

ORDINANCE NO. 21-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA; AMENDING CHAPTER 2 OF THE COOPER CITY CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", BY AMENDING ARTICLE XI, ENTITLED "QUASI-JUDICIAL PROCEEDINGS"; SPECIFICALLY AMENDING SECTION 2-273, ENTITLED "PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS;" REQUIRING MEMBERS OF THE CITY COMMISSION TO DISCLOSE IF THEY RECEIVED ANY CAMPAIGN CONTRIBUTIONS FROM THE APPLICANT OR THE APPLICANT'S REPRESENTATIVES, IN A QUASI-JUDICIAL PROCEEDING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XI establishes quasi-judicial procedures for the City of Cooper City (the "City"); and

WHEREAS, in an effort to promote transparency and bolster confidence in the development approval process, the City Commission seeks to require members of the commission to disclose whether they have received campaign contributions from applicants and/or legal counsel for applicants appearing before the City Commission in quasi-judicial matters; and

WHEREAS, the City Commission finds that disclosure requirements set forth in this ordinance are in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:

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CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: The City Commission of the City of Cooper City hereby amends Chapter 2, entitled "Administration," of the City of Cooper City Code of Ordinances, by amending Section 2-273, entitled "Procedures for Quasi-Judicial Proceedings," of Article XI, entitled "Quasi-Judicial Proceedings," as follows:

Article XI. Quasi-Judicial Proceedings

Sec. 2-273 Procedures for Quasi-Judicial Proceedings

(1) Ex parte ~~(oral)~~ communications and disclosures.

Ex parte communications are not presumed prejudicial provided any disclosure required in subsections (a), (b), or (c) below is made before or during the public meeting at which a vote is taken on the matter.

(a) The substance of any ex parte communication with a local public official that 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.

(b) 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.

(c) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site

visit, or expert opinion is made apart of the record before final action on the matter.

(d) Notwithstanding the provisions of this section above, in quasi-judicial proceedings on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communications prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body must be supported by substantial, competent evidence in the record pertinent to the proceedings, irrespective of such communications.

In addition to the disclosure of ex parte communications made pursuant to this section, members of the city commission shall publicly disclose, at the beginning of a quasi-judicial proceeding, if they have received campaign contributions at any time from the applicant or any individual, including legal counsel, representing the applicant.

SECTION 3: It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

SECTION 4: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 6: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this 13th **day of** March, 2021.

PASSED AND FINAL ADOPTION on Second Reading this 27th **day of** March,
2021.



GREG ROSS
Mayor

ATTEST:




KATHRYN SIMS
City Clerk

ROLL CALL

Mayor Ross
Commissioner Green
Commissioner Meltzer
Commissioner Pulcini
Commissioner Shrouder



APPROVED AS TO LEGAL FORM:



JACOB G. HOROWITZ
City Attorney