

RESOLUTION NO: 2016-16

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA REQUESTING THE CITY COMMISSION OF CORAL GABLES TO REPEAL THE EXTRATERRITORIAL ASPECTS OF ITS ORDINANCE RELATING TO MOSQUITO INFESTATION OR TO INDICATE BY COMMISSION RESOLUTION THAT THE CITY WILL NOT ENFORCE THE EXTRATERRITORIAL ASPECTS OF ITS ORDINANCE UNTIL SUCH TIME AS THE LEGALITY OF SUCH PROVISIONS IS DETERMINED, WITH SUCH REPEAL OR RESOLUTION TO BE EFFECTIVE NO LATER THAN FEBRUARY 24, 2016; DIRECTING THE VILLAGE ATTORNEY TO TAKE ALL LEGAL ACTION NECESSARY TO PROTECT THE LEGAL INTERESTS OF THE VILLAGE AND ITS RESIDENTS, INCLUDING BUT NOT LIMITED TO FILING SUIT FOR DECLARATORY JUDGMENT ON BEHALF OF THE VILLAGE AGAINST THE CITY OF CORAL GABLES, SEEKING A DECLARATION THAT THE EXTRATERRITORIAL ASPECTS OF THE CORAL GABLES ORDINANCE ARE IN EXCESS OF CITY POWER AND ARE NULL AND VOID, IF THE CITY DOES NOT REPEAL OR STAY ENFORCEMENT, AS REQUESTED; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Coral Gables adopted an Ordinance on February 9, 2016, regarding mosquito infestation; and

**WHEREAS**, extraterritorial aspects of the Coral Gables Ordinance are in excess of the City's power and are null and void; and

**WHEREAS**, the Ordinance is effective immediately and immediate enforcement by the City of Coral Gables threatens to compromise significant legal rights, if enforcement is not stayed during any dispute resolution process, so that the Florida statutory dispute resolution process is not applicable if the City does not repeal or stay extraterritorial enforcement; and

**WHEREAS**, legal suit to protect the interests of the Village of Palmetto Bay and its residents is essential, if the extraterritorial aspects of the Coral Gables Ordinance are not repealed or enforcement stayed,

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above Whereas clauses are incorporated herein by reference as part of this Resolution.

**Section 2.** Village Manager shall immediately request the City Commission of Coral Gables to repeal the extraterritorial aspects of its Ordinance relating to mosquito infestation or to

indicate by Commission Resolution that the City will not enforce the extraterritorial aspects of its Ordinance until such time as the legality of such provisions is determined, with such repeal or Resolution to be effective no later than February 24, 2016.

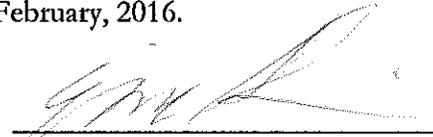
**Section 3.** The Village Attorney is directed to take all legal action necessary to protect the legal interests of the Village and its residents, including but not limited to filing suit for declaratory judgment on behalf of the Village against the City of Coral Gables, seeking a declaration that the extraterritorial aspects of the Coral Gables Ordinance are in excess of City power and are null and void (pursuant to Florida Constitution, Article VIII, section 2(c), Florida Statute 166.021(3)(a), and Coral Gables municipal boundaries in the Coral Gables Charter), if the City does not repeal of stay enforcement as requested in section 1 herein.

**Section 4.** The Council finds that the Coral Gables Ordinance is effective immediately and that immediate enforcement by the City of Coral Gables threatens to compromise significant legal rights if enforcement is not stayed during any dispute resolution process, so that the Florida statutory dispute resolution process is not applicable if the City does not repeal or stay extraterritorial enforcement (pursuant to Florida Statute 164.1041(2)).

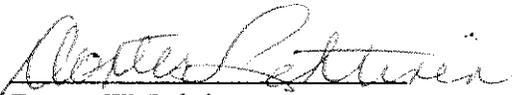
**Section 5.** This Resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 17<sup>th</sup> day of February, 2016.

Attest:   
Meighan J. Alexander  
Village Clerk

  
Eugene Flinn  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

  
Dexter W. Lehtinen  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Katryn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	Absent
Mayor Eugene Flinn	<u>YES</u>