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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, October 31, 2014 12:58 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Walter Foeman, City Clerk, City of Coral Gables (Financial Disclosure) INQ 14-259  
**Attachments:** 10-28-2014 - Request for Legal Opinion regarding Financial Disclosure.pdf; RQO 13-01 Moore.pdf; INQ 13-141 Moore.pdf

INQ 14-259

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, October 31, 2014 12:57 PM  
**To:** 'wfoeman@coralgables.com'; 'isansores@coralgables.com'  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Walter Foeman, City Clerk, City of Coral Gables (Financial Disclosure) INQ 14-259

Dear Mr. Foeman,:

You inquired whether a member of the City of Coral Gables Emergency Management Division (CGEMD), a municipal advisory board, is required to file financial disclosure for the year 2013 where the board did not meet during that year.

Members of the CGEMD who served at any time during 2013 must file financial disclosure forms for 2013. This is because CGEMD was an active board in 2013 and meetings could have been called until the end of 2013. The Ethics Commission has previously opined that advisory board members are required to file financial disclosure statements regardless of whether the board on which they serve has met during the previous calendar year. See Miami-Dade County Code at Sec. 2-11.1 (i). RQO 13-01, and INQ 13-141.

I have attached the referenced opinions for informational purposes.

Please contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
[gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, October 28, 2014 10:43 AM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** FW: Request for Legal Opinion

Please respond to Mr. Foeman at your convenience.

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**From:** Sansores, Imelys [<mailto:isansores@coralgables.com>]  
**Sent:** Tuesday, October 28, 2014 10:22 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Foeman, Walter; 'bradley.stark@gmail.com'; Leen, Craig; Mendoza, Betty  
**Subject:** Request for Legal Opinion

Good Morning Mr. Centorino:

Attached is a request for legal opinion made by Walter Foeman, Coral Gables City Clerk.  
Should you have any questions please do not hesitate to contact Mr. Foeman at 305-460-5207 or at [wfoeman@coralgables.com](mailto:wfoeman@coralgables.com).

Sincerely,

*Imelys Sansores*  
*Office of the City Clerk*  
*City of Coral Gables*  
*305-460-5209*  
[isansores@coralgables.com](mailto:isansores@coralgables.com)

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.



## The City of Coral Gables

### *Office of City Clerk*

CITY HALL  
405 BILTMORE WAY  
CORAL GABLES, FLORIDA 33134

October 27, 2014

Joseph M. Centorino  
Executive Director  
Commission on Ethics and Public Trust  
Miami-Dade County  
19 West Flagler, Suite 820  
Miami, Florida 33130

Re: Financial Disclosure

Mr. Centorino:

Request is hereby made to provide this office with an advisory opinion in connection with the herein below referenced issue:

Whether or not an individual who served on the City of Coral Gables Emergency Management Division for the time period between 06/01/2011 through 05/31/2013, wherein during the final year of service he did not attend any meeting, nor was there one scheduled, but neither did he formally tender a letter of resignation from said committee, is it still required to file a financial disclosure form for his final year of service?

In closing, your prompt attention to this matter is greatly appreciated. If I can be of further assistance, please do not hesitate to contact me.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Foeman".

Walter J. Foeman  
City Clerk

Enc.

## **Sansores, Imelys**

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**From:** Mendoza, Betty  
**Sent:** Tuesday, October 28, 2014 9:35 AM  
**To:** Foeman, Walter  
**Cc:** Stolzenberg, Marc; Sansores, Imelys  
**Subject:** EMERGENCY MANAGEMENT DIVISION MEETINGS

Mr. Foeman,

The Emergency Management Division held its annual meeting on January 28, 2014. Prior to that meeting, the Division met on November 29, 2012. There was no meeting in calendar year 2013. Please let me know if you need additional information.

Best Regards,

Betty

**Betty Mendoza**  
Assistant to the Fire Chief  
Coral Gables Fire Department  
2815 Salzedo Street  
Coral Gables, FL 33134  
305.460.5571  
[bmendoza@coralgables.com](mailto:bmendoza@coralgables.com)

**ITEM 9. EMERGENCY MANAGEMENT DIVISION**

It was the recommendation of the administration that the title of the Disaster Preparedness Division be changed to the Emergency Management Division, and it was advised that the proposed name change was for the purpose of conforming to the Emergency Management Divisions of the State and County, with which the City coordinated its emergency operations activities.

