

City of Coral Gables City Commission Meeting
Agenda Item C-2
August 28, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
Assistant City Manager, Frank Fernandez
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Police Chief, Ed Hudak

Public Speaker(s)

Agenda Item C-2 [9:47:07 a.m.]

Final remarks regarding talks between the City Manager and the Police Chief.

Mayor Valdes-Fauli: We'll go on to Item C-2, final remarks regarding talks between the City Manager and the Police Chief. Commissioner Mena.

Commissioner Mena: Yes. Thank you, Mayor. As you recall, a few months ago at one of our meetings, I was asked to step out of the room and meet with the City Manager, Assistant City Manager Frank Fernandez and Chief Hudak. Since then, we've had at least three more meetings, if not four, to discuss a variety of topics. I think it's been overall a productive dialogue. You know, one of the things we had agreed that -- is that we would -- you know, it would be a forum where everybody could speak freely and, you know, some level of, you know, confidentiality would be given to the specifics of the discussion, but we also agreed that we would come back and present some of the important topics we think we've discussed thus far and some of the adjustments that are either already occurring or will be occurring in short order. So, I just wanted to give a very general summary of those, Mayor. Just to run through them, you know, one of the things that came up during our meetings that Chief Hudak brought up was that, you know, he felt that there were a lot of sort of -- for lack of a better word -- unnecessary requirements for signatures and authorization going up the pole. And so, some of that -- some of those requirements have been reduced. I understand, from talking to him recently, that he's satisfied with some of the changes in that area, which I think is a good -- some good progress on that front and gives him a little more liberty to deal with certain issues. Another thing that we had discussed, again, I believe at Chief Hudak's suggestion, was to conduct an employee engagement survey. We agreed in talk -- you know, at first it was with respect to the police department, but we also, I think, agreed that we're ultimately going to do it citywide, really, and that would be an anonymous employee engagement survey from all our departments to get feedback on a variety of topics, including leadership and various topics that will be implemented in that. That would be anonymous for the employee, so that we get, you know, honest and positive feedback, and I think that was a good suggestion as well.

Vice Mayor Quesada: Why do you think that came out? Do you think there's any kind of...

City Manager Swanson-Rivenbark: Well, we've been working on the whole organizational health for quite a while. And so, HR has actually reached out to several cities as to the whole employee engagement and we received some very good information, and so we're going to be

using that as the -- almost the template for it, but it's not just the police department. It is in other departments as well and measuring how we are as an employee workforce and as an organization.

Commissioner Mena: Yeah, but to -- from my perspective, to your question, I think -- as far as why it came up in this context, I think, you know, you hear a lot of noise about whether certain employees or departments are satisfied/unsatisfied and what the sort of morale is.

Vice Mayor Quesada: Morale issue.

Commissioner Mena: So, rather than speculate or rely on, you know, word of mouth from people in the public...

Vice Mayor Quesada: That's a good idea.

Commissioner Mena: We wanted to get real information directly from the employees via some sort of survey...

Vice Mayor Quesada: Okay.

Commissioner Mena: So, that was the idea behind that. The other thing that came -- Assistant City Manager Fernandez's office is being relocated from the third to the fourth floor in the public safety building, which accomplishes two things. One is it provides -- it reestablishes a third-floor office for a second assistant chief position, which is, I believe, what that office was originally intended for to begin with. And also, just to give everybody some space. The other thing that came up as part of this process is that Chief Hudak and Director Fernandez, you know, in talking through some of these issues is, you know, to have more frequent informal and sort of casual lines of communication; go to lunch occasionally, talk through issues and just have a better line of communication outside of the scope of the regular, every day sort of formal

operational issues, but just kind of step back, let's have lunch and talk through whatever issues we may have going forward so that, again, we can reestablish a better line of communication on that front. Another issue that came up and has been mentioned in meetings in the past at a variety of occasions is the Police Department's Twitter handle. So, you know, one of the things we'll be doing going forward is establishing a Police Department Twitter handle, which already, I believe, exists on some level, but you know, establish a little more leeway for the information that the Police Department is able to put out directly when it comes to, you know, emergency issues and things of that nature and work with our Public Affairs Department to come up with that framework, you know, and then come back to the Chief and Director Fernandez and make sure that everybody's on board with those parameters. And then, lastly -- you know, and this was -- this is a broader one. It sort of, you know, spun off of some of the discussions we have is there was a lot of talk about promotions within the department, how those are handled. And so, there was discussion about really pursuing citywide leadership and supervisory trainings to create more opportunities for upward mobility and to, you know, just, again, have a little more leeway in terms of hiring and how we're doing some of the promoting. So, that's where we are right now, you know. This is one of those -- you know, I was asked at that meeting to go out and meet with them. You know, I don't think there's a, you know, magic bullet here. I think it's about finding better lines of communication. I think, again, our conversations -- I think I said this at the last meeting -- and I would reiterate it today that when I sat down with these gentlemen and the City Manager, overall, there's a good, you know, collegiality and working relationship on most topics. I think that if we continue these communications and continue the open dialogue on some of these topics and continue to foster some of these, you know, objectives that, you know, I think that we can move forward in a positive light. So, that's where we are right now. And Mr. Mayor, I know you put this on the agenda, so I wanted to just give an update as far as just what the discussions that I've been having since that meeting.

