

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the
County Mayor to provide
regular notice to County
Commissioners of pending
quasi-judicial items

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney



APW/lmp



MEMORANDUM
(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
5-17-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO PROVIDE REGULAR
NOTICE TO COUNTY COMMISSIONERS OF PENDING
QUASI-JUDICIAL ITEMS

WHEREAS, this Board sits in various capacities, including, at times, in a quasi-judicial capacity; and

WHEREAS, when the Board sits as a quasi-judicial body, a public hearing is held on an application or matter affecting the rights or obligations of a particular party, and the judgment of the Board is contingent on the showing made at the hearing; and

WHEREAS, in *Jennings v. Dade County*, 589 So. 2d 1337, 1341 (Fla. 3d DCA 1991), the Florida Third District Court of Appeal held that ex parte communications – that is, communications about a particular application or matter between individual Board members and private parties outside of a public hearing – are inherently improper in quasi-judicial proceedings, and that Board members should avoid all such contacts where they are identifiable; and

WHEREAS, oftentimes, this Board is not formally made aware that a particular item is quasi-judicial until shortly before the meeting at which it is heard, when the agenda showing the item is released; and

WHEREAS, this Board wishes to be made aware of such matters at the earliest possible time so that inadvertent ex parte communications may be avoided; and

WHEREAS, to this end, the Board wishes to direct the administration to compile and provide a list of all pending quasi-judicial matters and to furnish a copy to this Board on a monthly basis,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to compile a list of all pending quasi-judicial matters and to furnish that list to each County Commissioner on a monthly basis. Each monthly list shall include: (1) all quasi-judicial items filed in the prior month over which the Board of County Commissioners has direct jurisdiction or may have direct jurisdiction based on the procedures outlined in the Miami-Dade County Code; and (2) any quasi-judicial items over which the Board of County Commissioners has appellate jurisdiction, where an appeal or objection to a lower board's determination has been filed in the prior month. The format of these reports may vary, but they should be prepared so that each application or matter, and the parties to that application or matter, are easily identifiable. The reports may list the general type or category of item (for example, zoning), but shall exclude the substance of each application or matter.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

