



To: Walter Foeman

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Amount Permit Up-Front Fee In Resolution No. 2011-170

Date: November 18, 2011

I have reviewed your request for an opinion regarding the amount of the Permit Up-Front Fee contained in Resolution No. 2011-170. In reviewing page 83, it is clear that the intended amount of the fee is "\$4.57 for each \$1,000.00." This is expressly stated in the sixth row from the top.

Although there is a later statement in the seventh row from the top that the fee is "three dollars (\$4.35)," it is clear that this is a scrivener's error, evidenced by the fact it is facially inconsistent and that these figures are vestiges of prior fee resolutions. Indeed, the fee was three dollars in Resolution No. 2008-2001 and then became \$4.35 in Resolution No. 2010-132, before becoming \$4.57 in Resolution No. 2011-170.

In addition, the exact same scrivener's error occurred in Resolution No. 2010-132, and should be corrected in future enactments of the fee resolution.

Accordingly, it is my opinion that the proper Permit Up-Front Fee is "\$4.57 for each \$1,000.00" as expressly stated in Resolution No. 2011-170 and that the later use of the figure "three dollars (\$4.35)" in the same resolution is a scrivener's error that can be corrected.

Osle, Zilma

From: Leen, Craig
Sent: Friday, November 18, 2011 11:10 AM
To: Foeman, Walter
Cc: Olazabal, Carmen; Alfonsin, Lourdes; Osle, Zilma; Goizueta, Virginia
Subject: Nov. 16 Request for Opinion re: Resolution No. 2011-170

Walter,

I have reviewed your request for an opinion regarding the amount of the Permit Up-Front Fee contained in Resolution No. 2011-170. In reviewing page 83, it is clear that the intended amount of the fee is "\$4.57 for each \$1,000.00." This is expressly stated in the sixth row from the top.

Although there is a later statement in the seventh row from the top that the fee is "three dollars (\$4.35)," it is clear that this is a scrivener's error, evidenced by the fact it is facially inconsistent and that these figures are vestiges of prior fee resolutions. Indeed, the fee was three dollars in Resolution No. 2008-2001 and then became \$4.35 in Resolution No. 2010-132, before becoming \$4.57 in Resolution No. 2011-170.

In addition, the exact same scrivener's error occurred in Resolution No. 2010-132, and should be corrected in future enactments of the fee resolution.

Accordingly, it is my opinion that the proper Permit Up-Front Fee is "\$4.57 for each \$1,000.00" as expressly stated in Resolution No. 2011-170 and that the later use of the figure "three dollars (\$4.35)" in the same resolution is a scrivener's error that can be corrected.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com