

CITY OF PAHOKEE



AGENDA

City Commission Workshop Meeting

Tuesday, June 11, 2024, at 5:00 PM

Pahokee Commission Chambers
360 East Main Street
Pahokee, Florida 33476

CITY COMMISSION:

Keith W. Babb, Jr., Mayor
Clara Murvin, Vice Mayor
Derrick Boldin, Commissioner
Sanquetta Cowan-Williams, Commissioner
Everett D. McPherson, Sr., Commissioner

CITY STAFF:

Michael E. Jackson, Interim City Manager
Nylene Clarke, Interim City Clerk
Burnadette Norris-Weeks, Esq., City Attorney
Joseph R. Martin, Interim Director of Finance

[TENTATIVE: SUBJECT TO REVISION]

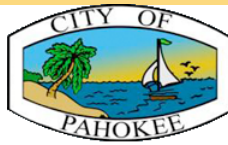
AGENDA

- A. INVOCATION AND PLEDGE OF ALLEGIANCE**
 - B. ROLL CALL**
 - C. TOPIC**
 - 1. RE-ESTABLISHING COMMUNITY BOARDS
 - 2. CITY MANAGER SELECTION PROCESS
 - D. DISCUSSION, COMMENTS, CONCERNS**
 - E. ADJOURN**
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Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda or non-agenda item must complete the “Request for Appearance and Comment” form and present completed form to the City Clerk prior to commencement of the meeting.

Should any person seek to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Reference: Florida Statutes 286.0105)

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Tijauna Warner at Pahokee City Hall, 207 Begonia Dr. Pahokee, FL 33476 Phone: (561) 924-5534. If hearing impaired, telephone the Florida Relay Service Number, 800-955-8771 (TDD) or 800-955-8770 (Voice), for assistance. (Reference: Florida Statutes 286.26).



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Boards & Committees Meetings

Meeting Information

Board / Committee	Meeting Date / Time
American Rescue Plan Act (ARPA) Advisory Committee	
Beautification Advisory Board (Vacant)	
Charter Review Board	At Least Every Five (5) Years, As Needed
City Youth Council (Vacant)	
Code Enforcement Advisory Board (Vacant)	
Code Enforcement Special Master	2nd Wednesday of Every Other Month (starting in February) @ 2:00 PM
Community Relations Board (Vacant)	
Economic Development Board (Vacant)	
Education Advisory Board (Vacant)	
Nuisance Abatement Board (Vacant)	
Pahokee Housing Authority	3rd Thursday of Every Month @ 5:00 PM
Parks and Recreation Advisory Board (Vacant)	
Special Events Advisory Board	
Zoning/Adjustment/Planning Board	As Needed @ 6:00PM

Applications

The City of Pahokee is currently accepting Boards & Committees Applications. Interested individuals may complete and submit the respective applications to the Office of the City Clerk.

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Contact Info

Phone:

(561) 924-5534 ext. 2006

Fax:

(561) 924-8140

Address:

City Clerk
207 Begonia Drive
Pahokee, FL 33476

Footnotes:

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Cross reference— *City planning board, § 19-26.*

DIVISION 1. - GENERALLY

Sec. 2-126. - City commission designated board of appeals for certain boards.

The city commission is hereby designated as the board of appeals for any board created by the commission where no specific board of appeals is designated by the ordinance or resolution creating such a board.

(Code 1984, § 2-86; Ord. No. 2009-10, § 2, 10-27-2009)

Secs. 2-127—2-140. - Reserved.

DIVISION 2. - CODE ENFORCEMENT SPECIAL MASTER

Footnotes:

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Editor's note— *Ord. No. 2003-3, § 1, April 8, 2003, repealed the former Div. 2, §§ 2-141—2-149, and §§ 2—10 of said ordinance enacted a new Div. 2 as set out herein. The former Div. 2 pertained to similar subject matter the code enforcement board and was derived from Code 1984, §§ 2-96—2-104.*

Cross reference— *Code enforcement division, § 2-104(2).*

State Law reference— *Municipal code enforcement, F.S. Ch. 162.*

Sec. 2-141. - Special master; qualifications, appointment, removal, and term.

The special master process is designed as an enforcement process pertaining to homeowners and businesses of building, structural, zoning, licensing, and life safety type cases for which corrective action has not been taken. It is an expeditious and inexpensive method to resolve violations which have not been corrected after notice has been provided by the city. There is hereby established a special master, appointed pursuant to F.S. Ch. 162, who shall be designated by the city commission according to the following terms and conditions:

- (1) Appointments shall be made by the city commission for a term of one (1) year. Special masters may be reappointed or removed at the discretion of the mayor, subject to ratification by the city commission.
- (2) Special masters shall not be residents of the city and shall possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability.
- (3) A special master shall be a member of the Florida Bar with five (5) years as an attorney at law.
- (4) A special master shall be compensated at a rate to be determined by the city commission for time spent.
- (5) If a special master is removed from a case, the case may be assigned to another special master.
- (6) The special master shall preside over code enforcement matters once a month, or more often if necessary.
- (7) Minutes shall be maintained at all hearings presided over by the special master; all hearings shall be open to the public. The city shall provide clerical and administrative personnel as may be required by the special master for the proper performance of his duties.
- (8) The city attorney, city manager or designee shall represent the city by presenting cases before the special master.

(Ord. No. 2003-3, § 2, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-142. - Jurisdiction.

- (a) The jurisdiction of the special master shall extend to the enforcement of technical codes of the city governed by the following codes: building, electrical, plumbing, fire, health and sanitation, licensed occupations, water and sewer, zoning, garbage and trash disposal, special sales, and such other activities as the city commission by ordinance, shall specify.
- (b) The special master jurisdiction shall be limited to enforcement of designated codes and shall not conflict or encroach upon the jurisdiction or authority of advisory boards, the board of adjustment, or the planning board.
- (c) The jurisdiction of the special master shall not be exclusive. Any alleged violation of any of the codes and ordinances may be pursued by any other appropriate remedy allowed by law.

(Ord. No. 2003-3, § 3, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-143. - Enforcement procedures.

The special master shall use the following enforcement procedures:

- (1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes of which the special master has enforcement jurisdiction; however, no special master shall have the power to initiate such enforcement proceedings.
- (2) If a code violation is found, the code inspector shall notify the violator, unless subsection (3) of this section applies, and give such violator a reasonable time, not to exceed sixty (60) days, to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the special master and request a hearing. The special master, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as

provided in section 2-149 to the violator. At the option of the special master, notice may additionally be served by publication or posting as provided in section corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the special master if the violation has been corrected prior to the hearing, and the notice shall so state.

- (3) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may proceed directly to hearing without need to comply with subsection (2) of this section.

(Ord. No. 2003-3, § 4, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-144. - Conduct of hearing.

- (a) Upon request of the code inspector, or at such other times as may be necessary, the special master may schedule a hearing.
- (b) A hearing date shall not be considered postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing and approved by the special master at least five (5) calendar days prior to the date set for the hearing.
- (c) Each case before the special master shall be presented by the Code Enforcement Officer.
- (d) The special master shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; to offer rebuttal of the evidence.
- (e) At the conclusion of the hearing, the special master shall make findings of fact and conclusions of law based on evidence of record. In order to make a finding upholding the code inspector's decision, the special master must find that a preponderance of the evidence indicates that the named violator was responsible for the violation of the relevant section of the Code. The initial burden of proof shall be with the city to show by the greater weight of evidence that a code violation exists and that the alleged violator committed, or was responsible for maintaining or permitting the violation to continue. Once this burden has been met, it shall be the responsibility of the violator to rebut the evidence submitted by the city.
- (f) After all the evidence has been submitted and all testimony heard, the special master's finding of fact and conclusions of law shall be stated orally at the hearing, and shall be reduced to writing in a written order affording the proper relief consistent with the powers granted in this chapter. Such order may command the violator to take whatever steps are necessary to bring a violation into compliance by the date announced orally at the meeting and, within ten (10) working days subsequent to the hearing mailed to the violator. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. The violator may enter a stipulation admitting the existence of a violation, establish a date for compliance and a fine, which shall be announced at the hearing and an order shall be entered incorporating the stipulation.
- (g) If an order is recorded in the public records pursuant to this section and the order is complied with by the date specified in the order, the special master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.
- (h) The order of the special master may require the violator to pay a fine of five thousand dollars (\$5,000.00) for a violation that is irreparable, or a fine up to two hundred fifty dollars (\$250.00) per day (five hundred dollars (\$500.00) per day for repeat violations) for each day the violation continues past the date set in the order for compliance or for each time the violation has been repeated. A hearing shall not be necessary for issuance of the order for the repeat violation.
- (i) If the city prevails in prosecuting the case before the special master, it shall be entitled to recover all costs incurred in prosecuting the case before the special master and such costs may be included in the lien authorized under F.S. § 162.09(3).
- (j) The special master may not reduce and/or waive any fines imposed for failure of the violator to timely comply with the order to correct the violation. However, the special master may forward to the city manager for review any requests for waiver and/or reduction of fines that do not exceed five (5) days of fines for failure to comply.
- (k) If the owner of property which is subject to an enforcement proceeding before the special master transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
- (1) Disclose in writing the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
 - (3) Disclose, in writing to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosure made to the new owner, within five (5) days after the date of the transfer.

A failure to make the disclosure described in subsections (k)(1), (2), and (3) of this section before the transfer creates a rebuttal presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

- (l) Nothing contained in this article shall prohibit the city from enforcing this Code by any other means. The enforcement procedures outlined in this article are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code.

(Ord. No. 2003-3, § 5, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2010-05, 6-22-2010)

Sec. 2-145. - Powers.

The special master shall have all powers created by F.S. Ch. 162. Additionally, the special master shall have all powers delegated by the city commission relating to the exercise of its police powers pursuant to F.S. Ch. 166. The special master shall have the express power to:

- (1) Adopt rules for the conduct of the hearings;
- (2) Subpoena alleged violators and witnesses to its hearings; subpoenas may be served by the police department;
- (3) Subpoena evidence as necessary for hearings, including but not limited to physical and documentary evidence, such as records, surveys, plats and photographs;

- (4) Take testimony under oath;
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance;
- (6) Establish and enforce fines pursuant to section 2-146;
- (7) Authorize the city attorney to foreclose on liens imposed pursuant to section 2-146 which remain unpaid after a period of three (3) months; and
- (8) Grant and issue stays, or continuances, or expedite matters properly before him or her.

(Ord. No. 2003-3, § 6, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-146. - Administrative fines; liens.

- (a) The special master, upon notification by the code inspector that an order of the special master has not been complied with by the set time or upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set for compliance for a first violation and five hundred dollars (\$500.00) for each day for a repeat violation and a hearing shall not be necessary for issuance of the order.
- (b) In determining the amount of the fine, if any, the special master shall consider the following factors:
 - (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (c) A certified copy of an order imposing a fine, or a fine plus repair costs may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of Palm Beach County, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment, except for enforcement purposes. A lien arising from a fine imposed pursuant to this division shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this division, whichever shall occur first.
- (d) After three (3) months from the filing of any such lien which remains unpaid the special master may authorize the city attorney to foreclose on the lien. Such lien shall bear interest at a rate allowable by law from the date of compliance set forth in the recorded order acknowledging compliance. The local government body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under section 4, article X of the Florida constitution.

(Ord. No. 2003-3, § 7, 4-8-2003; Ord. No. 2004-13, § 1, 11-23-2004; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2010-05, 6-22-2010)

Sec. 2-146.1. - Mitigation of code enforcement liens.

- (a) All requests for mitigation of code enforcement liens must be submitted in writing to the code enforcement division, within forty-five (45) days of the date of execution of the affidavit of compliance. Where the applicant owns more than one (1) property in the city which has received code enforcement violations, the request for lien reduction application must be submitted within forty-five (45) days of the date of the execution of the affidavit of compliance for the last property to come into compliance. The written mitigation request shall contain the applicable case number and a statement that the applicant is in compliance with the all applicable code sections. Complete compliance with code is required before the city will consider a mitigation request.
- (b) Upon receipt of a written request for mitigation of code enforcement lien(s), the code enforcement inspector shall verify that the applicant's property is in compliance with the city codes. In the event that the inspector determines that the applicant has not complied with all applicable codes, the mitigation request shall not be submitted to the special master. If the inspector determines that the applicant has complied with all applicable code sections, the inspector shall make a specific monetary recommendation with regard to the amount to which the lien(s) should be mitigated. This recommended amount will consider all costs incurred by the city in prosecuting the subject code enforcement case.
- (c) The applicant or its representatives must complete section 2 of the mitigation application review form upon notification that the property has been deemed to be in compliance.
- (d) After the applicant has completed section 2 of the mitigation application review form, including, but not limited to, filling in the specific amount which the applicant requests that the code enforcement lien(s) be mitigated to, the code enforcement department shall complete section 3 of the form, which section shall contain the department's recommendation to either approve or deny the specific request made by the applicant with regard to the amount which the applicant has requested that the code enforcement lien(s) be mitigated.
- (e) After completion of section 3 of the form by the code enforcement department, the application for mitigation and the recommendation of the code enforcement department shall be presented to the special master for consideration and a decision by issuance of an order.
- (f) In the event a mitigation request is approved by the special master, the order shall contain appropriate language requiring the applicant to pay the mitigated amount within the time set by the special master. It shall further provide that in the event payment is not timely made, the lien will be enforced in the original amount and will accrue interest at a rate not to exceed the amount allowable by law. Upon approval of the applicant's request by the special master and timely payment of a mitigated code enforcement lien, the city clerk shall record a satisfaction or release of the code enforcement lien(s).

(Ord. No. 2004-13, § 2, 11-23-2004; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2010-02, § 1, 2-9-2010; Ord. No. 2010-05, 6-22-2010)

Sec. 2-147. - Duration of lien.

No lien provided under this division shall continue for a period longer than twenty (20) years after the certified copy of an order imposing fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The city shall be entitled to collect all costs incurred in recording and satisfying an valid lien.

Sec. 2-148. - Appeal.

An aggrieved party, including the city commission, may appeal a final administrative order of the special master to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to a petition for certiorari review of the record before the special master. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

(Ord. No. 2003-3, § 9, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2010-05, 6-22-2010)

Sec. 2-149. - Notices.

- (a) All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested, by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the city commission; or by leaving the notice at the violator's usual place of residence with some person of his family above fifteen (15) years of age and informing such person of the contents of the notice.
- (b) At the option of the special master, notice may also be served by publication or posting, as follows:
 - (1) a. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.
 - b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
 - (2) a. In lieu of publication as described in paragraph (1)a., such notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two (2) locations, one (1) of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the primary city government office.
 - b. Proof of posting shall be by affidavit of the person posting the notice.
 - (3) a. Notice by publication or posting may run concurrently with or may follow an attempt to provide notice by hand delivery or by mail as required under subsection (a).
 - b. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 2003-3, § 10, 4-8-2003; Ord. No. 2009-10, § 2, 10-27-2009; Ord. No. 2017-02, § 2, 4-25-17)

DIVISION 3. - ECONOMIC DEVELOPMENT BOARD

Sec. 2-150. - Creation.

