



Legislation Text

File #: 2019-R-42, **Version:** 1

MOTION TO ADOPT PROPOSED RESOLUTION 2019-R-42.

PROPOSED RESOLUTION 2019-R-42 IS 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.

SUMMARY EXPLANATION AND BACKGROUND:

1. A 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"). The sponsoring political committee has met the registration, petition form submission and signature criteria set forth in section 15.21, Florida Statutes.
2. 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 intends to present argument in opposition to placement of the Proposed Constitutional Amendment on a ballot. Specifically, the Attorney General argues 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.
3. On July 29, 2019, the Florida Supreme Court opened Case No. SC19-1266 in response to the Attorney General's request for advisory opinion.
4. The City has been contacted by the City of Weston, who authorized and directed its City Attorney, Weiss Serota Helfman Cole & Bierman (WSHCB), to file in Case No. SC19-1266 a brief supporting the placement of the Proposed Constitutional Amendment on a ballot, with a cap of \$25,000.00 in legal fees. The City of Weston is encouraging other local governments to join in the filing of the brief (Weston Brief), and 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.
5. At its September 18, 2019, meeting, the City Commission directed that a resolution authorizing joinder in the Weston Brief be placed on the October 2, 2019, agenda.

6. On September 23, 2019, the Florida Supreme Court issued an Administrative Order and imposed a deadline of October 14, 2019, for interested parties to file their responses to the Attorney General's request for Advisory Opinion.

7. By approving the Resolution, the City will be retaining the law firm of WSHCB for the limited purpose of permitting the City to join in the Weston Brief to the Florida Supreme Court. The resolution waives any conflict relating to WSHCB's representation of other local governments relating to the Weston Brief.

8. Note that WSHCB currently represents the Susan B. Anthony Center, Inc. (SBA), which you may recall defaulted on the Sub-sublease with the City and as a result the sub-sublease was terminated and a new entity is sub-subleasing the premises at the Howard C Forman Center. Our office spoke directly with Jamie Cole of WSHCB who advised us that their representation of the SBA is to facilitate a judicial dissolution of the SBA corporation which would include addressing claims from its creditors including the City of Pembroke Pines.

9. Given the very narrow representation of the City for the purposes of permitting the City to join with other local governments in a united statement in support of the proposed constitutional amendment through the Weston Brief, and the representations made to the City Attorney's Office that WSHCB's representation of SBA is limited to facilitating a judicial dissolution of the SBA corporation, our office believes the City Commission can waive any actual or potential conflict in order to enable the City to participate in the Weston Brief.

FINANCIAL IMPACT DETAIL:

As reflected in the Resolution, the estimated cost to the City should not exceed \$3,000.00; however, the actual cost to the City will be determined once the total number of local government participants are confirmed and the total fees of \$25,000 is divided by that number.