

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, FINDING THAT THE LAWSUIT FILED WITH THE 17TH JUDICIAL CIRCUIT COURT IN AND FOR BROWARD COUNTY, FLORIDA AGAINST COMMISSIONER MCKINZIE AROSE OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF HIS OFFICIAL DUTIES WHILE SERVING A PUBLIC PURPOSE AND AUTHORIZING THE PAYMENT OF LEGAL FEES IN THE AMOUNT OF \$11,111.60 TO GREGORY DURDEN, P.A., INCURRED BY COMMISSIONER MCKINZIE IN DEFENDING AGAINST THE LAWSUIT.

WHEREAS, on November 7, 2014, Plaintiffs, Gino Jameson and Claudette Grant, filed a suit in the 17th Judicial Circuit in and for Broward County, Florida against Commissioner McKinzie and the City of Fort Lauderdale alleging that the City Clerk violated the City Charter by erroneously placing Commissioner McKinzie on the ballot because he was employed by the City as an Interim Commissioner at the time and because he had failed to execute the Oath of Candidate (the "Lawsuit"); and

WHEREAS, on June 2, 2015, the Court entered an order dismissing Plaintiffs' complaint for failure to state a cause of action for which relief could be granted; and

WHEREAS, on February 9, 2016, Plaintiffs filed a notice voluntarily dismissing the Lawsuit;

WHEREAS, Commissioner McKinzie retained Gregory Durden, P.A. to represent him in the Lawsuit and is now seeking payment of such legal costs from the City in the amount of \$11,111.60; and

WHEREAS, section 2-42(b) of the Code of Ordinances provides for the City to pay for such expenses incurred by reason of such official being a city official to the extent allowed by state law; and

WHEREAS, state law provides that public officials are entitled to representation at the public's expense when the proceedings arise out of or in connection with performance of their official duties and serve a public purpose; and

WHEREAS, on October 18, 2016, the City Commission made a determination that the Lawsuit arose out of or in connection with performance of the Commissioner's official duties and serve a public purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission hereby finds that the Lawsuit filed in the 17th Judicial Circuit Court in and for Broward County, Florida against Commissioner McKinzie and the City of Fort Lauderdale arose out of or in connection with the performance of his official duties while serving a public purpose and hereby authorizes payment of his legal fees in the amount of \$11,111.60 to the law firm of Gregory Durden, P.A., incurred as a result of defending against such Lawsuit.

SECTION 2. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the ____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI