

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-24

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A MOTION WITH THE FLORIDA SUPREME COURT FOR LEAVE TO PROVIDE WRITTEN COMMENTS AND/OR ORAL ARGUMENT IN OPPOSITION TO PROPOSED AMENDMENTS TO RULE 9.310(b)(2), AND AUTHORIZING THE CITY ATTORNEY TO PARTICIPATE IN THE PROCEEDINGS ON BEHALF OF THE CITY OF CORAL GABLES.

WHEREAS, the Triennial Cycle Report of the Appellate Court Rules Committee (the "Report") proposes to amend the Florida Rule of Appellate Procedure 9.310(b)(2), to eliminate the automatic stay now afforded to governmental entities when they appeal orders issued by state agencies in administrative proceedings governed by the Administrative Procedure Act ("APA"); and

WHEREAS, this proposed amendment will have a significant impact on the City of Coral Gables, as well as other Florida cities, counties, and governmental entities who from time-to-time are parties in administrative proceedings under the APA; and

WHEREAS, pursuant to the rules, the Court may permit interested persons to provide written comments and oral argument in response to a proposed rule amendment; and

WHEREAS, the City Commission, together with other governmental entities and interested parties, wishes to provide input to assist the Court in considering the issues from all perspectives and to draw the Court's attention to legal arguments that may not otherwise be considered;

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

SECTION 1. 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.

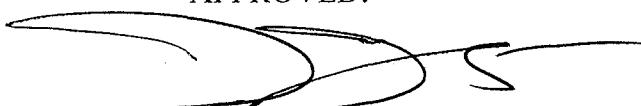
SECTION 2. That the City Commission authorizes the City Attorney to file a Motion with the Florida Supreme Court for Leave to Provide Written Comments and/or Oral Argument in Opposition to Proposed Amendments to the Florida Rules of Appellate Procedure Rule 9.310(b)(2), and authorizing the City Attorney to participate in the proceedings on behalf of the City of Coral Gables.

SECTION 3. This resolution shall become effective immediately upon the date of its passage and adoption herein.

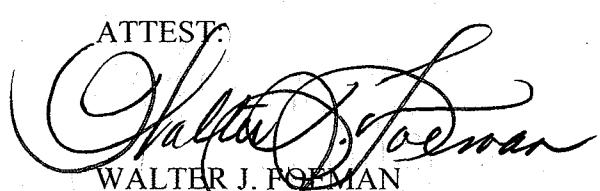
PASSED AND ADOPTED THIS TWELFTH DAY OF FEBRUARY, A.D., 2008.

(Moved: Anderson / Seconded: Cabrera)
(Yea: Anderson, Cabrera, Withers, Slesnick)
(Absent: Kerdyk)
(Majority (4-0)
(Agenda Item: Non-Agenda)

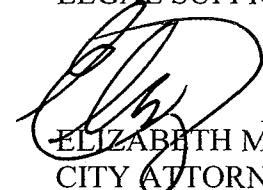
APPROVED:


DONALD D. SLESNICK II
MAYOR

ATTEST:


WALTER J. POELMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY