

RESOLUTION 23-03-23

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT
OF \$11,675.29 TO KUEHNE DAVIS LAW, P.A., FOR LEGAL
SERVICES RELATING TO THE REPRESENTATION OF FORMER
COUNCILMEMBER DAVID WEBB IN HIS OFFICIAL CAPACITY
AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, September 22, 2022, the State Attorney for Monroe County, Florida initiated a criminal case against then-Councilmember David Webb in connection with his official capacity as a member of the Village Council; and

WHEREAS, Section 2-26(a) of the Monroe County Code states that "The board of county commissioners shall reimburse any board member for his reasonable attorney's fee incurred in successfully defending any criminal and/or civil legal action brought against the board member for any action taken by the board member while acting within the scope of his duties and responsibilities."; and

WHEREAS, Section 2-26(b) of the Monroe County Code further states, *inter alia*, that "Such reimbursement shall be authorized by the board only at such time as it is finally determined in the litigation that the board member (if he is still serving as such) is not civilly or criminally liable for his actions taken within the scope of his duties and responsibilities as a county commissioner."; and

WHEREAS, Section 2-26(d) of the Monroe County Code also states, *inter alia*, that "it shall make no difference whether or not the individual receiving the reimbursement at the time of receiving the same is or is not presently serving as a county commissioner."; and

WHEREAS, Section 1-3 of the Village Code states that "The Monroe County Code, as it existed on December 31, 1997, is hereby adopted for use by the village until such time as such provisions are superseded, modified or repealed by action of the village council. Those provisions of the Monroe County Code previously repealed or modified by ordinances of the village council shall remain repealed or modified. Any provisions of the Monroe County Code specifically superseded or modified by the Village Charter shall not be subject to this section"; and

WHEREAS, Subsections (a), (b), and (d) of Section 2-26 were a part of the Monroe County Code as it existed on December 31, 1997; and

WHEREAS, on or about January 17, 2023, the criminal case against former Councilmember Webb was dismissed; and

WHEREAS, former Councilmember Webb incurred \$11,675.29 in legal fees relating to a matter involving his official capacity as a Village official; and

WHEREAS, the Village Council finds the fees to be reasonable and agrees to pay for such legal fees and authorizes the Village Manager to take all steps necessary to effectuate the intent and purpose of this Resolution; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Payment of Legal Fees Approved. The Village Council hereby approves the payment of \$11,675.29 to the Kuehne Davis Law, P.A. for representation of former Councilmember Webb in his official capacity as a councilmember.

Section 3. Authorization. The Village Manager is hereby authorized to take all steps necessary to effectuate the intent and purpose of this Resolution.

Section 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 2nd day of March, 2023.

Motion to adopt by Council Member Mark Gregg. Seconded by Council Member Elizabeth Jolin.

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FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	<u>Yes</u>
Vice Mayor Sharon Mahoney	<u>Yes</u>
Council Member Mark Gregg	<u>Yes</u>
Council Member Elizabeth Jolin	<u>Yes</u>
Council Member Henry Rosenthal	<u>Abstain</u>

PASSED AND ADOPTED THIS 2nd DAY OF MARCH, 2023.



JOSEPH B. PINDER III, MAYOR

ATTEST:



MARNE MCGRATH

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS:



JOHN J. QUICK, VILLAGE ATTORNEY

