



To: Miriam Ramos, Deputy City Attorney and Yaneris Figueroa, Assistant City Attorney

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

RE: Legal Opinion Regarding Preparation of Resolution Related to Commission Aide Position

Date: December 18, 2015

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Please prepare a resolution for the next Commission meeting that transfers the position of Commission Aide from under the Office of City Clerk to under the Office of City Manager. Commissioner Slesnick is sponsoring the item so please ensure she approves the form of the resolution.

I have previously opined in CAO 2014-015 that because the Commission Aide position assists the Commission in the performance of its function, that the Commission Aide position could be placed directly under the supervision of the City Commission. I later opined at a Commission meeting that the Commission could choose to delegate/place this position under the Office of City Clerk. Likewise, I hereby opine that the Commission could move the position from the Office of City Clerk to under the Office of City Manager if the Commission determines that it would prefer this structure. Ultimately, the key point is that the Commission Aide be available to directly work with and assist the individual Commissioners in the performance of their functions, as well as the Commission as a whole, and take directions from the individual Commissioners, subject to the limitations in CAO 2014-015 (i.e., the Commission Aide cannot act as a liaison or conduit among individual Commissioners, and the Commission Aide cannot direct administrative staff on behalf of individual Commissioners). Of course, the Commission Aide may continue to make inquiries to City staff on behalf of individual Commissioners, and may place items on the agenda as directed by individual Commissioners sponsoring that item (the Commissioner is placing the item on the agenda, but the Commission Aide may inform the Clerk's Office on behalf of that Commissioner). This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#)  
**Subject:** FW: Sent from the City of Coral Gables City Clerk's Office  
**Date:** Thursday, December 17, 2015 3:19:29 PM  
**Attachments:** [img-Z17130012-0001.pdf](#)

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Please publish with the subject being Preparation of Resolution related to Commission Aide position.

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

-----Original Message-----

From: Leen, Craig  
Sent: Thursday, December 17, 2015 3:14 PM  
To: Ramos, Miriam; Figueroa, Yaneris  
Cc: Slesnick, Jeannett; Swanson-Rivenbark, Cathy; Foeman, Walter  
Subject: FW: Sent from the City of Coral Gables City Clerk's Office

Miriam and Yaneris,

Please prepare a resolution for the next Commission meeting that transfers the position of Commission Aide from under the Office of City Clerk to under the Office of City Manager. Commissioner Slesnick is sponsoring the item so please ensure she approves the form of the resolution.

I have previously opined in CAO 2014-015 that because the Commission Aide position assists the Commission in the performance of its function, that the Commission Aide position could be placed directly under the supervision of the City Commission. I later opined at a Commission meeting that the Commission could choose to delegate/place this position under the Office of City Clerk. Likewise, I hereby opine that the Commission could move the position from the Office of City Clerk to under the Office of City Manager if the Commission determines that it would prefer this structure. Ultimately, the key point is that the Commission Aide be available to directly work with and assist the individual Commissioners in the performance of their functions, as well as the Commission as a whole, and take directions from the individual Commissioners, subject to the limitations in CAO 2014-015 (i.e., the Commission Aide cannot act as a liaison or conduit among individual Commissioners, and the Commission Aide cannot direct administrative staff on behalf of individual Commissioners). Of course, the Commission Aide may continue to make inquiries to City staff on behalf of individual Commissioners, and may place items on the agenda as directed by individual Commissioners sponsoring that item (the Commissioner is placing the item on the agenda, but the Commission Aide may inform the Clerk's Office on behalf of that Commissioner). This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

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Email: cleen@coralgables.com

-----Original Message-----

From: Foeman, Walter  
Sent: Thursday, December 17, 2015 1:03 PM  
To: Swanson-Rivenbark, Cathy  
Cc: Leen, Craig  
Subject: FW: Sent from the City of Coral Gables City Clerk's Office

Please see attached.

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2014-40**

RESOLUTION OF THE CITY COMMISSION CREATING THE POSITION OF COMMISSION AIDE, A CONFIDENTIAL, EXEMPT AND SALARIED POSITION WITH DISCRETIONARY DUTIES UNDER THE CITY CLERK'S OFFICE TO ASSIST THE COMMISSION WITH ITS CHARTER FUNCTIONS.

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the City Commission does hereby approve the creation of Commission Aide, a confidential, exempt and salaried position with discretionary duties under the City Clerk's Office to assist the Commission with its Charter functions.

**SECTION 2.** That said Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF FEBRUARY, A.D., 2014.

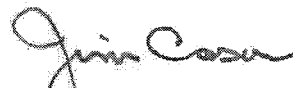
(Moved: Quesada / Seconded: Keon)

(Yeas: Quesada, Keon, Kerdyk, Lago, Cason)

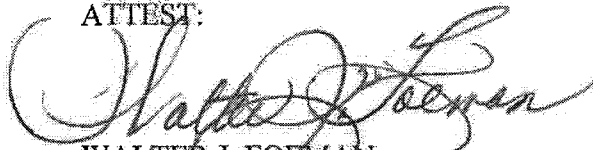
(Unanimous: 5-0 Vote)

(Agenda Item: F-2)


APPROVED:

  
JIM CASON  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2014-50**

RESOLUTION INSTRUCTING THE CITY MANAGER TO ESTABLISH A PERMANENT POSITION OF COMMISSION AIDE (I.E. PAY GRADE 17E AT \$22.7163 PER HOUR, OR \$47,249.90 PER YEAR).

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the City Commission does hereby instruct the City Manager to direct the Human Resources Director that a permanent position of Commission Aide be established for the City Commission within the Office of the City Clerk at Pay Grade 17E at \$22.7163 per hour, or \$47,249.90 per year, shall be and it is hereby approved.


**SECTION 2.** That said resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF MARCH, A.D., 2014  
(Moved: Quesada/ Seconded: Keon)  
(Yeas: Quesada, Keon, Kerdyk, Lago, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: F-1)

APPROVED:

  
JIM CASON  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY