

R E S O L U T I O N
NUMBER 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ADOPTING RULES RELATED TO DISCLOSURE OF QUASI-JUDICIAL EX PARTE COMMUNICATIONS; ESTABLISHING PROCEDURES FOR DISCLOSURE OF EX PARTE COMMUNICATIONS; REPEALING RESOLUTION 95-172; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, section 286.0115(1)(a), Fla. Stat., Florida Statutes, provides a county may adopt a resolution removing the presumption of prejudice from *ex parte* communications with local public officials by establishing a process to disclose *ex parte* communications with such officials; and

WHEREAS, the Board adopted on August 22, 1995 Resolution No. 95-172, which established the Board's procedure to disclose *ex parte* communications; and

WHEREAS, the Board wishes to update its procedure for disclosing *ex parte* communications to reflect changes in the law since that resolution's adoption.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida that:

1. The above recitals are true and correct and are incorporated by this reference.
2. The term "*ex parte* communication" shall have the meaning as described in the Charlotte County Board of County Commissioners' Rules of Procedure, as amended from time to time.

3. The substance of any *ex parte* communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and 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 on the matter.

4. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

5. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

6. Disclosure made pursuant to subparagraphs 2, 3, and 4 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. This provision does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

7. Exhibit "A" titled "QUASI-JUDICIAL HEARING PROCEDURE (EX PARTE COMMUNICATIONS)" is hereby made a part of this Resolution, is adopted, and shall go into effect on October 19, 2020.

8. Resolution No. 95-172 is hereby repealed and shall be of no further force and effect after October 18, 2020.

9. Unless otherwise provided, this Resolution is effective upon adoption.

PASSED AND DULY ADOPTED this 13th day of October 2020.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and ex-officio Clerk of the
Board of County Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR 2020-0618_____