

**City of Coral Gables City Commission Meeting
Agenda Item I-2
December 16, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

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)

Israel Reyes, The Reyes Law Firm, PA, Special Counsel

Agenda Item I-2 [Start: 3:38:40 p.m.]

Status regarding proposed Forfeiture Ordinance

Mayor Cason: The attorney would like us to do I-2 (UNINTELLIGIBLE).

Commissioner Lago: Wait. I got to can we do --?

Mayor Cason: Then we'll do F-3. He has judge that's got to go.

City Attorney Leen: OK, OK. Well, the reason why I want to do I-2 Judge Reyes had to leave and I wanted him...it should be a one-minute item. I will defer though.

Commissioner Lago: No, no. One minute, let's go.

Mayor Cason: OK, let's do it.

City Attorney Leen: It could be more. Judge, would you come up, please? I just wanted to give you a brief status regarding the proposed Forfeiture Ordinance. I know that there's been some discussion about it. I know that the Bankers Association, the Realtors Association have some thoughts on it. I met with them. I was asked to meet with them by the Commission and I did. I, in good faith, tried to incorporate their suggestions into the proposed ordinance. Judge Reyes helped me do that. Just briefly, what you'll see is that the proposed ordinance now, and I e-mailed (electronic) it to the Commission before the meeting, and I'll circulate it so you can take a look at it afterwards as well, but the proposed ordinance now, it only applies to non-homestead properties. The ordinance would require there to be two or more minimum housing Code violations for at least six months, and that's a fairly significant limitation on the Forfeiture Ordinance. Nevertheless, a lot of the properties we're concerned about would still fall under that. With that, I turn over to Judge Reyes.

Mr. Reyes: Good afternoon, member of the Commission. Israel Reyes. I'm the Police Legal Advisor for the Coral Gables Police Department, The Reyes Law Firm, PA. When we drafted the ordinance, having done and worked in the forfeiture for many years, my concern always is that the substantive and procedural due process of everyone involved is protected. So if you read through the ordinance, there are probably five to seven to nine instances where we put in language to ensure the due process rights of everyone, as I mentioned. What we did is we begged, borrowed, and stole from the existing state forfeiture statute, which has been tested and gone through, you know, the courts, for many, many years now. We also put in language in there that allows for any and all defenses that are available under state and federal law. So if the court system in American jurisprudence and Florida jurisprudence now develops to the point where a new defense is added to the forfeiture area of the law that we didn't think about, well, now that'll be incorporated in here as well to make sure that we're not missing anything, as far as that. I met with Mr. Bruno Lopez from the realtors. He and I briefly discussed some language. I asked him to take the ordinance and redline it with whatever concerns he has and, of course, we're going to work together and look at that, as well.

Mayor Cason: OK.

Mr. Reyes: I'm always fearful to make sure that we're not trampling on or violating anybody's civil rights, because I think it's a very touchy area of the law, so that's not our intent.

Mayor Cason: So what's the next step?

City Attorney Leen: The next step will be that I've circulated the proposed ordinance to the same associations, also to the Commissioners. If any of you have any thoughts, please let me know individually, and I will work to incorporate them into the ordinance. It will go up for a second reading in the first meeting in January.

Mayor Cason: OK.

Commissioner Keon: OK.

Mayor Cason: Thank you. Two minutes, great.

Mr. Reyes. Thank you.

[End: 3:41:46 p.m.]