



Agenda Item Details

Meeting	Dec 07, 2022 - City Commission Meeting
Category	8. CONSENT
Subject	8.13 Sunset Review of City Commission Policies 102 and 103, Regarding Reimbursement of Attorneys Fees and Costs in Criminal and Ethics Complaint Cases -- Cassandra K. Jackson, City Attorney
Access	Public
Type	Action (Consent)
Fiscal Impact	No
Budgeted	No
Recommended Action	Option 1. Re-approve City Commission Policies 102 and 103.

Public Content

For more information, please contact: Cassandra K. Jackson, City Attorney - 850-891-8554

Statement of Issue

On January 25, 2012, the City Commission adopted Policy 102 and Policy 103, designated Reimbursement and Recovery of Attorney's Fees and Costs in Criminal and Ethics Complaint Cases, respectively. These policies sunset five years from the date of adoption.

Recommended Action

Option 1. Re-approve City Commission Policies 102 and 103.

Fiscal Impact

None.

Supplemental Material/Issue Analysis

History/Facts & Issues

The common law in Florida as set forth in court cases and Attorney General Opinions clearly establishes the right of public officials, officers, and employees to be relieved of the financial burden of defending themselves when ethics complaints or criminal charges arise out of or in connection with the scope of their public employment while acting in their official capacity in serving a public purpose and where the official, officer, or employee successfully defends or prevails in such action. In 2012, the City Commission, through the adoption of Policy 102 and Policy 103, designated Reimbursement and Recovery of Attorney's Fees and Costs in Criminal and Ethics Complaint Cases, respectively, formalized these legal provisions into written policies. The policies define (1) the persons to whom the policy applies, i.e. all City officials, officers, and employees; (2) the necessary conditions under which payment will be made; and (3) the process for payment of fees. Both policies will sunset as of December 6, 2022, and the City Attorney's Office is recommending re-approval. A five year or December 7, 2027, sunset date is recommended. The proposed policies are attached. The only revision is the correction of a scrivener's error in Section 103.09 of City Commission Policy 103.

Department(s) Review

City Treasurer-Clerk's Office

Options

1. Re-Approve City Commission Policies 102 and 103.
2. Do not re-approve City Commission Policies 102 and 103.

3. Provide other direction to the City Attorney's Office.

Attachments/References

1. City Commission Policy 102, Reimbursement and Recovery of Attorney's Fees and Costs in Criminal Cases
2. City Commission Policy 103, Reimbursement and Recovery of Attorney's Fees and Costs in Ethics Complaint Cases

[Att 1 - CCP 102.pdf \(101 KB\)](#)

[Att 2 - CCP 103.pdf \(106 KB\)](#)