

RESOLUTION NO. 43

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, RELATING TO LITIGATION; AUTHORIZING THE CITY 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 City of Doral, along with the Town of Miami Lakes and the Village of Palmetto Bay, 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 City is materially affected by this litigation and may seek to intervene in the litigation, file a “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 City 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 City Council desire to hire Mr. Rogow and his firm to represent the City in any litigation the City may undertake relating state

law Chapter 2700-26. Mr. Rogow is proposed to also represent Miami Lakes and Palmetto Bay.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The above whereas clauses are incorporated by reference.

Section 2. The City Attorney shall retain the services of Mr. Bruce Rogow, of Bruce S. Rogow, P.A., in conjunction with representing the City in the above referenced litigation. The City Attorney shall negotiate a reasonable retainer agreement, which agreement shall be executed by the City Manager.

Section 3. The Mayor and City Council authorize the expenditure of up to \$35,000.00, in fees and costs relating to the above referenced litigation.

Section 4. This resolution shall take effect immediately.

WHEREAS, a motion to approve the Resolution was offered by Councilman Van Name who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

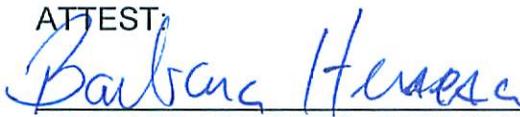
Mayor Juan Carlos Bermudez	Absent
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED this 27th day of June, 2007.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY