

RESOLUTION NO. 00-06-21

**A RESOLUTION OF THE CITY OF MARATHON,
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 City of Marathon, Florida (the "City") 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 CITY COUNCIL OF THE CITY OF MARATHON, 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 City 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 City 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 and made a part of the record before final action is taken on the matter.

b. A local public official representing the City 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 City 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 is made a part of the record before final action is taken on the matter.

(2) Disclosure made pursuant to paragraphs (a), (b) and (c) above must be made before or during the public meeting at which a vote is taken on such matters, 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.

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

PASSED AND ADOPTED this 23 day of May, 2000.


ROBERT MILLER, MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY