

**RESOLUTION NO. 01-20**

**A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 286.0115, FLORIDA STATUTES, TO ESTABLISH A PROCEDURE GOVERNING EX-PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Miami Lakes, Florida (the "Town") desires to implement Section 286.0115(1) Fla. Stat. by establishing a process to disclose ex-parte communications (communications made on behalf of one side only without the presence of the other side) with local public officials.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

Section 1. Communications with local public officials [as defined in Sec. 286.0115(1)(b) Fla. Stat.], regarding quasi-judicial matters [as defined in Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993)], including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure:

- (1) Any person not otherwise prohibited by statute, charter provision, ordinance, or resolution may discuss with any local public official representing the Town the merits of any matter on which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs:


- a. The subject and substance of any ex-parte communication with a local public official representing the Town which relates to quasi-judicial action pending before the official, as well as the identity of the person, group or entity with whom the communication took place, is disclosed on a form provided by the Town.
  - b. A local public official representing the Town may read a written communication from any person; however, a written communication that relates to quasi-judicial action pending before such official shall be made a part of the record before final action is taken on the matter.
  - c. A local public official representing the Town may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that such activities and the existence of such investigations, site visits, or expert opinions are disclosed on a form provided by the Town.
- (2) Disclosure made pursuant to paragraphs (a), (b), and (c) above must be made seven (7) calendar days prior to the public meeting at which a vote is taken on such matters on a form to be filed with the Clerk. The disclosure forms and written communications shall be included in the agenda package, and made a part of the hearing record so that persons who have opinions contrary to those

expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.


- (3) Notwithstanding the provisions of paragraph (1), no ex-parte communications as described in paragraph (1) (a-c) shall occur during the seven (7) day period prior to the hearing.

**Section 2. Effective Date.** This Resolution shall be effective immediately upon date of adoption.

PASSED AND ADOPTED this 26<sup>th</sup> day of June, 2001.

  
\_\_\_\_\_  
WAYNE SLATON,  
MAYOR

ATTEST:

  
\_\_\_\_\_  
BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
ACTING TOWN ATTORNEY

M-Pizzi / S-Thomson

Council voted	6-1	as follows:
Mayor Wayne Slaton		yes
Vice Mayor Roberto Alonso		yes
Councilmember Mary Collins		yes
Councilmember Robert Weador		NO
Councilmember Michael Pizzi		yes
Councilmember Nancy Simon		yes
Councilmember Peter Thomson		yes

**TOWN OF MIAMI LAKES  
EX-PARTE COMMUNICATION DISCLOSURE FORM**

**ACCESS TO LOCAL PUBLIC OFFICIALS**

Pursuant to Resolution No. 01-20 by the Town Council on June 12, 2001, communications with local public officials (as defined in Section 286.0115(1)(b), Florida Statutes) regarding quasi-judicial matters pending before the Town Council must be disclosed seven (7) calendar days prior to the Council hearing at which a vote will be taken. **This Disclosure Form documenting the communication and copies of any written ex-parte communication (i.e. letters, etc.) must be forwarded to the Town Clerk for inclusion in the agenda package (no later than seven (7) calendar days prior to the date of the Council meeting).**

\_\_\_\_\_

COUNCILMEMBER/MAYOR: \_\_\_\_\_

AGENDA ITEM: \_\_\_\_\_

DATE OF HEARING: \_\_\_\_\_

PARTY(IES) WITH WHOM COUNCILMEMBER/MAYOR  
HAD COMMUNICATION(S): \_\_\_\_\_

DATE(S) OF COMMUNICATON(S): \_\_\_\_\_

SUBJECT NATURE AND TYPE OF COMMUNICATION(S) (i.e. meeting, phone  
conference, written communication, site visit, investigation, expert opinion): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_