



To: Carmen Olazabal; Cynthia Birdsill

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

RE: Legal Opinion Regarding Lending Donated Item For Public Purpose

Date: November 17, 2014

---

Pursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the City Manager has the authority to lend the donated item in the circumstances presented. The City Manager has day-to-day authority over City property, and may lend it for a public purpose, such as a cultural purpose, unless inconsistent with action taken by the City Commission.

## Parramore, Carol

---

**From:** Leen, Craig  
**Sent:** Monday, November 17, 2014 11:01 AM  
**To:** Parramore, Carol  
**Cc:** Birdsill, Cynthia; Figueroa, Yaneris  
**Subject:** FW: City Attorney Opinion

Please place in the opinion folder.

**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](mailto:cleen@coralgables.com)

---

**From:** Leen, Craig  
**Sent:** Monday, November 17, 2014 11:01 AM  
**To:** Olazabal, Carmen; Birdsill, Cynthia  
**Subject:** City Attorney Opinion

ursuant to section 2-201(e)(1) and (8) of the City Code, it is my opinion that the City Manager has the authority to lend the donated item in the circumstances presented. The City Manager has day-to-day authority over City property, and may lend it for a public purpose, such as a cultural purpose, unless inconsistent with action taken by the City Commission.

**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](mailto:cleen@coralgables.com)

---

**From:** Birdsill, Cynthia  
**Sent:** Monday, November 17, 2014 10:19 AM  
**To:** Leen, Craig  
**Subject:** RE: Can you help me?

Yes, the CM accepted the donation within his authority.

Cynthia Birdsill  
Acting Assistant City Manager, Operations  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead contact this office by phone or in writing.

---

**From:** Birdsill, Cynthia  
**Sent:** Sunday, November 16, 2014 1:44 PM  
**To:** Leen, Craig  
**Subject:** RE: Can you help me?

Tomorrow is fine - thanks!

---

**From:** Leen, Craig  
**Sent:** Sunday, November 16, 2014 1:42 PM  
**To:** Birdsill, Cynthia  
**Subject:** Re: Can you help me?

My preliminary thought is that the CM would have the authority here, but I would recommend notifying the Commission either by memo or at the Commission meeting. I would like to see if there was a reso first though. We can get this resolved on Monday morning (let me know if you need the final answer sooner).

Sent from my iPhone

On Nov 16, 2014, at 1:28 PM, "Birdsill, Cynthia" <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)> wrote:

I don't remember - I think it was under CM's authority, but will check tomorrow.

---

**From:** Leen, Craig  
**Sent:** Sunday, November 16, 2014 1:25 PM  
**To:** Birdsill, Cynthia  
**Subject:** Re: Can you help me?

Hi Cindy. Was there a resolution accepting the snail or was it done under the CM's authority to accept donations?

Sent from my iPhone

On Nov 16, 2014, at 1:18 PM, "Birdsill, Cynthia" <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)> wrote:

Hi Craig, please see below. The gallery that gave us our pink snail would like to borrow it for Art Basel. Is this something we can do without going to Commission?

---

**From:** Olazabal, Carmen  
**Sent:** Sunday, November 16, 2014 1:13 PM  
**To:** Birdsill, Cynthia  
**Subject:** Re: Can you help me?

I am not sure as to our authority to lend this asset. Please check.

I do think it would be interesting to lend it. It could make for a good story and be a little bit of marketing for the snails...

Sent from my iPhone

On Nov 15, 2014, at 2:39 PM, Birdsill, Cynthia <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)> wrote:

Please see this request. It would be nice to accommodate as they gave us the pink snail. Can we lend a city asset without commission approval? Could they authorize this Tuesday?

Sent from my iPhone

Begin forwarded message:

**From:** gloria.porcella  
<[gloria.porcella@yahoo.com](mailto:gloria.porcella@yahoo.com)>  
**Date:** November 14, 2014 at 8:00:59 PM EST  
**To:** "Cash, Michelle" <[mcash@coralgables.com](mailto:mcash@coralgables.com)>  
**Cc:** "Birdsill, Cynthia" <[cbirdsill@coralgables.com](mailto:cbirdsill@coralgables.com)>  
**Subject:** Can you help me?

Dear Cynthia and Michelle,  
Hope this email finds you both well!  
I would like to ask a favor to the city, because I might have an important installation for art Basel, can I loan the pink snail that I have donated to the city? Just for 10 /12 days? I will take care of transport etc. let me know  
Hope you can help  
Ciao

Gloria Porcella  
Galleria Ca' d'Oro  
Roma - Miami - New York

On 02/dic/2013, at 08:43, Cash, Michelle  
<[mcash@coralgables.com](mailto:mcash@coralgables.com)> wrote:

Fantastic! :)...I can't wait to see it in person.

Michelle Cash  
Marketing, Economic Sustainability  
Department  
1 Alhambra Plaza, Suite 617  
Coral Gables, 33134  
The City of Coral Gables  
Tel. 305-460-5313

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead contact this office by phone or in writing.

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

From: Gloria porcella  
[mailto:[gloria.porcella@yahoo.com](mailto:gloria.porcella@yahoo.com)]

Sent: Wednesday, November 27,  
2013 11:19 AM

To: Birdsill, Cynthia; Cash, Michelle

Subject: Galleria ca d'Oro is back to  
coral gables!!!!

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.