

Legislative #

201001

Resolution No. 201001

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing Public Rights Project, a project of the Tides Center and Community Justice Project, Inc. to file a lawsuit on behalf of the City of Gainesville, Florida, that facially challenges Section 1 of CS/HB 1 (2021); and providing an immediate effective date.

WHEREAS, the City of Gainesville exercises control over its annual budget as a means to respond to the diverse needs, interests, and values of the community it represents; and

WHEREAS, the City of Gainesville is currently considering and structuring its FY 2022 budget; and

WHEREAS, the City of Gainesville has asked the City Manager to present options for organizing the City's youth services programs, including options that would reduce the budget of the Gainesville Police Department; and

WHEREAS, Section 1 of CS/HB 1 creates an appeals process that is triggered when a City Commissioner or the State Attorney for the Eighth Judicial Circuit objects to a funding reduction to the operating budget of the City's law enforcement agency; and

WHEREAS, CS/HB 1 delegates this appeals process to the Administration Commission (made up of the Governor and Cabinet) which shall hear the matter and either approve the City's budget action or amend or modify the budget as to each separate item within the operating budget of the City's law enforcement agency; and

WHEREAS, per City Commission direction on May 20, 2021, the City Attorney's Office has issued a retention letter to attorneys with Community Justice Project, Inc. and Public Rights Project, a project of the Tides Center, to represent the City on a pro-bono basis in bringing a facial challenge to CS/HB 1; and

WHEREAS, Community Justice Project and Public Rights Project have prepared a draft complaint for consideration by the City Commission; and

WHEREAS, the City Commission has reviewed the draft complaint and has weighed the considerations, including the protection of the City of Gainesville’s budgeting authority and municipal autonomy, and desires to move forward with the litigation.

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

Section 1. The City Commission hereby states that it is suffering a current injury because its FY 2022 budget considerations are impacted by HB 1; and

Section 2. The City Commission hereby authorizes Community Justice Project and Public Rights Project to file a lawsuit bringing a facial challenge to Section 1 of CS/HB 1 on behalf of the City as a Plaintiff, seeking declaratory, injunctive, and other appropriate relief, as set forth in the draft complaint shared with and reviewed by the City Commission.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 5th day of August, 2021.

Lauren Poe, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

Omichele D. Gainey, City Clerk

Nicolle M. Shalley, City Attorney