The City Commission of the City of Pahokee, Florida, hereby creates and establishes a board to be known as the Economic Development Board.

(Ord. No. 2003-8, § 2, 9-9-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-151. - Duties and function.

The board shall review and make recommendations to the city commission with respect to:

- (1) Existing and proposed economic development programs, projects and issues which potentially may have an important impact on the local economy, business community and the residents of the City of Pahokee;
- (2) Methods of attracting and maintaining businesses in the City of Pahokee which will impact on the economic development of the community;
- (3) Methods of soliciting businesses to locate and/or relocate into the City of Pahokee;
- (4) Applications for state, federal and foundation grant funding that may assist with economic development and redevelopment of City of Pahokee;
- (5) Potential changes to the City of Pahokee Comprehensive Plan which pertain to economic development;
- (6) Matters which the city commission may periodically direct that the board review, and subsequently present the board's findings and recommendations for city commission consideration and action.

(Ord. No. 2003-8, § 3, 9-9-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-152. - Authority.

The board shall not have the authority to bind the City Commission or the City of Pahokee without prior consent of the city commission. The board may request information, advice or assistance from any department of the City of Pahokee in furtherance of its duties and functions.

(Ord. No. 2003-8, § 4, 9-9-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-153. - Membership.

- (a) The board shall be comprised of seven (7) members. The mayor shall appoint two alternates who shall be approved by the city commission. Two of the seven members shall be professionals with expertise in either academia and/or economics. Each commissioner, including the mayor, shall have the right to appoint one member to the board. The mayor shall also appoint two professional members with ratification by the commission. The term of office shall be two (2) years with the option to be re-appointed for an additional two year term. There is no limit on the number of times that a member may be reappointed.
- (b)

Each member shall be allowed two unexcused absences per calendar year. After the second unexcused absence the member shall be notified that one more unexcused absence shall result in automatic termination of their term on the board. In the event that a member is terminated for nonattendance, the chairman of the board shall submit a request for a replacement be placed on the next available city commission agenda.

- (c) A member is responsible for notifying the chairperson of the board prior to the time of the meeting of an anticipated absence and request that it be considered an excused absence. The board may determine which absences will be considered excused absences and which are unexcused.
- (d) Any member removed from the board of nonattendance shall not be considered for committee or board appointment for a period of one year after the removal.
- (e) An alternate may sit in on discussions of each and every meeting, however, shall not have voting powers unless at least one regular member is absent from the meeting. Both alternates may vote if two or more regular members are absent.
- (f) Alternates present at the meeting may be considered in determining whether or not a quorum is present.

(Ord. No. 2003-8, § 5, 9-9-2003; Ord. No. 2005-02, § 1, 8-23-2005; Ord. No. 2006-03, § 1, 7-11-2006; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-154. - Annual report.

The board shall submit an annual report to the City Commission of the City of Pahokee, by February of each year for the previous calendar year.

(Ord. No. 2003-8, § 6, 9-9-2003; Ord. No. 2009-10, § 2, 10-27-2009)

Sec. 2-155. - Sunshine Law.

The board shall comply with Sunshine Law. Reasonable public notice of all board meetings shall be provided. All meetings of the board, and any of its subcommittees, shall be open to the public at all times, duly advertised and otherwise comply with all applicable requirements of the government-in-the-sunshine and public records laws of the State of Florida. Minutes shall be taken at each meeting.

(Ord. No. 2003-8, § 7, 9-9-2003; Ord. No. 2009-10, § 2, 10-27-2009)

DIVISION 4. - COMMUNITY RELATIONS BOARD

Sec. 2-156. - Creation.

The City Commission of the City of Pahokee, Florida hereby creates and establishes a board to be known as the community relations board.

(Ord. No. 2003-9, § 2, 9-9-2003)

Sec. 2-157. - Duties and function.

The board shall review and make recommendations to the city commission with respect to:

- (1) Issues which potentially may have an important impact on the relationship and ability of the local community to work together on projects which are beneficial to the residents of the City of Pahokee;
- (2) Methods for the community to live, work and play together in harmony in the City of Pahokee;
- (3) Methods of promoting the diversity of the residents of the City of Pahokee;
- (4) Host an annual cultural festival which will highlight the diversity of the population of the City of Pahokee;
- (5) Matters which the city commission may periodically direct that the board review, and subsequently present the board's findings and recommendations for city commission consideration and action.

(Ord. No. 2003-9, § 3, 9-9-2003)

Sec. 2-158. - Authority.

The board shall not have the authority to bind the city commission or the City of Pahokee without prior consent of the city commission. The board may request information, advice or assistance from any department of the City of Pahokee in furtherance of its duties and functions.

(Ord. No. 2003-9, § 4, 9-9-2003)

Sec. 2-159. - Membership.

- (a) The board shall be comprised of seven (7) members who shall be appointed by the city commission. Each commissioner shall have the right to appoint one (1) member to the board with the mayor and vice mayor appointing two (2) members each. Six (6) members shall be residents of the City of Pahokee. One member may be a non-resident. The membership of this board shall reflect the diversity of the community in the City of Pahokee. The term of office shall be two (2) years with the option to reappoint for an additional two-year term.
- (b) Each member shall be allowed two (2) unexcused absences per calendar year. After the second unexcused absence, the member shall be notified that one more unexcused absence shall result in automatic termination of their term on the board. In the event that a member is terminated for nonattendance. The chairperson of the board shall submit a request for a replacement be placed on the next available city commission agenda.
- (c) A member is responsible for notifying the chairperson of the board prior to the time of the meeting of an anticipated absence and request that it be considered an excused absence. The board may determine which absences will be considered excused absences and which are unexcused.
- (d) Any member removed from the board for nonattendance shall not be considered for committee or board appointment for a period of one year after the removal.
- (e)

An alternate may sit in on discussions of each and every meeting, however shall not have voting powers unless at least one regular member is absent from the alternates may vote if two (2) or more regular members are absent.

(f) Alternates present at the meeting may be considered in determining whether or not a quorum is present.

(Ord. No. 2003-9, § 5, 9-9-2003; Ord. No. 2005-03, § 1, 8-23-2005; Ord. No. 2010-08, § 2, 8-10-2010)

Sec. 2-160. - Annual report.

The board shall submit an annual report to the City Commission of the City of Pahokee, by February of each year for the previous calendar year.

(Ord. No. 2003-9, § 6, 9-9-2003)

Sec. 2-161. - Sunshine Law.

The board shall comply with Sunshine Law. Reasonable public notice of all board meetings shall be provided. All meetings of the board, and any of its subcommittees, shall be open to the public at all times, duly advertised and otherwise comply with all applicable requirements of the government-in-the-sunshine and public records laws of the State of Florida. Minutes shall be taken at each meeting.

(Ord. No. 2003-9, § 7, 9-9-2003)

Sec. 2-162. - Parks and recreation advisory board.

(a) *Creation of board.* The City of Pahokee hereby creates the parks and recreation advisory board.

(b) *Membership.* The board shall consist of five members who are citizens of the city and who are appointed for two-year terms by the city commission.

(c) *Advisory board liaison.* One member of the city commission, appointed by the commission, shall serve as parks and recreation commission liaison. This liaison shall report to the city commission any recommendations of the advisory board. The commission liaison shall not be a voting member of the advisory board and shall not have any authority to direct the parks and recreation department. All input from the advisory board shall be reported by the liaison to the city commission. If the city commission determines to act on any advisory board recommendation, it shall discuss the recommendation at a public meeting and, based on the decision, direct the city manager on the commission's discussion with respect to the recommendation.

(d) *Duties of advisory board.* The advisory board shall assist in the planning for city recreational and playground sites, activities, plans, capital improvements, guidelines, programs, and any other matters at the request of the city commission or city manager.

(Ord. No. 2012-04, § 2, 5-8-2012)

Sec. 2-163. - Education advisory board.

(a) *Creation of board.* The City of Pahokee hereby creates the education advisory board.

(b) *Membership.* The board shall consist of five members who are citizens of the city and who are appointed for two-year terms by the city commission.

(c) *Advisory board liaison.* One member of the city commission, appointed by the commission, shall serve as education commission liaison. This liaison shall report to the city commission any recommendations of the advisory board. The commission liaison shall not be a voting member of the advisory board. All input from the advisory board shall be reported by the liaison to the city commission. If the city commission determines to act on any advisory board recommendation, it shall discuss the recommendation at a public meeting and, based on the decision, direct the city manager on the commission's discussion with respect to the recommendation.

(d) *Duties of advisory board.* The advisory board shall make recommendations to the city commission on all matters related to improving the educational opportunities of the residents of the city.

(Ord. No. 2012-05, § 2, 5-8-2012)

Sec. 2-164. - Beautification advisory board.

(a) *Creation of board.* The City of Pahokee hereby creates the city beautification advisory board.

(b) *Membership.* The board shall consist of five members who are citizens of the city and who are appointed for two-year terms by the city commission.

(c) *Advisory board liaison.* One member of the city commission, appointed by the commission, shall serve as city beautification commission liaison. This liaison shall report to the city commission any recommendations of the advisory board. The commission liaison shall not be a voting member of the advisory board. All input from the advisory board shall be reported by the liaison to the city commission. If the city commission determines to act on any advisory board recommendation, it shall discuss the recommendation at a public meeting and, based on the decision, direct the city manager on the commission's discussion with respect to the recommendation.

(d) *Duties of advisory board.* The city beautification advisory board shall advise the city on all matters, projects, and plans that will enhance the aesthetics of the city and make it a more attractive place to live and work.

