

RESOLUTION NO. 2013 – 074

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REESTABLISHING THE TOWN COUNCIL'S POLICY RELATING TO THE MITIGATION OF CODE ENFORCEMENT FINES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-151 of the Town's Code gives the Town Attorney prosecutorial discretion relating to all code enforcement matters; and

WHEREAS, notwithstanding the clear separation of powers established by Section 2-151 and the Town's Charter, the Town Council has previously requested that the Town Attorney should only mitigate a fine by no more than thirty percent (30%) of the fine amount, and only upon good cause being shown; and

WHEREAS, now that the economy has improved, the Town has been inundated with requests to mitigate code enforcement liens; and

WHEREAS, to avoid any issues when considering such matters, the Town Council wishes to once again document its policy concerning the mitigation of Town code enforcement fines;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced recitals are true and correct and are incorporated herein by reference.

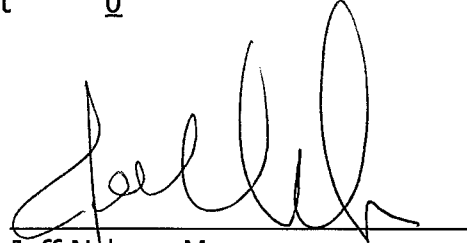
Section 2. The Town Council recognizes that the prosecutorial discretion relating to code enforcement matters resides with the Town Attorney. Notwithstanding this fact, the Town Council hereby formally documents its request that neither the Town Attorney nor the Special Magistrate mitigate any lien by more than thirty percent (30%) of the lien amount, and only upon good cause being showed.

Section 5. That this Resolution shall become effective immediately upon its adoption.

[Signatures on Following Page]

PASSED AND ADOPTED this 26th day of September, 2013 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member McKay.

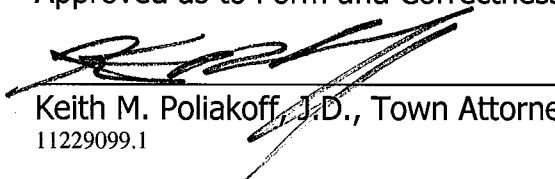
Nelson	<u>YES</u>	Ayes	<u>4</u>
McKay	<u>YES</u>	Nays	<u>1</u>
Breitkreuz	<u>YES</u>	Absent	<u>0</u>
Fisikelli	<u>NO</u>		
Jablonski	<u>YES</u>		


Jeff Nelson, Mayor

ATTEST:


Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, J.D., Town Attorney
11229099.1