

ORDINANCE 15-19

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA AMENDING THE CODE OF ORDINANCES; REVISING SUBPARAGRAPH (G) OF SECTION 2-63 WITH REGARD TO EX PARTE CONTACT; AMENDING SUBPARAGRAPH (B)(7) OF SECTION 2-93 TO REVISE THE NEGLIGIBLE VALUE DOLLAR AMOUNT TO APPROXIMATELY \$50.00; AMENDING SECTIONS 2-142, 2-143 AND 2-144 TO REVISE THE REAL PROPERTY VALUE IN EXCESS SUM TO \$20,000.00; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Dunedin's Ordinance Review Committee has recommended revisions to Chapter 2 of the Code of Ordinances of the City of Dunedin, Florida, to amend the description of ex-parte contact, to revise the negligible value dollar amount and to amend the value in excess sum of real property; and

WHEREAS, the recommendation of the Ordinance Review Committee has been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That subparagraph (g) of Section 2-63 of Article III, Chapter 2, Subpart A, Part II of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

- (g) The term "substantial evidence" shall mean evidence as will establish a basis of fact from which the fact at issue can be reasonably inferred and which is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.

Evidence is "competent" when it is offered by persons with the appropriate professional or other qualifications qualifying them to be particularly expert, knowledgeable or capable in a particular matter because of education, training or experience, or which are observed facts known to the witnesses testifying to them.

Mere generalized statements of opposition are not competent or substantial evidence. Fact-based testimony shall be considered.

~~"Ex parte" contact shall mean any oral or written communication that occurs outside a formal quasi-judicial proceeding.~~

Ex parte contact shall include oral communication, written communication, electronic communication or communication of any other type of communication that occurs outside a formal quasi-judicial proceeding.

Section 2. That item (7) of subparagraph (b) of Section 2-93 of Article IV, Chapter 2, Subpart A, Part II of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

- (7) The term "negligible value" for the purpose of this policy is defined to be approximately ~~\$25.00~~ \$50.00, although this specific sum may be exceeded by a minimal amount, depending on the circumstances. The acceptance of such items and the valuation thereof is left to the reasonable determination and discretion of the city official.

Section 3. That Section 2-142 of Article V, Chapter 2, Subpart A, Part II of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

Sec. 2-142. - Sale of property valued in excess of ~~\$5,000.00~~ \$20,000.00.

No real property having a value in excess of ~~\$5,000.00~~ \$20,000.00, and title to which is vested in the city, shall be sold at public or private sale except as provided by this division.

Section 4. That Section 2-143 of Article V, Chapter 2, Subpart A, Part II of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

Sec. 2-143. - Transactions excluded.

The following sales or property exchanges, defined in section 2-141, shall not be considered sales within the meaning of this division:

- (1) Sales of property to governmental instrumentalities.
- (2) Sale or disposition of property valued at less than ~~\$5,000.00~~ \$20,000.00.

(3) Sales or tax liens on intangible property.

Section 5. That subparagraph (b) of Section 2-144 of Article V, Chapter 2, Subpart A, Part II of the Code of Ordinances of the City of Dunedin shall be amended, to read as follows:

(b) *Appraisal.* Upon finding the sale of specified property advisable, the city commission may, in its sole discretion and if such property is real property having a value in excess of the sum of ~~\$5,000.00~~ \$20,000.00, require that an appraisal be made of such real property by an appraiser satisfactory to the city commission. In circumstances that it deems appropriate, the city commission may determine to sell such real property without an appraisal. Any appraisal which is ordered by the city commission shall be a public record.

Section 6. That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 21st day of May, 2015.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: May 07, 2015

READ SECOND TIME AND ADOPTED: May 21, 2015