

**RESOLUTION
NUMBER #2004-23**

**A RESOLUTION ESTABLISHING A PROCESS TO
DISCLOSE EX-PARTE COMMUNICATIONS**

WHEREAS, government in Florida is conducted in the sunshine pursuant to Chapter 286, Florida Statutes, thereby enabling the public to voice its opinions to local elected public officials; and

WHEREAS, the Third District Court of Appeal in Jennings v. Dade County has ruled that ex-parte communications directed to and from any elected local official concerning a quasi-judicial matter to be decided by them established a presumption of prejudice against decisions rendered; and

WHEREAS, local public officials have been obstructed or impeded from the fair and effective discharge of their sworn duties and responsibilities due to expansive interpretations of Jennings v. Dade County, a decision rendered by the Third District Court of Appeal; and

WHEREAS, removing the presumption of prejudice from ex-parte communications with local elected public officials is in the best interest of the citizens of Levy County.

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

1. For purposes of this Resolution and the process for disclosure of ex-parte communications, the term "local public official" means any elected or appointed public official holding a county office who recommends or takes quasi-judicial action as a member of a county board or commission.

2. A process to disclose ex-parte communications with local public officials is hereby adopted to read as follows:

a. Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter which action may be taken by any board or commission on which the local public official is a member.

b. The substance of any ex-parte communication with a local public official which relates to quasi-judicial action pending before the local public 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.

c. 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 the final action on the matter.

d. 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.

e. Disclosure made pursuant to the 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.

3. This Resolution does not restrict the authority of the Board of County Commissioners to establish any additional rules or procedures governing public hearings or contacts with local public officials.

PASSED AND DULY ADOPTED THIS 8th day of June, 2004.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

Lilly Rooks
Lilly Rooks, Chair

ATTEST:

Danny J. Shipp, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

Danny J. Shipp
Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Anne Bast Brown
Anne Bast Brown, County Attorney