




To: Diana Gomez

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

RE: Legal Opinion Regarding City Attorney Budget

Date: June 18, 2015

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As the City Attorney, my duty is to ensure that the City is well represented in every matter I work on, and that legal counsel provided is of the highest quality. I believe my office has met this mandate during the time I have been City Attorney. The City Attorney Ordinance and Procurement Code grant me broad authority to hire special counsel, without budgetary limitation, in order to ensure this occurs. See City Code, §§ 2-201(e)(10) and 2-677. For very extensive litigation, I also hold executive sessions with the Commission to update them on expected litigation costs to ensure they are fully informed. My office also does litigation reports, and will be placing them on the agenda on a periodic basis (similar to what was done at the last meeting) to further ensure the Commission remains fully informed. Ultimately, I am solely responsible to the Commission for performing this mandate, and am accountable to them for doing so.

I am writing this to explain my conviction as to why my office cannot make the decision whether to hire special counsel in a given case based on the amount budgeted for special counsel in a given year (which is always a prediction). Instead, I will always make the decision based on the best interests of the City and my legal judgment. If it reaches the point in a given year that hiring or using special counsel will lead me to exceed the budgeted amount, I will still hire or use the special counsel if I believe it is justified, and still have the authority to do so under the City Code and Procurement Code. Of course, I plan to continue keeping the individual Commissioners and City Manager informed on litigation and litigation expenditures in individual briefings and executive sessions. The Commission as a whole will also be able to see the amount being expended in my budget in your quarterly reports. I will also continue to update the Commission in executive sessions regarding specific matters. Ultimately, I may be asked to justify expenditures exceeding the budgeted amount, which I will always be ready to do.

My commitment to you is to continue to update you on large litigation matters, to have Miriam meet with you on a periodic basis regarding more routine litigation expenditures, and to ensure

that you are aware well in advance when the budget may be exceeded. Also, I will do my best to provide you an estimate of legal funds for each budget cycle.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Thursday, June 18, 2015 1:39 PM  
**To:** Herbello, Stephanie; Ramos, Miriam  
**Cc:** Figueroa, Yaneris; Chen, Brigette  
**Subject:** FW: City Attorney Budget

**Importance:** High

Because it interprets the City Code and Procurement Code, I adopt this as a City Attorney Opinion under section 2-201(e)(1) and (8) of the City Code. Because it includes exempt information on litigation expenditures and strategy, it should be issued as a City Attorney Opinion, but not published. I would like to issue the final three paragraphs in a published opinion (as they include non-exempt material).

**Craig E. Leen, City Attorney**

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**From:** Leen, Craig  
**Sent:** Thursday, June 18, 2015 12:20 PM  
**To:** Gomez, Diana  
**Cc:** Swanson-Rivenbark, Cathy; Ramos, Miriam  
**Subject:** City Attorney Budget  
**Importance:** High

Diana,

I have spoken with Miriam. This email confirms that my office will support the number \$1.2 million for special counsel with a contingency for extraordinary cases. At this moment, the only case for the upcoming fiscal year in that contingency category is the COLA case (which I anticipate could cost over \$1 million to fully litigate through the Florida Supreme Court). The potential case regarding historic preservation/windows may fall within that contingency at well if it results in significant litigation, which hopefully will not occur. Although unlikely, it is possible the case regarding the Alfred Browning Parker matter could fall in that category at some point if it were to lead to significant litigation, trial, and appeal. Of course, I will keep you updated on when I believe the list needs to be supplemented, and I know we will

work together on these matters, as we have always done. I need to make a further statement, however, so my position is fully understood.

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**Craig E. Leen, City Attorney**

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