

RESOLUTION NO. 2019- ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA SITTING AS THE ENVIRONMENTAL CONTROL BOARD, DELEGATING CERTAIN AUTHORITY TO THE ENVIRONMENTAL CONTROL OFFICER TO SATISFY AND RELEASE ENVIRONMENTAL CONTROL HEARING BOARD LIENS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 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); and

WHEREAS, 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; and

WHEREAS, Section 16 of Chapter 85-427 states that any fine imposed by an order of the Hearing Board shall, upon expiration of the time for appeal and the filing of the underlying order with the clerk to the circuit court, become a statutory lien against any and all property of the respondent; and

WHEREAS, because the satisfaction and release of the Hearing Board's liens which are paid in full is a non-discretionary, ministerial act, the public interest is served if the Environmental Control Officer has authority, concurrent with the authority of the Board, to satisfy and release Hearing Board liens which are paid in full.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Section 1. The above "WHEREAS" clauses are true and correct, and hereby adopted as findings of this Board.

Section 2. The Board hereby delegates to the Environmental Control Officer the authority to satisfy and release Hearing Board liens which are paid in full. Such authority shall exist concurrently with the authority of the Board.

Section 3. This resolution shall take effect immediately upon adoption.

The foregoing resolution was moved for adoption by Commissioner _____, and seconded by Commissioner _____, and, upon being put to a vote, the vote was as follows:

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Chairman Bob Solari _____
Vice-Chairperson Susan Adams _____
Commissioner Peter D. O'Bryan _____
Commissioner Joseph E. Flescher _____
Commissioner Tim Zorc _____

The Chairman of the Board of County Commissioners Indian River County, Florida sitting as the Environmental Control Board of Indian River County, thereupon declared the resolution duly passed and adopted this ____ day of March, 2019.

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA sitting
as THE ENVIRONMENTAL CONTROL BOARD**

By _____
Bob Solari, Chairman

ATTEST: Jeffrey R. Smith, Clerk
of Court and Comptroller

By: _____
Deputy Clerk

Approved as to form and legal sufficiency:

By: _____
Kate Pingolt Cotner, Assistant County Attorney