

RESOLUTION NO. 2019-251

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY ON BEHALF OF THE CITY TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO JOIN IN THE FILING OF A BRIEF AT THE FLORIDA SUPREME COURT SUPPORTING THE PLACEMENT ON THE BALLOT OF THE INITIATIVE PETITION ENTITLED “PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS;” PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the sponsoring political committee, Ban Assault Weapons NOW, has proposed an amendment to the Constitution of the State of Florida that would prohibit the possession of semiautomatic rifles and shotguns capable of holding more than ten rounds of ammunition at once, either in fixed or detachable magazine, with certain exceptions (“Proposed Constitutional Amendment”); and

WHEREAS, the sponsoring political committee Ban Assault Weapons NOW has met the registration, petition form submission, and signature criteria set forth in Section 15.21, Florida Statutes; and

WHEREAS, on June 26, 2019, the Attorney General of the State of Florida requested an advisory opinion from the Florida Supreme Court as to the validity of the initiative petition; and

WHEREAS, the Attorney General requested the opportunity to present arguments in opposition to placement of the Proposed Constitutional Amendment on a ballot; and

WHEREAS, the Attorney General argued that the title and summary of the Proposed Constitutional Amendment should not be submitted to Florida voters because the title and summary fail to inform voters of the chief purpose of the proposed amendment and are affirmatively misleading; and

WHEREAS, the City Commission and its members respectfully disagree with the Attorney General and believe that the title and summary do inform the voters of the chief purpose of the Proposed Constitutional Amendment and are not misleading; and

WHEREAS, the City Commission and its members support the placement of the Proposed Constitutional Amendment on a ballot so that the citizens of Florida have the opportunity to vote for or against the Proposed Constitutional Amendment, but do not take any position as to whether the Proposed Constitutional Amendment should be adopted; and

WHEREAS, on July 29, 2019, the Florida Supreme Court opened Case No. SC19-1266 in response to the Attorney General's request for advisory opinion; and

WHEREAS, the City of Weston has authorized and directed its City Attorney, Weiss Serota Helfman Cole & Bierman (the "Firm"), to file in Case No. SC19-1266 an amicus brief supporting the placement of the Proposed Constitutional Amendment on a ballot; and

WHEREAS, the City of Weston encourages other local governments to join in the filing of the brief; and

WHEREAS, the City of Weston has retained the Firm for a flat fee of \$25,000 to draft and file the brief; and

WHEREAS, each local government who joins in filing the brief will pay their respective share of the \$25,000 flat fee, provided that enough local governments participate so that the City's cost does not exceed \$3,000; and

WHEREAS, the City is an interested person to Case No. SC19-1266; and

WHEREAS, the City desires to hire the Firm to join in the amicus brief, supporting the placement of the Proposed Constitutional Amendment on the ballot; and

WHEREAS, the City desires to invite other local governments to participate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission hereby authorizes and directs the City Attorney, on behalf of the City, to engage the services of the Firm as outside counsel to join in the filing of an amicus brief at the Florida Supreme Court in Case No. SC19-1266, supporting the placement of the Proposed Constitutional Amendment on the ballot.

Section 3: That the City Manager, or designee, is authorized to execute legal representation agreement(s) and any other documents pertaining to the amicus brief, subject to review and approval by the City Attorney, to effectuate the intent of this resolution and that the City agrees to pay its respective share of the \$25,000, provided that enough local governments participate so that the City’s total cost does not exceed \$3,000.

Section 4: That the City Commission invites and urges other local governments to join the amicus brief and to coordinate their efforts with the City.

Section 5: That the City Clerk is directed to distribute this resolution to all local governments in Broward County.

Section 6: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 7: That this resolution shall be in full force and effect immediately upon adoption.

Adopted this 10th day of October, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

Welch	<u>Aye</u> ___
Sarbone	<u>Aye</u> ___
Tooley	<u>Aye</u> ___
Belvedere	<u>Aye</u> ___
Rydell	<u>Aye</u> ___