



To: Elsa Jaramillo-Velez; Denise Heekin

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

RE: Legal Opinion Regarding City Attorney Can Settle Disputes And Sign Settlement Agreements On Behalf Of The City

Date: July 11, 2014

Your opinion and experience is important. I was looking at section 2-201(e)(6) of the Code, which authorizes the City Attorney "[t]o settle disputes and sign settlement agreements on behalf of the city." Here is what I propose. The CM clearly has authority over employees placed in her charge and collective bargaining. The CM could sign this agreement if she prefers, under the view that it is interrelated with the collective bargaining agreement, which the CM would generally sign. Moreover, the City Commission can directly authorize the CM to sign an agreement, and this is being presented to them, so it would be fine for the CM to sign on this basis as well. I will then sign for form and legal sufficiency.

Parramore, Carol

From: Leen, Craig
Sent: Friday, July 11, 2014 11:17 AM
To: Osle, Zilma; Parramore, Carol
Cc: Thornton, Bridgette; Figueroa, Yaneris
Subject: FW: FOP

Please place in the opinion folder.

Craig E. Leen
City Attorney

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

From: Leen, Craig
Sent: Friday, July 11, 2014 11:15 AM
To: Jaramillo-Velez, Elsa; 'Denise Heekin'
Cc: Olazabal, Carmen; Birdsill, Cynthia; Michael Mattimore; Merrett Sterheim
Subject: RE: FOP

Your opinion and experience is important. I was looking at section 2-201(e)(6) of the Code, which authorizes the City Attorney "[t]o settle disputes and sign settlement agreements on behalf of the city." Here is what I propose. The CM clearly has authority over employees placed in her charge and collective bargaining. The CM could sign this agreement if she prefers, under the view that it is interrelated with the collective bargaining agreement, which the CM would generally sign. Moreover, the City Commission can directly authorize the CM to sign an agreement, and this is being presented to them, so it would be fine for the CM to sign on this basis as well. I will then sign for form and legal sufficiency.

Best,
Craig

Craig E. Leen
City Attorney

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

From: Jaramillo-Velez, Elsa
Sent: Friday, July 11, 2014 9:45 AM
To: 'Denise Heekin'; Leen, Craig
Cc: Olazabal, Carmen; Birdsill, Cynthia; Michael Mattimore; Merrett Sterheim
Subject: RE: FOP

Craig -

In my humble opinion I think the CM should sign (especially because the settlement is as the result of collective-bargaining negotiations) but I would defer to you as the City Attorney.

Sincerely,

Elsa I. Jaramillo-Velez, Esq.

Human Resources Director
City of Coral Gables
Department of Human Resources
2801 Salzedo Street, 2nd Floor
Coral Gables, Florida 33134
305-460-5530
ejaramillo@coralgables.com

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

From: Denise Heekin [mailto:dheekin@bmolaw.com]
Sent: Friday, July 11, 2014 9:38 AM
To: Leen, Craig
Cc: Jaramillo-Velez, Elsa; Olazabal, Carmen; Birdsill, Cynthia; Michael Mattimore; Merrett Sterheim
Subject: Re: FOP

Yes. I received the email. I plan on changing the document consistent with our conversation of yesterday unless I get direction from you to the contrary.

Sent from my iPhone

On Jul 11, 2014, at 9:35 AM, "Leen, Craig" <cleen@coralgables.com<mailto:cleen@coralgables.com>> wrote:

The Code expressly indicates that the City Attorney settles matters and signs settlements. The City Attorney would get the approval of the CM before signing one from 25k to 100k. If over 100k, the City Attorney would get the approval of the Commission first (where insurance is implicated another rule applies). I just sent you and Denise an email explaining how this has been applied/viewed since this provision was added to the Code. My office has settled and signed (or authorized settlement) of many agreements from 25k-100k, but we get the approval of the CM or designee first. Best, Craig

Sent from my iPhone

On Jul 11, 2014, at 8:58 AM, "Jaramillo-Velez, Elsa" <ejaramillo@coralgables.com<mailto:ejaramillo@coralgables.com>> wrote:

Good morning --

Craig -- as per our other emails, based on the attached, I think the City Manager needs to sign the settlement. Thanks!

Sincerely,

Elsa I. Jaramillo-Velez, Esq.
Human Resources Director
City of Coral Gables
Department of Human Resources
2801 Salzedo Street, 2nd Floor
Coral Gables, Florida 33134
305-460-5530
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From: Leen, Craig
Sent: Thursday, July 10, 2014 6:23 PM
To: 'Denise Heekin'; Olazabal, Carmen; Birdsill, Cynthia
Cc: Jaramillo-Velez, Elsa; Michael Mattimore; Merrett Sterheim
Subject: RE: FOP

The proposed agreement looks good. I would say "attorneys fees" instead of just "fees" in the releases. The City Attorney is generally supposed to sign settlement agreements under the City Code, and I would be happy to sign this one. If you think it is important that the City Manager sign this one, however, I am fine with that under the view that it is part of the collective bargaining agreement, which is generally signed by the City Manager.

Craig E. Leen
City Attorney

From: Denise Heekin [mailto:dheekin@bمولaw.com]
Sent: Thursday, July 10, 2014 5:22 PM
To: Olazabal, Carmen; Leen, Craig; Birdsill, Cynthia
Cc: Jaramillo-Velez, Elsa; Michael Mattimore; Merrett Sterheim
Subject: FOP

Attached is a draft of the FOP language and the settlement agreement. Elsa & Mike Mattimore were okay with this language and the settlement.

Craig, on the settlement agreement I have Carmen signing it and you approving it because this is how the Teamsters agreement was completed.

Please review and let me know if there are any changes, comments, suggestions, etc. Once we have approval from the City Manager's office and the City Attorney's office, I can forward it to the FOP for them to review. Once we have language that is acceptable to the FOP and the City, it will be put in the collective bargaining agreement for ratification by the Union. The Union's goal is to have their vote as soon as possible. They would like to get the agreement on the agenda for the City Commission's July meeting.

Thank you.

Denise M. Heekin
Bryant Miller Olive P.A.
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1 SE 3rd Avenue
Suite 2200
Miami, FL 33131
Telephone: (305) 374-7349
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dheekin@bmlaw.com<mailto:dheekin@bmlaw.com>
Board Certified in Labor and Employment Law

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