



To: Walter Foeman

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

A handwritten signature in blue ink, appearing to be "CL", written over the name of the City Attorney.

RE: Legal Opinion Regarding Commission Has Authority To Make An Ordinance Effective Whenever It Determines It Should Be Effective

Date: March 30, 2012

I reviewed the attached document, which includes language from the statutory text of section 166.041 of the Florida Statutes. At the end of the email, it cites to section 166.041(4) as to the effective date issue. That subsection provides, in part: "All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein." (emphasis added). It is my opinion that this language governs the issue of effective dates of ordinances and resolutions.

It is therefore my opinion that the Commission has the authority to make an ordinance effective whenever it determines it should be effective (as long as the date is provided in the ordinance). In other words, if the Commission states that the ordinance becomes effective upon adoption, it would become effective upon adoption. likewise, if the Commission states in the ordinance that the effective date is June 1, 2012, then that would be the effective date. Finally, if the Commission puts no effective date in the ordinance, then the 10 day period from the statute would apply, and the ordinance would become effective 10 days after adoption.

Osle, Zilma

From: Leen, Craig
Sent: Friday, March 30, 2012 10:17 AM
To: Foeman, Walter
Cc: Alfonsin, Lourdes; Osle, Zilma
Subject: FW: Opinion Re: Effective Dates
Attachments: 1150_001.pdf

Walter,

Based on this opinion, please make Section 5 of the City Attorney ordinance state: "This ordinance shall become effective upon adoption." That was the language approved by the Commission.

Thanks,
Craig

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Friday, March 30, 2012 10:15 AM
To: Foeman, Walter
Cc: Alfonsin, Lourdes; Osle, Zilma
Subject: Opinion Re: Effective Dates

Walter,

I reviewed the attached document, which includes language from the statutory text of section 166.041 of the Florida Statutes. At the end of the email, it cites to section 166.041(4) as to the effective date issue. That subsection provides, in part: "All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein." (emphasis added). It is my opinion that this language governs the issue of effective dates of ordinances and resolutions.

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Please let me know if you have any further questions.

Craig E. Leen
City Attorney
City of Coral Gables
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Coral Gables, Florida 33134
Phone: (305) 460-5218

Fax: (305) 460-5264

Email: cleen@coralgables.com

From: Foeman, Walter
Sent: Friday, March 30, 2012 9:47 AM
To: Leen, Craig
Subject: FW: Attached Image

Craig, I found it. The opinion had been previously forwarded to you by Yoli, upon my request.

Walter

From: clerk
Sent: Friday, March 30, 2012 9:53 AM
To: Foeman, Walter
Subject: Attached Image