


CITY OF CORAL GABLES
OFFICE OF THE CITY ATTORNEY
-MEMORANDUM-

TO: CITY COMMISSION

DATE: March 31, 2010

FROM:


Elizabeth M. Hernandez
City Attorney

**SUBJECT: Retirement Board - Request
Attorney General Opinion
Quorum/Electronically**


Lourdes Alfonsin Ruiz
Assistant City Attorney

The Retirement Board of the City of Coral Gables consists of nine (9) members; five (5) appointed by the City Commission and four (4) are representatives from various employee groups. A quorum of the board consists of at least six (6) members. Often, the representatives of the employee groups are unable to attend a meeting or must leave during a meeting due to emergencies in their respective departments. Also, the appointed members are professional or business people whose work schedules conflict with a scheduled Board meeting. These conflicts and emergencies frequently result in the cancelling of the Board meeting due to the lack of a quorum.

Notwithstanding the scheduling conflicts or emergencies, the Board members may stay in touch via telephone or other electronic means. At present however, the members' participation via electronic means does not count for a quorum.

Although the City ordinances creating the Board and requirements for a quorum do not state whether a member's physical presence is required to meet the quorum, the Retirement Board, through its counsel, requested an Attorney General Opinion regarding the use of interactive conferencing or telephone to create a quorum when members are unable to be physically present at a scheduled meeting. Attorney General McCollum responded to the questions asked by the Retirement Board; however, a request for clarification of Attorney General McCollum's opinion was submitted on January 8, 2010. This request was for clarification as to whether the City of Coral Gables Commission could adopt an ordinance removing the physical presence requirement. Thereafter, Senior Assistant Attorney General, Gerry Hammond, responded that the City Commission, by affirmative vote of a majority, may request an opinion on this matter.

Based upon the Retirement Board's necessity for the clarification of the Attorney General's opinion, this office requests your authority to seek an Attorney General opinion as to whether the City Commission may adopt an ordinance allowing for Board member participation via electronic means rather than being physically present at the meeting.

Attachments.