



Quasi-Judicial Proceedings

Canal Advisory Committee Training Presentation

Legislative or Quasi-Judicial?

- A **legislative process** is one in which policy is created by a legislative body (City Council). In a legislative proceeding, the City Council can take into account anything that it considers important to help it make its decision, including the popularity or public acceptance of a particular policy.
- A **quasi-judicial action** is when the facts of a particular situation are applied to the policy (ordinance). In a quasi-judicial proceeding, the City Council or City boards are not allowed to take into consideration the popularity of a particular proposal or request; they can only consider the competent and substantial evidence presented before them at the hearing.

Quasi-Judicial Proceedings

Affect the development rights of a property owner – Annexation, Canal Construction Special Permit, Comprehensive Plan Future Land Use Amendment, Special Exception, Variance, Rezoning, etc.

Require the following:

- Notice
 - Newspaper ad run 15 days prior to hearing
 - Mailings to applicant and surrounding property owners within 200 feet on same canal
- Right to present evidence
- Cross-examination
- Impartial voting
- Record of proceeding

What is competent and substantial evidence?

- Staff's role
- Applicant's role
- Intervenor status
- Witnesses and supporting materials
- Evidence and testimony, Ex parte communications, site visits

Conduct of Hearing

1. All persons offering testimony must be sworn-in
2. City Staff presentation – maximum 30 minutes
3. Applicant presentation – maximum 30 minutes
4. Party Intervenor presentation (if applicable) – maximum 30 minutes
5. Any other person with relevant information 3 minutes - Chairman must call 3 times for public comment
6. Committee Members shall ask all questions during the presentation period while the public hearing is open.
7. Committee Members shall motion and second to close the public hearing
8. Staff will advise the board of the 6 criteria that be considered when making a decision on the application
9. Committee Member deliberation – evidence, ordinance, whether applicant met the burden
Chairman has discretion to reopen public hearing if further testimony is required
10. Decision making – finding of facts; conclusions of law; motion to approve, approve with conditions or deny the application

Appeals

- An applicant (or intervenor) may appeal a Canal Advisory Committee's denial of a petition for special permit to the City Council by filing a written notice of appeal with the City Clerk within 30 days of the date of denial.
- Upon receipt, the City Clerk shall schedule a quasi-judicial hearing before the City Council at its next available regulary scheduled meeting.
- Appellant shall be responsible for the payment of any and all costs associated with the appeal, including but not limited to publishing and mailing required notices.
- The appeal hearing before the Council shall be a hearing de novo. The applicant shall have the burden of demonstrating entitlement to the requested special permit based on competent, substantial evidence.
- Any person aggrieved by the denial of a special permit by the City Council may appeal said decision to the Circuit Court within 30 days from the date of the decision.