Mayor Valdes-Fauli: Thank you very much, Commissioner Mena. And I did put it on the agenda because this is a topic that has been before the public eye since before I was elected Mayor in April of '17. And I want to get it over with. It's a divisive topic, the relationship

between the City Manager and the Chief of Police and the leadership in the police department. And this is not a public hearing. I'm not going to take comments from the public. And -- but I want to settle it and I want to finish with the topic. I want to reach a solution on this. And in order to do that, I'd like to hear from the City Manager and from Chief Hudak and maybe Assistant City Manager Fernandez, if he wants to speak. And -- yes?

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: No, I'm not going to take...

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: I'm sorry, but this is not a public hearing.

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Okay.

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Thank you. Thank you.

Unidentified Speaker: (INAUDIBLE). She has nothing to do with this. I'm collecting signatures from (INAUDIBLE)...

Mayor Valdes-Fauli: Wonderful.

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Madam City -- ma'am, I'm not going to let -- I'm not going to take testimony. I know you're here, and it is not a public hearing. Madam City Manager, would you like to address the issue, please?

City Manager Swanson-Rivenbark: Certainly, I -- what I'd like to do is also -- first of all, we have very good people in the city that are fiercely committed to doing their best for Coral Gables, and that's at all levels of the departments and it is in all departments. And so, when this kind of friction happens, it is frustrating and distracting. It is distracting for all of those involved. I didn't realize that I would make a presentation or comment on this, but I'm happy to. In September 2011, the Commission appointed Chief Hudak as interim chief. There were questions regarding the uniform crime reporting. There was concern about the absence of a strategic plan, of break-ins. It was a city very concerned with public safety. And I'm pleased to tell you today that crime is down, that police officers are up. In fact, you have the highest number of police officers in the history of the city, not only having recruited from the vacancies that we were together behind on, but also -- because I understand that, at one point, the City, not the Commission, froze positions for budgetary matters. We have frozen no positions related to public safety. In fact, we've actively recruited them. So, you have the highest number of police officers in the city and you have technology totally engaged and imbedded in everything that we're doing in addition to all departments. This is an all-hands-on-deck fierce collaboration on what is happening with public safety. That is police; that is fire; that is emergency management. And I believe, if you look at what is happening and the numbers and the results, that the good work has fiercely paid off. And so, in 2011, and I watched that more than six-hour video of the concerns the residents had, and that they were calling on a strategic plan. They were calling on directing important resources because then you cannot have quality of life if your house is being broken into. And we understood that. Commission chose to appoint Chief Hudak as interim. That was actually the Manager's responsibility. Manager deferred to Commission, and the community celebrated with that appointment. I arrived in December 2014. On my first day, I met with all directors and department heads, as well as assistant directors. There were more than 35 people in the room. I paid for the breakfast. And I said, I want you to understand what you

can expect from me and I want you to understand what I expect from you. And I reviewed that list. I -- my -- it's all on file. But I wanted to make certain that we, as an organization, provided the highest level of services, accountability and integrity citywide, and that became the theme for our work together. So, I said, make ethics, integrity and professionalism standard operating procedures and make these words have meaning. Know that the end does not justify the means because ethical behavior is the foundation of public service. I challenged them to develop the best professional recommendations. You all may not be -- you may choose to go in different directions than what your staff provides, but our duty is those best professional recommendations, and then it's up to you, as a Commission, to decide how you want to receive those, if you choose to implement them, and then whichever direction you go, we will make it work. I wanted our employees to put our organization first, not themselves. I didn't want an environment of retaliation or negativity. I wanted an environment that was supportive, supportive of each other and of green practices. But I reviewed a very serious -- series of expectations that I had with them and that they can have with me. And those expectations still continue. We are working hard. We are challenging staff. We are pushing forward. Not only are we guided by the Baldrige Award, we are guided by what your expectations are and what our residents' expectations are. But if you look today at public safety, if you look today at break-ins, if you look at car break-ins, if you look at all of the different things that were critically important to our residents, you will see together, police, the other partners, guided with a strong, strong strategic plan, that those are working. I chose to recruit an -- I had a vacant Assistant City Manager position, a vacant, budgeted Assistant City Manager position. I met with each of the then-Commissioners. Two of you are not here anymore, but I briefed each of the Commissioners about what my vision was for an organizational chart, what those qualities were and how I wanted to realign. We needed to do a better job with capital. We need to do a better job with coordinating public safety, and then that would require some new alignments. I reviewed those. I reviewed the job description that I had drafted with the then-Commission individually. Commissioner Quesada, you'll remember we met at Village of Merrick Park at like 8 o'clock in the morning to go over that. And then I went out to implement it. And so, yes, I did want an Assistant City Manager that was also Director of Public Safety, and yes, I did want the highest

level of credentials and integrity, just like the partner with public -- with the Assistant City Manager for Operations and Infrastructure. We've always had two Assistant City Managers. What I did was customize those based on the needs of the community and the expectations of the Commission. So, just for passing through, April 29, 2015, this was my briefing. This was my job description, and this was the credentials that prompted me to go and actively recruit a recognized nationally sworn officer to be our Assistant City Manager/Director of Public Safety. And I'll pass that -- I'll (INAUDIBLE) -- will later enter it into the record for our City Clerk. But if you -- after that, I brought -- I recruited, briefed and hired Assistant City Manager/Director of Public Safety Frank Fernandez, and we began implementing a new strategic plan that would help the City and the employees and the residents citywide. In September 2015, I made the decision to speak with Chief Hudak, who was then interim, and I said I had three specific concerns. I shared those concerns with him. We agreed what those concerns were, and I agreed to move forward with the permanent appointment of the Chief. December 2014, I shared my expectations. I re-shared them again, and I continue to have those high expectations, not only of myself, but of every director in this city. And I am not -- I'm not embarrassed for those high expectations. But I think those high expectations pay off. As I mentioned, crime is the lowest it's been in more than 15 years. It's a multi-pronged, interdisciplinary, interdepartmental strategy, targeted police recruitment. Nationally, police recruitment is a challenge. Locally, it was hard as well. We increased the visibility, the zone, the number of police officers, the NTLs, the NSAs, the use of security guards, all (INAUDIBLE). We needed to move from past practice to best practice if we are going to introduce contemporary strategic initiatives in this city, and we did. And so many of our employees embraced that. They also joined us with CCTV, Shield 12, license plate readers, the crime intelligence center, BriefCam. We've collaborated with University of Miami for perimeter policing. Yes, University of Miami is in charge of the university itself, but yes, police spillover -- as sworn Coral Gables officer's police spillover and also look at the surrounding areas. And Chief Rivera has been an excellent partner with that. We also collaborated with the City of Miami on the 8th Street prostitution. Whether it's happening on our side of the street or happening on their side of the street, it's happening and we needed to have a memorandum in place and a game plan. We've also done some other issues

that have been strategic, deliberate, collaborative, working together at all levels. And so, if we want to step back and say is the City a safer city today, does the City have an important strategic plan in place that ensures that safety, has the City directed millions of dollars in investing those strategies, investing in the people and moving forward? I believe we are in a much better place today than we were, certainly, in 2011, when the residents called for assistance, certainly, since I have been back (INAUDIBLE) the alignments and the collaboration, certainly, the development of the strategic plan, the initiatives, the NSAs, the NTLs, the citywide problem-solving initiatives, the traffic initiatives. Don't underestimate the leadership, the integrity, and the ability that Assistant City Manager/Director of Public Safety has played, has guided in making these things happen. So, when you look at the org chart and you see the City Manager and you know, with Section 13, the duties of day-to-day operations rest with the City Manager as your chief executive officer, and you look at the alignments that have been created, both on the operations and infrastructure side, with ACM Iglesias, a building official, a structural engineer, a professional engineer. And you look at, on the other side, important side of the shop, of public safety and Human Resources, Labor Relations, Information Technology, Emergency Management, Fire and Police, to have leaders in not only the community, but in the state -- and I would argue, the nation -- guiding, pushing and moving our city forward makes our city better. And I will not apologize if we have high standards, if we expect our people to meet those standards, and if we don't stop to look at the good work that has been accomplished. So, Mr. Mayor, I look forward to continued conversations. I look forward to working with Chief Hudak. But I will not accept the argument that it is an internal discussion that is holding the discussion back. I believe the City is not being held back. I believe the officers in the Police Department, the officers and the employees in all departments, are working very hard to deliver the kind of service that you all want that is guided by a strategic plan that you all have asked for, that is tied to the budget that you all have asked for. And I am proud of the good work and I am excited about the good work to come.

