CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, OCTOBER 20, 2026, 7:00 PM
CITY HALL/ COMMISSION CHAMBERS
6130 SUNSET DRIVE
SOUTH MIAMI, FL 33143

THE CITY OF SOUTH MIAMI HAS A SIGNIFICANT GOVERNMENTAL INTEREST IN CONDUCTING EFFICIENT AND ORDERLY COMMISSION MEETINGS. SPEAKERS PLEASE TAKE NOTICE THAT SECTION 2-2.1(K)(2) OF THE CODE OF ORDINANCES PROVIDES THAT "ANY PERSON WHO MAKES SLANDEROUS OR INTENTIONALLY RUDE, UNCIVIL OR OTHERWISE IMPERTINENT REMARKS, AND WHO REFUSES OR FAILS TO DESIST FROM MAKING SUCH REMARKS AFTER BEING INSTRUCTED TO DO SO, OR WHO SHALL BECOME BOISTEROUS IN THE COMMISSION CHAMBER AND WHO REFUSES OR FAILS TO DESIST FROM SUCH CONDUCT AFTER BEING INSTRUCTED TO DO SO MAY BE FORTHWITH REMOVED FROM THE PODIUM AND FROM CITY HALL FOR THE DURATION OF THAT MEETING AT THE DIRECTION OF THE PRESIDING OFFICER, UNLESS OVERRULED BY A MAJORITY VOTE OF THE COMMISSION. NO CLAPPING, APPLAUDING, HECKLING, OR VERBAL OUTBURSTS SHALL BE PERMITTED FOR ANY REASON, INCLUDING FOR THE PURPOSE OF SUPPORTING OR OPPOSING ANY MATTER, ANY SPEAKER OR A SPEAKER'S REMARKS. NO SIGNS OR PLACARDS SHALL BE ALLOWED TO BE DISPLAYED IN ANY MANNER OTHER THAN WHEN USED FROM THE PODIUM TO EXPRESS AN OPINION OR DISPLAY FACTS. SIGNS TO BE USED AT THE PODIUM MUST BE BROUGHT INTO THE COMMISSION CHAMBERS IN A MANNER SO AS NOT TO UNNECESSARILY DISPLAY THEIR CONTENT UNTIL THE SIGN IS BROUGHT TO THE PODIUM IMMEDIATELY BEFORE THE SIGN IS DISPLAYED FROM THE PODIUM IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. THE USE OF ACOUSTIC MOBILE COMMUNICATION DEVICE, SUCH AS PHONES, IN THE COMMISSION CHAMBER IS NOT PERMITTED WHILE THE COMMISSION IS IN SESSION. PHONE RINGERS AND OTHER DEVICES THAT EMIT SOUND MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS MUST EXIT THE CHAMBER TO ANSWER INCOMING CALLS. NO CAMERA FLASH OPTIONS SHALL BE USED BY THE PUBLIC DURING ANY PORTION OF THE MEETING EXCEPT DURING RECOGNITION AND AWARD CEREMONIES."

VIRTUAL PARTICIPATION

Members of the public may also join the meeting via Zoom at (https://zoom.us/j/3056636338) and participate. In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom, may listen to and participate in the meeting by dialing +1-786-635-1003 Meeting ID: 3056636338. The public may merely view the meeting live on the City's website: (https://www.southmiamifl.gov/102/Agendas-Minutes) ("Granicus") as well as Channel 667.

A. SILENCE OR TURN OFF ALL CELL PHONES

B. ROLL CALL

C. PRAYER/MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC REMARKS

F. PRESENTATIONS

F1. Employee of the Quarter for Quarter 3 - 2026, Alexander Graupera, Senior Accountant

G. ADD-ON ITEM(S)

H. LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

I. APPROVAL OF MINUTES

I1. 09.08.26 First Budget Hearing
09.08.26
09.22.26
09.08.26 First Budget Hearing.docx
09.08.26.docx
09.22.26.docx

J. CITY MANAGER'S REPORT

J1. City Manager's Report
10-20_CM Report_Oct 20_2026.docx

K. CITY ATTORNEY'S REPORT

[City Attorney reminder: Remarks are limited to those matters that are not quasi-judicial. Any comment on a quasi-judicial matter may be made when the item is called and the speaker is under oath.]