(Ord. No. 2012-06, § 2, 5-8-2012)

Sec. 2-165. - Cemetery advisory board.

(a) *Creation of board.* The City of Pahokee hereby creates the City of Pahokee Cemetery advisory board.

(b) *Membership.* The board shall consist of five (5) members who are residents of the city and who are appointed for two-year terms by the city commission.

(c) *Advisory board liaison.* One (1) member of the city commission, appointed by the commission, shall serve as city commission liaison. This liaison shall report to the city commission any recommendations of the advisory board. The commission liaison shall not be a voting member of the advisory board. All input from the advisory board shall be reported by the liaison to the city commission.

(d) *Duties of advisory board.* The cemetery advisory board shall advise the city on all matters, projects, and plans that will enhance the cemetery of the City of Pahokee.

Sec. 2-166. - City youth council.

- (a) *Creation of council.* The City of Pahokee hereby creates the City of Pahokee youth council.
- (b) *Membership.* The youth council shall consist of five (5) members who are residents of the city and who are appointed for two-year terms by the city commission.
- (c) *Advisory board liaison.* One (1) member of the city commission, appointed by the commission, shall serve as city commission liaison. This liaison shall report to the city commission any recommendations of the advisory board. The commission liaison shall not be a voting member of the advisory board. All input from the advisory board shall be reported by the liaison to the city commission.
- (d) *Duties of advisory board.* The city youth council shall advise the city on all matters, projects, and plans relating to youth participation in city government and civic activities in the city.

(Ord. No. 2016-11, § 2, 10-25-2016)

Sec. 2-167. - American Rescue Plan Act (ARPA) Advisory Committee.

- (a) *Creation, composition, term and qualifications.*
 - (1) There is hereby created and established the American Rescue Plan Act (ARPA) Advisory Committee (the "board"). Members of the board shall serve without compensation and shall not be reimbursed for travel, mileage or per diem expenses.
 - (2) The board shall consist of eleven (11) members, two (2) appointed by each commissioner and three (3) appointed by the mayor.
 - (3) All members shall be residents of the city. The membership of this board shall reflect the diversity of the community in the City of Pahokee.
 - (4) The term of office shall be time of appointment until December 31, 2024 when this board will sunset.
 - (5) In the event that a member of the board shall be absent from a duly called meeting of the board for three (3) consecutive meetings or in the event that a member has three (3) unexcused absences in a calendar year, then such member shall be subject to removal as a member of the board by vote of a simple majority of the remaining members of the board.
- (b) *Advisory capacity.* The powers and duties of the board shall be solely of an advisory nature to the mayor and commission.
- (c) *Rules of procedure.*
 - (1) The board may adopt rules of procedure not inconsistent with the ordinances of the city and the laws of the State of Florida and shall utilize Robert's Rules of Order as a parliamentary procedure guideline for the conduct of meetings of the board. The board may create additional rules for the conduct of its internal proceedings. All rules of procedure or by-laws for the board shall be approved by the city attorney prior to their adoption and implementation by the board. In the event of a conflict between the board's rules of procedure or by-laws and this section, the terms of this section shall prevail and take precedence.
 - (2) The chair of the board shall be designated by the mayor. During the first meeting of the board, the members may elect a vice-chairperson.
 - (3) A simple majority of the members shall constitute a quorum for the transaction of the business of the board. Official action shall be taken by the board only upon the concurring vote of a majority of the members present at an official meeting of the board.
- (d) *Jurisdiction.*
 - (1) The jurisdiction of the board shall be solely advisory. Action of the board shall be in the form of a written recommendation to the mayor and city commission of the City of Pahokee. The following matters shall be within the advisory jurisdiction of the board:
 - a. To support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
 - b. To address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
 - c. To replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
 - d. To provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors.
 - e. To invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.
 - f. Any other matters from the U.S. Department of the Treasury's Final Rule(s) (once released) related to the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021.
- (e) *Standards of conduct for members.* All members of the board shall be subject to the applicable standards of conduct for public officers and employees set by federal, state, county, city or other applicable law.
- (f) *Sunshine Law.* The board shall comply with the Sunshine Law. Reasonable public notice of all board meetings shall be provided. All meetings of the board, and any of its subcommittees, shall be open to the public at all times, duly advertised and otherwise comply with government-in-the-sunshine and public records laws of the State of Florida. Minutes shall be taken at each meeting.
- (g) *Sunset of American Rescue Plan Act (ARPA) Advisory Committee.* As the U.S. Department of Treasury Interim Final Rule related to the Coronavirus State and Local Fiscal Recovery Funds (established by the American Rescue Plan Act of 2021) provides that American Rescue Plan Act Funds must be obligated by December 31, 2024, this board will sunset on or before December 31, 2024.

(Ord. No. 2022-01, § 2, 4-12-2022)

Sec. 2-168. - Special events advisory board.

