



To: Jane Tompkins, Maria Higgins-Fallon

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 end of the "From:" line.

RE: Legal Opinion Regarding Coral Gables Ad/Articles

Date: September 26, 2012

Susan and I considered the statute and it was our view that these ads are informational/factual in nature and do not advocate for either side. Accordingly, it is my opinion that the statute does not bar the ads/expenditures. Susan, please confirm that you agree with this opinion as well.

Hernandez, Cristina

From: Leen, Craig
Sent: Wednesday, September 26, 2012 5:25 PM
To: Osle, Zilma; Hernandez, Cristina
Cc: Thornton Richard, Bridgette
Subject: FW: Coral Gables ad/article re truck referendum

Importance: High

Please place in opinion folder.

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

-----Original Message-----

From: Leen, Craig
Sent: Wednesday, September 26, 2012 1:33 PM
To: Tompkins, Jane; Higgins-Fallon, Maria
Cc: 'Susan L. Trevarthen'; Foeman, Walter; Thornton Richard, Bridgette
Subject: RE: Coral Gables ad/article re truck referendum
Importance: High

Maria, thanks for raising this issue. Susan and I considered the statute and it was our view that these ads are informational/factual in nature and do not advocate for either side. Accordingly, it is my opinion that the statute does not bar the ads/expenditures. Susan, please confirm that you agree with this opinion as well.

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

-----Original Message-----

From: Tompkins, Jane
Sent: Wednesday, September 26, 2012 1:09 PM
To: Higgins-Fallon, Maria; Leen, Craig
Subject: RE: Coral Gables ad/article re truck referendum

I see this as factual information and the Florida statute doesn't apply, but obviously I'll defer to Craig.

Jane

-----Original Message-----

From: Higgins-Fallon, Maria
Sent: Wednesday, September 26, 2012 12:21 PM
To: Leen, Craig; Tompkins, Jane
Subject: FW: Coral Gables ad/article re truck referendum

Please see advice from Miami-Dade Elections office regarding F.S. 106.113 and let me know if we're still proceeding with the ads discussed.

Thank you,

Maria Rosa Higgins Fallon
Public Affairs Manager
City of Coral Gables
305-460-5205

Watch us on the Web and on You Tube!

-----Original Message-----

From: Reyes, Zeida (Elections) [mailto:zeidar@miamidade.gov]
Sent: Wednesday, September 26, 2012 12:15 PM
To: Higgins-Fallon, Maria
Cc: Foeman, Walter; White, Christina (Elections); Lopez, Carolina D. (Elections); Innocent, Vanessa (Elections)
Subject: RE: Coral Gables ad/article re truck referendum

I spoke with our translator Maria Laura Abal and she told me she had made arrangements with you. We normally only translate ballot wording and legal notices for the municipalities and usually do not do other translations but rather refer them to our translators for assistance.

Just for your information, I would like to refer you to F.S. 106.113, which was added about two years ago, dealing in what instances a local government can spend money on advertising for or against an issue. I do not know if this statute would apply in this case.

Should you have any questions, please contact me.

Zeida E. Reyes
Elections Coordination Manager
Election Coordination, Campaigns and Compliance Division Miami-Dade County Elections
Department
305-499-8405 Phone 305-499-8547 Fax
zeidar@miamidade.gov
www.miamidade.gov/elections
"Delivering Excellence Every Day"
"Con Excelencia, Día Tras Día"
"Livres Bon Kalite Sèvis Chak Jou"

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-----Original Message-----

From: Higgins-Fallon, Maria [mailto:mhiggins@coralgables.com]
Sent: Monday, September 24, 2012 1:27 PM
To: Reyes, Zeida (Elections)

Cc: Foeman, Walter
Subject: FW: Coral Gables ad/article re truck referendum

i Zenaida,

To follow up on my previous email, below please find the copy that needs to be translated into Spanish. Please let me know if your office can translate and the cost involved.

Thank you,

Maria Rosa Higgins Fallon
Public Affairs Manager
City of Coral Gables
305-460-5205

-----Original Message-----

From: Tompkins, Jane
Sent: Monday, September 24, 2012 1:23 PM
To: Higgins-Fallon, Maria
Subject: FW: Coral Gables ad/article re truck referendum

-----Original Message-----

From: Susan L. Trevarthen [mailto:STrevarthen@wsh-law.com]
Sent: Monday, September 24, 2012 11:11 AM
To: Tompkins, Jane; Leen, Craig
Subject: Coral Gables ad/article re truck referendum

City of Coral Gables
Ballot Question Information For City Voters

The November 6, 2012 ballot for residents of the City of Coral Gables includes a question asking voters to consider an amendment to the current Zoning Code requirement that pickup trucks be parked inside garages within residential zoning districts, which has been in place for many years.

The question states:

An Ordinance Pertaining to Parking of Pickup Trucks in Coral Gables The City has an existing ordinance that prohibits pickup trucks being parked outside of garages in residential areas for aesthetic purposes. Shall this ordinance be amended to allow one pickup truck for non-commercial use to be parked outside of a residence, if such truck has no items in the bed, has no commercial markings or equipment, and has no more than four wheels?

If the majority of voters vote yes and approve this ballot question, Section 4-411 of the Zoning Code of the City of Coral Gables will be changed to allow a pickup truck for non-commercial use to be parked outside of a residence if the bed of the truck is empty and the truck has no commercial markings or advertising, no commercial equipment or appendage attached to its exterior, no modifications, and no more than four wheels.

If the majority of voters vote no and do not approve this ballot question, Section 4-411 of the Zoning Code will remain effective, and the existing prohibition on pickup trucks parking outside of garages within residential zoning districts will remain the same.

Polling place information and additional information concerning the ballot question and Zoning Code amendment are available by contacting the City Clerk located at 405 Biltmore Way, First Floor, Coral Gables, Florida 33134 (phone: 305-460-5210).

Sent from my iPad

Susan Trevarthen

Member, Board Certified in City, County and Local Government Law

[Logo]

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vCard<<http://www.wsh-law.com/attorneys-vcards.php>>

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