



To: Mayor and Commissioners

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

A handwritten signature in black ink, appearing to be "CL", is written over the name "Craig E. Leen" in the "From:" line.

RE: Legal Opinion Regarding Chief of Police

Date: September 1, 2015

I am writing in response to your request for a legal opinion regarding the Chief of Police position. You have asked me whether the City Code requires the appointment of one Chief of Police. I have reviewed the City Code, and issue the following opinion and interpretation pursuant to section 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City:

The City Code has 26 sections that make reference to the "chief of police," and 6 sections that make references to the "police chief." These terms are typically accompanied by the word "the." The term "chief of police" is specifically defined in the Parades and Public Assemblies portion of the City Code as follows: "*Chief of police* means the chief of police of the City of Coral Gables or his designee." *See* City Code, § 62-182. The term is similarly defined elsewhere in the City Code, relating to the regulation of dogs, as follows: "*Chief of police* means the chief of police of the city and such officer or officers of the city as the chief of police may designate to assist in carrying out and enforcing the provisions of this Code." *See* City Code, § 10-25.

The sections of the Code relating to the "chief of police" or the "police chief" grant this specific official many different enforcement powers, sometimes exclusively, and sometimes in conjunction with other officials such as code enforcement. This enforcement authority includes (1) enforcement of ocean and waterway regulations, (2) enforcement as to dog regulations in the City, (3) significant authority over special events, as well as assemblies and parades, (4) traffic enforcement, (5) enforcement as to abandoned or junk motor vehicles, (6) receipt of certain notices related to abandoned real property, (7) permits regarding secondhand goods, and (8) enforcement of decorum at Commission meetings. This authority can often be delegated by the chief of police to a designee, but the Code grants the authority initially to the chief of police.

It is also clear that the “chief of police” and the “police chief” are meant to be the same individual official. The special events ordinance refers at different times to the “chief of police” and the “police chief,” both times clearly referring to the same official. This is also true in Chapter 74 related to Traffic and Vehicles.

After reviewing these provisions, it is clear to me that the City Code recognizes the existence of one official who exercises a significant amount of authority vested in a position called the “chief of police.” In my opinion, the City Code requires that one individual be designated with this authority. The title of this official is not material as long as the individual is a law enforcement officer and is recognized as exercising the full powers of the “chief of police” position. The City Manager would designate one individual to hold this office under section 21 of the City Charter, unless the City Commission directs otherwise by resolution under section 23 of the City Charter.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Figueroa, Yanneris](#); [Chen, Brigitte](#)
Subject: FW: Request for Opinion Regarding Chief of Police
Date: Monday, August 31, 2015 11:09:14 PM
Attachments: [Image001.png](#)

Please publish.

Craig E. Leen, City Attorney

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Phone: (305) 460-5218
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Email: cleen@coralgables.com



CORAL GABLES
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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, August 31, 2015 11:06 PM
To: Cason, Jim
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam
Subject: RE: Request for Opinion Regarding Chief of Police

Mayor Cason,

I am writing in response to your request for a legal opinion regarding the Chief of Police position. You have asked me whether the City Code requires the appointment of one Chief of Police. I have reviewed the City Code, and issue the following opinion and interpretation pursuant to section 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City:

The City Code has 26 sections that make reference to the "chief of police," and 6 sections that make references to the "police chief." These terms are typically accompanied by the word "the." The term "chief of police" is specifically defined in the Parades and Public Assemblies portion of the City Code as follows: "*Chief of police* means the chief of police of the City of Coral Gables or his designee." See City Code, § 62-182. The term is similarly defined elsewhere in the City Code, relating to the regulation of dogs, as follows: "*Chief of police* means the chief of police of the city and such officer or officers of the city as the chief of police may designate to assist in carrying out

and enforcing the provisions of this Code." See City Code, § 10-25.

The sections of the Code relating to the "chief of police" or the "police chief" grant this specific official many different enforcement powers, sometimes exclusively, and sometimes in conjunction with other officials such as code enforcement. This enforcement authority includes (1) enforcement of ocean and waterway regulations, (2) enforcement as to dog regulations in the City, (3) significant authority over special events, as well as assemblies and parades, (4) traffic enforcement, (5) enforcement as to abandoned or junk motor vehicles, (6) receipt of certain notices related to abandoned real property, (7) permits regarding secondhand goods, and (8) enforcement of decorum at Commission meetings. This authority can often be delegated by the chief of police to a designee, but the Code grants the authority initially to the chief of police.

It is also clear that the "chief of police" and the "police chief" are meant to be the same individual official. The special events ordinance refers at different times to the "chief of police" and the "police chief," both times clearly referring to the same official. This is also true in Chapter 74 related to Traffic and Vehicles.

After reviewing these provisions, it is clear to me that the City Code recognizes the existence of one official who exercises a significant amount of authority vested in a position called the "chief of police." In my opinion, the City Code requires that one individual be designated with this authority. The title of this official is not material as long as the individual is a law enforcement officer and is recognized as exercising the full powers of the "chief of police" position. The City Manager would designate one individual to hold this office under section 21 of the City Charter, unless the City Commission directs otherwise by resolution under section 23 of the City Charter.

Craig E. Leen, City Attorney

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CITY OF FLORIDA

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, August 31, 2015 1:03 PM
To: Cason, Jim

Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam
Subject: Request for Opinion Regarding Chief of Police

Mayor Cason,

This email confirms that I have received a request for a legal opinion from you as to whether the City Code requires the appointment of one individual designated as "chief of police." You have requested that the opinion be given to you this afternoon or by 10am tomorrow morning, at latest.

Craig E. Leen, City Attorney

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