Mayor Valdes-Fauli: Thank you. Thank you, Madam City Manager. Chief Hudak, you want to address the Commission, please?

Police Chief Hudak: Thank you. Good morning. The -- and to the Manager's credit, in 2014, when you elected me, the following year, crime dropped 20 percent. Didn't have the officers, didn't have the technology. We continued to get out there and you saw a drastic reduction and what our plan was. I presented to you all at the dais at the time what our strategic plan was based on the funding that I was presented. So, we started it, and it continues. And I can have a college professor or I can have a businessperson give me a strategic plan. This is not about our relationship as the Director of Public Safety. I acknowledge Frank's expertise in a lot of those things. I also believe that I am a leader of the department, having been here 30 years, and I can tell what's right and what's wrong for the residents and the City. This is not about a personality issue. This is about a structure issue. And this was the only thing that we kind of differed on throughout, and I think that has kind of come back to this body on a regular basis of, you know, who's the highest ranking sworn police officer in the City of Coral Gables. It's a simple question, and I don't have a say one way and the other or care what you all do. If it's not me, then it's the guy who carries a gun and a badge, and rightfully so. I mean, he's qualified to do that. But at the end of the day -- and these are the conversations that we had. I'm not speaking out of what I haven't already said has been -- if crime goes back up, who are you going to hold accountable? Is it my responsibility? It is the Director's responsibility? And the ambiguity at the top of the structure, I think, is more of an issue for the department. We started driving crime down in 2014, in the ten months that I was here. And I reported directed to -- at your direction. You wanted a face with the crime. We had to change what was going on beforehand, and it began. And it continues to be done. And I'm not saying that it's my respon -- it's my being here that did that. What Frank Fernandez brings to the table, as far as that, from a larger agency standpoint, there are definitely things that we do better because of that. But at the end of the day, I think this question has been asked before. When the City Manager talked to me about, you know, what was going to take place, I said, hey, I'd never heard of this structure like this of two sworn people at the top.

City Manager Swanson-Rivenbark: Excuse me, Chief. With respect, the two sworn chiefs were not related to...

Police Chief Hudak: No, ma'am. I'm talking about my position and the Director's position, not the two sworn...

Mayor Valdes-Fauli: No, no. Let him finish, and then you'll have an opportunity to respond, please.

Police Chief Hudak: And again, I can tell you where I was standing when I had the conversation. I'm going to try and make it work. I've been trying to make it work for four years, and that's not to say it's not working. But I'm saying, at the end of the day, who's the highest-ranking police officer in the City of Coral Gables? That's the question. It doesn't matter to me. If that's what this body wants -- I've been here 30 years. I'm not going anywhere. I'm going to stay here. I love this city. I love my job. Believe me, the attacks and stuff, which gets difficult, is not so much from the citizens or the media or anything else like that, but it takes its toll on whoever is in this position. And to your point, Frank and I do talk. We do have good conversations. It is not like there's this fistfight going on all the time. But at the end of the day, who is the ultimate authority that can speak for the police department that is a sworn status? I have yet to be at any of the briefings. Now -- and don't get me wrong -- I'm consulted and we talk about things. But at the end of the day -- at the end of the day, the person in my position, whoever that may be, answers to somebody that can override any decision, swear in (INAUDIBLE). And it is not a personality issue. It is not. I truly believe this is a structural issue. That's why we keep coming around. I don't want to come around. I don't think it's good for the department. I don't think it's good for the City. But you know, at the end of the day, we have CCTV. You're going to hear about some of the successes. We also implemented a \$6 million project that I took over when I got here to do -- redo the radio system. It's because of our people. I need people to watch the cameras. I need officers to respond, just like we celebrate them every day. That has not changed in law enforcement. However, the technology and the

breaking down the silos and bringing in all the resources of the City, as the Manager said, and the strategic plan absolutely has a value. No doubt about that. The Police and Fire Department, because we've been in the same building, have always worked very well hand in hand. It is definitely Frank's -- to Frank's credit that we brought in every other department director that we talk about and we look at it, and crime continues to go down. And I don't know if it's so much of a national trend, but we have always worked together with agencies. This issue keeps coming up, in my opinion, because it's a structural issue, not so much a personality issue. I know who my boss is. I know who my boss is. I've told you that before. That's the question. It's not a question of I don't want to work with them or anything else like that. It's not. If you all decide this is the structure that you want and we want to keep it like that, what am I going to say? There's one other director of public safety in the state of Florida. The difference between him and here is the fact that Chief (INAUDIBLE), all his police officers are paramedics as well, up in South Daytona. So, it's a different model of what it is in the state of Florida. But again, I'm okay with being unique, if that's what we want. So, I mean, (INAUDIBLE).

Mayor Valdes-Fauli: Thank you, Chief.

City Manager Swanson-Rivenbark: So, Mr. Mayor, if I...

Mayor Valdes-Fauli: Thank you very much.

City Manager Swanson-Rivenbark: Can just provide...

Mayor Valdes-Fauli: Let me...

City Manager Swanson-Rivenbark: A little bit of clarification. I do have examples of other cities -- Virginia Beach, for example, that has a Deputy City Manager/Director of Public Safety, and they are -- the reason why I looked at them is because I looked at all triple bond rated cities and looked at what their organizational structures were. The difference we talk about -- well,

what difference would it make if the Assistant City Manager/Director of Public Safety -- and I have such respect that just the fact that this conversation is going on is a professional disappointment to me, but he would not be able to be read into IA investigations should you not - I have serious concerns about some of the history of Internal Affairs, not unique to Chief Hudak, some of the history of Internal Affairs in this city. It's important that he get read into that. At any point, if the FBI comes, the FBI can come in and say everyone that is not a sworn officer can -- will -- can leave the room. That's the FBI's call. They can do that. If we look at sensitive files, officer-involved shootings, if we look at -- and Commissioner Keon, you'll remember an example that you raised when I came here that you were concerned about a shooting and the investigations that needed to take place. If you look at use of force, if you look at other pieces, having checks and balances, having other people looking who have internal auditors that are external experts that are looking at what we do. Peter Iglesias, as building official, as a professional engineer -- a structural engineer, is looking at what we do and he has the ability -- he has the authority from the State, as chief building official. Doesn't report to me in that capacity. He reports to the State. He has the ability to override, to challenge, to mandate that we are doing the best practices. I believe that additional oversight in all of our departments is important. It pushes us to be better and to hold ourselves accountable. I believe that that type of organization -- and I've been speaking with other City Managers -- that type of organization, when something -- if a city is struggling with finances, it's really important that the Assistant City Manager have added experience in finance. If a city is struggling with environmental -- but when a city has a challenge of public safety, when a city has a challenge of capital infrastructure, delayed projects, it's important that those additional high-level resources are in place to push us to be better. And so, I stand by the organization chart. I celebrate the people that are the city -- those that are new, those that are here, and I believe that, as the chief executive officer, that organization, in response to the concerns of the residents, in response to you all's priorities, I believe that organization makes incredible sense. I did pass out the letter where I briefed the former Commission that this is the kind of recruitment that I wanted to do, this is the kind of credentials that I wanted to have, this is the organizational chart that I believed was best for the

City. I also briefed our staff people about that. I went and I implemented, and I am proud of the good results that we had. So...

Vice Mayor Quesada: The Mayor had to step out for a brief moment. Assistant City Manager Fernandez, would you like to say anything? The Mayor will be back in a moment.

Assistant City Manager Fernandez: You want me to wait?

Vice Mayor Quesada: No, perfect timing.

Unidentified Speaker: (INAUDIBLE)

Assistant City Manager Fernandez: Thank you, Mr. Mayor, members of the Commission. You know, I started my career 33 years ago -- a little over 33 years ago, and I grew up here in Coral Gables. I went to high school at Coral Gables High. Venetian Pool is where I took my first swimming lessons. I always had a vision of Coral Gables being that exemplary city where, if you worked hard enough -- and coming from a family where we struggled -- that if you worked hard enough and go to school, that maybe someday you'll get to live in Coral Gables. So, after I retired from the City of Miami and in going to a larger city in Hollywood, having the opportunity of being called by the City Manager to come into Coral Gables, I saw that opportunity where I don't live in Coral Gables, but I (INAUDIBLE) work there and be part of this image. I didn't come to Coral Gables -- didn't come here to create a distraction. Did not do that. It's not my point. Didn't come to Coral Gables to be the Chief of Police. I came here to provide added value to continue (INAUDIBLE) add to it. (INAUDIBLE) that I have the opportunity to work here. Humbled that I don't want credit for anything, but I will tell you that I was given marching orders by the City Manager to come up with a strategy. I briefed every Commissioner. I've done more PowerPoints before this Commission than in any other time in my history with the City of Miami Police Department, and that's a robust (INAUDIBLE). I've done more PowerPoints here (INAUDIBLE) every day. Every little step of the way, it's met with a

significant amount of resistance, both internal and external, but we've persevered through that. I like to consider myself, after 33 years, a public safety police strategic tactician. What I am not and what I am not is a political strategist. I'm not. I am apolitical. I understand politics. I have a (INAUDIBLE) politics, which is I understand it, but I don't subscribe to it. I know what you're looking for. I deliver. I work with the resources. (INAUDIBLE) distractions to the City, zero. I have five departments that report to me. I've heard from every one of you that they're working at an exemplary level, including Police. I will echo what Chief Hudak said that I didn't have a personal conflict. For the most part, as you heard Commissioner Mena in our meetings, we align ourselves in many different strategies. This is not about the Police Department. This is not about a structure. Go back in history -- and I studied the history when I did up a strategy. Go back in history. You've all -- and many of you have been through this before (INAUDIBLE). This police department's been brought before this Commission many, many times. I've gone back to the newspapers. I've gone back to the articles and to CGTV. And I submit to you today that, if you look around the country, what City Commissions are looking for is a police department and leadership that's apolitical. I, for one, am politically aware, but not politically involved, and I pride myself on that. I don't want to create any distractions. I come here to do my job. My sworn status is only an opportunity to leverage other areas so that I could push forward strategies. I have explained this ad nauseum to every one of the directors that report to me, that I am here not to direct your departments, but to support them and to remove obstructions from their paths. And I do that consistently. I don't interfere. I don't overstep. I don't cause a structural issue. I don't (INAUDIBLE). As a matter of fact, Chief Hudak will tell you that, if there's an incident, he calls me and we communicate very effectively. So, I just don't want this to be about Ed Hudak and Frank Fernandez not getting along. That is not the case. We may have some cultural issues in the police department that we're trying to make better. This police department is exceptional. I like to say that the officers here in this city -- and I've said it many times -- a lot of them are the most passionate police officers I've ever come across, super passionate. But I will submit to you -- and we all know this -- and Ed Hudak knows this -- that the leadership of the department has had significant struggles over the last 15 years. It's my professional goal to try to make that better, not make it worse. Chief Hudak will tell you that I --

when he calls me to go on a scene, I tell him, call me when it's time for me to get on scene, if you need me there. So, yeah, he does do that, and you've heard that, Commissioner. You know, so I know my place. I think my 33 years of nothing in my background -- and since I've been here, I've been accused of being involved in something in Broward with the Attorney General or with the Inspector General. None of those things come to me. I've been accused of being involved in something with -- something else in Miami. None of those things come to me. I've had my fair share of disagreements with unions, but it's because I am steadfast in my values. I know what I believe in. I stand by them, and I'd like to say that, you know, a long time ago, I had a good mentor of mine that asked me, at what point did you become legitimate? (INAUDIBLE) think about it is where do you become a professional and you believe in your values and you stand by them regardless. This is a lot of political pressure on the organization. I (INAUDIBLE) my position. I believe what I'm doing is professional, it is in the good (INAUDIBLE) of all the police officers and all the employees. And I've heard it from all of you that it's been (INAUDIBLE) exceptionally. But I'm not here justifying my position or to save my job. I'm here to do a job, not to save my job. I had recently from -- a union president tell me, hey, it would be in your best interest to look at these (INAUDIBLE) very carefully so you could get some of those (INAUDIBLE) on your side. (INAUDIBLE) fire contract (INAUDIBLE), not political. Not doing it. I'm going to do what's right. And you and I've talked about this, Commissioner Lago. I'm going to do what's right. I'm not going to play politics. So, I stand before you today to let you know a couple things. One, Chief Hudak and I have a continuous level of communication, and we've mentioned that to Commissioner Mena numerous times. Number two, the organization is moving forward in a progressive way. Number three, our strategies are working, not because of me, but because of the collective effort of the entire city. I don't want credit for anything. I just want to do my job here and be part of a greater good, and I believe in that. I believe in being part of a greater good, something bigger and more important than yourself. So, with that, I say thank you very much and for the opportunity to work with Coral Gables.

Mayor Valdes-Fauli: Thank you.

Unidentified Speaker: Thank you.

Mayor Valdes-Fauli: Thank you very much. I'd like to hear from our Commission, and then I have comments on the presentations and comments on what, if anything, we should do and invite action or no action.

