



To: Cathy Swanson-Rivenbark, City Manager for the City of Coral Gables

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding Employee Access to City Attorney's Office

Date: July 6, 2016

It is a priority of the City Attorney's Office (hereinafter referred to as "the Office"), to be accessible, responsive and available for all elected officials, appointed officials, board members and employees of the City. With regard to employees, in particular, the Office is always available to consult regarding matters with ethical or legal implications as well as to represent employees, pursuant to the Office's "Legal Representation Policy Statement," for actions taken in their official capacity. To that end, any employee who is contacted by an outside attorney (other than special counsel for the City), regarding a matter in litigation must immediately advise the Office, in order to receive instruction, before proceeding. It is important that the Office be advised so as to allow for the attorneys to provide representation at depositions, direction during discovery and involvement when necessary throughout the litigation process.

Any employee who is contacted by an attorney or investigator for a regulatory or criminal investigations agency, should notify the Office of the communication or interaction and the circumstances surrounding the same, as soon as practicable. It is important that the Office be aware of all ethics matters, in particular, as the office has its own regulatory authority in this area, pursuant to Sec. 2-241 of the City Code. If the employee feels uncomfortable speaking to the attorney or investigator, he/she should suspend the interaction momentarily and contact the Office to request that a member of the office be present. If a member of the Office is not available to join the meeting, the employee should ask that the meeting be rescheduled until an attorney is available to attend.

This policy only applies to litigation matters involving the City and to investigations relating to the employee's knowledge or actions in their official capacity. This policy, specifically, does not apply to employees who are the subject of or a witness in an Internal Affairs or Human Resources investigation. However, it is noted that any employee of the City that feels

uncomfortable with the ethics or appropriateness of an order or directive given by an individual with authority over that employee, may consult directly with the City Attorney or Deputy City Attorney, as the City's Ethics Officers, without fear of retaliation and even if instructed by his/her supervisor not to. The interaction will be kept confidential to the extent permitted by law.

**CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE**

POLICY REGARDING EMPLOYEE ACCESS TO CITY ATTORNEY'S OFFICE

It is a priority of the City Attorney's Office (hereinafter referred to as "the Office"), to be accessible, responsive and available for all elected officials, appointed officials, board members and employees of the City. With regard to employees, in particular, the Office is always available to consult regarding matters with ethical or legal implications as well as to represent employees, pursuant to the Office's "Legal Representation Policy Statement," for actions taken in their official capacity. To that end, any employee who is contacted by an outside attorney (other than special counsel for the City), regarding a matter in litigation must immediately advise the Office, in order to receive instruction, before proceeding. It is important that the Office be advised so as to allow for the attorneys to provide representation at depositions, direction during discovery and involvement when necessary throughout the litigation process.

Any employee who is contacted by an attorney or investigator for a regulatory or criminal investigations agency, should notify the Office of the communication or interaction and the circumstances surrounding the same, as soon as practicable. It is important that the Office be aware of all ethics matters, in particular, as the office has its own regulatory authority in this area, pursuant to Sec. 2-241 of the City Code. If the employee feels uncomfortable speaking to the attorney or investigator, he/she should suspend the interaction momentarily and contact the Office to request that a member of the office be present. If a member of the Office is not available to join the meeting, the employee should ask that the meeting be rescheduled until an attorney is available to attend.

This policy only applies to litigation matters involving the City and to investigations relating to the employee's knowledge or actions in their official capacity. This policy, specifically, does not apply to employees who are the subject of or a witness in an Internal Affairs or Human Resources investigation. However, it is noted that any employee of the City that feels uncomfortable with the ethics or appropriateness of an order or directive given by an individual with authority over that employee, may consult directly with the City Attorney or Deputy City Attorney, as the City's Ethics Officers, without fear of retaliation and even if instructed by his/her supervisor not to. The interaction will be kept confidential to the extent permitted by law.

7/6/16

From: [Ramos, Miriam](#)
To: [Leen, Craig](#)
Cc: [Paulk, Enga](#)
Subject: Final Policy on Employee Access to CAO
Date: Wednesday, July 06, 2016 6:15:44 PM
Attachments: [policy_on_emp_access_to_CAO_.pdf](#)
[image001.png](#)

Craig, attached is the final policy for distribution.

Enga, please publish as a City Attorney Opinion.

Thanks,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



PUBLIC RECORDS:

This e-mail is from the City of Coral Gables – City Attorneys Office and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this email in error, please notify the sender immediately, delete your e-mail from your computer and do not copy or disclose it to anyone else. The State of Florida has a broad public records laws. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public upon request.

CONFIDENTIALITY:

The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited