

RESOLUTION NO. 2015-049

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AUTHORIZATION AND DIRECTION TO THE OFFICE OF THE TOWN ATTORNEY TO FILE AN ACTION AGAINST US DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT (HEREAFTER REFERRED TO AS ICE) SEEKING A COURT ORDER ALLOWING CONTACT WITH AND/OR DEPOSITION OR OTHER DISCOVERY FROM PRESENT OR FORMER ICE OFFICIALS WITH REFERENCE TO ICE'S DECISION TO FOREGO PLANS FOR A DETENTION FACILITY IN THE TOWN OF SOUTHWEST RANCHES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Southwest Ranches ("Town") has filed a lawsuit against the City of Pembroke Pines ("City") to recover its damages caused by the City's breach of contracts leading to ICE's decision to not proceed with a detention facility in the Town of Southwest Ranches; and

WHEREAS, certain ICE officials, namely; Mark J. Moore, Field Office Director and Gary Meade, Former Executive Associate Director, have indicated to Town Mayor Jeff Nelson that ICE's decision resulted from actions attributable to the City in breach of its contracts with the Town regarding delays and failures to provide water and sewer services to the proposed facility; and

WHEREAS, said ICE officials therefore contain information directly relevant to issues involved in the Town's litigation as against the City referred to above; and

WHEREAS, the Town is desirous of further contact with and discovery from said individuals in relation to said litigation as against the City; and

WHEREAS, pursuant to federal law and ICE's administrative regulations further contact and discovery from said individuals requires clearance and permission from ICE; and

WHEREAS, the Town has previously sought to obtain said permission from ICE on numerous occasions; and

WHEREAS, ICE has declined the Town's request to proceed with further contact and discovery of said individuals; and

WHEREAS, the only other available option open to the Town to be able to have further contact and/or discovery from said individuals in light of ICE's refusal to grant

the Town's request to so proceed is to seek to obtain judicial review of ICE's decision and a finding that ICE's decision was arbitrary and capricious or otherwise unsustainable under the applicable law.

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. AUTHORITY AND DIRECTION. The Town Attorney is hereby authorized and directed to take such steps as shall be necessary and appropriate, including the filing of such court papers as shall be necessary as against ICE to obtain the needed judicial findings or judgment as will allow the Town to proceed with further contact and discovery from Mark K. Moore and/or Gary Meade.

Section 3. Conflict. All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

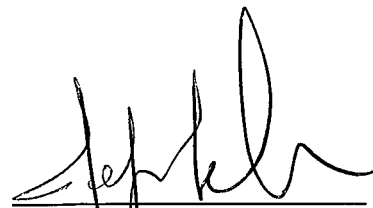
Section 4. Severability. If any word, phrase, clause, sentence or section of this Resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any other remaining portions of this Resolution.

Section 5. 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 14th day of May, 2015.

Nelson	<u><i>[Signature]</i></u>	Ayes	<u>5</u>
Fisikelli	<u><i>[Signature]</i></u>	Nays	<u>0</u>
Breitkreuz	<u><i>[Signature]</i></u>	Absent	<u>0</u>
Jablonski	<u><i>[Signature]</i></u>	Abstaining	<u>0</u>
McKay	<u><i>[Signature]</i></u>		

[Signatures on Following Page]


Jeff Nelson, Mayor

ATTEST:


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to form:


Keith M. Poliakoff, Town Attorney

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