



To: Jane Tompkins, Charles Wu, Ramon Trias, William Ortiz, and Michael Kattou

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Sign Code and Reed v. Town of Gilbert

Date: July 2, 2015

In light of the Supreme Court's decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), invalidating content based regulations in the Town of Gilbert's sign code following a strict scrutiny review, and following consultation with special counsel on First Amendment matters and the Development Services Director, I hereby invoke the authority granted to the City Attorney in Resolution No. 2014-205, which directs that the Sign Code be interpreted consistently with the First Amendment, and which authorizes the City Attorney to resolve questions and disputes related to the Sign Code.

Based on this authority, along with sections 2-201(e)(1), (6), (8), and (9) of the City Code, and section 2-702 of the Zoning Code, I hereby opine that the Sign Code be reviewed and that amendments be recommended to the City Commission on an expedited basis to ensure consistency with the *Town of Gilbert* decision. I am asking special counsel (Abby Corbett), the Deputy City Attorney, and the Development Services Department to begin work on these amendments.

In addition, based on the above authority, I hereby opine that prior to any citations/warnings being issued by Code Enforcement for violation of the Sign Code, that there be consultation with an attorney in the City Attorney's Office to ensure that the *Town of Gilbert* decision is being followed. This requirement applies to all noncommercial signs. This requirement does not apply to enforcement of the size and number requirements that are generally applicable to commercial temporary signs (i.e. temporary business signs and advertisements), and the requirement that all permanently installed commercial signs (i.e. a business sign installed above an entrance in a commercial district) must have the appropriate permits.

The City may also continue to remove any signs placed by private parties in the public right-of-way or on public property as a matter of public safety and traffic safety, and to ensure that the signs are not seen as government speech or government endorsement of a private party's message.

Herbello, Stephanie

From: Leen, Craig
Sent: Thursday, July 02, 2015 10:30 AM
To: Herbello, Stephanie
Subject: FW: City Attorney Opinion Regarding Sign Code and Reed v. Town of Gilbert

Importance: High

Please publish.

Craig E. Leen, City Attorney

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City, County and Local Government Law*
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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Thursday, July 02, 2015 10:27 AM
To: Tompkins, Jane; Wu, Charles; Trias, Ramon; Ortiz, William; Kattou, Michael
Cc: Swanson-Rivenbark, Cathy; Foeman, Walter; Ramos, Miriam; Figueroa, Yaneris; Abby Corbett; Chen, Brigette
Subject: City Attorney Opinion Regarding Sign Code and Reed v. Town of Gilbert
Importance: High

City Attorney Opinion

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Please contact me directly with any questions regarding this opinion.

Craig E. Leen, City Attorney
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