

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	January 25, 2012
SUBJECT/TITLE:	Approval of City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases
TARGET ISSUE:	

STATEMENT OF ISSUE

During the City Commission meeting of December 14, 2011, the Commission expressed a desire to establish a written policy regarding the reimbursement and recovery of attorney’s fees and costs involved in the defense of criminal cases. The attached proposed policy provides a process for officials, officers, and employees to petition for the payment of fees if they prevail in a criminal case under specific criteria.

RECOMMENDED ACTION

Option 1. Approve Proposed City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases

FISCAL IMPACT

None

James R. English
City Attorney

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ITEM TITLE: Approval of City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

During the City Commission meeting of December 14, 2011, the Commission expressed a desire to establish a written policy regarding the reimbursement and recovery of attorney’s fees and costs involved in the defense of criminal cases. The attached proposed policy provides a process for officials, officers, and employees to petition for the payment of fees if they prevail in a criminal case under specific criteria.

The proposed policy establishes a presumption that a public official, officer, or employee who is charged with a crime is exclusively responsible for the payment of attorney’s fees and costs in defending the charges against him or her.

The proposed policy provides a process which could be utilized by a public official, officer, or employee to petition for the reimbursement of the cost of successfully defending a criminal case.

In order to be eligible for reimbursement, a public official, officer, or employee would have to have been acting in their official capacity, within the scope of their employment, serving a public purpose, and been successful in having the case dismissed without a finding of guilt.

OPTIONS

1. Approve Proposed City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases.
2. Do Not Approve Proposed City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases.
3. Approve Proposed City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases, with Amendments

ATTACHMENTS/REFERENCES

Proposed City Commission Policy 102 – Reimbursement and Recovery of Attorney’s Fees and Costs in Criminal Cases