

RESOLUTION 24-07-62

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AUTHORIZING THE PAYMENT OF \$360.00 TO MARK GREGG FOR REIMBURSEMENT FOR LEGAL SERVICES PERFORMED BY MESSER CAPARELLO, P.A. RELATING TO THE REPRESENTATION OF COUNCILMEMBER GREGG IN HIS OFFICIAL CAPACITY AS A COUNCILMEMBER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in or about 2023, an ethics complaint was filed against Councilmember Gregg with the Florida Commission on Ethics in connection with his official capacity as a member of the Village Council; and

WHEREAS, on or about December 6, 2023, the Florida Commission on Ethics rendered an order dismissing the complaint "for failure to constitute a legally sufficient complaint"; and

WHEREAS, 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, former Councilmember Gregg incurred \$360.00 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 the ethics complaint here arises out of and/or is in connection with performance of Councilmember Gregg's official duties 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 Fees Approved.** The Village Council hereby approves payment of \$360.00 to Mark Gregg for reimbursement of expenses for legal services performed by Messer Caparello, P.A. in connection with their representation of Councilmember Gregg 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 9th day of July, 2024.

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

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FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III Yes

Vice Mayor Sharon Mahoney Yes

Councilman Mark Gregg Yes

Councilwoman Elizabeth Jolin Yes

Councilman Henry Rosenthal Yes

PASSED AND ADOPTED THIS 9th DAY OF JULY, 2024.

DocuSigned by:

Joseph B. Pinder III

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JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:

Marne K. McGrath

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MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:

John J. Quick

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JOHN J. QUICK, VILLAGE ATTORNEY

