




To: Taciana Amador, Executive Director of the Business Improvement District of Coral Gables

From: Cristina M. Suárez, Assistant City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding Electronic Voting

Date: June 7, 2017

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I agree with the analysis below. In fact, it is logical that this would facilitate participation by the property owners. Please proceed, and I am adopting this as a City Attorney Opinion.

Craig E. Leen  
City Attorney

Florida Statutes s. 170.01 provides that “[a]ny municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against property benefited for the purpose of stabilizing and improving: (a) Retail business districts, (b) Wholesale business districts, or (c) Nationally recognized historic districts, or any combination of such districts through promotion, management, marketing, and other similar services in such districts of the municipality” (emphasis added). It does not provide a specific voting method for ascertaining whether the majority of the affected property owners within the Coral Gables BID favor re-establishment of the BID, so in the past, the City Clerk, as Supervisor of Elections, has opted for the petitioning process. Given that the statute does not address the voting method, I do not see any issue with using the electronic voting method to determine if the affected property owners favor re-establishment of the BID.

Cristina M. Suárez  
Assistant City Attorney

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Electronic Voting  
**Date:** Wednesday, June 07, 2017 5:50:35 PM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image001.png](#)

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Please publish and include Cristina's analysis.

**Craig E. Leen, City Attorney**

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**From:** Leen, Craig  
**Sent:** Wednesday, June 07, 2017 5:50 PM  
**To:** Suarez, Cristina <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>; Throckmorton, Stephanie <[sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)>  
**Cc:** Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>; Urquia, Billy <[burquia@coralgables.com](mailto:burquia@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** RE: Electronic Voting

I agree with the analysis below. In fact, it is logical that this would facilitate participation by the property owners. Please proceed, and I am adopting this as a City Attorney Opinion.

**Craig E. Leen, City Attorney**

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**From:** Suarez, Cristina

**Sent:** Wednesday, June 07, 2017 2:51 PM

**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>; Throckmorton, Stephanie <[sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)>

**Cc:** Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>; Urquia, Billy <[burquia@coralgables.com](mailto:burquia@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>

**Subject:** RE: Electronic Voting

Craig:

Florida Statutes s. 170.01 provides that “[a]ny municipality, **subject to the approval of a majority of the affected property owners**, may levy and collect special assessments against property benefited for the purpose of stabilizing and improving: (a) Retail business districts, (b) Wholesale business districts, or (c) Nationally recognized historic districts, or any combination of such districts through promotion, management, marketing, and other similar services in such districts of the municipality” (emphasis added). It does not provide a specific voting method for ascertaining whether the majority of the affected property owners within the Coral Gables BID favor re-establishment of the BID, so in the past, the City Clerk, as Supervisor of Elections, has opted for the petitioning process. Given that the statute does not address the voting method, I do not see any issue with using the electronic voting method to determine if the affected property owners favor re-establishment of the BID.

Thanks,

Cristina

**Cristina M. Suárez**

**Assistant City Attorney**

City of Coral Gables

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**From:** Leen, Craig  
**Sent:** Friday, June 02, 2017 5:22 PM  
**To:** Throckmorton, Stephanie; Suarez, Cristina  
**Cc:** Foeman, Walter; Urquia, Billy; Ramos, Miriam  
**Subject:** RE: Electronic Voting

Cristina, please handle since Stephanie is out today and this weekend. Also, I just learned you are working on another BID issue.

**Craig E. Leen, City Attorney**

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**From:** Leen, Craig

**Sent:** Friday, June 02, 2017 2:48 PM

**To:** Throckmorton, Stephanie <[sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)>

**Cc:** Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>; Urquia, Billy <[burquia@coralgables.com](mailto:burquia@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>

**Subject:** RE: Electronic Voting

In particular, please research the BID statute to see if there are any provisions limiting use of an electronic method.

**Craig E. Leen, City Attorney**

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**From:** Leen, Craig  
**Sent:** Friday, June 02, 2017 2:47 PM  
**To:** Throckmorton, Stephanie <[sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)>  
**Cc:** Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>; Urquia, Billy <[burquia@coralgables.com](mailto:burquia@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** FW: Electronic Voting  
**Importance:** High

Stephanie,

Please research the issue below this afternoon. I am open to using the City's electronic voting method as long as it is certified by the City Clerk. I believe we could defend it. I just want you to check state law to determine if there are any issues.

**Craig E. Leen, City Attorney**

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**From:** Taciana Amador [<mailto:tamador@shopcoralgables.com>]  
**Sent:** Wednesday, May 31, 2017 4:40 PM

**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>

**Subject:** FW: Electronic Voting

Hello Craig,

I was just following up on my email from the other day regarding electronic voting. We anticipate being on the June 13<sup>th</sup> agenda for re-election so please let me know if this method could apply to our election.

I look forward to your response.

Thanks

Taci

**Taciana Amador**

**Executive Director**

Business Improvement District of Coral Gables  
220 Miracle Mile, Ste. 234  
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305.569.0311

[tamador@shopcoralgables.com](mailto:tamador@shopcoralgables.com)

[www.shopcoralgables.com](http://www.shopcoralgables.com)



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**From:** Taciana Amador [mailto:[tamador@shopcoralgables.com](mailto:tamador@shopcoralgables.com)]

**Sent:** Tuesday, May 16, 2017 4:03 PM

**To:** 'Leen, Craig'

**Subject:** Electronic Voting

Dear Craig,

Hope all is well.

I met with Walter Foreman yesterday who informed me that we may be able to use the City's new electronic voting method for our upcoming BID re-election. As a quick reminder, we utilized a petition method during our last election which proved to be easier and less cumbersome for our stakeholders. The electronic system, which I was able to test for myself yesterday, appears to be even simpler.

Of course there are some concerns about the possibility of anyone contesting the method since I understand it has yet to be utilized. Walter suggested I ask you for a legal opinion on the

method and if we, as a BID (governmental entity) are able to use this voting method for the our election.

I look forward to your response. Please do not hesitate to give me a call or reach out if you have questions.

Thanks,

Taci

**Taciana Amador**  
**Executive Director**

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*Please note: Florida has very broad public records laws. In that the Business Improvement District of Coral Gables, Inc. ("BID") is an independent special district created by resolution of the Coral Gables City Commission, most written communications to or from the BID regarding BID matters are public records available to any member of the public or the media upon request. All e-mail communications, including e-mail addresses and other contact information contained therein may, therefore, be subject to public disclosure.*