Vice Mayor Quesada: So...

Mayor Valdes-Fauli: Vice Mayor.

Vice Mayor Quesada: Yeah, thank you, Mr. Mayor. First of all, thank you, Commissioner Mena, for attending these meetings. I got to tell you, Chief Hudak spoke very well today. (INAUDIBLE) City Manager Fernandez that I think that it's the first time I hear so clearly that you guys actually get along. That's what -- the immediate thing that jumps into my mind that I took out of what both of you said, which was great to hear, was great to hear. Because, you know, I've known that ever since the two of you have been involved with the City, crime has gone down. And even before Assistant City Manager Fernandez -- and you're right. I forgot about that. When you mentioned -- when you started your statements, Chief, that crime had been going down. And that's obviously the number-one concern. And I'm glad to hear from the three of you that it's the most important issue. Absolutely, you know, we'd be in a completely different situation, obviously, but a much easier conversation if crime was going through the roof. And thankfully, we're not having that conversation. My biggest problem here is I think both of you are great. You know, when we get these presentations and we see what's been implemented since Assistant City Manager Fernandez has been here, it's spectacular. But you know, when I hear police officers talk about Chief Hudak, there's a clear leadership there, I would say. So, the biggest problem here is -- and I think you summed it up well -- is a structure situation. My biggest issue is, I can't -- I think Assistant City Manager's done a fabulous job, spectacular job. I couldn't be more happy or proud that he's with the city, working with us. But

I can't be supportive of him losing that status if it's seen almost as a demotion or seen almost as he didn't -- hasn't done a good job in the process, which he's done a fabulous job. So, I don't know what was promised to him when he was first hired. I assume that when he was first hired, he was told he was going to have that position, so it's almost like a catch-22 situation in the sense that he came in with that understanding. He gets that -- you know, he comes into that position, and then that's taken away from him? That's something that wasn't set out in the initial employment to bring in. So, that change of circumstance makes it difficult for me to accept that. But at the same time, yes, I think everyone can agree it's strange that the chief of police is not the highest-ranking officer. But I think, obviously, we have a different structural situation here. And for me to say that -- to take something away from him that was given to him at the beginning of his employment seems fundamentally unfair to him, considering he's done a great job. That's where I am on it.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Quesada: That's the way I feel about it. But again, I am very happy and I'm very -- I'm extremely happy with the comments that I've heard today from Chief Hudak and Assistant City Manager Fernandez and the Manager. But again, the crime is down. I'm glad to hear that you two actually do actually get along and you do communicate and you do work well together because -- you know, the proof is in the pudding. You guys do work well together. But those are my thoughts.

Mayor Valdes-Fauli: Thank you, Vice Mayor. Commissioner Mena.

Commissioner Mena: I think, for the most part, I agree with everything you just said. I think it's important for a couple points to be addressed by the City Manager and/or Director Fernandez, and also, by Chief Hudak. And I'm just picking up on certain things you said today actually. Chief Hudak, if I heard you correctly, you said you're not saying it works or it doesn't work. So where does that leave us? You know, if -- because based on, you know, metrics -- if you look at

crime, if you look at -- you know, everything is going well. I think you would agree with that. And so, what necessitates the change is I think something I'd like to hear from you. But the other thing I'd like to hear from the City Manager, which I think is important for everybody, is, you know -- the difficult thing for me is this decision on this structure was made before I was here. And so, I've been dealt this set of cards and I'm playing the hand I've been dealt, right? And so, from what I've seen, you know, it was run by everybody that this is how it would be structured. It was run by the Commission at the time. It was run by you at the time. Everybody agree, and here we are. So, I guess my question is, why are we the outlier? Why are we doing things in what, you know, you might describe as an unorthodox manner? Why is every other city in the state of Florida except, I think, one, from what I've been told, why is their structure that the chief is the highest sworn and why is it necessary here? Because here's the thing -- and I want to make this clear. Frank Fernandez has done an exceptional job, as has Chief Hudak. This -- to use his own words, it's not about him or Chief Hudak. This is about the structure of our city. And two years, three years, five years, ten years from now, if either of you are or aren't here, there will be other people in these roles, and why is it necessary for there to be a sworn position above the chief when it's not necessary in many other cities where crime is also down and where things are also going well? And why does -- because I don't view it -- here's the challenge I have with it. And it bothers me because I know Director Fernandez has a tremendous amount of integrity and has done an incredible job. And none of -- I don't want this discussion to be about his job performance or anything of that nature because it's not. It's about the structure and the structure that we have here in the City. So, I'd like to sort of hear from both of you on that or the group because I think it's an important part of the discussion for people to understand.

