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RESOLUTION NO. 07-78

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LITIGATION; AUTHORIZING THE VILLAGE ATTORNEY TO HIRE BRUCE S. ROGOW, P.A., TO PROVIDE LITIGATION SERVICES RELATING TO A POSSIBLE ACTION AGAINST MIAMI-DADE COUNTY RELATING TO CHARTER ENFORCEMENT AND ENFORCEMENT OF STATE LAW CHAPTER 2700-26; AUTHORIZING A FUNDING ALLOCATION FOR ANY SUCH LITIGATION; PROVIDING FOR THE AUTHORIZATION OF PAYMENT AND COSTS TO MR. ROGOW OF UP TO \$35,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State Legislature unanimously approved Chapter 2700-26, which provides “notwithstanding section 165.022, Florida Statutes any municipality formed after January 1, 2000, and any municipality formed on or after July 1, 2007 shall not be required to pay any charge, assessment, tax, fee, or other consideration as a condition for allowing the citizens of an area to incorporate and govern themselves”; and,

WHEREAS, based upon this legislation the Village of Palmetto Bay, along with the Town of Miami Lakes and Doral, no longer are required to pay Miami-Dade County “mitigation;” and,

WHEREAS, Miami-Dade County has filed suit against the state seeking a declaration of their rights and alleging that the Chapter 2007-16 is unconstitutional under the Florida Constitution; and,

WHEREAS, the Village is materially affected by this litigation and may seek to intervene in the litigation, file an “friend of the court” (amicus brief) in support of the unanimous decision of the Florida legislature to enact Chapter 2007-26 or to file an independent declaratory action in Miami-Dade County; and,

WHEREAS, it is in the best interest of the Village to hire Mr. Rogow, a preeminent constitutional lawyer, who recently successfully litigated the Strong Mayor initiative on behalf of Miami-Dade County Mayor Carlos Alvarez; and,

WHEREAS, the Mayor and Village Council desire to hire Mr. Rogow and his firm to represent the Village in any litigation the Village may undertake relating state law Chapter 2700-26. Mr. Rogow is proposed to also represent Miami Lakes and Doral.

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 by reference.

1 Section 2. The Village Attorney shall retain the services of Mr. Bruce Rogow, of Bruce
2 S. Rogow, P.A., in conjunction with representing the Village in the above referenced litigation. The
3 village attorney shall negotiate a reasonable retainer agreement, which agreement shall be executed
4 by the Village Manager.
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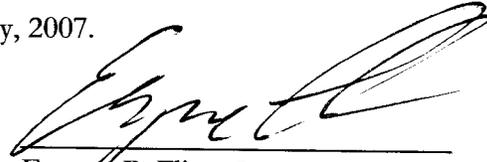
6 Section 3. The Mayor and Village Council authorize the expenditure of up to
7 \$35,000.00, in fees and costs relating to the above referenced litigation.
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9 Section 4. This resolution shall take effect immediately upon approval.

10 PASSED and ADOPTED this 2nd day of July, 2007.

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12 Attest:

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14 Meighan Rader,
15 Village Clerk

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17 Eugene P. Flinn, Jr.,
18 Mayor

19 APPROVED AS TO FORM:

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21 Eve A. Boutsis,
22 Nagin Gallop Figueredo, P.A.
23 Office of Village Attorney
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28 FINAL VOTE AT ADOPTION:

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30 Council Member Ed Feller YES
31
32 Council Member Paul Neidhart YES
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34 Council Member Shelley Stanczyk YES
35
36 Vice-Mayor Linda Robinson YES
37
38 Mayor Eugene P. Flinn, Jr. YES