

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO APPEAR AS *AMICUS CURIAE* AND FILE A BRIEF IN SUPPORT OR JOIN ONTO ANY OTHER SUITABLE BRIEF IN SUPPORT OF THE CITY OF PHILADELPHIA IN *FULTON V. CITY OF PHILADELPHIA* LAWSUIT PENDING BEFORE THE UNITED STATES SUPREME COURT.**

**WHEREAS**, the City of Philadelphia has long partnered with private foster-care agencies, including faith-based ones, to assist in the administration of the foster-care system under uniform, renewable, one-year contracts; and

**WHEREAS**, like all Philadelphia city contractors, agencies may not discriminate on the basis of race, religion, or sexual orientation (among other grounds) when performing under the contracts – thus, when a prospective foster parent walks into a private foster-care agency, the agency must evaluate that person’s ability to serve as a foster parent without regard to these traits; and

**WHEREAS**, one private, faith-based contractor, Catholic Social Services (“CSS”), is unwilling to comply with this nondiscrimination requirement, citing belief that certifying same-sex couples would “endorse” the couple’s relationship as acceptable, whereas its religious beliefs bar the agency from such supposed endorsement; and

**WHEREAS**, CSS categorically refuses to certify same-sex couples seeking to become foster parents, even if the couples meet all state-law certification requirements, claiming that Philadelphia must continue to contract with it while exempting it from the obligation not to discriminate when performing under its contract, unlike all other agencies with contracts with the city; and

**WHEREAS**, the lawsuit, captioned *Fulton v. City of Philadelphia*, is currently pending before the Supreme Court of the United States, and concerns whether Philadelphia is required to continue to contract with a faith-based foster care agency that refuses to work with same-sex couples, despite the city’s nondiscrimination ordinance and a provision in the contract barring sexual orientation discrimination in performing the contract; and

**WHEREAS**, a ruling endorsing Catholic Social Services argument could have broad ramifications on how any municipality provides a host of essential services, from foster care to services for the homeless, as well as any jurisdiction’s ability to ensure that services are delivered to residents in a non-discriminatory manner; and

**WHEREAS**, the City of New York and other municipalities are preparing an amicus brief on behalf of local governments in support of the City of Philadelphia; and

**WHEREAS**, the Municipal Leaders Amicus brief (the "Brief") will highlight the unintended consequences that could flow from a ruling in this case, without necessarily focusing on the foster-care system; and

**WHEREAS**, the brief will show that a ruling favoring Catholic Social Services could have a dramatic impact on a whole host of services, could implicate other types of discrimination or even affect contract terms other than the commitment not to discriminate when performing services under contract, and could critically impair municipalities' ability to deliver services effectively and enforce the terms of contracts it enters into with service-providers; and

**WHEREAS**, as a long-standing champion for diversity, especially in the area of LGBT civil rights, the City of Miami Beach should support the City of Philadelphia in the lawsuit pending before the Supreme Court, the ruling in which could ultimately affect the ability of local governments to enforce nondiscrimination policies when working with contractors on a wide range of city services, from foster care to services for the homeless and more.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby authorizing the City Attorney to appear as *amicus curiae* and file a brief in support or join onto any other suitable brief in support of the City of Philadelphia in *Fulton v. City of Philadelphia* lawsuit pending before the United States Supreme Court.

**PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2020.

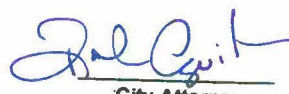
**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  
NA

7/21/20  
\_\_\_\_\_  
Date