Action was taken changing the name upon motion duly made by Commissioner Barker, seconded by Commissioner Kerdyk, and unanimously carried by the following roll call: Barker: "Yea", Kerdyk: "Yea", Thomson: "Yea", Withers: "Yea", Valdés-Fauli: "Yea".

Duties were also included for the Emergency Management Division, in addition to the previous duties assigned to the Disaster Preparedness Division, which new duties provided for service to the residents of the City under the supervision of the City Manager's Office in the event of a natural or man-made disaster, which was also approved at this time for inclusion in the enabling resolution, upon motion duly made by Commissioner Thomson, seconded by Commissioner Kerdyk, and unanimously carried by the following roll call: Kerdyk: "Yea", Thomson: "Yea", Withers: "Yea", Barker: "Yea", Valdés-Fauli: "Yea"; whereupon Resolution No. 28905 was adopted on the 19th day of September, 1995, as hereinafter set forth.

**RESOLUTION NO. 28905**

A RESOLUTION CREATING "EMERGENCY MANAGEMENT DIVISION" OF CITY MANAGER'S DEPARTMENT TO SUCCEED DISASTER PREPAREDNESS DIVISION; CONTINUING PROVISION FOR EMERGENCY INTERIM SUCCESSORS TO SERVE AS ELECTED OFFICERS WHEN SAID OFFICERS ARE UNAVAILABLE TO PROVIDE FOR OPERATION OF CITY DURING MAN-MADE DISASTER, PURSUANT TO CHAPTER 22, FLORIDA STATUTES, ENTITLED, EMERGENCY CONTINUITY OF GOVERNMENT; AND FURTHER PROVIDING FOR SERVICE TO CITY RESIDENTS UNDER SUPERVISION OF CITY MANAGER'S OFFICE IN EVENT OF NATURAL OR MAN-MADE DISASTER BY ASSISTING IN OPERATION OF NEIGHBORHOOD INFORMATION CENTERS (NICE), OR PERFORMING OTHER DUTIES AS DIRECTED BY EMERGENCY MANAGEMENT DIRECTOR OR EMERGENCY MANAGEMENT COORDINATOR; AND SUPERSEDING RESOLUTION NOS. 10564 AND 21211.

WHEREAS, the City of Coral Gables has for thirty years provided for emergency interim successors to its elected officers to assure the continuity of government through legally constituted leadership under conditions of enemy attack, in the event that any member of the City Commission is unavailable, which was accomplished by the creation of the Civil Preparedness Division, which later became the Disaster Preparedness Division, pursuant to Chapter 22 of the Florida Statutes entitled, Emergency Continuity of Government, and

WHEREAS, it is recognized that the City may also need aid and assistance as the result of natural disasters, as well as man-made disasters and it is therefore considered advisable to change the title of the Disaster Preparedness Division to more accurately reflect the description of the additional responsibilities being added for the purpose of providing needed assistance and services in the event of a natural disaster or accidents of a catastrophic nature,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

1. That the "Emergency Management Division" of the City Manager's Department is hereby created, which shall succeed the Disaster Preparedness Division, and which shall continue to provide for interim successors to serve as elected officers of the City when said officers are unavailable to provide for the continuation of the essential functions of the City government during an emergency in the event of an enemy attack, pursuant to the provisions of Chapter 22 of the Florida Statutes entitled, Emergency Continuity of Government, as more particularly set forth therein; incorporating the provisions set forth in Resolution No. 10564 pursuant to the appointment and duties of said interim successors, as hereinafter set forth; superseding said Resolution No. 10564 and further superseding Resolution No. 21211 changing the name to the Disaster Preparedness Division, which resolutions are hereby revoked, repealed and rescinded.

(a) That each duly elected member of the City Commission shall designate by named person not less than three (3) nor more than seven (7) emergency interim successors to their office and specify their order of succession.

(b) That it shall be incumbent upon each member of the City Commission to review and revise as necessary the designations of emergency interim successors made pursuant to this resolution.

