

**RESOLUTION NO. 2021-R-131**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE PUBLIC RIGHTS PROJECT, A PROJECT OF THE TIDES CENTER, COMMUNITY JUSTICE PROJECT, AND SOUTHERN POVERTY LAW CENTER TO FILE A LAWSUIT ON BEHALF OF THE CITY OF NORTH MIAMI, FLORIDA, THAT FACIALLY CHALLENGES HB 1 (2021); PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the City of North Miami (“City”) 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 recognizes that its municipal budgetary allocation is a direct reflection of its values and commitment to the public; and

**WHEREAS**, the City uses its budget, of approximately \$161 million, to support services, infrastructure, and programmatic needs of its diverse population of over 65,000 residents; and

**WHEREAS**, on April 20, 2021, Florida House Bill (“HB 1”) took effect in the State of Florida; and

**WHEREAS**, Section 1 of HB 1 creates a State executive review process that is triggered when a City Councilperson or the State Attorney in the applicable Judicial Circuit objects to a funding reduction to the operating budget of the City’s law enforcement agency; and

**WHEREAS**, HB 1 delegates this process to the Administration Commission comprised of the Governor and Cabinet, which has the power to amend or modify the budget as to each separate line item within the operating budget of the City’s law enforcement agency with no limiting principles on the Administration Commission’s discretion; and

**WHEREAS**, the Administration Commission’s amendment of the municipality’s budget is final, and HB 1 does not set forth any mechanism for judicial review of the Administration Commission’s budget amendments; and

**WHEREAS**, HB 1 poses serious constitutional and civil liberties issues, including potential violations of the Equal Protection Clause, the Due Process Clause, and the First Amendment of the U.S. Constitution; and and

**WHEREAS**, Public Rights Project, Community Justice Project and Southern Poverty Law Center have expressed their interest in filing litigation challenging the constitutionality of HB 1 on behalf of the City of North Miami; and

**WHEREAS**, the Mayor and City Council have weighed the considerations, including the protection of the City of North Miami's budgeting authority and municipal autonomy, and desires to move forward as a participant in the litigation.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**


**Section 1.**      **Authorization to File Litigation.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the Public Rights Project, Community Justice Project, and the Southern Poverty Law Center to file a lawsuit bringing a facial challenge to HB 1 on behalf of the City as a Plaintiff, seeking declaratory, injunctive, and other appropriate relief.

**Section 2.**      **Effective Date.** This Resolution shall become effective immediately upon adoption

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of September, 2021.

  
PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN DESULME

Moved by: Estimé-Irvin

Seconded by: Timothe

**Vote:**

- Mayor Philippe Bien-Aime
- Vice Mayor Scott Galvin.
- Councilwoman Kassandra Timothe, MPA
- Councilwoman Mary Estimé-Irvin
- Councilman Alix Desulme, Ed.D.

- (Yes)  (No)
- (Yes)  (No)
- (Yes)  (No)
- (Yes)  (No)
- (Yes)  (No)