




To: Stephanie Throckmorton, Assistant City Attorney for the City of Coral Gables
Walter Foeman, City Clerk for the City of Coral Gables

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

RE: Legal Opinion Regarding Collaborative Project between City (through the City Clerk's office) and FIU

Date: June 20, 2017

Based on the City Clerk's email below, as well as my discussion with the City Clerk where he described the project to me, I would approve proceeding under the procurement exemption in the City Clerk's Ordinance as this is part and parcel of the numerous special projects/collaborative projects the City has been doing with FIU through the City Clerk's Office (the collaboration between FIU and the City through the Clerk's Office is well-known and well-established). Accordingly, this is part of the City Clerk's duties under section 2-203(e)(6), which results in the exemption in section 2-203(e)(13) applying. I would also reference the more general exemptions in sections 2-678(25) [relating to other governmental entities] and 2-678(26) [relating to universities] of the Procurement Code, as those provisions would clearly apply. As an aside, I would also note that this agreement is consistent with the City Commission's Sea Level Rise White Paper and serves a clear public purpose through providing and preserving helpful sea level rise information to the public. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-584 of the Procurement Code.

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-06

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES CREATING SECTION 2-203 OF THE CODE OF THE CITY OF CORAL GABLES ENTITLED "CITY CLERK AND OFFICE OF THE CITY CLERK", ESTABLISHING THE FUNCTION, DUTIES, AND RESPONSIBILITIES OF THE OFFICE OF THE CITY CLERK; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That Section 2-203 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Section 2-203. City Clerk

- (a) **Function:** The Office of the City Clerk shall be under the direction and supervision of a full-time City Clerk, who shall serve as secretary to the City Commission and secretary to the Municipal Corporation, Records Custodian and Elections Supervisor, as further described herein.
- (b) **Qualifications:** The City Clerk and Deputy City Clerk shall have a Certified Municipal Clerk (CMC) designation and be in good standing.
- (c) **Compensation:** The City Clerk's compensation shall be fixed by action of the City Commission.
- (d) **Delegation:** The City Clerk may delegate authority to assist in performing the functions of this office.
- (e) The City Clerk shall be the head of the Office of the City Clerk, and shall have the following authority:
 - (i) To maintain the official Commission minutes, transcripts, digital recordings from City Commission and other City board proceedings, legislation, and any support documentation. To maintain meeting schedules, minutes and attendance records for all City boards and committees.
 - (ii) To file original contracts between the City and third parties, and attend bond validation proceedings.

(iii) To administer, supervise and certify Municipal, Business/Improvement District and Retirement Board elections, any charter amendment, special election or referenda (including Bond Elections), and any straw ballot issues.

(iv) To administer, supervise and file financial disclosure and gift disclosure documents.

(v) To serve as the Records Management Liaison Officer and thereby recommend guidelines and standards for all City Records, including incorporating records management technologies, and maintaining a repository for inactive, archival and vital records. City officials and city department directors shall annually certify and file with the city clerk the departmental/office records disposition compliance authorization form provided by the Office of the City Clerk within seven days after the end of each fiscal year.

(vi) To perform special projects including collaborative projects and cost sharing approaches for digital archival preservation, facilitate public access to records and to our public meeting process and management reporting process in furtherance of accountability, transparency, and reportability.

(vii) To provide certain services, including research in response to public informational requests via letters, phone, over the counter and the internet, and provide notarization, certification, and attestation on public documents.

(viii) To administer and supervise the City's response/completion of Public Records Requests.

(ix) To electronically file and record Notice of Commencements, Restrictive Covenants, etc.

(x) To advertise, publish and post public notices regarding meetings of the Commission, City boards, elections, and other meetings or events requiring notice.

(xi) To maintain the administration of our advisory board and committee process, its members and applicants to advisory boards, for consideration by the City Commission.

(xii) To serve as a Passport Acceptance Agent and maintain a Passport Acceptance Facility.

(xiii) To retain outside consultants and contractor's as deemed necessary in the furtherance of the City Clerk duties, further exempting these contracts from the Procurement Code. The Procurement Division of Finance shall continue to provide assistance and support in the procurement of all City Clerk contracts.

