



To: Naomi Levi

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig Leen".

RE: Legal Opinion Regarding Riviera Park Renaming

Date: March 16, 2015

Pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion and interpretation that no further action need be taken by the Commission, and that staff may proceed with administering the naming of the park based on the Commission's resolution. As a legal matter, the recent Commission resolution takes precedence over the prior policy set by resolution (Resolution No. 30314-A), based on three principles/canons of construction: (i) the recent resolution is more specific (directly naming Riviera Park), (ii) the recent resolution is closer in time (more recent resolutions take precedence over prior ones), and (iii) the Commission intended the more recent resolution to take precedence. The only way for a Commission to bind itself to a prior policy of this nature is to adopt the prior policy by ordinance.

Here, the Commission was informed there was a prior resolution, and I informed the Commission that this action would require its own resolution. The Commission also discussed the fact that City policy was to name parks posthumously. The Commission still decided to proceed with this resolution relating to the Kerdyk family (noting that two of the prior City officials in the family had passed away, and that the Commission wanted the Vice Mayor to be able to enjoy the name with his family). Finally, please note, even though the 4/5 waiver provision in Resolution No. 30314-A is not binding on the Commission when it acts through a subsequent resolution, I would note that the vote was unanimous (5-0).

Herbello, Stephanie

From: Leen, Craig
Sent: Monday, March 16, 2015 7:31 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Herbello, Stephanie; Chen, Brigette
Subject: FW: Riviera Park renaming

Please place in the opinion binder.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
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From: Leen, Craig
Sent: Monday, March 16, 2015 7:30 PM
To: Levi, Naomi
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam; Figueroa, Yaneris
Subject: RE: Riviera Park renaming

Pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion and interpretation that no further action need be taken by the Commission, and that staff may proceed with administering the naming of the park based on the Commission's resolution. As a legal matter, the recent Commission resolution takes precedence over the prior policy set by resolution (Resolution No. 30314-A), based on three principles/canons of construction: (i) the recent resolution is more specific (directly naming Riviera Park), (ii) the recent resolution is closer in time (more recent resolutions take precedence over prior ones), and (iii) the Commission intended the more recent resolution to take precedence. The only way for a Commission to bind itself to a prior policy of this nature is to adopt the prior policy by ordinance.

Here, the Commission was informed there was a prior resolution, and I informed the Commission that this action would require its own resolution. The Commission also discussed the fact that City policy was to name parks posthumously. The Commission still decided to proceed with this resolution relating to the Kerdyk family (noting that two of the prior City officials in the family had passed away, and that the Commission wanted the Vice Mayor to be able to enjoy the name with his family). Finally, please note, even though the 4/5 waiver provision in Resolution No. 30314-A is not binding on the Commission when it acts through a subsequent resolution, I would note that the vote was unanimous (5-0).

Please let me know if there are any further questions.

Craig E. Leen, City Attorney
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From: Levi, Naomi
Sent: Wednesday, March 11, 2015 12:43 PM
To: Leen, Craig
Cc: Figueroa, Yaneris; Ramos, Miriam
Subject: Riviera Park renaming

Hi Craig,

Cathy asked me to check with you regarding the Commission's resolution to rename Riviera Park after Vice Mayor Kerdyk and the Kerdyk Family. Does the unanimous resolution waive the usual process for park naming, outlined in Reso No. 30314-A? Please advise if further action needs to be taken to legitimize the renaming.

Thank you,

Naomi Levi, Esq.
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