

EXHIBIT "A"



Budget Amendment Form

Department Village Commission	Date 1/16/2024
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Fund(s) to be changed: General Fund

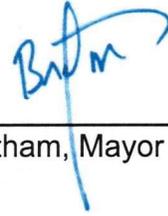
GL Account	GL Line Item	Transfer to:	Transfer from:
001.11.511.3102	Other Legal Fees	\$ 25,000.00	
001.00.389.3891	Appropriation of Unreserved Fund Balance	\$ -	\$ 25,000.00
TOTAL (Columns must be equal)		\$ 25,000.00	\$ 25,000.00

Description:

Increase Village Commission - Other Legal Fees to \$50,000 for the Mayor's Legal Fees

Mayor Brent Latham	<u>Abstain</u>
Vice Mayor Richard Chervony	<u>Yes</u>
Commissioner Goran Cuk	<u>Yes</u>
Commissioner Andy Rotondaro	<u>Yes</u>
Commissioner Rachel Streitfeld	<u>Yes</u>

PASSED AND ADOPTED on this 16th day of January, 2024.



Brent Latham, Mayor

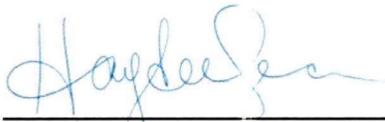
ATTEST:



Alba L. Chang, CMC
Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss Serota Heliman Cole & Bierman, PL
Village Attorney

WHEREAS, pursuant to Section 35.21 of the Village Code of Ordinances and Florida Law, the Village Commission desires to amend the Budget consistent with the staff memorandum accompanying this resolution by authorizing the line item transfers as further provided in Exhibit "A" attached hereto and incorporated herein; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Authorization. That the Village Commission hereby authorizes the payment of \$10,735 to the Orolofsky Law Firm, P.L. and \$12,000 to Alhadeff & Rousso Law, P.A. for the Mayor's legal defense in the Ethics Proceeding.

Section 3. Additional Fees. That the Village Commission hereby authorizes the Manager to approve (without further Commission approval or action) additional, future payments for the Mayor's legal defense in the Ethics Proceeding in an amount not to exceed budgeted funds. In the event that the Miami-Dade Commission on Ethics and Public Trust orders Mr. Powell to pay the Mayor's legal defense fees, the Mayor shall remit the fees he is awarded and collects from Mr. Powell to the Village to cover the fees and costs expended by the Village.

Section 4. Amending Budget. That the Village Commission hereby approves an amendment to the budget by authorizing the line item transfers as further provided in Exhibit "A" attached hereto and incorporated herein.

Section 5. Implementation. That the Village Manager and Village Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 6. Effective Date. That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner Streitfeld who moved its adoption. The motion was seconded by Vice Mayor Chervony and upon being put to a vote, the vote was as follows:

RESOLUTION NO. 2024-008

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE PAYMENT FOR LEGAL SERVICES RELATING TO THE LEGAL DEFENSE OF MAYOR BRENT LATHAM BEFORE THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST; AUTHORIZING ADDITIONAL PAYMENTS IN AN AMOUNT NOT TO EXCEED BUDGETED FUNDS; AMENDING THE BUDGET FOR FISCAL YEAR 2023-2024; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about October 13, 2022, an ethics complaint was filed by former Village Attorney Norman Powell with the Miami-Dade County Commission on Ethics and Public Trust (the "COE"), which assigned the complaint case number C-22-60-10, relating to an alleged violation by Mayor Brent Latham of North Bay Village (the "Village") of section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, entitled "Exploitation of Official Position Prohibited" (the "Ethics Proceeding"); and

WHEREAS, in December 2022, the COE issued its Probable Cause Memorandum recommending that no probable cause be found and on February 2, 2023, the COE Board entered an order finding no probable cause to believe that Mayor Latham violated section 2-11.1(g) and dismissing the case against Mayor Latham; and

WHEREAS, Mayor Latham has requested reimbursement/payment of the legal fees incurred by him in the defense of the Ethics Proceeding; and

WHEREAS, after careful review and consideration, the Village Commission has determined to reimburse Mayor Latham in an amount not to exceed budgeted funds for his attorney's fees and finds that the Ethics Proceeding arose from (1) the performance of his official duties and (2) while serving a public purpose; and

WHEREAS, on September 28, 2023, the North Bay Village (the "Village") Commission adopted Resolution No. 2023-109 approving the budget for fiscal year 2023-2024 (the "Budget"); and

WHEREAS, pursuant to Section 166.241(5), Florida Statutes, the Village Commission may amend a budget at any time within a fiscal year; and