

June 21, 1999
Regular Meeting

**ITEM 2 - PUBLIC HEARING - FIRST READING OF ORDINANCE ESTABLISHING
PROCEDURES FOR LOCAL ADMINISTRATIVE HEARINGS**

The following information was provided by Gary Eckstine, County Attorney

Agenda Item #2

BOARD OF COUNTY COMMISSIONERS

AGENDA REQUEST

MEETING DATE: June 21, 1999

SUBJECT: 1st Public Hearing – Administrative Hearing Ordinance

DEPARTMENT: County Attorney's Office

JUSTIFICATION: Board of County Commissioners approved request to advertise Proposed Ordinance for public hearings, May 3, 1999

ASSIGNED TO: Gary E. Eckstine, County Attorney

RECOMMENDATIONS:

Request the Board approve the Administrative Hearing Ordinance for a 2nd Public Hearing at its next regularly scheduled meeting, Tuesday, July 6, 1999

ATTACHMENTS:

1. Copy of Proposed Administrative Hearing Ordinance
2. County Attorney's cover Memorandum to Board of 5/3/99

G. E. Eckstine
Department Head

June 14, 1999
Date

110076
County Administrator

6-15-99
Date

June 21, 1999
Regular Meeting

(Item 2 - continued)

County Attorney Eckstine stated staff has been searching for a procedure to address the dangerous dog hearing situation where evidence can be taken by a hearing officer, who would be a trained attorney, in preparing a proposed recommended order that would contain findings of fact and conclusions of law. Stated the matters would then come before this Board to hear oral arguments in favor of and opposition to that proposed recommended order. Stated the Board would not be delegating its power to make a decision, it would be delegating only preliminary fact finding matters.

Stated he spoke with County Planning Director Koch about the possibility of including other matters, particularly in the land development area, and at this time he has not identified any that would be appropriate for such a procedure.

Stated his recommendation would be to put the structure in place, assemble a list of qualified hearing officers, and if at a later time the Board determined that this is a successful procedure and wanted to treat other matters in that way it certainly would be an easy procedure to implement.

Chairman Darby opened the Public Hearing.

There were no public comments.

Chairman Darby closed the Public Hearing.

Commissioner King stated he would support using the ordinance to address dangerous dog hearings, but was somewhat hesitant about adding land use or anything of that nature.

A motion was made by Commissioner King to accept the proposed ordinance as written, and any addendums that may be added to the ordinance be brought back to the Board for further discussion. Seconded by Commissioner Kanbar.

Mr. Eckstine stated Section 8 as currently written does limit the application of the ordinance to dangerous dog classifications, and such other matters as the Board shall from time to time designate.

Chairman Darby called the question. No nay votes, motion carried.

July 6, 1999
Regular Meeting

**ITEM 6 - ORDINANCE 99-05 - PUBLIC HEARING: SECOND READING OF
ORDINANCE ESTABLISHING PROCEDURES FOR LOCAL
ADMINISTRATIVE HEARINGS**

The following information was provided by County Attorney Eckstine:

**BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST**

MEETING DATE: July 6, 1999

SUBJECT: 2nd Public Hearing – Administrative Hearing Ordinance

DEPARTMENT: County Attorney's Office

JUSTIFICATION: 1st Public Hearing was conducted on June 21, 1999

ASSIGNED TO: Gary E. Eckstine, County Attorney

RECOMMENDATIONS:

Request the Board approve the Administrative Hearing Ordinance

ATTACHMENTS:

1. Copy of Proposed Administrative Hearing Ordinance
2. County Attorney's cover Memorandum to Board of 5/3/99

R. R. R. R.
Department Head

June 28, 1999
Date

[Signature]
County Administrator

6-29-99
Date

July 6, 1999
Regular Meeting

(Item 6 - continued)

County Attorney Eckstine stated the genesis of this ordinance was the last "dangerous dog" hearing which the Board heard for a period of about 2½ hours. Stated his understanding at the time was that the Board wanted the County Attorney's office to explore the possibility of a more focused proceeding. Essentially this proposed ordinance provides that the County Attorney will have the responsibility for assembling a list of attorneys who are willing to serve as hearing officers for matters such as this or anything the Board might want to add from time to time to this same procedure. Stated the hearing officer would hear evidence and then prepare a recommended order for the Board with findings of fact, conclusions of law and a recommended disposition. Stated the procedure before the Board would then be limited to arguments in support of and in opposition to the recommended order.

Chairman Darby opened the Public Hearing.

There were no public comments.

Chairman Darby closed the Public Hearing.

Commissioner Seay stated this proposed ordinance goes a long way toward protecting the rights of the County's citizens, the dog owners and the dog.

A motion was made by Commissioner Seay to approve Item 6. Seconded by Commissioner Kanbar. No nay votes, motion carried.

(Ordinance 99-05 is on file in the Finance Department of the Flagler County Clerk's Office.)