

RESOLUTION NO. 07-580

A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING RESOLUTION NO. 01-20 PERTAINING TO EX-PARTE COMMUNICATIONS PURSUANT TO SECTION 286.0115, FLORIDA STATUTES, TO AMEND THE PROCEDURE GOVERNING EX-PARTE COMMUNICATIONS WITH THE TOWN COUNCIL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Miami Lakes, Florida (the "Town") adopted Resolution No. 01-20 implementing Section 286.0115(1), Florida Statutes 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; and

WHEREAS, the Town Council desires to amend Resolution No. 01-20 to address the disclosure of any ex-parte communications.

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

Section 1. Amendment. Section 1 of Resolution No. 01-20 is amended to read as follows¹:

Section 1. Communications with local public officials [as defined in Sec. 286.0115(1)(b) Fla. Stat.], regarding a pending quasi-judicial matters application [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 Additions to existing text are shown by underline; deletions are shown by ~~strikethrough~~

(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,
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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.
- (4) Notwithstanding the provisions of Paragraph (2) each local public official shall submit any written ex-parte communication received within seven (7) calendar days of the hearing on the quasi-judicial application to the Town Clerk and the Town Clerk shall make the written communication a part of the hearing record before final action is taken on the matter.
- (5) Notwithstanding the provisions of Paragraph (2), each local public official shall disclose before final action is taken on the quasi-judicial application any oral ex-parte communication that may have inadvertently not been disclosed prior to the distribution of the agenda for the hearing.

(6) "Final Action" as used in this Resolution shall mean the Town Council's vote on the pending application.

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

PASSED AND ADOPTED this 9 day of October, 2007.

Motion to adopt by Mary Collins, second by Nancy Simon.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Mary Collins	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Debra Eastman
Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

MSH
Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.L.
TOWN ATTORNEY