

R-13-058

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A COUNTY HEARING OFFICER PURSUANT TO THE REQUIREMENTS OF SECTION 2-2-109 OF THE MANATEE COUNTY CODE AND SECTION 304, LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-2-109(a) of the Manatee County Code provides for the appointment of Hearing Officers by the Board of County Commissioners; and

WHEREAS, specifically, Section 304, Land Development Code, provides for the appointment of qualified Hearing Officers by the Board for hearing certain quasi-judicial land use matters, including applications for special permits, variances and other types of development orders; and

WHEREAS, on September 25, 2012, the Board of County Commissioners adopted a list of individuals to serve as appointed Hearing Officers for the County and such individuals are either unavailable or have a conflict of interest such that they cannot hear one or more pending land use matters for which the need to appoint a Hearing Officer is imminent; and

WHEREAS, the County Attorney's Office has solicited resumes and letters of qualification for Hearing Officer positions with the screening and interview process ongoing at this time; and

WHEREAS, due to the immediate need for a Hearing Officer, qualified in land use matters, the County Attorney's Office is recommending the appointment of the individual listed in Exhibit A, a copy attached hereto and made a part hereof by reference to serve as a Hearing Officer for land use matters pursuant to Section 2-2-109, Manatee County Code and Section 304, Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida:

Section 1. The attorney admitted to the Florida Bar identified in Exhibit A, a copy attached hereto, is hereby approved to act as an Hearing Officer for Manatee County, Florida and to conduct administrative hearings and issue recommended or final administrative orders of the County where authorized, in accordance with the duties and powers granted to such officers under Section 2-2-107, et seq., of the Manatee County Code as further described for land use matters in Section 304, Land Development Code.

Section 2. Nothing in this resolution shall preclude the Board of County Commissioners from appointing additional Hearing Officers or removing Hearing Officers as deemed necessary.

Section 3. Resolution No. R-12-200 remains in full force and effect as this Resolution is supplemental thereto.

Section 4 This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED with a quorum present and voting this 26 day of MARCH, 2013.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Larry Bustle
Larry Bustle, Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: Wabi Jessner
Deputy Clerk



MANATEE COUNTY HEARING OFFICER
FOR LAND USE MATTERS
PURSUANT TO SECTION 304, LDC

APPOINTED HEARING OFFICER	CONTACT INFORMATION	HOURLY RATE
Meg A. Wittmer Wittmer & Linehan, PLLC	941-365-2296 mawittmer1@me.com	\$150

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - March 26, 2013

March 26, 2013 - Regular Meeting
Agenda Item #11

APPROVED IN OPEN SESSION

Subject

Hearing Officer Resolution No. R-13-058

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Briefings

None

Contact and/or Presenter Information

James A. Minix, X3742
Sarah A. Schenk, X3744
Mary Zuchniewicz, X3772

Action Requested

Motion to adopt Resolution No. R-13-058 providing for the appointment of a County Hearing Officer to conduct public hearings regarding applications for quasi-judicial land use matters as authorized by the Land Development Code.

Enabling/Regulating Authority

Section 2-2-109(a), County Code; Section 304.3, Land Development Code.

Background Discussion

- The County Attorney's Office, on behalf of the County, provided for a public notice to be advertised in The Florida Bar news to invite attorneys to apply for Hearing Officer positions to hear certain quasi-judicial land use matters, including application for special permits, variances and other types of development orders. The application period is currently open until March 28, 2013.
- Circumstances have arisen prior to the close of the application period necessitating the appointment of an additional Hearing Officer to hear land use matters due to conflicts of interest or unavailability of Hearing Officers from the existing approved list to hear a particular case.
- The County Attorney's Office has interviewed and negotiated at a reasonable rate with a qualified attorney with significant Hearing Officer experience, as well as land use background from Sarasota County to act as a Hearing Officer and conduct County administrative hearings on quasi-judicial land use matters as authorized by Sec. 304, Land Development Code.
- It is anticipated by the County Attorney's Office that upon conclusion of the interview process the County Attorney's Office will be submitting a complete list of proposed land use Hearing Officers to be provided for approval by adoption of a Resolution by the Board. This new list would supersede and replace the existing list approved by adoption of Resolution No. R-12-200 on September 25, 2012.
- At this juncture, the existing approved list of Hearing Officers adopted by Resolution No. R-12-200 is being supplemented by the additional Hearing Officer described in Resolution No. R-13-058.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a County Attorney item.

Reviewing Attorney

N/A

Instructions to Board Records

Please return an electronic copy of this approved agenda item with attachments to Mary Zuchniewicz at mary.zuchniewicz@mymanatee.org See email dated 03/28/2013/jr

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Resolution 13-058 and Exhibit A - Hearing Officers.pdf](#)

From: Juanita Reinhold
To: ["mary.zuchniewicz@mymanatee.org"](mailto:mary.zuchniewicz@mymanatee.org); ["nicolette.coetzee@mymanatee.org"](mailto:nicolette.coetzee@mymanatee.org); ["debbie.bassett@mymanatee.org"](mailto:debbie.bassett@mymanatee.org)
Subject: RESOLUTION R-13-058
Date: Thursday, March 28, 2013 10:26:00 AM
Attachments: [BC20130326DOCA11.pdf](#)

Please find attached above Resolution for Board of County Commissioners Meeting 3/26/2013.

Thank you,

Juanita "Nita" Reinhold
Board Secretary

"The true soldier fights not because he hates what is in front of him, but because he loves what is behind him." - *G. K. Chesterton*