

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Town Manager's Office

DATE: August 6, 2024

SUBJECT: Consideration of *Ordinance No. 2024-08* – Amending Section 2-87 of the Code and Section 120-020 of the ULDC regarding Ex Parte Communications

Background:

The proposed Ordinance No. 2024-08, is to amend the Unified Land Development Code to provide procedures for the holding and disclosure of ex-parte communications during quasi-judicial hearings and to remove any presumption of prejudice from such communications. The proposed Ordinance includes an amendment to the Code of Ordinances for consistency. The proposed amendments are consistent with Section 286.0115, Florida Statutes.

This ordinance aims to ensure transparency and fairness in quasi-judicial proceedings by establishing clear guidelines for the disclosure of ex-parte communications. It seeks to remove any presumption of prejudice that might arise from such communications, thereby maintaining the integrity of the decision-making process.

Key Provisions:

- Ex-parte communications are generally prohibited but board members may participate in them if they comply with the provisions outlined in this ordinance.
- Board members must disclose on the record any ex-parte communications, site visits, expert opinions, and personal investigations before any final action on the matter.
- Disclosures must include the substance of the communication, the identity of the person or entity involved, and any written communication must be included in the record.
- Board members must also state whether they can remain impartial despite the ex-parte communication.

- The disclosure process ensures that individuals with opposing views to those expressed in the ex-parte communications have an opportunity to respond or refute the communication.
- Pursuant to Florida Statutes Section 286.0115(1), the established disclosure process removes any presumption of prejudice from ex-parte communications.

Recommendation:

Motion to approve ***Ordinance No. 2024-08*** on First Reading.