



To: Walter Foeman

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" field.

RE: Legal Opinion Regarding Amending Section 2-201(e)(9) of the City Code

Date: August 25, 2016

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Sections 50-26, 101-165, and 101-182 of the City Code expressly refer to the “deputy city attorney.” These provisions were adopted by ordinances. Accordingly, the term “deputy city attorney” should be added to section 2-201 of the City Code in the following manner pursuant to section 2-201(e)(9) of the City Code, as well as the codification sections of those ordinances:

(b) Qualifications: The city attorney, deputy city attorney and all assistant city attorneys shall be members of the Florida Bar in good standing.

(d) Delegation: The city attorney may delegate authority to a deputy city attorney, assistant city attorneys and outside counsel to assist in performing the functions of this office.

Please inform the Municipal Code Corporation.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#)  
**Subject:** FW: 2-201  
**Date:** Thursday, August 25, 2016 5:00:16 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
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Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Thursday, August 25, 2016 5:00 PM  
**To:** Ramos, Miriam; Davis, Yolande  
**Cc:** Foeman, Walter  
**Subject:** RE: 2-201

Mr. Clerk,

Please see the email from the Deputy City Attorney, which I adopt as a City Attorney Opinion.

Sections 50-26, 101-165, and 101-182 of the City Code expressly refer to the “deputy city attorney.” These provisions were adopted by ordinances. Accordingly, the term “deputy city attorney” should be added to section 2-201 of the City Code in the following manner pursuant to section 2-201(e)(9) of the City Code, as well as the codification sections of those ordinances:

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**CORAL GABLES**  
THE CITY BEAUTIFUL

*Celebrating 90 years of a dream realized.*

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**From:** Ramos, Miriam  
**Sent:** Thursday, August 25, 2016 4:33 PM  
**To:** Davis, Yolande  
**Cc:** Leen, Craig  
**Subject:** 2-201

Dear Yoli,

Craig has asked that pursuant to Sec. 2-201(e)(9) of the City Code, the City Attorney Ordinance be amended as follows:

- (a) *Function:* The legal department of the City of Coral Gables shall be under the direction and supervision of a full-time city attorney, who shall serve as the chief legal officer of the city, appointed by the city commission to serve at the will of the commission.
- (b) *Qualifications:* The city attorney, deputy city attorney and all assistant city attorneys shall be members of the Florida Bar in good standing.

- (c) *Compensation:* The city attorney's compensation shall be fixed by action of the city commission.
- (d) *Delegation:* The city attorney may delegate authority to a deputy city attorney, assistant city attorneys and outside counsel to assist in performing the functions of this office.
- (e) *Duties:* The city attorney shall be the head of the legal department, and in that capacity shall have the following authority:
- (1) To act as legal counsel and advisor to the city commission, city manager, city clerk, as well as to city departments, boards, and committees, and to provide legal opinions where warranted in the performance of such function.
  - (2) To prepare or review ordinances, resolutions, contracts, and other legal instruments, and to approve as to form and legal sufficiency.
  - (3) To file, prosecute or defend, for and on behalf of the city, all complaints, suits and controversies to which the city is a party, or to which it is in the city's interests to become a party, before any court or other tribunal. The approval of the city commission shall be sought before filing suit, except where immediate action is warranted, in which case the city attorney, with the approval of the city manager, may act in the best interests of the city, and will notify the city commission.
  - (4) To file amicus curiae briefs or intervene in actions already pending on behalf of the city where the city attorney determines that the city has an interest in such proceedings and where such action is warranted to protect the city's interests.
  - (5) To represent or provide for the representation of city officers and employees where required by law or where otherwise appropriate, and where such officers and employees are sued based on actions taken in their official capacities. This authority does not limit any right to indemnification as established elsewhere in the City Code.
  - (6) To settle disputes and sign settlement agreements on behalf of the city consistent with settlement authority as designated by applicable law or by resolution of the city commission unless such authority is provided to the city manager or another city officer under the City Charter, City Code, or Zoning Code.
  - (7) To attend and speak at meetings of the city commission or any city board.
  - (8) To interpret the City Charter, City Code, and Zoning Code on behalf of the city.
  - (9) To renumber or make corrections to the City Code and Zoning Code where appropriate to address scrivener's and typographical errors, to delete provisions that have been superseded or preempted by applicable law, and to improve the format by moving provisions within and between the Codes.
  - (10) To retain, supervise, and remove outside counsel in accordance with the procurement provision of the City Code relating to the authority to contract for legal services.
  - (11) To exercise all other authority granted to the city attorney in the City Charter, City Code, and Zoning Code.
  - (12) To issue subpoenas in accordance with the provision of the City Code relating to subpoenas.

Thank you,

*Miriam S. Ramos, Esq.*

Deputy City Attorney

City of Coral Gables

405 Biltmore Way, 3<sup>rd</sup> Floor

Coral Gables, FL 33134

(305) 460-5218

(305) 460-5084 direct dial



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