



To: Margo Berg

From: Bridgette Thornton, Deputy City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding Memorandum Of Understanding – Operation Stonegarden

Date: October 2, 2013

Thank you for sending me the Memorandum of Understanding ("MOU").

After reviewing the MOU, it is my opinion that a resolution is not necessary for execution of this MOU. In accordance with Florida Statutes Section 23.1225(3), "[a] mutual aid agreement may be entered into by a law enforcement agency through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency." Fla. Stat. Section 23.1225(3). Likewise, the Florida Attorney General has further opined that "section 23.1225(3), Florida Statutes, does not require a sheriff to have authorization from the board of county commissioners in order to sign a mutual aid agreement." Fla. Att'y Gen. Op. 96-07, p. 2. Furthermore, the MOU does not contemplate the expenditure of City funds but rather participation in a law enforcement operation. Indeed, the Stonegarden Operation – the law enforcement operation outlined in the MOU-will be funded pursuant to a Federal grant initiative issued to Miami-Dade County. The MOU, therefore, does not fall within the purview of the City's Procurement Code provisions. And even if the MOU fell within the purview of the City's Procurement Code provisions because it involves an agreement with another governmental agency- Miami-Dade County- and does not contemplate the expenditure of City funds, the City Manager or his designee may execute the MOU in accordance with Sections 2-828(c) and 2-979 of the City's Municipal Code. Thus, in conclusion, the MOU does not require a resolution from the City Commission and, moreover, the City Manager or the Chief of Police -- as the City Manager's designee - may execute the MOU.

Hernandez, Cristina

From: Thornton Richard, Bridgette
Sent: Wednesday, October 02, 2013 3:09 PM
To: Hernandez, Cristina
Subject: FW: Memorandum of Understanding - Operation Stonegarden

Please add the below to the Office's legal opinion binder.

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084
Cell: (305) 801-5797
Fax: (305) 476-7795

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

NOTICE: This e-mail is from the law office of the City of Coral Gables, and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you properly received this e-mail as a client, co-counsel or retained expert of the office of the City Attorney, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

From: Thornton Richard, Bridgette
Sent: Wednesday, October 02, 2013 2:56 PM
To: Berg, Margo
Cc: Leen, Craig; Figueroa, Yaneris (yfigueroa@coralgables.com) (yfigueroa@coralgables.com)
Subject: RE: Memorandum of Understanding - Operation Stonegarden

Good Afternoon Margo,

Thank you for sending me the Memorandum of Understanding ("MOU").

After reviewing the MOU, it is my opinion that a resolution is not necessary for execution of this MOU. In accordance with Florida Statutes Section 23.1225(3), "[a] mutual aid agreement may be entered into by a law enforcement agency through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency." Fla. Stat. Section 23.1225(3). Likewise, the Florida Attorney General has further opined that "section 23.1225(3), Florida Statutes, does not require a sheriff to have authorization from the board of county commissioners in order to sign a mutual aid agreement." Fla. Att'y Gen. Op. 96-07, p. 2. Furthermore, the MOU does not contemplate the expenditure of City funds but rather participation in a law enforcement operation. Indeed, the Stonegarden Operation – the law enforcement operation outlined in the MOU – will be funded pursuant to a Federal grant initiative issued to Miami-Dade County. The MOU, therefore, does not fall within the purview of the City's Procurement Code provisions.

And even if the MOU fell within the purview of the City's Procurement Code provisions because it involves an agreement with another governmental agency – Miami-Dade County – and does not contemplate the expenditure of City funds, the City Manager or his designee may execute the MOU in accordance with Sections 2-828(c) and 2-979 of the City's Municipal Code. Thus, in conclusion, the MOU does not require a resolution from the City Commission and, moreover,

the City Manager or the Chief of Police -- as the City Manager's designee -- may execute the MOU. Please let me know if you have any questions or concerns.

Thank you,
Bridgette

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From: Berg, Margo
Sent: Wednesday, October 02, 2013 11:35 AM
To: Thornton Richard, Bridgette
Subject: RE: Memorandum of Understanding - Operation Stonegarden

Good Morning Bridgette,

Attached is the requested MOU.

Please advise.

Thanks,

Margo Berg
Administrative Assistant to Chief of Police
Coral Gables Police Department
2801 Salzedo Street
Coral Gables, Florida 33134
Telephone (305) 460-5418
Fax (305) 460-5499

From: Thornton Richard, Bridgette
Sent: Tuesday, October 01, 2013 12:28 PM
To: Berg, Margo
Subject: RE: Memorandum of Understanding - Operation Stonegarden

Please send me the MOU. I need to read it to refresh/trigger my memory. Sorry.

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
05 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
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From: Berg, Margo
Sent: Friday, September 27, 2013 4:09 PM
To: Thornton Richard, Bridgette
Subject: Memorandum of Understanding - Operation Stonegarden

Good Afternoon Bridgette,

We are in receipt of the Memorandum of Understanding – Operation Stonegarden, which was executed by your office as to form and legal sufficiency.

Chief Weiner needs to know if a Resolution is required for this MOU, and if so, if your office can prepare it.

Awaiting your reply,

Margo Berg
Administrative Assistant to Chief of Police
Coral Gables Police Department
2801 Salzedo Street
Coral Gables, Florida 33134
Telephone (305) 460-5418
Fax (305) 460-5499