



To: Walter Foeman

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen" in the "From:" field.

RE: Legal Opinion Regarding Green Task Force

Date: July 5, 2011

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I have reviewed your request for an advisory opinion regarding the Green Task Force. In particular, you have asked whether the Green Task Force was created as an advisory board of the City or, instead, as an ad hoc committee. It is my opinion that the Green Task Force is an advisory board of the City, and not an ad hoc committee. This is true for several reasons.

As an initial matter, the Green Task Force was established by ordinance in accordance with section 2-64(a) of the City Code, which provides support for the conclusion that the task force is not ad hoc, because ad hoc committees need not be created by ordinance under the express terms of section 2-64(a).

In addition, the Green Task Force is discussed at length in sections 2-176 through 2-189 of the City Code. These provisions indicate the intent to create a standing advisory board, as opposed to a temporary, ad hoc committee. Among other things, these sections provide for (1) the authority for the Task Force to make recommendations to the City regarding matters relating to sustainability [2-176]; (2) a membership of eleven individuals with set terms, along with the **replacement of such members** [2-178, 2-179]; (3) a chairperson and vice-chairperson [2-180]; (4) meeting requirements [2-182]; (5) a quorum requirement [2-183]; (6) the requirement to provide an **annual** written report to the commission [2-187]; and (7) administrative staff support, along with the possibility of consultants [2-181, 2-186]. Moreover, section 2-188 of the City Code expressly indicates that "[t]he task force shall be governed by any and all legislation enacted by the city commission, as well as any applicable administrative policies that govern the functions of city boards and committees, including, but not limited to, the provisions of the City Code." (emphasis added). In light of the above-stated provisions, it is my opinion that the text of the City Code makes clear that the Green Task Force is not ad hoc, and was intended to be an advisory board of the City.

Finally, I have reviewed the language you have cited from the City Commission meeting of May 25, 2010 (page 6 of the verbatim minutes). This language does not change my opinion. I interpret the prior City Attorney's comments to mean that the Green Task Force was not being created as an ad hoc committee (because the committee was not established with a "limited duration" where it would then be "sunset"). Regardless of how this language from the meeting is read, however, the plain language of the provisions of the City Code indicate to me that the Green Task Force is not an ad hoc committee, and is instead an advisory board of the City.

Osle, Zilma

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**From:** Leen, Craig  
**Sent:** Tuesday, July 05, 2011 4:31 PM  
**To:** Foeman, Walter  
**Cc:** Alfonsin, Lourdes; Urquia, Billy; Dacosta, Susan; Osle, Zilma  
**Subject:** Re: Request for Advisory Opinion: Green Task Force  
**Attachments:** 20110622140651.pdf; 20110622140724.pdf; 20110622140807.pdf; 20110622140931.pdf

City Attorney Opinion

I have reviewed your request for an advisory opinion regarding the Green Task Force. In particular, you have asked whether the Green Task Force was created as an advisory board of the City or, instead, as an ad hoc committee. It is my opinion that the Green Task Force is an advisory board of the City, and not an ad hoc committee. This is true for several reasons.

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In addition, the Green Task Force is discussed at length in sections 2-176 through 2-189 of the City Code. These provisions indicate the intent to create a standing advisory board, as opposed to a temporary, ad hoc committee. Among other things, these sections provide for (1) the authority for the Task Force to make recommendations to the City regarding matters relating to sustainability [2-176]; (2) a membership of eleven individuals with set terms, along with the replacement of such members [2-178, 2-179]; (3) a chairperson and vice-chairperson [2-180]; (4) meeting requirements [2-182]; (5) a quorum requirement [2-183]; (6) the requirement to provide an annual written report to the Commission [2-187]; and (7) administrative staff support, along with the possibility of consultants [2-181, 2-186]. Moreover, section 2-188 of the City Code expressly indicates that "[t]he task force shall be governed by any and all legislation enacted by the city commission, as well as any applicable administrative policies that govern the functions of city boards and committees, including, but not limited to, the provisions of the City Code." (emphasis added). In light of the above-stated provisions, it is my opinion that the text of the City Code makes clear that the Green Task Force is not ad hoc, and was intended to be an advisory board of the City.

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Please contact me if you have any questions regarding this opinion.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
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**From:** Dacosta, Susan  
**Sent:** Wednesday, June 22, 2011 3:17 PM  
**To:** Leen, Craig  
**cc:** Alfonsin, Lourdes; Foeman, Walter; Osle, Zilma  
**Subject:** Request for Advisory Opinion: Green Task Force

Craig,

Please see attached cover memo, verbatim transcript from the May 25, 2010 City Commission Meeting, Agenda Item E-3, Ordinance No. 2010-11, and Ordinance No. 2010-12 (As Amended), in connection to the Green Task Force for your information and expeditious response. The original will be sent via interoffice mail.

Thank you,

*Susan DaCosta  
Administrative Assistant to  
Walter J. Foeman, City Clerk  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134  
305-460-5210*