

PROPOSED RESOLUTION NO. 2017-R-42

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AUTHORIZING AND DIRECTING THE CITY 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”; 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 argument 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 a 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 each local government'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 join in the brief supporting the placement of the Proposed Constitutional Amendment on the ballot and to invite other local governments to participate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AS FOLLOWS:

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

Section 2: The City Commission hereby authorizes and directs the City to join in the filing of a brief at the Florida Supreme Court in Case No. SC19-1266 supporting the placement of the Proposed Constitutional Amendment on the ballot.

Section 3: The Firm is hereby retained to represent the City in this litigation. 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. The City also acknowledges that the Firm will be representing other local governments in this lawsuit and waives any conflicts related to such representation. In addition, the City agrees that its joinder in the group of local governments filing the brief shall not, in and of itself, create a conflict of interest for the Firm.

Section 4: That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 5: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS _____ DAY OF _____, 2019.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY: _____
MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

GOOD _____

APPROVED AS TO FORM:

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____