- (a) *Created; membership; terms; officers; procedures.* There is hereby created and established a special events advisory board for participation by residents of the City of Pahokee. The advisory board shall consist of five (5) members who shall each serve a two (2) year term with each city commissioner selecting one (1) member to be considered and approved by a majority of the city commission, except for the initial two (2) year term whereby the advisory board shall consist of all members who serve

on the city's centennial committee.

The chairperson for the advisory board shall be selected by the members of the advisory board.

- (b) *Meetings; clerical help.* The special events advisory board shall meet once each month at a time to be selected by a majority of its membership. The city manager shall supply necessary clerical help in order to provide for the taking of minutes and reporting conclusions and recommendations to the city commission on a monthly basis.
- (c) *Duties.* The special events advisory board shall advise the city commission in all matters involving events to be held within the city. In addition, the advisory board shall make recommendations on increasing city participation of all residents at city planned special events.
- (d) *Filling vacancies.* Unexpired terms created by resignation, death or removal, shall be filled by the city commission. Any member who fails to attend three (3) consecutive meetings or four (4) total meetings within a calendar year shall automatically forfeit membership but may be reappointed upon good cause as determined by the city commission.

(Ord. No. 2023-05, § 2, 5-9-2023)

Sec. 2-169. - Reserved.

DIVISION 5. - CODE ENFORCEMENT ADVISORY BOARD

Footnotes:

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Editor's note— Ordinance No. 2009-02, adopted April 4, 2009, created division 5, Code Advisory Board. The ordinance specified the sections of the new division be numbered as 2-162 through 2-164. In order to retain reserved sections between divisions and articles, the sections were renumbered as 2-170 through 2-172 at the discretion of the editor.

Sec. 2-170. - Creation.

There is hereby created and established a seven (7) member committee entitled "Code Enforcement Advisory Board." The purpose of the code enforcement advisory board is to advise and to assist the city commission, the city manager, city code enforcement officer, law enforcement, the fire department, and the city manager in finding ways to improve the appearance and safety of the city, and to educate and encourage all residents to participate in the beautification of the city.

(Ord. No. 2009-02, § 1(2-162), 4-4-2009)

Sec. 2-171. - Membership.

One member of the code enforcement advisory board shall be appointed by each commissioner. Two members shall be appointed by the mayor and two members shall be appointed by the vice mayor. There shall be at least one (1) member with a substantial business background; one (1) member from the Chamber of Commerce; one (1) member representing a recognized religious organization; one (1) member from law enforcement or the fire department; and the remaining members from the community at large. With the exception of representatives from law enforcement and the fire department, all members shall reside within the city. Members shall serve for two terms of two (2) years. The city commission shall make appointments to fill vacancies for unexpired terms. In order to encourage as much community involvement as possible, a member may only serve four continuous years.

(Ord. No. 2009-02, § 1(2-163), 4-4-2009)

Sec. 2-172. - Powers and duties.

- (a) Conduct a review of those municipal ordinances as deemed necessary by the CEAB, related to the appearance, health and/or safety of the community, or as recommended by the city commission. The board shall make recommendations to the city commission for the addition, deletion and revision of ordinances.
- (b) Make recommendations for educating citizens in code compliance, and encouraging each resident to take pride in keeping their property safe and clean.
- (c) Recommend enforcement priorities for city staff. Make recommendations to the city manager or his/her designee based on the needs of the community.
- (d) Act as a conduit of communication between the city and the community, and gather and assess the information necessary to make sound recommendations to the city for service delivery.

(Ord. No. 2009-02, § 1(2-164), 4-4-2009)

Secs. 2-173—2-176. - Reserved.

Sec. 17-242. - Creation of nuisance abatement board; membership.

There is hereby created and established the city nuisance abatement board consisting of five members, appointed by the commission, who shall reside or maintain a business in the city.

(Ord. No. 2010-03, § 2, 4-13-2010; Ord. No. 2010-09, § 2, 8-10-2010)

Sec. 17-243. - Term of members.

Terms of membership of the city nuisance abatement board shall be for two (2) years except that two of the initially appointed members shall serve initial terms of one (1) year. Any member may be reappointed by the commission for not more than three (3) complete consecutive terms. Appointments to fill a vacancy shall be for the remainder of the unexpired term. Any member who fails to attend two (2) or three (3) successive meetings without prior approval of the chair shall automatically forfeit his appointment, and the mayor shall promptly fill such vacancy for the remainder of the term.

(Ord. No. 2010-03, § 3, 4-13-2010; Ord. No. 2010-09, § 3, 8-10-2010)

Sec. 17-244. - Quorum; compensation.

The presence of three (3) or more members of the nuisance abatement board shall constitute a quorum. Members of the nuisance abatement board shall serve without compensation.

(Ord. No. 2010-03, § 4, 4-13-2010; Ord. No. 2010-09, § 4, 8-10-2010)

Sec. 17-245. - General procedures.

- (a) Any employee, officer or resident of the county or of the city may bring a complaint before the board by requesting prosecution by the city regarding the existence of any premises located in the city of a public nuisance as defined in section 17-241.
- (b) When a request for prosecution has been received, the city attorney shall prepare a complaint and shall promptly request a hearing on such complaint before the board.
- (c) The secretary to the board shall schedule the complaint for hearing upon no less than three (3) days' written notice of the hearing on such complaint to the owner of the place or premises at his last known address.

