

**MARTIN COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM**

TO: Honorable Board of County
Commissioners

DATE: March 15, 2010

FROM: Stephen Fry, County Attorney

SUBJECT: Quasi-Judicial Matters before the Board of County Commissioners on
March 16, 2010

The following quasi-judicial matter is scheduled for your meeting of the Board of County Commissioners on March 16, 2010:

Agenda Item 4E1 Indiantown DRI/PUD – Request for a Time Extension to the Development of Regional Impact and Planned Unit Development Orders – T. Spencer Crowley, Esq., Akerman/Senterfitt, Agent; Irongate Indiantown Investors, LLC, Applicant.

Agenda Item 6A Paradise Lake – Request for a Zoning Change – Morris Crady, AICP, Lucido & Associates, Agent; Heissenberg Family Financial Investments, LLC, Applicant.

Agenda Item 7A Stuart 95 Plaza PUD – 10th Amendment for Prop Share Agreement – Morris Crady, AICP, Lucido & Associates, Agent; GKC International, Inc., Applicant.

Attached is the adopted procedure for conducting quasi-judicial matters, which includes an opportunity for participation by the staff, the applicant, any intervenor, and members of the public. The procedure may certainly be adjusted, for example, if there is no intervenor.

For any matters on the consent agenda, the procedure should be followed only if the matter is removed from the consent agenda, but the *ex parte* disclosures should still be made in accordance with the new *ex parte* procedures.

Representatives of the parties involved in the March 16, 2010, quasi-judicial matters will be provided with a copy of the suggested procedures.

SF/sfl
Attachment

cc: Taryn Kryzda, Acting County Administrator
 Kimberlee Hamer, Agenda Coordinator
 Commission Records

QUASI-JUDICIAL PROCEDURES

1. Ex parte disclosures by County Commissioners.

NOTE: Chairman asks: "Do any commissioners have ex parte disclosures that have not been previously filed with the Clerk?"

NOTE: Commissioners use written disclosure forms to disclose communications they had prior to this public meeting with persons interested in this matter. Copies of the disclosure forms are available from the Clerk.

2. If applicable, verification by Applicant that return receipts for notices have been filed with the Clerk.
3. Request for identification of any Intervenors. *(In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code (property owners within 300 feet of the project if it is inside the urban service boundary, and within 600 feet of the project if it is outside the urban service boundary). Any person who qualifies may choose to be an Intervenor. In addition, an Intervenor must file a form of intent with the County Administrator not less than 7 days prior to the Board meeting. No fee will be assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group.)*
4. *Administration of oath to all witnesses.
5. Staff introduction of application.
6. Questions for Staff from County Commissioners.
7. Applicant presentation. *(Applicant is encouraged to keep presentation clear, concise and to the point, at a maximum of 45 minutes. Applicant's questions for staff are to be asked during Applicant's 45 minute presentation. Staff responses to questions will be at the conclusion of the Applicant's presentation. All dvd, cd or video cassette tapes must be submitted for review by the County Administrator by the Friday prior to the meeting.)*
8. Questions for Applicant from County Commissioners, Intervenor, and Staff.
9. Intervenor presentations. *(Intervenors are encouraged to keep presentation clear, concise and to the point, at a maximum of 45 minutes for all Intervenors collectively. Intervenors' questions for staff are to be asked during Intervenors' collective 45 minute presentation. Staff responses to questions will be at the conclusion of Intervenors' presentation(s). All dvd, cd or video cassette tapes must be submitted for review by the County Administrator by the Friday prior to the meeting.)*
10. Questions for Intervenor(s) from Board of County Commissioners, Applicant, Staff.
11. Public Comments.
12. Intervenor(s) rebuttal and/or final comments (maximum 20 minutes collectively).
13. Applicant rebuttal and/or final comments (maximum 20 minutes).
14. Staff Final Comments.
15. County Commissioners' final questions, deliberation and decision.



MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS REQUEST TO INTERVENE

Date: _____ Proposal/Project Name: _____
Agenda Date: _____ Agenda Item Number: _____

An “intervenor” is a person who qualifies under the Land Development Regulations to receive mailed notice regarding the subject matter (property owners within 300 feet of the project if it is inside the urban service boundary, and within 600 feet of the project if it is outside the urban service boundary). Any person who qualifies may choose to be an Intervenor, or to just offer public comment. Someone who does not qualify to be an Intervenor, or could qualify, but chooses not to be one, will be allowed to speak briefly on his or her own behalf, either to present facts or to state opinions, during public comments on the application.

It should be noted that being an Intervenor in a matter under consideration by the Board does not guarantee that the Intervenor can challenge or appeal the final decision in a judicial or administrative proceeding. Also, being an Intervenor here may not even be a prerequisite to filing a challenge or appeal of the final decision, depending upon what state laws or court rules require.

Please complete the following information and return this form to the County Administrator at least seven (7) days prior to the hearing on the matter. No fee will be assessed. If requesting to intervene as a group, provide on group’s letterhead, signed by an authorized representative of the group, stating the name of the group and the name of the individual who is authorized to speak for the group. Only one request needs to be submitted per each matter for which status as an Intervenor is sought, irrespective of the number of hearings to be held on the matter. All dvd, cd or video cassette tapes must be submitted for review by the County Administrator (or designee) by the Friday prior to the meeting.

A Request to Intervene may be used only for the purpose of presenting evidence and testimony on a matter, and not merely to extend the time allowed to an individual to speak during public comments.

(PLEASE PRINT CLEARLY)

Name (individual or group representative): _____

Group Name (if applicable): _____

Address: _____ City: _____

Zip Code: _____ Telephone: _____ Email: _____

1. Explain what interest(s) you, as an individual or group, believe will be impacted by the proposal. Examples of interests include health and safety, police and fire protection service systems, transportation facilities, and economic, environmental or natural resources. *(Attach separate sheet, if more space is needed.)*

2. State your position regarding the proposal. *(Attach separate sheet, if more space is needed.)*

3. State all facts you believe support your position. *(Attach separate sheet, if more space is needed.)*
