



To: Blanca Mesa

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

RE: Legal Opinion Regarding Request For Public Records: On Controlled Choice Schools. Communications/Documents Between The City And Outside Counsel Are Exempt From Public Disclosure Under Section 119.071(1)(d) Of Florida Statues

Date: February 25, 2015

I have reviewed the request and considered Chapter 119 of the Florida Statutes, along with the Government-in-the-Sunshine Manual. It is my opinion that the request for communications/documents between the City and outside counsel are exempt from public disclosure at this time under section 119.071(1)(d) of the Florida Statutes, based on the present administrative proceeding before the School Board (which is a contested proceeding at this point), including the imminence of litigation that has been threatened against the City relating to the administrative proceeding and the controlled choice matter, as well as the imminence of litigation that may be brought by the City relating to the administrative proceeding and controlled choice matter. Outside counsel has been advising the City in relation to the administrative proceeding and in anticipation of litigation, and the City has a statutory right to protect those documents from disclosure until the matter is complete. Likewise, there are documents prepared by the City Attorney's Office, as in house counsel, that fall under the same exemption. I am asking the Assistant City Attorney to review available documents and provide ones to you that do not fall under these exemptions (for example, public or informational documents that have been provided to the Commission and that are not subject to the exemption). She will be in contact with you soon.

Herbello, Stephanie

From: Leen, Craig
Sent: Thursday, February 26, 2015 12:02 AM
To: Chen, Brigitte; Herbello, Stephanie
Cc: Figueroa, Yaneris
Subject: FW: Request for public records: on Controlled Choice Schools (PRR--2015--007)

Please place in 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

From: Leen, Craig
Sent: Wednesday, February 25, 2015 8:41 PM
To: Blanca Mesa
Cc: Figueroa, Yaneris; Chen, Brigitte; Borkowski, John W.; Abby Corbett
Subject: Re: Request for public records: on Controlled Choice Schools (PRR--2015--007)

Ms. Mesa,

As clarification, the statutory basis for the exemption is section 119.071(1)(d) of the Florida Statutes.

Best regards,

Craig E. Leen
City Attorney
City of Coral Gables

Sent from my iPhone

On Feb 25, 2015, at 3:43 PM, Leen, Craig <cleen@coralgables.com> wrote:

Ms. Mesa,

I have reviewed the request and considered Chapter 119 of the Florida Statutes, along with the Government-in-the-Sunshine Manual. It is my opinion that the request for communications/documents between the City and outside counsel are exempt from public disclosure at this time under section 119.071(1)(d) of the Florida Statutes, based on the present administrative proceeding before the School Board (which is a contested proceeding at this point), including the imminence of litigation that has been threatened against the City relating to the administrative proceeding and the controlled choice matter, as well as the imminence of litigation that may be brought by the City relating to the administrative proceeding and controlled choice matter. Outside counsel has been advising the City in

relation to the administrative proceeding and in anticipation of litigation, and the City has a statutory right to protect those documents from disclosure until the matter is complete. Likewise, there are documents prepared by the City Attorney's Office, as in house counsel, that fall under the same exemption. I am asking the Assistant City Attorney to review available documents and provide ones to you that do not fall under these exemptions (for example, public or informational documents that have been provided to the Commission and that are not subject to the exemption). She will be in contact with you soon.

Craig E. Leen, City Attorney

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Phone: (305) 460-5218
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From: Blanca Mesa [<mailto:blancamesa@att.net>]
Sent: Tuesday, February 24, 2015 9:33 AM
To: Leen, Craig
Cc: Figueroa, Yaneris
Subject: Fwd: Request for public records: on Controlled Choice Schools (PRR--2015--007)

Follow up to previous written request, personal visit yesterday and phone message this morning to your office.

Please contact me regarding the status of my public records request.

Thank you,
Blanca Mesa
(305) 794-3392

Sent from my iPhone

Begin forwarded message:

From: Blanca Mesa <blancamesa@att.net>
Date: February 20, 2015 at 10:12:41 AM EST
To: "Figueroa, Yaneris" <yfigueroa@coralgables.com>
Cc: "cleen@coralgables.com" <cleen@coralgables.com>
Subject: Re: Request for public records: on Controlled Choice Schools (PRR--2015--007)

To: Yaneris Figueroa, Assistant City Attorney

Dear Ms. Figueroa:

It was a pleasure speaking with you again this morning. This is to followup in writing to my request from earlier this week for public records, specifically reports, emails, memorandums of law or fact, related to the controlled choice issue under consideration by the City of Coral Gables, produced by outside counsel contracted by the City of Coral Gables, including but not limited to attorneys from the law firm of Stearns, Weaver, et al and also outside counsel from a Washington, DC law firm. This request also includes a request to see correspondence in any form from the Office the City Attorney concerning

same matter to outside counsel and City officials, including city commissioners and mayor and the city manager.

In that this matter will be heard in a public hearing on Tuesday, Feb. 24, I would appreciate receiving these materials in a timely manner before said hearing so that I can be best informed on this issue of great public interest.

If you have only some of these materials readily available today, please feel free to forward those in a partial fulfillment of my request, to be followed by other materials as they are able to be retrieved. I appreciate that not all these documents are readily available and may take additional time.

Please advise when I may come by city hall to review any of these documents or if you are able, please feel free to forward same to me by electronic mail.

Thank you in advance for your prompt attention to this matter.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,
Blanca Mesa
(305) 794-3392

Sent from my iPhone

On Feb 12, 2015, at 3:35 PM, "Figueroa, Yaneris" <yfigueroa@coralgables.com> wrote:

Good Afternoon Ms. Mesa,

Attached to this email please find the November 24th letter from Mayor Cason to Superintendent Carvalho you requested. The City will now consider your public records request fulfilled; however, if you have an issue/concern or would like to request more documents, please feel free to let me know.

Thank you and I hope you have a great day.

Best Regards,

Yaneris Figueroa
Assistant City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 722-8625
Fax: (305) 476-7795

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.

<Mayor Cason's November 24 Letter to Superintendent
Carvalho.pdf>