



To: Jorge Martinez-Esteve

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the "From:" line.

RE: Legal Opinion Regarding Municipal Ordinances

Date: December 8, 2015

I will be speaking to the City Commission about the guardhouse issue at the meeting today (Tuesday). Please advise if you were able to find any legal authority or prior opinions from the County Attorney's Office on this topic.

Ultimately, it remains my legal opinion that the County must enforce the City ordinance as enacted pursuant to section 6.02 of the County Charter and other applicable law. Moreover, I would emphasize that this is a sensible remedial ordinance intended to protect public safety, which establishes the standard of care for guardhouses on public roads in Coral Gables. It is narrowly drafted in a manner that provides protection at very late hours of the night and very early hours of the morning. This is my legal opinion and interpretation of the ordinance, issued on behalf of the City pursuant to sections 2-201(e)(1) and (8) of the City Code.

I will speak with the Commission at the meeting today and let you know how they decide to proceed. The issue should not be reached until the afternoon, so please let me know if you have any information before then.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: City Attorney Opinion Regarding Municipal Ordinances
Date: Tuesday, December 08, 2015 12:37:06 AM
Importance: High

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, December 08, 2015 12:34 AM
To: 'Martinez-Esteve, Jorge (CAO)'
Cc: Ramos, Miriam
Subject: RE: City Attorney Opinion Regarding Municipal Ordinances
Importance: High

Jorge,

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Best regards,
Craig

Craig E. Leen, City Attorney
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Coral Gables, Florida 33134
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Email: cleen@coralgables.com

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

From: Martinez-Esteve, Jorge (CAO) [<mailto:JME@miamidade.gov>]
Sent: Thursday, December 03, 2015 8:16 AM
To: Leen, Craig
Subject: RE: City Attorney Opinion Regarding Municipal Ordinances

Hi Craig:

I am writing to let you know I am in trial (and have been since Tuesday) and won't be done until tomorrow. I will hopefully be able to get back to you tomorrow once I am out of trial. Thanks, and take care.

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

From: Leen, Craig [<mailto:cleen@coralgables.com>]
Sent: Thursday, December 03, 2015 12:37 AM
To: Martinez-Esteve, Jorge (CAO)
Subject: City Attorney Opinion Regarding Municipal Ordinances

Jorge,

I also wanted to share with you a City Attorney Opinion I wrote as to why case law supports the principle that municipal ordinances apply to counties, school boards, and state agencies. It was in the context of an historic preservation issue involving the school board. Here is the link to CAO 2015-055:

<http://coralgables.com/modules/showdocument.aspx?documentid=15384>

Best regards,
Craig

Craig E. Leen
City Attorney

Sent from my iPhone

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