



Town of Miami Lakes Memorandum

To: Honorable Mayor and Honorable Councilmembers

From: Honorable Josh Dieguez

Subject: Amicus Curiae Briefs in Support of Businesses

Date: July 14, 2020

Recommendation:

This item requires the waiver of Section 7.2 of the Special Rules of Order

In light of the second round of business closures, I move to direct the Town Attorney to prepare amicus briefs in support of restaurants that band together to file challenges to the latest round of dining room closures. This option has been discussed in prior meetings and in light of the recent actions by Mayor Gimenez I believe it is appropriate to prepare and file a supportive brief in the event an organized legal challenge(s) develops in Miami-Dade County. The brief must be circulated for input by the Council prior to its/their filing. Because the challenges will largely center on the same legal grounds, the Town can save time and money by developing one brief that is then tweaked according to the particular facts of a case.

While I fully understand the difficult position Mayor Gimenez finds himself in due to the rising level of positive cases in Miami-Dade County it is indisputable that these sorts of closures are drastic remedies that should be utilized only as a last resort. At this time, the case for closing restaurant dining areas has not been sufficiently made to give the public the assurance it needs that less restrictive methods have been considered and deemed insufficient to deal with the threat of COVID-19. It is also evident the closure was not thoroughly considered prior to its announcement. Therefore, I believe this action is appropriate to support restaurants that are compliant with New Normal guidelines and who are at risk of permanent closure due to the second closure of interior restaurant dining areas.

Fiscal Impact: Moderate

Funding Source for Implementation: Legal Reserves

Timeline for Implementation: TBD

Guiding Principles: 1, 2, 3, 4, 12, 14

Objectives: 3, 5, 6