




To: Ayliin Hernandez

From: Craig Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Quorum Inquiry Regarding Library Advisory Board

Date: November 21, 2013

I have conferred with the City Clerk, and the Library Advisory Board cannot take any action without a majority vote of the entire membership of the Board (per the enabling legislation and subsequent amendment). The Board has seven membership slots, so four votes would be required to take action. If only three members voted, then the matter did not pass. It has to be brought up again at the next meeting. Please note, advisory boards such as the Library Advisory Board can meet with less than a quorum present (assuming public notice and compliance with the Sunshine law), but cannot take any formal action. Instead, the Board can only discuss matters in these instances. This is called a Sunshine meeting.

Hernandez, Cristina

From: Leen, Craig
Sent: Thursday, November 21, 2013 3:15 PM
To: Hernandez, Cristina
Subject: FW: Inquiry on a quorum

Please place in the opinion folder.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Thursday, November 21, 2013 3:14 PM
To: Hernandez, Ayliin
Cc: Foeman, Walter
Subject: RE: Inquiry on a quorum

Ayliin,

I have conferred with the City Clerk, and the Library Advisory Board cannot take any action without a majority vote of the entire membership of the Board (per the enabling legislation and subsequent amendment). The Board has seven membership slots, so four votes would be required to take action. If only three members voted, then the matter did not pass. It has to be brought up again at the next meeting. Please note, advisory boards such as the Library Advisory Board can meet with less than a quorum present (assuming public notice and compliance with the Sunshine law), but cannot take any formal action. Instead, the Board can only discuss matters in these instances. This is called a Sunshine meeting. Please let me know if you have any further questions.

Craig E. Leen
City Attorney

From: Hernandez, Ayliin
Sent: Thursday, November 21, 2013 2:54 PM
To: Leen, Craig
Subject: Inquiry on a quorum

Good afternoon Mr. Leen,

The Library Adv Board has a total membership of 7, only 5 positions are filled. Attached is Ord. 2003-20, Sec 2-50 (2) Quorum- states that a quorum is 50% plus 1 of the total membership. My interpretation is that 4 members are required for a quorum.

If that is correct, what should we do if the board had a meeting with 3 members and they made 2 motions?

Thank you,
Ayliin