



OFFICE OF THE
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THE CITY OF DAYTONA BEACH

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MEMORANDUM

TO: The City Commission
FROM: Robert Jagger, City Attorney *RJ*
DATE: July 25, 2018
RE: Appointment of Charles J. Cino to Board of Building Codes

The Board of Building Codes was established pursuant to Section 2.11, City Code, for the purpose of deciding appeals of decisions concerning the Building Code, Fire Prevention Code, Life Safety Code, condemnation of unsafe or dilapidated buildings, and any other authorized City Codes or ordinances.

The City Manager has requested that outside counsel be appointed to represent the Board of Building Codes at quasi-judicial public hearings for appeal of decisions by the City's Building Official concerning condemnation or demolition of unsafe, insanitary, dilapidated, or dangerous buildings pursuant to Sections 108 through 111, International Property Maintenance Code, as adopted by Section 9.2 of the City's Land Development Code.

Courts have recognized that, "...[i]t would be in closer accord with traditional notions of justice and fair play for a quasi-judicial administrative board to designate one person to act as its legal adviser and a different person to act as its prosecutor". (*Cherry Communications Inc. v. Deason, et. al.*, 652 So.2d 803 (S. Ct. 1995)). Appointment of outside counsel to represent the Board of Building Codes at the public hearings would allow the City Attorney's Office to present appeals on behalf of the City without any such actual or perceived fundamental unfairness to the appellant.

Charles J. Cino is a local attorney who has extensive experience in representing various local government boards, and is currently the legal representative for the City's Code Enforcement Board. Mr. Cino has agreed to represent the Board of Building Codes at public hearings at a rate of \$125.00 per hour.

cc: City Manager
City Clerk