

RESOLUTION NO. 2014-36

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RATIFYING THE TOWN COUNCIL'S DECISION TO AUTHORIZE ITS TOWN ATTORNEY TO FILE ANY AND ALL LAWSUITS NECESSARY AGAINST THE CITY OF PEMBROKE PINES RELATING TO THE CITY OF PEMBROKE PINES' BREACH OF THE INTERLOCAL AGREEMENT REGARDING LOCAL ROADWAYS AND OTHER MATTERS, ITS BREACH OF THE AGREEMENT RELATING TO THE DELIVERY OF EMERGENCY MEDICAL FIRE PROTECTION AND FIRE PREVENTION SERVICES, ITS IMPROPER APPROVAL OF THE FRANKLIN ACADEMY CHARTER SCHOOL, AND ITS REFUSAL TO PARTICIPATE IN CHAPTER 164 CONFLICT RESOLUTION PROCEEDINGS RELATING TO THE SITING OF THE FRANKLIN ACADEMY SCHOOL; AUTHORIZING THE TOWN ATTORNEY AND TOWN ADMINISTRATOR TO TAKE ANY AND ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, Section 3.08(d) of the Town's Charter gives the Town Attorney the authority to prosecute cases on behalf of the Town when requested by the Town Council; and

WHEREAS, although the Town Council has publicly debated the filing the above captioned lawsuits, and although the Town Council has meet in numerous executive sessions concerning the above captioned lawsuits, the Town Attorney desires a Resolution to be adopted in case a court specifically requests proof that such actions were authorized by the Town Council; and

WHEREAS, this Resolution serves to document that the filing of the above captioned lawsuits have been authorized by the Town Council;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced "WHEREAS" clauses are true and correct and are incorporated herein by reference.

Section 2. The Town Council of the Town of Southwest Ranches, Florida, hereby authorizes its Town Attorney, in accordance with Section 3.08(d) of the Town's Charter, to file any and all lawsuits necessary to protect the Town's legal rights

concerning the City of Pembroke Pines breach of the Interlocal Agreement Regarding Roadways and Other Matters, the City of Pembroke Pines breach of the Agreement relating to the Delivery of Emergency Medical Fire Protection and Fire Prevention Services, the City of Pembroke Pines' improper approval of the Franklin Academy Charter School, and the City of Pembroke Pines' refusal to participate in Chapter 164 Conflict Resolution Proceedings.

Section 2. The Town Attorney and Town Administrator are hereby authorized to take any and all steps necessary to effectuate the intent of this Resolution.

Section 3. Severability. If any word, phrase, clause, sentence or section of this Resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution.

Section 4. Effective Date. This Resolution shall be effective immediately upon its adoption.

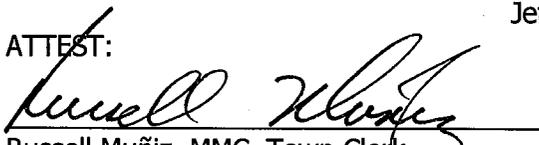
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 24th day of April, on a motion by _____ and seconded by _____.

Nelson	<u>Absent</u>	Ayes	<u>3</u>
Jablonski	<u>Yes</u>	Nays	<u>0</u>
Breitkreuz	<u>Yes</u>	Absent	<u>2</u>
Fisikelli	<u>Yes</u>		
McKay	<u>Absent</u>		



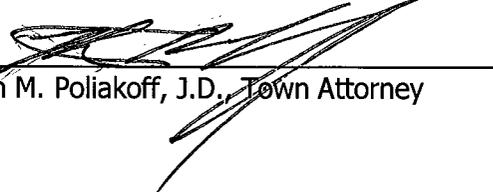
Jeff Nelson, Mayor

ATTEST:



Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney