conflicts see **Florida Statutes § 112.3143**
More discussion amongst City Attorney and staff.

3. Ex Parte Communications

Attorney Kristin Eick PowerPoint presentation on what is and is not Quasi-Judicial Procedures. The 3 requirements for a Quasi-Judicial Hearing are as follows. **Afford procedural due process** which means Board Members should avoid Ex-Parte Communications concerning cases. **Observe the essential requirement of law** which would be to apply the correct law applicable to the decision. **Burden of proof** which the City has initial burden to prove violation exists or that Respondent has not come into compliance in a timely manner as ordered by the Board. More discussion amongst City Attorney and staff.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on April 18, 2024 at 6:00 P.M.

ADJOURNMENT:

There being no further business the meeting adjourned at 5:56 PM.

Approved on this 16 day of May, 2024.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission HH 327608
Expires 11/11/2026