



To: Walter Foeman and Billy Urquia

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

RE: Legal Opinion Regarding Correcting Section 2-237 of the City Code

Date: July 13, 2016

Please see the attached City Attorney Opinion regarding a correction that is necessary to section 2-237 of the City Code, which was issued pursuant to sections 2-201(e)(1) and (8). The Opinion indicates that a portion of section 2-237 must be corrected because it has been superseded by a more recent ordinance. Based on the Opinion, and pursuant to the City Attorney's authority under section 2-201(e)(9) to make such corrections, I hereby correct section 2-237 to state as follows (additions have underline; deletions have strikethrough):

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, or quasijudicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any person who renders services to the city is in doubt as to the applicability of the article, that person may submit to the city attorney a full written statement of the facts and questions. The city attorney shall then render an advisory nonbinding opinion to such person and shall publish these opinions without use of the name of the person advised unless the person permits the use of a name. Binding opinions may be sought from the county ethics commission. The city attorney is authorized to issue a binding opinion on the matter pursuant to Sections 2-201(e)(1) and (8) of the City Code.

The corrected provision would now read:

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, or quasijudicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any person who renders services to the city is in doubt as to the applicability of the article, that person may submit to the city attorney a full written statement of the facts and questions. The city attorney is authorized to issue a binding opinion on the matter pursuant to Sections 2-201(e)(1) and (8) of the City Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#)
Subject: FW: City Attorney Opinion Correcting Section 2-237 of the City Code
Date: Wednesday, July 13, 2016 5:19:21 PM
Attachments: [Opinion Regarding Section 2-237 of the City Code.pdf](#)
[image001.png](#)

Please publish.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, July 13, 2016 5:19 PM
To: Foeman, Walter; Urquia, Billy
Cc: Ramos, Miriam; Chen, Brigitte; Paulk, Enga
Subject: City Attorney Opinion Correcting Section 2-237 of the City Code

Mr. Clerk:

Please see the attached City Attorney Opinion regarding a correction that is necessary to section 2-237 of the City Code, which was issued pursuant to sections 2-201(e)(1) and (8). The Opinion indicates that a portion of section 2-237 must be corrected because it has been superseded by a more recent ordinance. Based on the Opinion, and pursuant to the City Attorney's authority under section 2-201(e)(9) to make such corrections, I hereby correct section 2-237 to state as follows (additions have underline; deletions have strikethrough):

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Please inform the Municipal Code Corporation.

Craig E. Leen, City Attorney

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THE CITY BEAUTIFUL

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CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE

OPINION SEC. 2-237 OF THE CITY CODE

Sec. 2-237 of the City of Coral Gables Code reads:

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, or quasijudicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any person who renders services to the city is in doubt as to the applicability of the article, that person may submit to the city attorney a full written statement of the facts and questions. The city attorney shall then render *an advisory nonbinding opinion* to such person and shall publish these opinions without use of the name of the person advised unless the person permits the use of a name. Binding opinions may be sought from the county ethics commission.

This section was last amended 12/14/2004.

Subsequently, in March 2012, Ordinance No. 2012-05 created Sec. 2-201 of the City Code entitled, "City Attorney and the Legal Department." Subsection (e)(1) of 2-201 states that the City Attorney shall, "act as legal counsel and advisor to the city commission, city manager, city clerk, as well as to city departments, boards, and committees, and to *provide legal opinions* where warranted in the performance of such function." Subsection (e)(8) of 2-201 states that the City Attorney has the authority "to *interpret* the City Charter, City Code, and Zoning Code on behalf of the City."

Since 2-201 is more recent, it supersedes Sec. 2-237 to the extent that they are inconsistent. Thus, this office opines that Sec. 2-201 authorizes the City Attorney's Office to issue binding legal opinions on behalf of the City. Therefore, pursuant to Sec. 2-201(e)(9) of the City Code, the portion of Sec. 2-237 that has been superseded should be corrected as follows:

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, or quasijudicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any person who renders services to the city is in doubt as to the applicability of the article, that person may submit to the city attorney a full written statement of the facts and questions. ~~The city attorney shall then render *an advisory nonbinding opinion* to such person and shall publish these opinions without use of the name of the person advised unless the person permits the use of a name. Binding opinions may be sought from the county ethics commission.~~ The city attorney is authorized to issue a binding opinion on the matter pursuant to Sections 2-201(e)(1) and (8) of the City Code.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code.