




To: Walter Foeman

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

RE: Legal Opinion Regarding Group Designation and Expiration Of Terms

Date: December 5, 2014

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I have reviewed your request for an opinion. Pursuant to section 2-201(e)(1) and (8) of the City Code, my opinion is that your question is governed by section 9 of the City Charter, which states: "No person shall be elected to serve as Mayor for more than eight consecutive years. No person shall be elected to serve as City Commissioner for more than 12 consecutive years." In discussing how long a Commissioner can serve consecutive years in that office, the Charter does not specify the Group number. Accordingly, the twelve year limit applies to being a City Commissioner, not the City Commissioner from Group Two, Three, Four, or Five. For example, this means that a Commissioner could not serve for twelve consecutive years as the Group Two Commissioner and then immediately serve up to twelve consecutive years as the Group Three Commissioner (the Group Two and Three Commission seats are up for election at the same time every four years). There would need to be an interruption in service following the twelve years before service as City Commissioner could begin again.

The next issue would be how long does the interruption have to be. It is my opinion that the plain meaning of the word "consecutive years" controls, which means an interruption of at least one year. Accordingly, once a Commissioner ceases to hold office after 12 consecutive years, and an interruption of at least one year in service occurs, the Commissioner may then hold office as a Commissioner again, as the Commissioner would not be holding office for more than twelve consecutive years.

Finally, I would note that the Office of Mayor is treated as a different office than the Office of Commissioner, so a Commissioner may serve twelve consecutive years, and then immediately hold the office of Mayor for up to eight consecutive years.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Friday, December 05, 2014 3:26 PM  
**To:** Parramore, Carol  
**Cc:** Foeman, Walter; Thornton, Bridgette; Figueroa, Yaneris; Herbello, Stephanie  
**Subject:** FW: Request for Advisory Opinion

**Importance:** High

Please place in the opinion folder.

**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](mailto:cleen@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Friday, December 05, 2014 3:25 PM  
**To:** Foeman, Walter  
**Cc:** Thornton, Bridgette; Dacosta, Susan  
**Subject:** RE: Request for Advisory Opinion  
**Importance:** High

Good afternoon, Walter. I have reviewed your request for an opinion. Pursuant to section 2-201(e)(1) and (8) of the City Code, my opinion is that your question is governed by section 9 of the City Charter, which states: "No person shall be elected to serve as Mayor for more than eight consecutive years. No person shall be elected to serve as City Commissioner for more than 12 consecutive years." In discussing how long a Commissioner can serve consecutive years in that office, the Charter does not specify the Group number. Accordingly, the twelve year limit applies to being a City Commissioner, not the City Commissioner from Group Two, Three, Four, or Five. For example, this means that a Commissioner could not serve for twelve consecutive years as the Group Two Commissioner and then immediately serve up to twelve consecutive years as the Group Three Commissioner (the Group Two and Three Commission seats are up for election at the same time every four years). There would need to be an interruption in service following the twelve years before service as City Commissioner could begin again.

The next issue would be how long does the interruption have to be. It is my opinion that the plain meaning of the word "consecutive years" controls, which means an interruption of at least one year. Accordingly, once a Commissioner ceases to hold office after 12 consecutive years, and an interruption of at least one year in service occurs, the Commissioner may then hold office as a Commissioner again, as the Commissioner would not be holding office for more than twelve consecutive years.

Finally, I would note that the Office of Mayor is treated as a different office than the Office of Commissioner, so a Commissioner may serve twelve consecutive years, and then immediately hold the office of Mayor for up to eight consecutive years.

Please let me know if you have any further questions.

**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

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**From:** Dacosta, Susan

**Sent:** Monday, December 01, 2014 1:21 PM

**To:** Leen, Craig

**Cc:** Thornton, Bridgette; Foeman, Walter

**Subject:** FW: Request for Advisory Opinion

**Attn: City Attorney's Office**

On behalf of Walter Foeman, please see attached request for advisory opinion regarding Group Designation and Expiration of Terms.

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*

**Parramore, Carol**

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**From:** Thornton, Bridgette  
**Sent:** Thursday, December 04, 2014 3:06 PM  
**To:** Leen, Craig  
**Cc:** Figueroa, Yaneris; Parramore, Carol; Herbello, Stephanie; Foeman, Walter; Dacosta, Susan  
**Subject:** FW: Request for Advisory Opinion  
**Attachments:** 1564\_001.pdf  
  
**Importance:** High

Good Afternoon Craig,

Walter has a few time sensitive issues that he would like to discuss with you as soon as possible. One of which is attached and the other involves the timing and protocol for the swearing in of the new City Manager. He informed me that he called you multiple times and left a voicemail on your phone line. Please call him as soon as possible.

Thank you,  
B

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

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**From:** Foeman, Walter  
**Sent:** Thursday, December 04, 2014 2:56 PM  
**To:** Thornton, Bridgette  
**Subject:** FW: Request for Advisory Opinion

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**From:** Dacosta, Susan  
**Sent:** Monday, December 01, 2014 1:21 PM  
**To:** Leen, Craig  
**Cc:** Thornton, Bridgette; Foeman, Walter  
**Subject:** FW: Request for Advisory Opinion

**Attn: City Attorney's Office**

On behalf of Walter Foeman, please see attached request for advisory opinion regarding Group Designation and Expiration of Terms.

Thank you,

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




CITY OF CORAL GABLES

--MEMORANDUM--

TO: CRAIG E. LEEN  
CITY ATTORNEY

DATE: DECEMBER 1, 2014

FROM:   
WALTER J. FOEMAN  
CITY CLERK

SUBJECT: REQUEST FOR ADVISORY OPINION:  
GROUP DESIGNATION AND  
EXPIRATION OF TERMS

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Request is hereby made to provide this office with an advisory opinion in reference to the herein below issue:

Whether or not an incumbent Commissioner elected at-large from a designated Group (Group I of V pursuant to the Coral Gables Charter) has the right to seek election from a different Group designation (i.e. whose terms are not concurrent with the term of Group seat he currently holds) upon the expiration of his term?—and whether or not the fact that said Commissioner seeks election from another distinct Group would preclude him from running because of the successive term referenced in our City's Code that would apply to the current Group seat that he presently holds. (Note: In considering this matter, electors have voted for Commissioners in District Races in other municipalities, wherein there have been term limits, and whereupon those Commissioners following expiration of their successive terms in a designated District have later sought to run in another district, wherein the terms of the office held as compared to the office sought have not been concurrent. The applicability of the District reference as distinguished from the Group reference denotes a specific geographical boundary, where a finite number of electors vote). On the other hand, the applicability of the "Group" reference pertains to a situation where there is an at-large vote and that any elector within the geographical municipal boundary can vote.

In closing, your expeditious response to this request would be greatly appreciated.

WJF/sd

C: Bridgette Thornton  
Deputy City Attorney