

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-17

A RESOLUTION OF THE CITY OF CORAL GABLES, FLORIDA ("CITY") AUTHORIZING COMMUNICATIONS, UNDER CERTAIN CIRCUMSTANCES, BETWEEN GOVERNMENTAL OFFICIALS REGARDING THE SITING OF GOVERNMENT FACILITIES WITHIN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the siting of government facilities in the City is in the public interest; and

WHEREAS, dialogue between government officials and/or their representatives, regarding the siting of government facilities, is in the best interest of the City; and

WHEREAS, the Florida Supreme Court's decision in *Temple Terrace*, held that when a City evaluates the placement of a government facility within its jurisdiction, that City should balance the interests of the City with the interests of the government seeking to establish such facility. *Hillsborough Ass'n for Retarded Citizens, Inc. v. City of Temple Terrace*, 332 So.2d 210 (Fla. 1976); and

WHEREAS, the City Attorney has previously opined that the siting of government facilities is not quasijudicial, as it involves a balancing of interests and not an adjudication of rights; and

WHEREAS, the City Attorney has previously opined that the siting of government facilities is a legislative determination; and

WHEREAS, Section 286.0115, Florida Statutes authorizes ex-parte communications in quasijudicial proceedings upon providing appropriate disclosures of such communications; and

WHEREAS, although the siting of government facilities is not considered quasijudicial, employing the disclosure procedures provided in Section 286.0115 is appropriate to ensure a transparent process;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. That communications between government officials or their representatives involving the siting of government facilities within the City of Coral Gables shall be permitted, as they are not quasijudicial, but legislative. Such communications shall be disclosed in accordance with the procedures set forth in Section 286.0115 (c) 1 through 4, Florida Statutes (attached hereto and incorporated by reference) although failure to do so shall not undermine any approval.

SECTION 3. That this Resolution shall be effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF JANUARY, A.D., 2018.

(Moved: Lago / Seconded: Keon)

(Yeas: Mena, Keon, Lago, Valdes-Fauli)

(Majority: (4-0) Vote)

(Absent: Quesada)

(Agenda Item: K-1)

APPROVED:



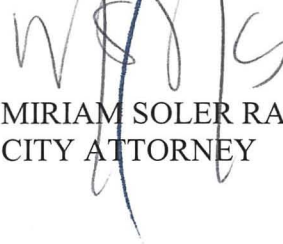
RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY