



To: June E. Morris

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

A handwritten signature in blue ink, appearing to be "CL", is written to the right of the "From:" line.

RE: Legal Opinion Regarding Multiple Board Members Attend Public Meeting, Voting On Chairman Position, Appearing Before Commission To Speak

Date: September 3, 2014

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Here are my answers to your questions:

1. You may attend and participate in any public meeting in your capacity as a Coral Gables resident. This is true for other members of the Economic Development Board as well. If a matter will be coming up at the meeting that could come before your Board, and more than one member will be present at the public meeting, then please notify the City Clerk as soon as you know (and preferably 48 hours in advance) so that a public notice can be posted indicating the attendance of multiple Board members.
2. According to section 2-69(i) of the City Code, the officials that can place an item on the agenda (other than a personal appearance), are the members of the Commission (Mayor and Commissioners), the City Manager, the City Attorney, and the City Clerk. Thus, if there is a particular Board item you would like the Commission to take up (other than in the minutes) you must have one of these officials sponsor the item.
3. As for appearing at the Commission to speak on an issue that came before your Board, the City Ethics Code (at section 2-232(c) of the City Code) states as follows: "No advisory personnel, autonomous personnel or quasijudicial personnel, after deliberating, considering, ruling or recommending on an application filed with the board or committee upon which they serve, shall appear before a higher board or the city commission to testify as an affected party. However, this section shall not prohibit the chairperson of a city from appearing before the city commission to provide the board's recommendation." This provision has been interpreted to allow the chair of a board to appear before the

Commission to provide the Board's recommendation/proposed action (or a designee of the chair/board for purposes of the item who would then appear as acting chair).

4. A board selects a chair annually pursuant to section 2-62(a) of the City Code. Although a vote is preferable, the board may lawfully act under the Code by unanimous consent. In other words, if there is no objection expressed to the chair continuing as chair, and the board continues to consent to keep the same chair, the chair would continue to be the lawful chair. I would also note that it is my view that a board may change its chair at anytime through a majority vote.

## Parramore, Carol

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**From:** Leen, Craig  
**Sent:** Wednesday, September 03, 2014 10:56 AM  
**To:** Osle, Zilma; Parramore, Carol  
**Cc:** Thornton, Bridgette; Figueroa, Yaneris  
**Subject:** FW: Public Meetings Question

Please see below and 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  
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Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**From:** Leen, Craig  
**Sent:** Wednesday, September 03, 2014 10:55 AM  
**To:** 'June E. Morris'  
**Cc:** Foeman, Walter  
**Subject:** RE: Public Meetings Question

Hello June,

Here are my answers to your questions:

1. You may attend and participate in any public meeting in your capacity as a Coral Gables resident. This is true for other members of the Economic Development Board as well. If a matter will be coming up at the meeting that could come before your Board, and more than one member will be present at the public meeting, then please notify the City Clerk as soon as you know (and preferably 48 hours in advance) so that a public notice can be posted indicating the attendance of multiple Board members.
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4. A board selects a chair annually pursuant to section 2-62(a) of the City Code. Although a vote is preferable, the board may lawfully act under the Code by unanimous consent. In other words, if there is no objection expressed to the chair continuing as chair, and the board continues to consent to keep the same chair, the chair would

continue to be the lawful chair. I would also note that it is my view that a board may change its chair at anytime through a majority vote.

Please let me know if I can be of any further assistance.

Best regards,  
Craig

**Craig E. Leen, City Attorney**  
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**From:** June E. Morris [<mailto:JEM@allenmorris.com>]  
**Sent:** Wednesday, September 03, 2014 9:45 AM  
**To:** Leen, Craig  
**Subject:** Public Meetings Question

Hi Craig,

I have a question regarding whether more than one board member can attend a public meeting.

I am on the Economic Development Board. Only one of us was allowed to attend any workshop on the Streetscape plan or the Commission meeting when the Streetscape was voted on. We are told that no more than one of us can attend any public meeting, even if we are not there representing the board, but attending only as an interested citizen.

If true, why would anyone want to volunteer to serve on a board if that meant being prohibited from attending public meetings on any subject as an interested Coral Gables resident? If I hear about a public meeting and want to go, must I check first to make sure no other board members will be in attendance? That makes participation by your most interested citizens difficult.

I would appreciate clarity on this issue.

On a related note, our board now wants to present our motions publically at City Commission meetings. I have been told by others outside the board that this is redundant because the Commission already gets our minutes and passes them, and therefore a waste of the Commission's time. However, at our board meeting this morning, we were told that often the Commission does not get our minutes until after the Commission meetings, so presenting our vote on pertinent matters (such as the Streetscape plan) is justified. Do you have any guidance for this issue?

Finally, how often do boards vote to change the chairman position? Once a year or every other year?

Sincerely,

June Morris  
Economic Development Board

