

RESOLUTION 25-09-80

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF LEGAL EXPENSES RELATED TO THE REPRESENTATION OF CERTAIN VILLAGE OFFICIALS IN THEIR OFFICIAL CAPACITIES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in or about January 2025, an investigation was opened by the Monroe County State Attorney's Office in relation to alleged Sunshine Law violations ("SAO Investigation"); and

WHEREAS, thereafter, certain Village Officials retained legal counsel to respond to inquiries from the Monroe County State Attorney's Office; and

WHEREAS, Section 2-33(b) of the Village Code states as follows: "Defense of Officials. The village council shall reimburse any Official for his/her Legal Expenses incurred in successfully defending any criminal, civil, ethics, and/or administrative legal action brought against the Official for any action taken by the Official while acting within the scope of his/her duties and responsibilities. This provision includes instances when such Official is charged with a violation of any provision of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes, or any applicable Village ethics ordinances. The provision of Legal Defense is limited to the payment of Legal Expenses to Counsel for the purpose of defending actions or proceedings in accordance with the provisions of this section. This section shall not apply to any action brought or initiated by the Village against an Official."; and

WHEREAS, Section 2-33(a)(1) of the Village Code defines Official as follows: "The term *"Official"* shall mean solely the following: the Mayor, all members of the Village Council, the

Village Manager, the Village Clerk, the Village Attorney, the Finance Director, the Public Works Director, the Building Official, and all Village department heads.”; and

WHEREAS, Section 2-33(d) of the Village Code further states, *inter alia*, that “[s]uch reimbursement shall be authorized by the village council only at such time as it is finally determined in the litigation that the Official (if he/she is still serving as such) is not liable for his/her actions taken within the scope of his/her duties and responsibilities as an Official.”; and

WHEREAS, Section 2-33(g) of the Village Code also states, *inter alia*, that “[t]he provisions of this section shall apply to all actions and proceedings pending upon or instituted after the effective date of this section. As used herein, an action shall be construed to be pending where the action has not been tried, or if tried where the judgment has not become final by reason of the completion of any appellate proceedings.”; and

WHEREAS, in addition to the provisions of the Village Code, Florida common law allows for the reimbursement of legal expenses in connection with the defense of a matter challenging actions taken in an official capacity in certain circumstances; and

WHEREAS, on or about July 28, 2025, the Monroe County State Attorney’s Office “concluded there was no violation of Florida’s Government in the Sunshine Law (§286.011, Fla. Stat.) in connection with the January 7, 2025, resignation of Islamorada Village Manager Rob Cole. The investigation is now formally closed.”;

WHEREAS, the Monroe County State Attorney further stated that “[w]e pursued this investigation with the highest level of scrutiny and, after extensive interviews, document reviews and analysis of communication records, we found no violation of Florida’s Sunshine Law. While

the community's concerns were valid and warranted examination, the resignation process was conducted lawfully."; and

WHEREAS, in light of the foregoing, the following Village Officials seek reimbursement of their legal expenses incurred in their official capacities: Mayor Mahoney, Vice Mayor Horton, Councilmember Gillis, former Councilmember Pinder, and Village Attorneys Quick and Smith, as set forth more fully in Section 2 herein; and

WHEREAS, the Village Council finds the legal expenses to be reasonable and agrees to pay for such legal expenses 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 the SAO Investigation arises out of and/or is in connection with performance of the official duties of the Village Officials and serves a public purpose; 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 Expenses Approved.** The Village Council hereby approves the following payments for reimbursement of legal expenses in connection with the defense of Village Officials in his/her official capacity as Village officials:

1. \$2,500.00 to Sharon Mahoney in connection with the legal services provided to Mayor Mahoney by Hal Schuhmacher, P.A.;
2. \$3,570.00 to Don Horton in connection with the legal services provided to Vice Mayor Horton by Robertson & Hunter, LLP;
3. \$5,000.00 to Deb Gillis in connection with the legal services provided to Councilmember Gillis by the Law Offices of Rayme L. Suarez;
4. \$3,000.00 to Joseph B. Pinder, III in connection with the legal services provided to former Councilmember Pinder by Hal Schuhmacher, P.A.;
5. \$3,000.00 to Gelber Schachter & Greenberg, P.A. in connection with the legal services provided to Village Attorney Quick by Gelber Schachter & Greenberg, P.A.; and
6. \$3,000.00 to Gelber Schachter & Greenberg, P.A. in connection with the legal services provided to Village Attorney Smith by Gelber Schachter & Greenberg, P.A.

Section 3. Authorization. The Village Manager is hereby authorized to take all steps necessary to effectuate the intent and purpose of this Resolution, including any budgetary amendments which may be required.

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

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Motion to adopt by Deb Gillis, second by Don Horton.

FINAL VOTE AT ADOPTION


VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Sharon Mahoney	Yes
Vice Mayor Don Horton	Yes
Councilman Steve Friedman	Yes
Councilwoman Deb Gillis	Yes
Councilmember Anna Richards	Yes

PASSED AND ADOPTED ON THIS 9th DAY OF SEPTEMBER 2025.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN J. QUICK, VILLAGE ATTORNEY

