

**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)**

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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.]