



Meeting Name: Town Council Meeting

Meeting Date: October 23, 2024

Prepared By: L. Rubin, Town Attorney

Item Title: Resolution 2024-23 (Amending the Town’s Quasi-Judicial Procedures)

DISCUSSION:

During its April 4, 2024 meeting, the Town Council gave unanimous consensus to prohibit members of the Town Council and Planning and Zoning Board from engaging in private meetings and communications with developers on projects that require a vote of the Council and/or the Board. The Town’s quasi-judicial procedures, as established through the adoption of Resolution No. 95-16, specifically provide that “[a]pplicants, participants and other members of the general public may communicate freely with the Council members regarding any issue which may be heard by the Council.” As set forth in the quasi-judicial procedures, the term “Council” includes members of both the Town Council and the Planning and Zoning Board. Consequently, to formally codify the Council’s decision to prohibit members of the Town Council and the Planning and Zoning Board from communicating privately with developers or their agents, the Council must amend its quasi-judicial procedures.

The attached Resolution revises the Town’s quasi-judicial procedures to delete the language quoted above and add the following provision in accordance with the Council’s direction:

Members of the Town Council and Planning and Zoning Board shall not engage in private oral or written communications with the Applicant or the Applicant’s agents prior to the completion of the quasi-judicial hearing.

The attached Resolution also makes the following additional revisions to the Town’s quasi-judicial procedures:

- Adds site visits to the definition of “ex parte communications.”
- Changes the order of the hearing to comply with current practice by requiring the disclosure of ex parte communications prior to the presentation by Town Staff.
- Adds a provision stating that neither the Town Council nor the Planning and Zoning Board shall entertain any request for rehearing or reconsideration of a quasi-judicial order and confirms that an aggrieved party’s sole remedy is to seek judicial review.

RECOMMENDATION:

Town Staff requests Town Council consideration of Resolution 2024-23.