



To: Javier Betancourt, Economic Development Director

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 Donations from the Miami Association of Realtors

Date: September 29, 2017

You inquired whether the City's acceptance of three separate non-monetary donations from the Miami Association of Realtors require Commission approval. You have explained that the three donations are (1) a dog fountain to be installed at one of our downtown parks; (2) a book-sharing "library"; and (3) chess tables for Giralda Avenue and that each donation is valued at less than \$5,000. Pursuant to the attached resolution setting forth the City's donation policy, the City Manager has authority to approve donations up to \$50,000 in value. Each of the three contemplated donations is worth less than \$5,000, so each can be accepted by the City Manager and does not require Commission approval.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Suarez, Cristina](#)
Subject: FW: Donations from the Miami Association of Realtors
Date: Friday, September 29, 2017 5:56:39 PM
Attachments: [image001.png](#)
[Donations Resolution.pdf](#)
[image002.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
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Coral Gables, Florida 33134
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Celebrating 90 years of a dream realized.

From: Suarez, Cristina
Sent: Friday, September 29, 2017 4:06 PM
To: Betancourt, Javier <jbetancourt@coralgables.com>
Cc: Leen, Craig <cleen@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Subject: Donations from the Miami Association of Realtors

Javier:

You inquired whether the City's acceptance of three separate non-monetary donations from the Miami Association of Realtors require Commission approval. You have explained that the three donations are (1) a dog fountain to be installed at one of our downtown parks; (2) a book-sharing "library"; and (3) chess tables for Giralda Avenue and that each donation is valued at less than \$5,000. Pursuant to the attached resolution setting forth the City's donation policy, the City

Manager has authority to approve donations up to \$50,000 in value. Each of the three contemplated donations is worth less than \$5,000, so each can be accepted by the City Manager and does not require Commission approval.

Please let me know if you need anything further.

Thanks,
Cristina

Cristina M. Suárez

Assistant City Attorney

City of Coral Gables

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CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2013-250

A RESOLUTION AMENDING RESOLUTION NO.
2011-148, REGARDING THE DONATION POLICY
FOR THE CITY OF CORAL GABLES.

WHEREAS, Resolution No. 29040, adopted by the City Commission on March 29, 1996, initially established the City's Donation Policy whereby, among other provisions, the City Manager was given the authority to accept donations with a value of twenty-five thousand (\$25,000) dollars or less; and

WHEREAS, Resolution No. 29040 has subsequently been amended by Resolutions No. 2010-58, No. 2011-147, and most recently, No. 2011-148; and

WHEREAS, there are various other provisions established by ordinance and resolution, including in the Procurement Code, authorizing the City Manager to act without the direction of the City Commission relating to amounts varying between fifty thousand (\$50,000) dollars and one hundred thousand (\$100,000) dollars; and

WHEREAS, the City wishes to make the City Manager's authority pursuant to the Donation Policy consistent with such other authority;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT THE FOLLOWING SHALL REPLACE AND SUPERSEDE THE APPLICABLE PROVISIONS OF RESOLUTION NO. 2011-148, AS FOLLOWS

SECTION 6. That donation proposals, including monetary donations, shall be submitted for review and recommendation, as set forth herein:

- a) Donations of artistic and cultural value shall be submitted to the Cultural Development Board in order to ascertain the artistic and cultural value of proposed donations, as well as their placement or other artistic use;
- b) Donations of historical significance other than art shall be submitted to the Historical Preservation Board in order to ascertain the historical value of the proposed donations, as well as their placement or other use; and
- c) Monetary donations or other non-monetary donations shall be submitted to the Office of the City Manager to ascertain the value to the City, with the City Manager authority to accept donations with a value of fifty thousand (\$50,000) dollars or less.

SECTION 9. That the Boards shall vote whether or not to recommend the acceptance of the donation to the City Commission and the City Manager shall provide a recommendation to the City Commission as to the acceptance of other donations not within the purview of the Boards for items or donations over fifty thousand (\$50,000) dollars in value, with the final decision as to the acceptance of the donation resting with the City Commission.

PASSED AND ADOPTED THIS TWENTY-FOUR TH DAY OF SEPTEMBER, A.D., 2013.

(Moved: Kerdyk / Seconded: Lago)

(Yeas: Keon, Kerdyk, Lago, Quesada, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: C-6)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY