



To: Diana Gomez

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

RE: Legal Opinion Regarding Compensation Section Of The Code

Date: May 19, 2015

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Section 16 of the Charter allows the Commission to set its compensation, along with travel and office expenses, by ordinance. Section 2-25 is an encoded ordinance that establishes minimum salaries and expense allowances for each member of the Commission that can increase yearly based on the CPI-W. The budget ordinance is also an ordinance, of equal dignity to section 2-25, and the salary and expense allowances of the Commissioners could lawfully be set through this ordinance as well. In fact, to the extent that the budget ordinance is more recent in time than section 2-25, the budget ordinance would take precedence, and to the extent it differs, would supersede section 2-25. The language you propose would correct that issue, is already implied by operation of law, and is within the administrative authority of the City Attorney to correct. Accordingly, pursuant to section 2-201(e)(9) of the City Code, I hereby opine and direct that section 2-25 be corrected as follows:

(b) *Travel expense.* Travel expense for each commissioner is hereby fixed at \$1,200.00 per annum, and travel expense for the mayor-commissioner is hereby fixed at \$1,800.00 per annum, at a minimum, or as provided for in the annual adopted budget.

(c) *Expense allowance.* An expense allowance for each commissioner is hereby fixed at \$1,500.00 per annum, and an expense allowance for the mayor-commissioner is hereby fixed at \$1,500.00 per annum, at a minimum, or as provided for in the annual adopted budget.

(d) *Mayor's office allowance.* Office allowance for the mayor for secretarial, telephone, postage and like expenses is hereby fixed at \$100.00 per month, at a minimum, or as provided for in the annual adopted budget.

Please note, pursuant to section 2-201(e)(1) and (8) of the City Code, it is also my opinion and interpretation that each member of the Commission should receive, at a minimum, the amount provided for in section 2-25. If less than that amount is ever to be provided to the members of the

Commission in the annual budget ordinance, they should be informed of that material fact prior to any action taken on the budget.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Tuesday, May 19, 2015 6:50 PM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yaneris  
**Subject:** FW: compensation section of the code

Please place in the opinion folder as well.

**Craig E. Leen, City Attorney**  
*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
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**From:** Leen, Craig  
**Sent:** Tuesday, May 19, 2015 6:49 PM  
**To:** Gomez, Diana  
**Cc:** Jaramillo-Velez, Elsa; Kleiman, Keith  
**Subject:** RE: compensation section of the code

Please note, pursuant to section 2-201(e)(1) and (8) of the City Code, it is also my opinion and interpretation that each member of the Commission should receive, at a minimum, the amount provided for in section 2-25. If less than that amount is ever to be provided to the members of the Commission in the annual budget ordinance, they should be informed of that material fact prior to any action taken on the budget.

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**From:** Leen, Craig  
**Sent:** Tuesday, May 19, 2015 6:45 PM  
**To:** Gomez, Diana  
**Cc:** Jaramillo-Velez, Elsa; Kleiman, Keith  
**Subject:** RE: compensation section of the code

Section 16 of the Charter allows the Commission to set its compensation, along with travel and office expenses, by ordinance. Section 2-25 is an encoded ordinance that establishes minimum salaries and expense allowances for each member of the Commission that can increase yearly based on the CPI-W. The budget ordinance is also an ordinance, of equal dignity to section 2-25, and the salary and expense allowances of the Commissioners could lawfully be set through this ordinance as well. In fact, to the extent that the budget ordinance is more recent in time than section 2-25, the budget ordinance would take precedence, and to the extent it differs, would supersede section 2-25. The language you propose would correct that issue, is already implied by operation of law, and is within the administrative authority of the City Attorney to correct. Accordingly, pursuant to section 2-201(e)(9) of the City Code, I hereby opine and direct that section 2-25 be corrected as follows:

- (b) *Travel expense.* Travel expense for each commissioner is hereby fixed at \$1,200.00 per annum, and travel expense for the mayor-commissioner is hereby fixed at \$1,800.00 per annum, at a minimum, or as provided for in the annual adopted budget.
- (c) *Expense allowance.* An expense allowance for each commissioner is hereby fixed at \$1,500.00 per annum, and an expense allowance for the mayor-commissioner is hereby fixed at \$1,500.00 per annum, at a minimum, or as provided for in the annual adopted budget.
- (d) *Mayor's office allowance.* Office allowance for the mayor for secretarial, telephone, postage and like expenses is hereby fixed at \$100.00 per month, at a minimum, or as provided for in the annual adopted budget.

**Craig E. Leen, City Attorney**  
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**From:** Gomez, Diana  
**Sent:** Tuesday, May 19, 2015 5:44 PM  
**To:** Leen, Craig  
**Cc:** Jaramillo-Velez, Elsa; Kleiman, Keith  
**Subject:** compensation section of the code

Craig,

As discussed, please see Code section 2-25 below... (b), (c) and (d) do not correctly represent what is actually being paid... the annual adopted budget provides for \$500 per month to the Mayor and \$400 per month to each Commissioner to cover both travel and expenses (i.e., \$6000 total to the Mayor and \$4800 total to each Commissioner)... the budget also allows for \$10,000 for the Mayor's office allowance (office supplies for the "City Commission" which includes the Mayor's office) please advise if an ordinance change is required or if the change can be done administratively. Although they are being paid more than what is in the Code, we believe it should be corrected to more accurately reflect what is paid. I would propose the change to read:

(b) ... is hereby fixed at \$1,800.00 per annum, at a minimum, or as provided for in the annual adopted budget.

(c) ... is hereby fixed at \$1,500.00 per annum, at a minimum, or as provided for in the annual adopted budget.

(d) ...is hereby fixed at \$100.00 per month, at a minimum, or as provided for in the annual adopted budget.

Let me know how you want to proceed.

Thanks.

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**Sec. 2-25. - Compensation of mayor, commissioners; travel allowance; office expense.**

(a) *Compensation.* The annual compensation of the five members of the city commission for the fiscal year beginning October 1, 2006, shall be \$32,000.00 for the mayor; \$28,000.00 for the vice mayor; and \$26,000.00 for each of the three commissioners.

Commencing October 1, 1986, and each October thereafter, all increases in compensation for elected officials shall be tied to the annual increase in the CPI-W for urban wage earners and clerical workers from the preceding July, and shall be ratified by the commission at a public hearing, with such increase to be retroactive to the beginning of the fiscal year.

(b) *Travel expense.* Travel expense for each commissioner is hereby fixed at \$1,200.00 per annum, and travel expense for the mayor-commissioner is hereby fixed at \$1,800.00 per annum.

(c) *Expense allowance.* An expense allowance for each commissioner is hereby fixed at \$1,500.00 per annum, and an expense allowance for the mayor-commissioner is hereby fixed at \$1,500.00 per annum.

(d) *Mayor's office allowance.* Office allowance for the mayor for secretarial, telephone, postage and like expenses is hereby fixed at \$100.00 per month.

(Code 1958, § 2-2.1; Code 1991, § 2-26; Ord. No. 2006-25, § 2, 9-26-2006)

Diana M. Gomez

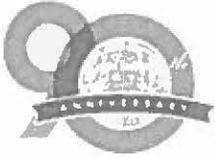
*Finance Director*

City of Coral Gables

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