(Ord. No. 2010-03, § 5, 4-13-2010; Ord. No. 2010-09, § 5, 8-10-2010)

Sec. 17-246. - Conduct of hearings; orders.

- (a) The board shall adopt rules for the conduct of its hearings.
- (b)

The city shall provide clerical and administrative personnel to the board as may be reasonably necessary for the proper performance of the board's duties. Minutes of hearings shall be promptly recorded and all hearings shall be open to the public.

- (c) The city attorney or his designee shall present complaint to the board. The board may consider any evidence including evidence of the general reputation of the place or premises. The owner of the place or premises shall have an opportunity to present evidence in his defense.
- (d) If the board declares the premises, place or building to be a public nuisance, it may enter an order requiring the owner of such premises, place or building to adopt such procedure as may be appropriate under the circumstances to abate such nuisance, or it may enter an order immediately prohibiting:
 - (1) The maintenance of the nuisance;
 - (2) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or
 - (3) Discontinuance of the conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.
- (e) An order entered under subsection (d) of this section shall expire after one year or at an earlier time as stated in the order.
- (f) An order entered under subsection (d) of this section may be enforced pursuant to the procedures contained in F.S. § 120.69. This subsection does not subject the city or the board created by the city to any other provisions of F.S. ch. 120.
- (g) The board may bring a complaint under F.S. § 60.05 seeking temporary and permanent injunctive relief against any public nuisance described in section 1.

(Ord. No. 2010-03, § 6, 4-13-2010; Ord. No. 2010-09, § 6, 8-10-2010)

Sec. 17-247. - Appeals.

An aggrieved party, including the city attorney, may appeal a final administrative order of the board to the circuit court of the Fifteenth Judicial Circuit. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within 30 days of the date of the written order appealed.

(Ord. No. 2010-03, § 7, 4-13-2010; Ord. No. 2010-09, § 7, 8-10-2010)

Sec. 17-248. - Enjoining of nuisances, additional remedy.

- (a) When any nuisance as defined in F.S. ch. 823 exists on any premises within the city, the city attorney or any citizen of the city may sue the owner or the operator to enjoin a public nuisance.
- (b)

This article constitutes an additional remedy for use by the city and is not to be construed to alter or serve as a prerequisite for the city to pursue any other remedy that is legally available. All other remedies at law or in equity are hereby authorized for use by the city.

(Ord. No. 2010-03, § 8, 4-13-2010; Ord. No. 2010-09, § 8, 8-10-2010)

Sec. 17-249. - Rights preserved.

This article does not restrict the right of any person to proceed under F.S. § 60.05 against any public nuisance.

(Ord. No. 2010-03, § 9, 4-13-2010; Ord. No. 2010-09, § 9, 8-10-2010)

Sec. 17-250. - Penalties.

- (a) In addition to the remedies provided under section 17-246(d), the board may enter an order providing penalties on any place or premises that has been or is declared to be a public nuisance, including, but not limited to:
- (1) Providing for a fine not to exceed two hundred fifty dollars \$250.00 per day.
 - (2) Providing for a fine not to exceed five hundred dollars \$500.00 per day for recurring public nuisances.
 - (3) Providing for the payment of reasonable costs, including reasonable attorney fees associated with the investigation of and hearings on public nuisance.
 - (4) Provide for continuing jurisdiction over such place or premises for a period of one (1) year.
- (b) Any order on public nuisance entered by the board shall be recorded in the public records of the county so that notice will be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order.
- (c) A recorded order on public nuisance shall constitute a lien against the real property that is the subject of the order.
- (d) Where the city seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retain business, the property owner shall not be subject to a lien against his property or the prohibition of operation provision, if the property owner evicts the business declared to be a nuisance within ninety (90) days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.
- (e) The total fine imposed pursuant to the authority of this section shall not exceed fifteen thousand dollars (\$15,000.00).

(Ord. No. 2010-03, § 10, 4-13-2010; Ord. No. 2010-09, § 10, 8-10-2010)

Sec. 17-251. - Authority to foreclose liens.

Section C, Item 1.

- (a) The city attorney is hereby authorized and directed to institute foreclosure proceedings to foreclose any and all liens imposed pursuant to section 17-250(c).
- (b) The city shall be entitled to recover all costs, including reasonable attorney fees, associated with the recording of order and foreclosure of liens.
- (c) No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

(Ord. No. 2010-03, § 11, 4-13-2010; Ord. No. 2010-09, § 11, 8-10-2010)

Secs. 17-252-17-275. - Reserved.

In January 1993 and at least every five (5) years thereafter, the commission shall appoint a Charter review board consisting of five (5) electors of the city holding no other office, appointment or employment in the government of the city, except on advisory bodies of the city. Such board shall review the Charter, and within ninety (90) days after such appointment, recommend to the commission such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable.