

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

**CATEGORY:**

**CODE NUMBER:**

Committees/Boards/Commissions/Examiners

AC-2-5

**TITLE:**

Administrative Procedures Regarding  
Unauthorized Communications with the  
Lee County Hearing Examiner or any  
County Commissioner

**ADOPTED:**

12/14/88

**AMENDED:**

8/5/92 8/31/94

**ORIGINATING DEPARTMENT:**

Hearing Examiner

**PURPOSE/SCOPE:**

This administrative code supplements the Lee County Land Development Code concerning unauthorized communications in cases involving pending land use matters.

**POLICY/PROCEDURE:**

SECTION 1. ACTIONS CONSTITUTING **UNAUTHORIZED COMMUNICATION**

1.1 Definition

Except as permitted in this administrative code, unauthorized communications include any direct or indirect communication whether written, verbal or graphic, with the Hearing Examiner or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, special permits, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation.

-1.2 Exclusions

The following are not unauthorized communications:

- A. Communications between the Hearing Examiner and his staff, or between County Commissioners and their respective executive assistants.
- B. Communications of the Hearing Examiner and his staff with County Commissioners, applicants, County employees and members of the public which are reasonably necessary to allow the administration of the office and the performance of the Hearing Examiner's duties.
- C. Incidental or accidental communications made unknowingly and without the intent to influence: the Hearing Examiner or his staff; County Commissioners or their executive assistants.
- JJ. Communications between the Hearing Examiner or his staff and the County Commissioners, County Attorney's Office, or other County employees regarding general information pertaining to the history, application and interpretation of ordinances or regulations.

1.3 Duty of Hearing Examiner and Staff

- A. To the extent reasonably possible, the Hearing Examiner staff and executive assistants to the County Commissioners must screen attempts to communicate with the Hearing Examiner or County Commissioners in order to prevent unauthorized communications as defined in this administrative code and the Lee County Land Development Code.
- B. The Hearing Examiner and his staff and the County Commissioners and their executive assistants must report all unauthorized communications in accordance with the provisions of Sections 2-191 and 34-52 of the Land Development Code.