

RESOLUTION NO. 11-2003

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE LEGAL DEPARTMENT BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has been served as a defendant in Young Israel of Bal Harbour, Inc. v. Town of Surfside filed in the United States District Court for the Southern District of Florida, Civil Action No. 1:10-cv-24392; and

WHEREAS, on January 6, 2011 the Town Commission held an Executive Session to discuss the litigation strategy in the above-styled case and determined it was in the best interest of the Town to defend the above-styled action; and

WHEREAS, the current legal budget for Fiscal Year 2010-2011 does not have sufficient funds, thereby necessitating a re-appropriation of Fund Balance (reserves) from the General Fund Account Number 001-0000-392-000 in the amount of \$35,000.00 to be distributed into Legal Budget Account Number 001-1500-514-3120 – Lawsuits - Planning & Zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Budget Amendment. In accordance with Section 62 of the Town Charter and the budget adopted for Fiscal Year 2010 – 2011 is amended by re-

appropriating the amount of \$35,000.00 of Fund Balance (reserves) from the General Fund Account Number 001-0000-392-000 be distributed to Legal Budget Account Number 001-1500-514-3120 - Lawsuits- Planning & Zoning.

Section 3. Implementation. The Town Manager and the Town Clerk are hereby authorized to take any and all action necessary to implement this Resolution and Agreement in accordance with the terms, conditions and purposes of this Resolution and Agreement.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner Kopelman Second by Commissioner Karukin

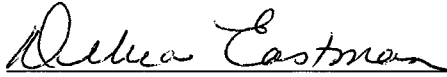
PASSED AND ADOPTED this 18 day of January 2011

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	<u>Yes</u>
Commissioner Edward Kopelman	<u>Yes</u>
Commissioner Marta Olchyk	<u>Yes</u>
Vice Mayor Joseph Graubart	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>

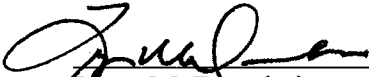

Daniel Dietch, Mayor

ATTEST:



Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser
Town Attorney

Resolution No. 11-2043