



To: Tricia Spencer

From: Bridgette Thornton, Deputy City Attorney for the City of Coral Gables

Approved: Craig Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written over the word "Gables" in the "Approved" line.

RE: Legal Opinion Regarding Senior Advisory Board Quorum Issues

Date: December 3, 2013

Attached is Section 2-67 of the City's Municipal Code, which outlines the quorum issues you asked about this afternoon. I highlighted the relevant provisions for your ease of reference. In short, to have a quorum a majority of the entire board must be present; moreover, "[s]hould no quorum attend within 30 minutes after the hour appointed for the meeting of the [board], or upon a meeting having commenced with a quorum, which quorum shall have been lost, the chairperson or the vice-chairperson, or in the absence, another commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and any action(s) at such meeting shall be recorded in the minutes by the clerk." And, finally, an executive session could not be utilized by the Senior Advisory Board as it is reserved for the City Commission's use in very limited circumstances. Indeed, the City Attorney has already issued an opinion on the executive session issue and explaining its limited use. Please let me know if you have any further questions or concerns.

Hernandez, Cristina

From: Thornton Richard, Bridgette
Sent: Tuesday, December 03, 2013 4:27 PM
To: Spencer, Tricia
Cc: Leen, Craig; Figueroa, Yaneris; Hernandez, Cristina
Subject: Legal Advise Request RE Senior Advisory Board Quorum Issues
Attachments: Boards & Committees Rules of Procedure Code Provisions.docx

Good Afternoon Tricia,

Attached is Section 2-67 of the City's Municipal Code, which outlines the quorum issues you asked about this afternoon. I highlighted the relevant provisions for your ease of reference. In short, to have a quorum a majority of the entire board must be present; moreover, "[s]hould no quorum attend within 30 minutes after the hour appointed for the meeting of the [board], or upon a meeting having commenced with a quorum, which quorum shall have been lost, the chairperson or the vice-chairperson, or in the absence, another commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and any action(s) at such meeting shall be recorded in the minutes by the clerk." And, finally, an executive session could not be utilized by the Senior Advisory Board as it is reserved for the City Commission's use in very limited circumstances. Indeed, the City Attorney has already issued an opinion on the executive session issue and explaining its limited use. Please let me know if you have any further questions or concerns.

Thank you,

Bridgette N. Thornton Richard
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City of Coral Gables Municipal Code, § 2-67.

These rules of procedure shall apply to the city commission and all boards and committees of the city. Wherever the term, "commission" is used, it shall also apply to the city's boards and committees insofar as relationship with their board and committees.

- (1) Governing rules. Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the commission shall be governed by Robert's Rules of Order Revised in all cases which are applicable.
- (2) Open to the public. All meetings of the city commission shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, and Florida Statutes.
- (3) Exempt meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, F.S. § 447.605(1), meetings regarding risk management claims, F.S. § 768.28(15), and litigation meetings pursuant to F.S. § 286.011(8). The commission shall follow all statutory requirements for exempt meetings.
- (4) Seating capacity. Due to the need to comply with seating capacity requirements of the fire code, there may be occasions when entrance by the public to the commission chambers or other meeting rooms shall be limited.
- (5) Accessibility. All meetings of the commission will be conducted in a publicly accessible building.
- (6) Signs, placards, banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in city commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.
- (7) Quorum. A majority of the entire commission shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the commission without the affirmative vote of the majority of the members present or, if required by the Florida Statutes or City Charter, an extraordinary majority vote of the members present.
- (8) Conflict of interest. Any member of the commission who announces a conflict of interest on a particular matter pursuant to F.S. § 112.3143 or § 286.012, City Code of Ethics or, where applicable, the Miami-Dade County Code of Ethics, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- (9) Loss of quorum. In the event that a commissioner is required to depart a commission meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.

(10) No quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the commission, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the chairperson or the vice-chairperson, or in the absence, another commissioner, in order of seniority, *shall adjourn the meeting. The names of the members present and any action(s) at such meeting shall be recorded in the minutes by the clerk.*

(Ord. No. 2006-03, § 2, 2-28-2006)