

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-___

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, GRANTING SUBPOENA POWER TO THE CITY ATTORNEY ON BEHALF OF THE CITY, AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Attorney is tasked with conducting investigations of potential violations of the City's Conflict of Interest and Code of Ethics Ordinance; and

WHEREAS, the City Attorney is responsible for enforcing numerous sections of the City of Coral Gables Code; and

WHEREAS, the City Attorney assists the City in complying with the public records laws; and

WHEREAS, the City Attorney serves as the Code Enforcement prosecutor for the City of Coral Gables and is also responsible for prosecuting municipal code violations; and

WHEREAS, performing these functions often requires the City Attorney to procure documents and/or testimony; and

WHEREAS, the City of Coral Gables Commission believes these investigations and enforcement proceedings to be of utmost importance to the proper functioning of the City; and

WHEREAS, the City of Coral Gables Commission wishes to allow for the use of subpoenas to further these efforts.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That the following be added of the Code of the City of Coral Gables, Florida at:

Sec. 2-202. – Subpoenas

(a) The City Attorney shall have the authority to issue subpoenas, where warranted, at the request of the City Commission, the City Manager, or in the City Attorney's own

discretion. Subpoenas may be issued to obtain documents, testimony, or other forms of evidence, including the appearance of the party that is the subject of the subpoena. Subpoenas may be issued for the following purposes:

- (i) obtain public records more expeditiously (i.e. cell phone records);
- (ii) investigate potential violations of the City's Conflict of Interest and Code of Ethics Ordinance;
- (iii) enforce the City's False Claims and Presentations Ordinance;
- (iv) enforce the City's Squatters Ordinance;
- (v) enforce the City's Abandoned Property Ordinance;
- (vi) enforce the City's Forfeiture Ordinance;
- (vii) prosecute municipal code violations.

(b) Upon failure of a person without lawful excuse to obey a subpoena, and upon reasonable notice to all persons affected, the City Attorney may apply to the circuit court for an order compelling compliance. The City shall be entitled to reimbursement of its attorneys' fees and costs to obtain an order granting, in whole or in part, a petition for enforcement of a subpoena. These remedies are cumulative with any other remedy authorized by law for enforcement of a subpoena.

SECTION 3. The following additional duty shall be added to the already existing duties of the City Attorney listed in section 2-201(e) of the City Code: "To issue subpoenas in accordance with the provision of the City Code relating to subpoenas."

SECTION 4. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such

intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY