



## Legislation Text

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**File #:** 210599., **Version:** 1

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### **Litigation to Challenge Section 1 of CS/House Bill 1 (NB)**

On May 20, 2021, the City Commission heard from legal counsel for advocacy groups, the Public Rights Project (PRP) and the Community Justice Project (CJP), who solicited the City to allow them to file litigation in the name of the City on a pro-bono basis challenging Section 1 of CS/House Bill 1 (2021) which created a process that allows a City Commissioner or the State Attorney to appeal a funding reduction in the operating budget of the City's police department. In accordance with the City Commission direction at that meeting, the City Attorney's Office entered into a retention letter with PRP and CJP that authorized three attorneys with those groups to represent the City.

Also in accordance with the City Commission direction, PRP and CJP presented a draft Complaint at the August 5, 2021 City Commission Meeting and discussed their plans to speak to other cities about joining the litigation and to other attorneys about representing the cities. CJP and PRP also requested, and the City Commission adopted, Resolution No. 201001 in which the Commission "states that it is suffering a current injury because its FY2022 budget considerations are impacted by HB 1" and "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."

Since that time, the City Commission has adopted its FY2022 budget and the appeals period has run, with no appeal being filed by a City Commissioner or by the State Attorney.

PRP recently contacted the City Attorney's Office to request that the City retain additional attorneys with the Southern Poverty Law Center and the law firm of Jenner & Block to represent the City in filing this litigation and that the City allow additional cities (currently seven) to be co-Plaintiffs. PRP presently anticipates filing this litigation by the end of 2021. Appropriate professional conflict checks will need to be completed prior to retaining the additional firms/attorneys.

The City Attorney's Office continues to recommend against filing this litigation and against allowing advocacy groups (who are pursuing their own positions/agendas) to represent the City.

None, the existing retention letter specifies this litigation is pro-bono meaning no costs or fees will be paid by the City.

PRP recommends the City Commission: Direct the City Attorney's Office to issue a supplemental retention letter adding the Southern Poverty Law Center and Jenner & Block as outside counsel and allow other cities to be added to the litigation as Plaintiffs.

The City Attorney's Office recommends the City Commission: Take no further action in pursuit of this litigation at this time and direct the City Attorney's Office to terminate the existing retention letter. The City Attorney's Office will continue to monitor and update the City Commission on any litigation that may be filed by other cities concerning CS/HB 1.

