




To: Jeannett Slesnick

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

RE: Legal Opinion Regarding Using Skype To Attend Meetings Of The Historic Preservation And Planning And Zoning Boards

Date: July 29, 2015

The general rule is that they can attend by Skype as long as (1) a quorum is present in the room, (2) the board member can both see/hear what is happening in the room, and (3) the board member can be seen/heard by people attending the meeting. There should also be a legitimate reason for being unable to attend that is more than mere lack of convenience (there is a difference of opinion on how substantial the reason should be, although it is my view as City Attorney and Parliamentarian that this is ultimately up to the Commission or Board to decide). It is my opinion that the Commission or Board has discretion to allow attendance by Skype where someone is appointed to a Board and already has vacation plans that have been made, as it would be a substantial burden to have someone reschedule a previously made vacation in order to attend a Board meeting. It is important for each Commissioner to have their nominated Board member be able to attend these Board meetings, and the City's rules should be interpreted to facilitate attendance and participation at meetings in a manner that protects due process. Compliance with the rules above serves both purposes. The best practice is for the Board to consider the reason given, and then vote whether to permit the attendance by Skype (preferably at a meeting in advance, but it can be at the same meeting). There are logistical issues to make sure that this rule is met, so you should also check with the City Manager and City Clerk to see if attendance by Skype in the manner described above is technologically feasible.

I hereby issue this opinion pursuant to sections 2-70, 2-201(e)(1), and 2-201(e)(8) of the City Code, as well as section 2-702 of the Zoning Code.

Herbello, Stephanie

From: Leen, Craig
Sent: Wednesday, July 29, 2015 1:22 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris
Subject: FW: Using Skype to attend meetings of the historic preservation and planning and zoning boards

Please publish.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, July 29, 2015 1:22 PM
To: Slesnick, Jeannett
Cc: Swanson-Rivenbark, Cathy; Foeman, Walter; Urquia, Billy; Granel, Chelsea; Ramos, Miriam; Chow, Gee Ming
Subject: RE: Using Skype to attend meetings of the historic preservation and planning and zoning boards

Good morning, Commissioner. The general rule is that they can attend by Skype as long as (1) a quorum is present in the room, (2) the board member can both see/hear what is happening in the room, and (3) the board member can be seen/heard by people attending the meeting. There should also be a legitimate reason for being unable to attend that is more than mere lack of convenience (there is a difference of opinion on how substantial the reason should be, although it is my view as City Attorney and Parliamentarian that this is ultimately up to the Commission or Board to decide). It is my opinion that the Commission or Board has discretion to allow attendance by Skype where someone is appointed to a Board and already has vacation plans that have been made, as it would be a substantial burden to have someone reschedule a previously made vacation in order to attend a Board meeting. It is important for each Commissioner to have their nominated Board member be able to attend these Board meetings, and the City's rules should be interpreted to facilitate attendance and participation at meetings in a manner that protects due process. Compliance with the rules above serves both purposes. The best practice is for the Board to consider the reason given, and then vote whether to permit the attendance by Skype (preferably at a meeting in advance, but it can be at the same meeting). There are logistical issues to make sure that this rule is met, so you should also check with the City Manager and City Clerk to see if attendance by Skype in the manner described above is technologically feasible.

I hereby issue this opinion pursuant to sections 2-70, 2-201(e)(1), and 2-201(e)(8) of the City Code, as well as section 2-702 of the Zoning Code.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



CORAL GABLES
OFFICIAL CITY SEAL

Celebrating 90 years of a dream realized.

From: Slesnick, Jeannett
Sent: Wednesday, July 29, 2015 10:58 AM
To: Leen, Craig
Cc: Granell, Chelsea
Subject: Using Skype to attend meetings of the historic preservation and planning and zoning boards

Craig,

Since the Historic Preservation as well as the Planning and Zoning Boards are televised/streamed, I wanted to inquire about the ability of my appointees for those boards being able to attend by Skype since they may be out of town for the August meetings. It is summer and most of the board members did not receive notice of their appointments until rather late since the Commission did not vote on membership in June when originally scheduled. Many people have had plans for vacations which they should not have to change.

Can you give me an opinion, please?

Jeannett Slesnick
City Commissioner



Office Phone: 305.460.5326
Slesnick@coralgables.com