

CITY OF CORAL GABLES, FLORIDA

RESOLUTION 2017-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, DIRECTING THE CITY'S ADMINISTRATION TO MAKE SUPPORT OF HOUSE BILL 439 AND SENATE BILL 560 PART OF THE CITY'S 2018 LEGISLATIVE AGENDA AND URGING THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE TO ADOPT HOUSE BILL 43 AND SENATE BILL 560 OR SIMILAR LEGISLATION

WHEREAS, on October 19, 2017, Senator Greg Steube introduced Senate Bill 560 - the full title of which is: "An act relating to public meetings and records; amending s. 286.011, F.S.; expanding an exemption from public meetings requirements to allow specified entities to meet in private with an attorney to discuss imminent litigation if certain conditions are met; requiring the entity's attorney to identify the name of the potential claimant or litigant at a public meeting; requiring the transcript of a private meeting concerning imminent litigation to be made public upon the occurrence of a certain circumstance; specifying when litigation is considered imminent; providing for future legislative review and repeal of the exemption; providing an statement of public necessity; providing an effective date"; and

WHEREAS, on October 25, 2017, Representative Byron Donalds introduced a similar bill in the Florida House of Representatives, House Bill 439, the full title of which is identical to that of Senate Bill 560; and

WHEREAS, currently F.S. 286.011 allows for any board or commission of a state agency or authority or an agency or authority of any county, municipal corporation or political subdivision to meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party; and

WHEREAS, both Senate Bill 560 and House Bill 439 propose that F.S. 286.011 be amended to allow for the same entities to meet in private to discuss imminent litigation as defined in the proposed bills; and

WHEREAS, both bills would also conform the public meeting statute, F.S. 286.011 with the public record exemption which exempts written communications prepared for imminent litigation from public disclosure for a period of time; and

WHEREAS, adoption of House Bill 439 or Senate Bill 560 would allow the commission of a municipal corporation to meet with its chief administrative or executive officer and the municipal corporation's attorneys to privately prepare for threatened litigation by obtaining legal advice, reviewing relevant facts, and grant the entity the ability to consider early settlement or resolution of imminent litigation; and

WHEREAS, the City of Coral Gables directs that support of House Bill 439 and Senate Bill 560 be made part of the City’s legislative agenda; and

WHEREAS, the City of Coral Gables urges the State Legislature to adopt House Bill 439 and Senate Bill 560 or similar legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

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 upon adoption hereof.

SECTION 2. That the City Commission directs that support of House Bill 439 and Senate Bill 560 be made part of the City’s legislative agenda and urges the State Legislature to adopt House Bill 439 and Senate Bill 560 or similar legislation.

SECTION 3. That the City Clerk is directed to send a certified copy of this resolution to the Florida League of Cities, Miami-Dade County, the City’s legislative delegation, and other neighboring municipalities.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF FEBRUARY, A.D., 2017.

(Moved:)

(Yeas:

(Majority : Vote:)

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY