



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
2/5/2020	<input checked="" type="checkbox"/> Resolution	Ordinance Reading	N/A	N/A
File No.:	<input type="checkbox"/> Ordinance	Public Hearing	<input type="checkbox"/>	<input type="checkbox"/>
20-031	<input type="checkbox"/> Other	Advertising Required	<input type="checkbox"/>	<input type="checkbox"/>
		Quasi Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
486,637.00	n/a	Reserves	n/a	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		City Attorney's Office	City Attorney's Office	
Strategic Plan Focus Areas:				
<input checked="" type="checkbox"/> Financial	<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Development, Redevelopment and Economic Development	
Implementation Timeline				
Estimated Start Date: n/a Estimated End Date: n/a				

### 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 MAYOR JOY COOPER; PROVIDING FOR AN EFFECTIVE DATE.**

### STAFF SUMMARY:

The Broward State Attorney's office prosecuted allegations that Mayor Joy Cooper violated Florida Statutes 838.022, "Official Misconduct" and other statutes. After a trial, Mayor Joy Cooper was acquitted of all charges and reinstated to her office by the Governor. (a copy of Executive Order 19-264, containing certified verdict forms, is attached as Exhibit B) Mayor Cooper incurred legal fees in the successful defense of this matter.

**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. Mayor Cooper 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.

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.

**PROPOSED ACTION:**

The City Commission consider the attached Resolution to authorize payment of four hundred eighty-six thousand six hundred and thirty-seven dollars (\$486,637.00) for legal fees in the successful defense of Mayor Joy Cooper.

**ATTACHMENT(S):**

Exhibit 1 – Proposed Resolution/Ordinance  
Exhibit A – Invoices for Legal Defense  
Exhibit B —Governor's Executive Order 19-264