



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: July 3, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Policy for Reimbursement of Attorney Fees for Individual Elected Officials

Background: When the City was notified that there was an investigation being started on Sunshine Law violations by elected officials, individual Councilmembers were advised to seek their own attorneys because the City Attorney could not represent individual Councilmembers.

The City has no formal policy on reimbursement of attorney fees for individual elected officials. There is state law under which a public official is entitled to recover private attorneys' fees from the governmental entity for successfully defending a Florida Public Records Act suit. According to FS 286.011(7): *Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.*

There are local governments that do provide reimbursement for elected and appointed officials for reasonable attorney fees and court costs necessarily incurred in the defense of a charge unless the officer or employee is found guilty of substantially the same misconduct that formed the basis for the charge.

In most cases, the public official should, in writing to the governing board, request the local government provide for the legal defense in any civil litigation, claim, proceeding, or action when it's in the scope of their duties. Reimbursement of costs usually ceases upon either the conclusion of the litigation or there is the likelihood the public official was, or will be, found guilty or personally liable.

Staff Recommendation: Determine if the Council wants to provide reimbursement and if so, develop a policy for such.

Suggested Motion: None needed at this time unless to develop the policy.

Alternatives: Do not have a policy developed.

Fiscal Impact: Determined on a case-by-case basis

Attachments: None at this time