L. COMMISSION REPORTS, DISCUSSION & REMARKS

(25 minutes)

M. DISCUSSION ITEM(S)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

N1. Luis Emilio Fortou has been appointed by Commissioner Steve Calle, to the Design Review Board, as per City Charter Art. II, Sec. 8 A, for a two-year term ending October 20, 2028.
Luis Emilio Fortou board application.pdf

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE PARKING DIVISION SECTION OF THE SCHEDULE OF FEES AND FINES TO REMOVE MAXIMUM PARKING DURATION REFERENCES UNDER PARKING METER RATES WITHOUT CHANGING ANY PARKING FEES IN ACCORDANCE WITH SECTION 15A-1 OF THE CITY CODE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)
Memo_Schedule_of_Fees_-_Removal_Hour_Limits.docx
Reso-Amendment_Removing_the_Hour_Limits_in_Parking.docx
15A Parking (Code).pdf

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA,

AMENDING THE CITY COMMISSION MEETING SCHEDULE TO PROVIDE FOR ONLY ONE COMMISSION MEETING DURING THE MONTHS OF NOVEMBER 2026 AND JANUARY 2027; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY COMMISSION)
Memo_rescheduling_the_Commission_meeting_in_November_2026___January_2027.docx
Resolution Scheduling City Commission Meetings November 2026 & January 2027.docx

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF 54 AVON C50 FIRST RESPONDER GAS MASK KITS FROM TACTICAL EDGE CONSULTING, LLC, FOR THE SOUTH MIAMI POLICE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED $32,400.00; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)
2026 Gasmask Purchase Supporting Memo (Not Used).docx
Resolution_Approving_Gasmasks_Purchase-_October_2026.docx
Exhibit A-Tactical Edge Quote.pdf
Dana Quote (Exhibit B).PDF
Federal Eastern Quotes (Exhibit C).pdf

P. RESOLUTION(S)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF 54 TEAM WENDY EPIC SPECIALIST HIGH-CUT BALLISTIC HELMETS AND 54 GALVION VIPER MAX VISORS FROM TACTICAL EDGE CONSULTING, LLC, FOR THE SOUTH MIAMI POLICE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED $62,500.00; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)
Suggested action:
2026 Ballistic Helmet Purchase Supporting Memo .docx
Resolution_2026_Ballistic_Helmets_-_October_2026.docx
Exhibit A-Tactical Edge Quote.pdf
Dana Safety Quote (Exhibit B).PDF
Federal Eastern Quote (Exhibit C).pdf

Q. RESOLUTION(S) PUBLIC HEARING(S)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH SOUTH MIAMI REAL ESTATE PARTNERS, LLC, FOR A MIXED-USE MEDICAL OFFICE BUILDING WITH RESIDENTIAL DWELLING UNITS KNOWN AS "MED SQUARE" ON THE ENTIRE CITY BLOCK LOCATED ON THE WEST SIDE OF SW 62ND AVENUE BETWEEN SW 68TH STREET AND SW 69TH STREET, PURSUANT TO SECTION 20-8.7 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNANDEZ)
Memo_Med Square Amended and Restated Development Agreement.docx
Resolution_Approving_Amended_and_Restated_Development_Agreement-Med_Square.docx
Exhibit A-Amended and Restated Development Agreement-Med Square 10-09-2026.docx

Ad.pdf

6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A MULTI-YEAR AGREEMENT WITH REDSPEED FLORIDA, LLC RELATING TO THE INSTALLATION AND OPERATION OF TRAFFIC INFRACTION DETECTORS FOR ENFORCEMENT OF RED LIGHT TRAFFIC VIOLATIONS AND RELATED SERVICES, UTILIZING THE TERMS AND CONDITIONS OF THE HILLSBOROUGH COUNTY SHERIFF'S OFFICE PURSUANT TO RFP NO. 2024-004; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH REDSPEED FLORIDA LLC FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.) deferred at the 10/06/26 City Commission meeting
Supporting Memo RedSpeed Red Light Camera Contract.docx
Resolution Approving and Authorizing Agreement with RedSpeed for Red Light Camera Enforcement Program Services 4933-5538-3508 v.1 4922-4495-7140 v.3.docx
Exhibit A - Cover Agreement - Redspeed - Red Light Camera Enforcement 4925-8726-1909 v.1.pdf
Ad.pdf

R. ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

S. ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

7. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING POLICY 1.1.4. OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO MODIFY THE DESCRIPTION APPLICABLE TO THE "MIXED-USE COMMERCIAL RESIDENTIAL" FUTURE LAND USE CATEGORY TO ADDRESS THE TRANSITION FROM COMMERCIAL AND MIXED-USE DEVELOPMENT TO SINGLE-FAMILY RESIDENTIAL; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
5800_SW_41_St_FLUMFLUEZONE_CM_Memo-10.20.2026 (3).docx
Ordinance-Text_Amendment.docx
Exhibit A-Policy 1.1.4-First Reading.docx
PB-2026-012 Application Documents.pdf
Ad.pdf
Ad.pdf

8. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO CHANGE THE DESIGNATIONS OF THE PROPERTIES LOCATED AT 5800 BIRD ROAD AND 5801 SW 41 STREET, FROM "COMMERCIAL RETAIL AND OFFICE" AND "SINGLE-FAMILY RESIDENTIAL" TO "MIXED-USE COMMERCIAL RESIDENTIAL" FUTURE LAND USE CATEGORY BASED ON AN APPLICATION SUBMITTED BY BIRD 58, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
5800_SW_41_St_FLUMFLUEZONE_CM_Memo-10.20.2026 (4).docx
Ordinance-FLUM_Amendment.docx
PB-2026-013 Application Documents.pdf
Ad.pdf

Ad.pdf

9. QUASI-JUDICIAL WARNING:
THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF SOUTH MIAMI, TO CHANGE THE ZONING DISTRICT APPLICABLE TO THE PROPERTY LOCATED AT 5801 SW 41 STREET FROM "RS-4" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO "GR" GENERAL RETAIL ZONING DISTRICT, BASED ON AN APPLICATION SUBMITTED BY BIRD 58, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-DEVELOPMENT SERVICES DEPT.)
5800_SW_41_St_FLUMFLUEZONE_CM_Memo-10.20.2026 (5).docx
Ordinance_Rezoning_-_Bird_Rd_Application__GR_Zoning_-2.docx
PB-2026-014 - Application Documents.pdf
Ad.pdf
Ad.pdf

T. ORDINANCE(S) FIRST READING(S)

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 17-54, "FEES," 17-56, "COLLECTION; LIENS," AND 17-57, "STORMWATER USER FEE," OF ARTICLE III. - "STORMWATER UTILITY," OF CHAPTER 17. - "STREETS AND SIDEWALKS," OF THE CITY CODE OF ORDINANCES REGARDING METHODS FOR BILLING AND COLLECTION OF STORMWATER UTILITY USER FEES, AND TO PROVIDE FOR THE ESTABLISHMENT AND ADOPTION OF STORMWATER USER FEES IN THE CITYâ€™S SCHEDULE OF FEES AND FINES; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)
Memo_-_Code_Modification_Addressing_ERU_Fee_and_Billing (1).docx
Ordinance_-_Code_Modification_Addressing_ERU_Fee_and_Billing CAv3.docx
Article III - Stormwater Utility 10-9-2026.pdf

U. ADJOURNMENT

PURSUANT TO FLORIDA STATUTE 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION O1R ADMISSION OR OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.
PURSUANT TO RESOLUTION No. 246-10-13280,"ANY INVOCATION THAT MAY BE OFFERED BEFORE THE START OF REGULAR COMMISSION BUSINESS SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE CITIZEN, FOR THE BENEFIT OF THE COMMISSION AND THE CITIZENS PRESENT. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE COMMISSION, AND THE COMMISSION DOES NOT ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER."

QUASI-JUDICIAL WARNING FOR CITY COMMISSION MEMBERS:

ANY AGENDA ITEM THAT HAS A QUASI-JUDICIAL WARNING IS CONSIDERED TO BE A QUASI-JUDICIAL MATTER. MEMBERS OF THE CITY

COMMISSION MAY NOT HAVE ANY VERBAL COMMUNICATION WITH ANYONE, OTHER THAN AT THE MEETING SCHEDULED TO RESOLVE THE MATTER, UNTIL THE MATTER IS RESOLVED AT A PUBLIC MEETING AND THE MEETING IS ADJOURNED. YOU ARE PROHIBITED FROM MAKING ANY INDEPENDENT INVESTIGATION OF THIS MATTER OTHER THAN A SITE VISIT OR MAKING WRITTEN REQUESTS FOR INFORMATION FROM CITY EMPLOYEES AND RECEIVING WRITTEN RESPONSES FROM THEM IN THEIR OFFICIAL CAPACITY. ALL WRITTEN REQUESTS FOR INFORMATION AND RESPONSES THERETO MUST BE FILED WITH THE CLERK AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. YOU MAY NOT HAVE ANY VERBAL COMMUNICATION WITH CITY EMPLOYEES REGARDING THIS MATTER. YOU MAY NOT ENTER ONTO SOMEONE'S PROPERTY WITHOUT THEIR PERMISSION. FURTHERMORE, YOU MAY NOT DISCUSS THE MATTER WITH THE PROPERTY OWNER OR ANYONE ELSE, INCLUDING NEIGHBORS. YOU MUST, IN WRITING, ADVISE THE CLERK OF THE DATE AND TIME OF YOUR SITE VISIT AND, IF THIS MATTER INVOLVES LAND USE, YOU MUST ALSO SEND A COPY TO THE PLANNING AND ZONING DIRECTOR. ALL INFORMATION THAT YOU OBTAIN ON THIS MATTER, OTHER THAN YOUR PERSONAL OBSERVATIONS AT A SITE VISIT AND WRITTEN INFORMATION PROVIDED BY STAFF, MUST BE PRESENTED TO YOU AT THE DULY NOTICED PUBLIC MEETING DURING WHICH THE APPLICANT SHALL BE GIVEN AN OPPORTUNITY TO PRESENT THE APPLICATION AND ANY EVIDENCE IN SUPPORT OF THE APPLICATION. IF THERE IS A BREAK IN THE MEETING, YOU MAY NOT ALLOW OTHERS TO SPEAK TO YOU ABOUT THE MATTER OR ALLOW THEM TO PROVIDE YOU WITH ANY INFORMATION ABOUT THE MATTER. IF THE MATTER REQUIRES MORE THAN ONE HEARING, YOU MAY NOT DISCUSS THE MATTER WITH ANYONE, UNTIL THE MATTER IS RESOLVED BY A FINAL WRITTEN RESOLUTION OR, IF APPLICABLE, ORDINANCE, AND, EVEN THEN, NOT UNTIL THE MEETING IS ADJOURNED. IF YOU RECEIVE AN EMAIL OR ANY WRITTEN OR PRINTED INFORMATION ABOUT THE MATTER BEFORE THE ADJOURNMENT OF THE HEARING AT WHICH A FINAL DECISION IS MADE FROM ANYONE OTHER THAN CITY EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY, YOU MAY READ IT BUT YOU ARE NOT ALLOWED TO RESPOND TO IT AND YOU ARE REQUIRED TO IMMEDIATELY PROVIDE A COPY OF ANY WRITTEN COMMUNICATION OR DOCUMENT YOU RECEIVE CONCERNING THIS MATTER TO THE CITY CLERK, AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. IN ADDITION, IF YOU RECEIVE ANY VERBAL, OR WRITTEN COMMUNICATION (OTHER THAN WHAT HAS ALREADY BEEN DELIVERED TO THE CLERK AND THE PLANNING AND ZONING DIRECTOR) YOU ARE REQUIRED TO DISCLOSE IT AT THE PUBLIC MEETING AND, IF IT WAS VERBAL, YOU ARE REQUIRED TO WRITE A MEMORANDUM THAT INCLUDES THE INFORMATION RECEIVED AND THE NAME AND ADDRESS OF THE PERSON PROVIDING THE INFORMATION, AS WELL AS THE DATE, TIME AND PLACE WHERE THE COMMUNICATION TOOK PLACE. THIS DOCUMENT MUST BE DELIVERED AS SOON THEREAFTER AS POSSIBLE TO THE CITY CLERK, AND IF APPLICABLE TO A LAND RELATED ISSUE, A COPY MUST ALSO BE DELIVERED TO THE PLANNING AND ZONING DIRECTOR.

<u>WARNING REGARDING EX PARTE COMMUNICATIONS:</u>

"EX PARTE COMMUNICATIONS" ARE WRITTEN OR VERBAL EXCHANGES BETWEEN AN ELECTED OR APPOINTED PUBLIC OFFICIAL, AND AN APPLICANT, HIS OR HER REPRESENTATIVES, OR A CITIZEN OR OTHER THIRD-PARTY OUTSIDE OF THE PUBLIC QUASI-JUDICIAL HEARING WHICH IS THE SUBJECT OF THE EXCHANGE. THE FLORIDA LEGISLATURE BY THE ADOPTION OF SECTION 286.0115(1), FLORIDA STATUTES, HAS AUTHORIZED THE ADOPTION OF LOCAL ORDINANCES ALLOWING EX PARTE COMMUNICATIONS IF CERTAIN PROCEDURES ARE FOLLOWED TO ENSURE THAT THE WRITTEN OR VERBAL EXCHANGE IS MADE PUBLIC, WHICH IS DESIGNED TO REMOVE ANY PRESUMPTION OF PREJUDICE THAT WOULD OTHERWISE RESULT IF THE EXCHANGE WERE KEPT PRIVATE AND NOT DISCLOSED. EX PARTE COMMUNICATIONS MUST BE PUBLICLY DISCLOSED PRIOR TO OR AT THE QUASI-JUDICIAL HEARING AT WHICH THE DECISION IS TO BE MADE. ALL DECISIONS MADE AT A QUASI-JUDICIAL HEARING MUST BE BASED ON COMPETENT SUBSTANTIAL EVIDENCE. VERBAL EX PARTE COMMUNICATIONS ARE HEARSAY, ARE NOT COMPETENT EVIDENCE, AND MAY NOT FORM THE SOLE BASIS FOR MAKING ANY QUASI-JUDICIAL DECISIONS, BUT THEY MAY BE USED TO SUPPORT OR EXPLAIN OTHER COMPETENT EVIDENCE.

PURSUANT TO ORDINANCE §2-2.1, CITY CODE, THE SOUTH MIAMI CITY COMMISSION HAS ADOPTED THESE PROCEDURES TO ALLOW THE USE OF EX-PARTE COMMUNICATIONS AS FOLLOWS:

1. **THE ELECTED OR APPOINTED PUBLIC OFFICIAL SHALL DISCLOSE IN WRITING THE SUBJECT OF THE COMMUNICATION AND THE IDENTITY OF THE PERSON, GROUP, OR ENTITY WITH WHOM THE COMMUNICATION TOOK PLACE, AS SOON AS PRACTICABLE AFTER THE COMMUNICATION TAKES PLACE, WITH THE CITY CLERK AND MADE A PART OF THE RECORD AT THE HEARING BEFORE FINAL ACTION ON THE MATTER.**
2. **A LOCAL PUBLIC OFFICIAL MAY READ A WRITTEN COMMUNICATION FROM ANY PERSON. ANY WRITTEN COMMUNICATION THAT RELATES TO QUASI-JUDICIAL ACTION PENDING BEFORE A LOCAL PUBLIC OFFICIAL, SHALL NOT BE PRESUMED PREJUDICIAL TO THE ACTION, PROVIDED SUCH WRITTEN COMMUNICATION IS DISCLOSED AND MADE A PART OF THE RECORD BEFORE FINAL ACTION ON THE MATTER.**
3. **PUBLIC OFFICIAL MAY CONDUCT INVESTIGATIONS, MAKE SITE VISITS AND RECEIVE EXPERT OPINIONS REGARDING QUASI-JUDICIAL ACTION PENDING OR IMPENDING BEFORE HIM OR HER PROVIDED THAT SUCH ACTIVITIES AND THE EXISTENCE OF SUCH INVESTIGATIONS, SITE VISITS OR EXPERT OPINIONS IS MADE A PART OF THE RECORD BEFORE FINAL ACTION IS TAKEN ON THE MATTER.**
4. **DISCLOSURE MADE PURSUANT TO PARAGRAPHS 1, 2 AND 3 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.**

IT IS POSSIBLE THAT IF THE STATUTE OR ORDINANCE DISCUSSED ABOVE, OR A QUASI-JUDICIAL ACTION PENDING BEFORE THE COMMISSION OR BOARD ARE CHALLENGED, THAT A COURT MIGHT FIND THAT NEITHER THE LEGISLATURE NOR THE CITY COMMISSION

HAD AUTHORITY TO ENACT THESE PROCEDURES CONCERNING EX PARTE COMMUNICATIONS, WHICH COULD RESULT IN THE ACTION TAKEN BEING REVERSED. YOU THUS PROCEED AT YOUR OWN RISK IN ENGAGING IN SUCH COMMUNICATIONS, AND THEY ARE NOT ENCOURAGED. THEY ARE, HOWEVER, THE POLICY OF THE LEGISLATURE AND CITY COMMISSION, AND UNTIL DETERMINED OTHERWISE BY THE LEGISLATURE OR THE COURTS, ARE LEGALLY PERMITTED BUT NOT WITHOUT POSSIBLE ADVERSE LEGAL CONSEQUENCES TO THE DETRIMENT OF THE CITY AND OTHER PARTIES.