



To: Mayor and Commissioners

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

RE: Legal Opinion Regarding Motions for Reconsideration - Procedures

Date: September 15, 2016

In the event that an individual wishes to petition the City Commission to reconsider a motion made while sitting in its quasi-judicial capacity, the following procedure must be followed in order to ensure compliance with the Jennings Rule.

**Submission to the City Clerk's Office.** An individual wishing to request that the City Commission reconsider a previously made motion, in a quasi-judicial proceeding, must submit a written request to the Clerk's Office. The request, together with all supporting documentation, must be provided to the Clerk five (5) days in advance of the City Commission meeting scheduled directly following the one where the original motion passed, in compliance with Sections 2-75<sup>1</sup> and 2-72(e)<sup>2</sup> of the City Code. The City Clerk will, in turn, provide all submitted documents to the opposing party and all other recognized individuals who appeared in the matter, as well as to each member of the City Commission.

**Consideration by City Commission.** Upon receiving the written request and supporting documentation, the City Clerk shall provide the same to each member of the City Commission within twenty-four (24) hours. If a member of the City Commission, who voted in favor of the item, wishes to sponsor a motion on the agenda, he/she may do so prior to the meeting by informing the City Clerk of the same. The City Clerk shall then place the item on the next City Commission agenda. This policy does not restrict the authority of members of the Commission to place items on the agenda, pursuant to Sec. 2-69(i) of the City Code, or to raise matters generally pursuant to Sec. 2-68(a)(3) of the City Code.

<sup>1</sup> Section 2-75 of the City Code states that "no evidentiary documentation shall be submitted less than five calendar days prior to a scheduled commission hearing."

<sup>2</sup> Section 2-72(e) of the City Code states, "a motion to reconsider can be made by any member on the prevailing side, at any time during the commission meeting, and as late as the following commission meeting."

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#)  
**Subject:** FW: Motions for Reconsideration - Procedures  
**Date:** Wednesday, September 14, 2016 9:21:02 PM  
**Attachments:** [mtns for reconsideration procedures.pdf](#)  
[image001.png](#)  
[image002.png](#)

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Please publish the attached procedures as a City Attorney Opinion.

**Craig E. Leen, City Attorney**

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City, County and Local Government Law*  
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THE CITY BEAUTIFUL

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**From:** Ramos, Miriam  
**Sent:** Wednesday, September 14, 2016 9:19 PM  
**To:** Cason, Jim; Quesada, Frank; Keon, Patricia; Lago, Vince; Slesnick, Jeannett  
**Cc:** Swanson-Rivenbark, Cathy; Foeman, Walter; Leen, Craig; Fernandez, Frank; Iglesias, Peter; Suarez, Cristina; Throckmorton, Stephanie  
**Subject:** Motions for Reconsideration - Procedures

Dear Mayor and Commissioners,

Attached please find the procedures, drafted by our office, addressing Motions for Reconsideration. Please do not “reply all” and call me directly if you have any questions or wish to discuss.

Sincerely,

*Miriam S. Ramos, Esq.*

Deputy City Attorney

City of Coral Gables

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Coral Gables, FL 33134

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# CITY OF CORAL GABLES

## MOTIONS FOR RECONSIDERATION PROCEDURES

In the event that an individual wishes to petition the City Commission to reconsider a motion made while sitting in its quasi-judicial capacity, the following procedure must be followed in order to ensure compliance with the *Jennings* Rule.

**Submission to the City Clerk's Office.** An individual wishing to request that the City Commission reconsider a previously made motion, in a quasi-judicial proceeding, must submit a written request to the Clerk's Office. The request, together with all supporting documentation, must be provided to the Clerk five (5) days in advance of the City Commission meeting scheduled directly following the one where the original motion passed, in compliance with Sections 2-75<sup>1</sup> and 2-72(e)<sup>2</sup> of the City Code. The City Clerk will, in turn, provide all submitted documents to the opposing party and all other recognized individuals who appeared in the matter, as well as to each member of the City Commission.

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September 2016

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