



## City of Hallandale Beach City Commission Agenda Cover Memo

**Hallandale Beach**  
PROGRESS. INNOVATION. OPPORTUNITY.

<b>Meeting Date:</b>	February 21, 2018		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>  X	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>	
	X			<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	City Attorney's Office		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>		<b>Yes</b>		<b>No</b>
						X	
<b>Account Balance:</b>			<b>Quasi Judicial:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Project Number :</b>	N/A		<b>RFP/RFQ/Bid Number:</b>				
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area:</b> <i>(Enter X in box)</i>  <b>Safety</b> <input type="checkbox"/>  <b>Quality</b> <input type="checkbox"/>  <b>Vibrant Appeal</b> <input type="checkbox"/>				
		X					
<b>Sponsor Name:</b>	Jennifer Merino, City Attorney		<b>Department:</b>		City Attorney's Office		

**Short Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING PAYMENT OF LEGAL FEES INCURRED IN THE SUCCESSFUL LEGAL DEFENSE OF COMMISSIONER LAZAROW IN A MATTER BEFORE THE BROWARD STATE ATTORNEY'S OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Summary:**

**Background:**

The Broward State Attorney's office investigated allegations that Commissioner Michele Lazarow violated Florida Statutes 838.022, "Official Misconduct" and other statutes during her campaigning for reelection. The SAO determined there was insufficient evidence to sustain allegations that Commissioner Lazarow violated any law. (a copy of the SAO close out memorandum attached as Exhibit 3) Commissioner Lazarow incurred legal fees in the successful defense of this matter. The matter is now closed and there was no finding adverse to the Commissioner Lazarow.

The City has had a consistent past practice of payment of outside counsel for the elected officials for legal fees incurred as a result of allegations arising from the performance of their public duties. There is no applicable section of the City Code or Charter governing the payment or reimbursement of these costs.

**Why Action is Necessary:**

Florida common law affords public officials the right to legal representation at public expense against matters arising out of the performance of their public duties and while serving a public purpose. The governing body must make a determination that the underlying facts indicate the allegations arose from conduct occurring while the official carried out their public duties and while serving a public purpose. The allegations themselves need not be of acts serving a public purpose. Commissioner Lazarow has requested payment of the invoices incurred in her defense and provided an invoice from her attorney to substantiate the attorney's fees and costs.

**Fiscal Impact:**

The fiscal impact is \$22,227.97.

**Proposed Action:**

Legal fees must be paid if the City Commission determines that the conduct occurred while the official carried out their public duties and while serving a public purpose.

**Attachment(s):**

- Exhibit 1 – Resolution
- Exhibit 2 – Invoice from the Law Offices of Brian Silber, P.A.
- Exhibit 3 – SAO Close Out Memorandum