



To: Robert Ruano

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".

RE: Legal Opinion Regarding No Motion On Bike Lanes On The Mile On February 18<sup>th</sup>

Date: May 5, 2015

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I reviewed the entire discussion on bicycles during the February 18th Commission meeting. It continues to be my opinion that you are asking for reconsideration of a previously provided Commission direction. The Mayor has also ruled that reopening the matter is out of order. Accordingly, the matter can only be reopened with the assent of three Commissioners pursuant to section 2-68(a)(5) of the City Code and as a matter of parliamentary law. My analysis is as follows:

The Public Works Director was clear during the February 18th meeting that direction was needed from the Commission on the bicycle lane issue, and I gave the Commission an opinion that they should provide such direction so that staff could proceed in reliance on it. It was clear that the entire Commission agreed on an approach with an exception stated on the record by Commissioner Quesada. The Mayor as Chair also ruled at the end of the meeting that a motion was not needed as the direction of the Commission had been provided. Accordingly, it is my opinion that the issue was resolved by the Commission at the meeting, and that staff could justifiably proceed with the Commission's direction.

Thus, I stand by my opinion as Parliamentarian that you were asking for reconsideration of this direction at the April 28th meeting. The Mayor also ruled at the April 28th meeting that reopening the matter was out of order, which can only be overruled by three Commissioners pursuant to section 2-68(a)(5) of the City Code.

In light of this record, pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the Commission has given a direction knowing it would be relied on, that the Mayor has ruled that reopening the matter is out of order, and that any reconsideration of the matter would therefore require the assent of three Commissioners under section 2-68(a)(5) of the City Code and as a matter of parliamentary law. Ultimately, you would also need the vote of three Commissioners to change the direction.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Tuesday, May 05, 2015 1:00 AM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yanneris; Chen, Brigitte  
**Subject:** Fwd: No motion on bike lanes on the Mile on February 18th

Please place in the opinion folder.

Sent from my iPhone

Begin forwarded message:

**From:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Date:** May 5, 2015 at 12:52:26 AM EDT  
**To:** Robert Ruano <[rjruano@ecostratas.com](mailto:rjruano@ecostratas.com)>  
**Cc:** "[dswain@milianswain.com](mailto:dswain@milianswain.com)" <[dswain@milianswain.com](mailto:dswain@milianswain.com)>, John Swain <[jsswain@aol.com](mailto:jsswain@aol.com)>  
**Subject:** Re: No motion on bike lanes on the Mile on February 18th

Good evening, Robert. I reviewed the entire discussion on bicycles during the February 18th Commission meeting. It continues to be my opinion that you are asking for reconsideration of a previously provided Commission direction. The Mayor has also ruled that reopening the matter is out of order. Accordingly, the matter can only be reopened with the assent of three Commissioners pursuant to section 2-68(a)(5) of the City Code and as a matter of parliamentary law. My analysis is as follows:

The Public Works Director was clear during the February 18th meeting that direction was needed from the Commission on the bicycle lane issue, and I gave the Commission an opinion that they should provide such direction so that staff could proceed in reliance on it. It was clear that the entire Commission agreed on an approach with an exception stated on the record by Commissioner Quesada. The Mayor as Chair also ruled at the end of the meeting that a motion was not needed as the direction of the Commission had been provided. Accordingly, it is my opinion that the issue was resolved by the Commission at the meeting, and that staff could justifiably proceed with the Commission's direction.

Thus, I stand by my opinion as Parliamentarian that you were asking for reconsideration of this direction at the April 28th meeting. The Mayor also ruled at the April 28th meeting that reopening the matter was out of order, which can only be overruled by three Commissioners pursuant to section 2-68(a)(5) of the City Code.

In light of this record, pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the Commission has given a direction knowing it would be relied on, that the Mayor has ruled that reopening the matter is out of order, and that any reconsideration of the matter would therefore require the assent of three Commissioners under section 2-68(a)(5) of the City Code and as a matter of parliamentary law. Ultimately, you would also need the vote of three Commissioners to change the direction.

Please let me know if you have any questions or would like to further discuss.

Craig E. Leen  
City Attorney

Sent from my iPhone

On May 4, 2015, at 1:49 PM, Robert Ruano <[rjruano@ecostratas.com](mailto:rjruano@ecostratas.com)> wrote:

Craig,  
Have you been able to look into this? Please let us know today if you can.  
thanks,  
Robert

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

From: "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
Date: 04/28/2015 4:31 PM (GMT-05:00)  
To: Robert Ruano <[rjruano@ecostratas.com](mailto:rjruano@ecostratas.com)>  
Cc: [dswain@milianswain.com](mailto:dswain@milianswain.com), John Swain <[jsswain@aol.com](mailto:jsswain@aol.com)>  
Subject: Re: No motion on bike lanes on the Mile on February 18th

Good afternoon, Robert. Thank you for the email. I will review the tape and provide a response in writing this week. Best regards, Craig

Craig E. Leen  
City Attorney

Sent from my iPhone

On Apr 28, 2015, at 3:53 PM, Robert Ruano <[rjruano@ecostratas.com](mailto:rjruano@ecostratas.com)> wrote:

Craig,  
As a followup to my email earlier, I have just relooked at the video of the February 18<sup>th</sup> meeting where bike lanes on the Mile were discussed. Is this where you meant that a motion had been made, because looking at the video, I didn't see it.

If that is the case, can't anyone on the Commission bring up the item again?

Please let me know when you can.

Thanks,  
Robert

<image001.gif>  
Robert Ruano, LEED AP  
President  
Ecostrata Services, Inc.  
221 Aragon Avenue, Ste. 204  
Coral Gables, FL 33134

786-441-9200 ofc  
305-962-6142 cell  
[rjruano@ecostratas.com](mailto:rjruano@ecostratas.com)  
[www.ecostratas.com](http://www.ecostratas.com)

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**From:** Robert Ruano  
**Sent:** Tuesday, April 28, 2015 2:50 PM  
**To:** [cleen@coralgables.com](mailto:cleen@coralgables.com)  
**Subject:** No actual vote.

Craig,  
I would ask you to relook at the issue about who can bring up the bike lanes issue on the Mile. I heard from several people, including former Vice-Mayor Kerdyk, that because there was no actual vote, then anyone on the commission could bring it up.

It was my understanding that if there had been a second, and it failed, THEN only Keon and Cason could bring up the issue.

I hope you will look at this again.

Robert

<image001.gif>  
Robert Ruano, LEED AP  
President  
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