



400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	February 6, 2019		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> <b>X</b>	<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>	
	<b>X</b>		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</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"/>				
		<b>X</b>					
<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 BILL JULIAN 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 Bill Julian violated Florida Statutes 838.015 for Bribery and other statutes relating to his vote on official city business. The SAO determined there was insufficient evidence to sustain allegations that Commissioner Julian violated any law. (a copy of the SAO close out memorandum attached as Exhibit 3) Commissioner Julian incurred legal fees in the successful defense of this matter. The matter is now closed and there was no finding adverse to the Commissioner Julian.

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 Julian has requested payment of the invoices incurred in his defense and provided invoices from his attorney to substantiate the attorney's fees and costs.

**Fiscal Impact:**

The fiscal impact is \$30,000.

<b>Proposed Action:</b>
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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.

<b>Attachment(s):</b>
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Exhibit 1 – Resolution  
Exhibit 2 – Invoices  
Exhibit 3 – SAO Close Out Memorandum