

City of Coral Gables City Commission Meeting
Agenda Item E-3
July 26, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item E-3 [10:17:46 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending Section 38-1 of the City of Coral Gables Code, adding a \$15,000 fine, when a misdemeanor is committed within the limits of the City, as specified under Section 162.09(2), F.S., providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date.

Mayor Cason: And Item E-3 is also an Ordinance on Second Reading.

City Attorney Leen: Thank you Mr. Mayor. Item E-3, an Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables, Florida, amending Section 38-1 of the City of Coral Gables Code, adding a \$15,000 fine, when a misdemeanor is committed within the limits of the City, as specified under Section 162.09(2), F.S., providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date. I would also note that my office spoke with the public defender who had a couple of proposed revisions to the ordinance. Those revisions have been made. The main purpose of that was to emphasize that the

fine is up to \$15,000. Also, that this is a Code Enforcement fine, that this doesn't affect the other portion of the enforceability of this ordinance which is that, whenever there is a municipality code violation there is a possibility of a fine up to \$500 and up to 60 days in jail. It doesn't mean that the City does that. I want to be very clear about that. Its very, very rare that a municipal ordinance violation is the subject of a criminal prosecution, but the public defender wanted to emphasize that the \$15,000 fine is not going to become part of criminal prosecutions and its not. The purpose of this is a tool for law enforcement so that when a misdemeanor is committed in the City and the City believes that action needs to be taken, because for whatever reason perhaps criminal action cannot be taken, this gives law enforcement a tool to be able to fine up to \$15,000 and handle it as a Code Enforcement matter. I think it's a very helpful tool for law enforcement. Thank you Mr. Mayor.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing – motion?

Commissioner Slesnick: For our City Attorney. In the resolution it is up to \$15,000.

City Attorney Leen: Yes.

Commissioner Slesnick: OK. Because I don't see it on here.

City Attorney Leen: Its on the second page, its underlined and it says, issue a fine up to \$15,000, that's the additional language that's been added; and then also my office has the ability to resolve these matters, if the fine is large and the person takes responsibility or perhaps agrees to a settlement, we can resolve the matter. So we have added things here to make sure that the City can always do the right thing, but I just want to emphasize again, obviously the City Commission doesn't want any crime in Coral Gables and its another tool for law enforcement to use.

Mayor Cason: So Commissioner Lago made the motion. Do we have a second?

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Slesnick seconds it – City Clerk.

Commissioner Lago: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 4-0)

Absent: Vice Mayor Quesada

[End: 10:20:28 a.m.]