



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-1617

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: December 17, 2014

TITLE: Resolution appointing the law firm of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A., as special counsel, to represent the City of Fort Lauderdale in connection with litigation and legal challenges commenced and perpetuated by Arnold Abbott, Love Thy Neighbor Fund, Inc., Reverend Mark Sims, and Pastor Dwayne Black, and potentially others, pending in State and Federal Courts, arising from, and related to, City of Fort Lauderdale's land use and zoning ordinances, including but not limited to, City Ordinance C-14-42.

Recommendation

Approve a resolution appointing the law firm of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A., as special counsel, to represent the City of Fort Lauderdale in connection with litigation and legal challenges commenced and perpetuated by Arnold Abbott, Love Thy Neighbor Fund, Inc., Reverend Mark Sims, and Pastor Dwayne Black, and potentially others, pending in State and Federal Courts, arising from, and related to, City of Fort Lauderdale's land use and zoning ordinances, including but not limited to, City Ordinance C-14-42.

Background

On November 12, 2014, Arnold P. Abbott and Love Thy Neighbor Fund, Inc., filed a Motion to Enforce and/or for an Order to Show Cause Why Defendant Should Not be Held in Contempt of Court for Violation of an Injunction, in a post-judgment action entitled Arnold P. Abbott and Love Thy Neighbor Fund, Inc. v. City of Fort Lauderdale, Case No. CACE 99-03583 (05), claiming therein that the City has violated the Court's Final Judgment entered by Circuit Judge Estella May Moriarty on June 14, 2000. Specifically, Abbott claims that City Ordinance C-14-42, which became effective November 1, 2014, violates the Final Judgment, because it prevents him and Love Thy Neighbor Fund, Inc., from continuing their religiously-motivated efforts in feeding the homeless.

Motions to Intervene in the above-referenced post-judgment matter were filed by Reverend Mark Sims and Pastor Dwayne Black and were granted by the Court on December 5, 2014.

Furthermore, on November 19, 2014, Reverend Sims, on his own behalf and on behalf of the Homeless Persons in Fort Lauderdale, Florida, filed a separate lawsuit for declaratory and injunctive relief against the City of Fort Lauderdale, claiming that certain restrictions on feeding the homeless set forth in Ordinance C-14-42 violate the Florida Religious Freedom Restoration Act (FRFRA), the First, Fifth, and Fourteenth Amendments to the United States Constitution, as well as Article I, Sections 3, 4 and 5 of the Florida Constitution.

Resource Impact

There is a fiscal impact to the City in the amount up to \$50,000. Funding is available in the Self-Insurance Claims account.

Funding Available as of December 11, 2014			
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	AMOUNT
543-INS010101-5113	Self-Insurance Claims	Non-Operating Expenses/General Liability Claim	\$50,000.00
TOTAL			\$50,000.00

Strategic Connection:

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Internal Support Cylinder of Excellence**, specifically advancing:

- **Goal 12:** Be a leading government organization, managing resources wisely and sustainably.
- **Objective 1:** Ensure sound fiscal management

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are United*.

Attachment:
Exhibit 1 - Resolution

Prepared by: Alain E. Boileau, Assistant City Attorney

Charter Officer: Cynthia A. Everett, City Attorney