

RESOLUTION NO. 11-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING RESOLUTION 51-15; AUTHORIZING THE CITY ATTORNEY, AND/OR HIS OR HER DESIGNEE TO ACCEPT SERVICE OF PROCESS ON BEHALF OF THE CITY OF DELRAY BEACH, FLORIDA AND ANY MEMBER OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA WHO IS SUED IN HIS OR HER OFFICIAL CAPACITY EXCEPT AS PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach (hereinafter referred to as the "Commission") passed Resolution 51-15 on September 3, 2015 authorizing the City Manager, any Assistant City Manager, the City Attorney or any Assistant City Attorney to accept service of process on behalf of the City of Delray Beach as well as any member of the City Commission sued in their official capacity; and

WHEREAS, the intent of Resolution 51-15 was to enable the City of Delray Beach to perform its municipal functions more efficiently and to comport with *Florida Statute §48.111*; and

WHEREAS, the Commission finds that it is necessary to repeal Resolution 51-15 and designate only the City Attorney, and his or her designee, to accept service of process on behalf of the City of Delray Beach and any member of the City Commission who is sued in his or her official capacity; and

WHEREAS, the City Commission has determined that approval of this Resolution is in the best interests of the public and the citizens of Delray Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA that:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. That Resolution 51-15 is hereby repealed in its entirety.

Section 3. That the City Attorney, and his or her designee, of the City of Delray Beach, Florida is authorized to accept service of process for purposes of Chapter 48, Florida Statutes, on behalf of the City of Delray Beach, Florida, and any member of the City Commission of the City of Delray Beach, Florida, who is sued in his or her official capacity except as provided herein. Any such process accepted by the City Attorney, or his or her designee, shall not be challenged in the proceeding by the City of Delray Beach or member of the City Commission of the City of Delray Beach on the basis of failure to serve such process upon the appropriate

person identified in Chapter 48, Florida Statutes. Any other challenge or defense to service of process may be asserted by the City of Delray Beach or member of the City Commission of the City of Delray Beach.

Section 4. That any Commissioner who is an individual defendant in a lawsuit in his or her official capacity may, in writing to the City Attorney, revoke the authority to accept service of process on his or her behalf. In such event, the process must be served in accordance with Chapter 48, Florida Statutes.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach this ____ day of March, 2017.

ATTEST:

Cary D. Glickstein, Mayor

City Clerk