



To: Glenn Kephart

From: Yaneris Figueroa, Assistant City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding Nissan Charging Station Equipment Agreement

Date: February 10, 2016

Based on the City Commission's recent positions regarding sustainability, along with the City's electric vehicle program, and the public benefit served through the Agreement, it can be executed administratively without needing to go before the Commission. As you are aware, the City Commission has undertaken various sustainability measures with the goal of improving the City's sustainability practices. This Agreement is in-line with such measures and the will of the City Commission. Moreover, this Agreement will serve a public benefit as there will be no charge to the City for the charging stations. Likewise, there is very limited potential liability for the City with this Agreement. Indeed, under the terms of the Agreement, the City would only incur a cost if the City decided to remove the charging stations within two (2) years from the date of installation ("Nissan may require Company to repay all or part of amounts funded by Nissan hereunder if the Company decides to decommission and remove the chargers from service within 2 years from the date of installation"). Therefore, it is the City Attorney's Office opinion that this Agreement can be approved administratively.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Figueroa, Yaneris](#)
Subject: FW: Nissan Charging Station Equipment Agreement
Date: Wednesday, February 10, 2016 2:43:44 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

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



Celebrating 90 years of a dream realized.

From: Figueroa, Yaneris
Sent: Wednesday, February 10, 2016 10:59 AM
To: Kephart, Glenn
Cc: Leen, Craig; Riley, Steven; Garrido, Lorena; Pounds, Michael; Swanson-Rivenbark, Cathy; Ramos, Miriam
Subject: RE: Nissan Charging Station Equipment Agreement

Glenn,

I met with Craig yesterday and discussed your question. Based on the City Commission's recent positions regarding sustainability, along with the City's electric vehicle program, and the public benefit served through the Agreement, it can be executed administratively without needing to go before the Commission. As you are aware, the City Commission has undertaken various sustainability measures with the goal of improving the City's sustainability practices. This Agreement is in-line with such measures and the will of the City Commission. Moreover, this Agreement will serve a public benefit as there will be no charge to the City for the charging stations. Likewise, there is very limited potential liability for the

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If you have any questions or concerns, please let me know.

Best,

Yaneri Figueroa

Assistant City Attorney for the City of Coral Gables

405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134

Office: (305) 722-8625

Fax: (305) 476-7795



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Celebrating 90 years of a dream realized.

From: Kephart, Glenn

Sent: Monday, February 08, 2016 9:11 AM

To: Figueroa, Yaneri

Cc: Leen, Craig; Riley, Steven; Garrido, Lorena; Pounds, Michael; Swanson-Rivenbark, Cathy; Ramos, Miriam

Subject: FW: Nissan Charging Station Equipment Agreement

Good morning Yaneri,

I understand you worked with Steve to review this agreement for Nissan to donate charging stations to the City. Can I sign the agreement or does it require Commission approval? The timeline is very tight, as Nissan has a deadline in which these stations need to be installed, so if I have authority to execute, that would be great.

Thanks

Glenn Kephart, P.E

Public Works Director

City of Coral Gables

305-460-5001



Celebrating 90 years of a dream realized.

From: Riley, Steven
Sent: Monday, February 01, 2016 11:26 AM
To: Kephart, Glenn
Subject: Nissan Charging Station Equipment Agreement

Glenn,

I have attached the final version of the Nissan agreement that donates two free DC fast charge stations to the city. The agreement has been reviewed by both the Assistant City Attorney and the Risk Manager. We need to get it signed asap so we can receive the equipment and get the needed installation approvals. We have a deadline of the end of March to make this happen.

Steve

Steve Riley, Automotive Director
City of Coral Gables, Florida
305-460-5141



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