(xiv) To be the custodian of the seal of the City of Coral Gables and attest the signatures of the Mayor and City Manager, as the case may be, on all documents if needed.

(xv) In addition to other authorized officials, administer any oath as required by the law or ordinances of the city.

(xvi) To supervise the coordination and preparation of the Agenda for City Commission Meetings.

(xvii) To administer and supervise registration of lobbyists.

(xviii) To exercise all other authority granted to the City Clerk in the City Charter, City Code and Zoning Code or any duties applicable and proper to be performed by the city clerk.

(f) The City Clerk may charge fees to the public for the aforementioned services in accordance with the fees as set by the City Commission and applicable law.

SECTION 2. REPEALER PROVISION.

This ordinance is intended to provide authority to the City Clerk without limiting any other authority of the City Clerk or other City officers provided in other parts of the City Charter, City Code, and Zoning Code. Accordingly, any other ordinances or parts of ordinances that provide authority to the City Clerk or other City officers are not repealed by this ordinance.

SECTION 3. SEVERABILITY CLAUSE.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions. The "Exceptions" section of the Procurement Code shall be amended accordingly.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.


PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF FEBRUARY, A.D.,
2017.

(Moved: Lago / Seconded: Slesnick)
(Yeas: Keon, Lago, Quesada, Slesnick, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-1)

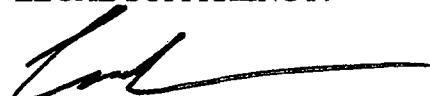
APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Collaborative Project between City (through the City Clerk's office) and FIU
Date: Tuesday, June 20, 2017 4:20:47 PM
Attachments: [img-620150212-0001.pdf](#)

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
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

-----Original Message-----

From: Leen, Craig
Sent: Tuesday, June 20, 2017 4:20 PM
To: Throckmorton, Stephanie <sthrockmorton@coralgables.com>
Cc: Foeman, Walter <wfoeman@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Subject: Collaborative Project between City (through the City Clerk's office) and FIU

Stephanie,

Based on the City Clerk's email below, as well as my discussion with the City Clerk where he described the project to me, I would approve proceeding under the procurement exemption in the City Clerk's Ordinance as this is part and parcel of the numerous special projects/collaborative projects the City has been doing with FIU through the City Clerk's Office (the collaboration between FIU and the City through the Clerk's Office is well-known and well-established). Accordingly, this is part of the City Clerk's duties under section 2-203(e)(6), which results in the exemption in section 2-203(e)(13) applying. I would also reference the more general exemptions in sections 2-678(25) [relating to other governmental entities] and 2-678(26) [relating to universities] of the Procurement Code, as those provisions would clearly apply. As an aside, I would also note that this agreement is consistent with the City Commission's Sea Level Rise White Paper and serves a clear public purpose through providing and preserving helpful sea level rise information to the public.

Best regards,
Craig

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

Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

-----Original Message-----

From: Foeman, Walter
Sent: Tuesday, June 20, 2017 3:25 PM
To: Leen, Craig <cleen@coralgables.com>
Subject: FW: Sent from the City of Coral Gables City Clerk's Office

Craig, as promised. The section dealing with archival digital preservation is highlighted, as part of the Publication of Archival Library Museum Materials partnership with FIU.; To this end, we are currently working on 4 collaborative projects.

-----Original Message-----

From: Pounds, Michael
Sent: Tuesday, June 20, 2017 3:06 PM
To: Foeman, Walter
Subject: FW: Sent from the City of Coral Gables City Clerk's Office

Attached is the City Clerk's Ordinance per your request.

-----Original Message-----

From: CTHCK1FL-D95A [<mailto:ck-adm@coralgables.com>]
Sent: Tuesday, June 20, 2017 3:02 PM
To: Pounds, Michael
Subject: Sent from the City of Coral Gables City Clerk's Office

Please open the attached document. It was scanned and sent to you using a Xerox D95/D110/D125.

Number of Images: 4
Attachment File Type: PDF

Device Location: CTHCK1FL-D95A