(c) That the City Clerk shall maintain in current status the list of designees for emergency interim successors to the elective offices of the City and the order of their succession.

(d) That the emergency interim successor (designee) shall exercise the powers and discharge the duties of the office to which designated until such time as the vacancy created by the unavailability of the regularly elected official shall be filled in accordance with the Charter or if the elected official (or a preceding designated emergency interim successor) again becomes available to exercise the powers and discharge the duties of his office.

(e) That the designated emergency interim successors shall be empowered to exercise the powers and discharge the duties of the office to which designated only after an attack of the United States has occurred and then only by reason of the unavailability of the regular incumbent or the immediately preceding designated successor. Designated emergency interim successors shall be retained on the official roster of successors and in the established order of their succession at the pleasure of the designating authority, who may amend or revise such roster with or without cause.

(f) That designated emergency interim successors shall upon designation take the same oath of office as prescribed for the duly elected officer, with the further stipulation that the designee shall be empowered to exercise the powers and duties of such office only in the event of the unavailability of the duly elected incumbent, or the immediately preceding successor, following an imminent attack upon the United States. No other oath of office shall be required for succession to the office under the conditions stated herein.

2. That the members of the Emergency Management Division of the City Manager's Department, in addition to being listed on the roster of emergency interim successors to the members of the City Commission, are hereby authorized in the event of a natural or man-made disaster to provide service to the residents of the City of Coral Gables under the supervision of the City Manager's Office, by assisting in the operation of Neighborhood Information Centers (NICE) or performing other duties as directed by the Emergency Management Director or Emergency Management Coordinator.

3. That this resolution shall become effective upon the date of its adoption herein.

**ITEM 10. CRAFT ARTS FESTIVAL**

Authorization was given to the Coral Gables International Festival of Craft Arts to sell alcoholic beverages on the public right-of-way along Ponce de Leon Boulevard and Alhambra Circle on the specified dates, pursuant to the requirements set forth therein, upon motion duly made by Commissioner Barker, seconded by Commissioner Kerdyk, and unanimously carried by the following roll call: Thomson: "Yea", Withers: "Yea", Barker: "Yea", Kerdyk: "Yea", Valdés-Fauli: "Yea"; whereupon Resolution No. 28906 was adopted on the 19th day of September, 1995, as hereinafter set forth.

**RESOLUTION NO. 28906**

**A RESOLUTION AUTHORIZING CORAL GABLES INTERNATIONAL FESTIVAL OF CRAFT ARTS TO SELL ALCOHOLIC BEVERAGES ON PUBLIC RIGHT-OF-WAY ALONG PONCE DE LEON BOULEVARD AND ALHAMBRA CIRCLE ON NOVEMBER 11, 1995 FROM 10:00 A.M. TO 7:00 P.M. AND NOVEMBER 12, 1995 FROM 1:00 P.M. TO 6:00 P.M. PURSUANT TO FLORIDA HRS PROVISIONS AND SUBJECT TO SPECIAL EVENTS ADVISORY COMMITTEE REQUIREMENTS.**

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

1. That the Coral Gables International Festival of Craft Arts is hereby authorized to sell alcoholic beverages on the public right-of-way along Ponce de Leon Boulevard and Alhambra Circle on November 11, 1995 from 10:00 A.M. to 7:00 P.M. and November 12, 1995 from 1:00 P.M. to 6:00 P.M. pursuant to Florida Health and Rehabilitation Services provisions and subject to the requirements of the Special Events Advisory Committee.

2. That this resolution shall become effective upon the date of its adoption herein.

**ITEM 11. MOZART STUBE RESTAURANT**

Authorization was given to the Mozart Stube Restaurant at 325 Alcazar Avenue to sell beer and wine on Alcazar Avenue on the specified dates for the purpose of celebrating Oktoberfest, and also during the specified dates in December, to celebrate New Years Eve, upon motion duly made by Commissioner Withers, seconded by Commissioner Barker, and unanimously carried by the following roll call: Withers: "Yea", Barker: "Yea", Kerdyk: "Yea", Thomson: "Yea", Valdés-Fauli: "Yea"; whereupon Resolution No. 28907 and Resolution No. 28908 were adopted on the 19th day of September, 1995, as hereinafter set forth.