

**RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN 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”; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR 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 Town Council respectfully disagrees with the Attorney General and believes 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 Town Council supports 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 Town hereby authorizes and directs its Town 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 Town encourages other local governments to join in the filing of the brief; and

**WHEREAS**, the Firm has been retained for a flat fee of \$25,000.00 to draft and file the brief; and

**WHEREAS**, each local government who joins in filing the brief will pay their respective share of the \$25,000.00 flat fee, provided that enough local governments participate so that each local government’s cost does not exceed \$3,000.00; and

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

**WHEREAS**, the Town 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 MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Authorization.** The Town Council hereby authorizes and directs the Town 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. The Firm is hereby retained to represent the Town in this litigation. The Town agrees to pay its respective share of the \$25,000, provided that enough local governments participate so that the Town’s total cost does not exceed \$3,000. The Town 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 Town 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. The Town Manager is authorized to take all actions necessary to implement the intent and purpose of this Resolution.

**Section 3. Urging Local Government Support of Brief.** The Town Council invites and urges other local governments to join the brief and to coordinate their efforts with the Town.

**Section 4. Transmittal.** The Town Council hereby directs the Town Clerk to transmit a copy of this Resolution to the Miami-Dade County League of Cities and all municipalities in Miami-Dade County.

**Section 5.**     **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of November, 2019.

\_\_\_\_\_  
TIM MEERBOTT  
Mayor

Attest:

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert "BJ" Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_