



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners as the Environmental Control Board

**FROM:** Kate P. Cotner, Assistant County Attorney

**DATE:** March 5, 2019

**SUBJECT:** Resolution Delegating Certain Authority to the Environmental Control Officer to Satisfy and Release Environmental Control Hearing Board Liens

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**BACKGROUND.**

Chapter 85-427, is a special act that was authorized by the Florida Legislature in 1985 to create the Indian River County Environmental Control Board which is made up of the five members of the Indian River County Board of County Commissioners (Board). Section 9 of Chapter 85-427 authorizes the Indian River County Environmental Control Board to appoint a five-member Environmental Control Hearing Board (Hearing Board) to conduct due process hearings into the merits of the alleged violations and, if necessary, to issue orders imposing civil penalties of up to \$500 per day per violation against a person or entity found to be in violation of the Special Act. If a fine associated with an order is not paid within a specified period of time, the order is filed with the clerk to the circuit court and becomes a statutory lien against any and all property of the person or entity found to be in violation of the Special Act.

When a person or entity pays the lien in full, the matter comes before the Board to approve a satisfaction and release of the lien. This action is non-discretionary and ministerial in nature. As such, the public interest would be served if the Environmental Control Officer had authority, concurrent with the authority of the Board, to satisfy and release Environmental Control Hearing Board liens which are paid in full.

**FUNDING.**

None.

**RECOMMENDATION.**

The County Attorney's Office recommends the Board approve a resolution delegating certain authority to the Environmental Control Officer to satisfy and release an Environmental Control Hearing Board Lien.

Attached: Resolution Delegating Certain Authority to the Environmental Control Officer to Satisfy and Release Environmental Control Hearing Board Liens.