

City of Coral Gables City Commission Meeting
Agenda Item I-1
August 23, 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
Deputy City Attorney, Miriam Ramos

Public Speaker(s)

Agenda Item I-1 [3:29:05 p.m.]

Request for general authority for City Attorney to bring criminal and civil remedial actions for the recovery of funds in cases where the City is defrauded or owed monies pursuant to a contract or other agreement.

City Attorney Leen: To the Deputy City Attorney City Prosecutor.

Deputy City Attorney Ramos: Good afternoon everyone. This item is something that Craig and I thought about, because two issues have come up in the last six months that are perfect examples of what this might help us to resolve, I think more expeditiously. The City Attorney ordinance at the moment requires that our office comes to you when we want to file a law suit. It gives us a lot of power and leeway to do many other things, but when we want to file a law suit we have to come to the Commission. And what's happened is, for example, we had a case where an employee when they left the City on good terms, I think the person retired, was paid out an erroneous amount of annual leave, and we had to track them down and have them pay it back.

And in that particular case, we were eventually able to work something out with that person, but had we not been able to work something out that's the type of case where we would have wanted to not have to come in a public forum on a sensitive issue. It's a liquidated amount, we know exactly how much it is, to just be able to proceed accordingly, and file a law suit if we have to ultimately to recover those funds. The other situation that came up was a particular company was hired by our Police Department to develop an App, and for whatever reason they kind of went AWOL, and never developed that App, and there was \$6,700 that we had paid out to them, and so this would also allow us to proceed against that particular company to recover that very specific amount. Can't defraud our Police Department, so we have to go ahead, and do what we need to do. So that is what this item is asking; it's asking for general authority for our office in these types of situations to not have to come to Commission to request permission to file a law suit.

Vice Mayor Quesada: I'm OK with it, like it, no problem. However, if there is a max because it's very vague in the sense the way it's written here, I mean, if you guys are going to bring a, and those are easy identifiable situations, but what about the more uncommon situation that we are going to sue a developer for lying to us or a vendor for lying to us and deals with \$200-\$300-\$400,000.

Deputy City Attorney Ramos: That is likely something we would bring to you.

Vice Mayor Quesada: So the fact that it's just a little vague in this regard.

City Attorney Leen: Here's what we are doing now and let me see if this is how you would like it to be handled. So if it's an emergency we would typically get the approval of the City Manager under 2-201, it would be the City Attorney, City Manager agreeing, then we would notify you, and then you could take any action you deem appropriate at the next meeting. For non-emergencies, we would bring them to you unless they fall within one of these grants. So for this particular grant of authority, it's going to have to be a specific sum, it's going to have to basically be undisputed, and be something where we are simply trying to recoup money that was taken from us that would be the idea behind it. Also, we do want to be able...

Vice Mayor Quesada: It doesn't only have to be a recoupment setting. The procedure that you just laid out I'm OK with.

City Attorney Leen: OK. Thank you.

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion, Commissioner Lago seconds – City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: (Stepped out)

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 4-0)

City Attorney Leen: Mayor Cason if I may say one final thing briefly. We have our whole team in place, so right now what we are doing is we are dividing up departments and boards by attorney. You are eventually going to get an organizational chart for my office that shows what each person is doing. We do have Miriam now acting as the City Prosecutor in addition to Deputy City Attorney, and now we have the two Assistant City Attorneys. So thank you for all your support for my department, for my office, and we will be getting that to you within the next couple of weeks.

Mayor Cason: Thank you.

[End: 3:33:04 p.m.]