

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2009 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE STAFF TO APPEAR AS AMICUS CURIAE AND TO TAKE ALL APPROPRIATE ACTION STAFF DEEMS NECESSARY TO PROTECT THE DISTRICT'S INTERESTS, INCLUDING FURTHER APPEALS, SUBJECT TO APPROVAL OF THE EXECUTIVE DIRECTOR, IN THE MATTER OF *JOHN R. MILDENBERGER, ET AL. v. THE UNITED STATES OF AMERICA*, IN THE UNITED STATES FEDERAL COURT OF CLAIMS, CASE NO. 06-760L, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 373.083(1) and 373.129, Florida Statutes, authorize the South Florida Water Management District to sue and be sued; and

WHEREAS, the *Mildenberger* suit could expand Florida law and affect the District's flood control and water management obligations; **NOW THEREFORE**,

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes staff to participate as amicus curiae in the matter of *John R. Mildenberger, et al. v. The United States of America*, Federal Court of Claims, Case No. 06-760L, including further appeals and providing an effective date.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of _____, 2009.

Approved as to form:

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: _____

Office of Counsel

By: _____

Chairperson

ATTEST:

District Clerk