Police Chief Hudak: You can take the -- take all of us out of it. I mean, I stand by my integrity, okay. It has been publicly brought up, but I still stand by my decisions every day. So, that being said, it is a structural issue and it is already what it is right now. So, yes -- well, my conversations with the City Manager on the phone about this is what she wanted and to be sworn in and -- fine. I ordered the badges. It is not about the two of us. It is about a structure, and that

is -- and the reason why I say I'm okay with it -- if that's what this collective body decides and the Manager decides, I'm still here. But just -- I am not the final say in law enforcement matters before it goes to a non-sworn position. All of you -- the Manager can direct me to do something as the top -- or the position -- excuse me, the position as the top law enforcement person. And if I choose not to do that, I do that at my own peril. That's -- or that person does. You all technically don't have to talk to me. If you want the police department to do something and if the Director's position agrees with that, that's what we're going to do. So, more than anything else, I say it's structure because I am not the final say for the police department.

Commissioner Mena: But isn't that true regardless? In other words, even if he wasn't sworn, at the end of the day, the ultimate say is...

Police Chief Hudak: I would be ultimately...

Commissioner Mena: (INAUDIBLE)

Police Chief Hudak: Responsible for...

Commissioner Mena: No. The ultimate...

Police Chief Hudak: (INAUDIBLE)

Commissioner Mena: Say is, I think, with the City Manager, through us, as a Commission, through whatever assistant -- there's always going to be a hierarchy and a reporting structure whether or not that individual is sworn or not, so you know, I guess my is, you know, if we wanted to implement some new, you know, public safety strategy, you know, putting officers in each of our public schools, which...

Police Chief Hudak: Right.

Commissioner Mena: You know, we're doing now...

Police Chief Hudak: Which we're going to talk about later...

Commissioner Mena: Right.

Police Chief Hudak: Today, right.

Commissioner Mena: Right. I mean, that came from this dais, through the City Manager and through your police department, and now that's what's being effectuated. So, the thing I think you need to help us with is, you know, what necessitates a change in the structure, if anything.

Police Chief Hudak: Necessitates is just delineate who is ultimately in charge. I believe the City -- the police department needs that. I think any structure needs it. We know who the City Manager is. We know who my boss is. And this Director of Public Safety, the only difference is now that it's sworn. So, if I -- if a civilian person was to give a police officer an order, the officer is not bound by rules and regulations to execute that order. It's only from a sworn person. So, the difference in the chief being sworn and the boss being sworn is my orders would be -- those orders would be (INAUDIBLE) immediately and they would have to follow them because of the way the structure is set. So, the police chief position is not the ultimate authority in the sworn status on that. That's not to say this has been done, but I'm telling you that's my position on it. You know, I've been investigated for a myriad of different reasons by my boss, and that's okay. That's the checks and balance. You know, we've talked about the promotional issues and, you know, I take very seriously what the Director said about the history of our department. I'd just like the keys to try and give it my best shot to right that ship because I do have 33 years of knowledge of everything else that's gone on here. Because within two retirements, I won't be just the chief, I'm also going to be the most senior officer in this department. And I do want to set this up so we have a continuous legacy of internal candidates to run this organization, the

same way that I've been blessed to be put in this position. So, that's where I say it's -- either way, it's irrelevant to me as Ed Hudak because if it stays the way it is, it stays the way it is. But you know, I voiced in our meetings what my concerns were as far as the leveling of the structure. We know the Mayor's position. We know the Manager's position. In the police department, it's a little blurry. And other director of public safety positions, they are that chief's position. I understand that, but this is where it's a little lateral when it should be very much in a paramilitary structure. It's like having two five-star generals over the marine corp.

Mayor Valdes-Fauli: Thank you. Thank you.

City Manager Swanson-Rivenbark: So, I...

Commissioner Mena: I just -- my -- the question I described about why our structure needs to be different from, again, most other cities in the state, at least, and then also, again, if the structure -- if it wasn't structured this way, if your Assistant City Manager/Director of Public Safety wasn't sworn, how would that impact or change anything, you know, in a negative way? In other words, wouldn't he still be rolling out strategies through you? You know, so give me the sort of countervailing side of this.

City Manager Swanson-Rivenbark: Certainly. And the other question was, was it recruited that way? And so, yes, as you can see in the document that I distributed in 2015, that we'll reinsert into the public record, the job description written -- which I wrote myself -- for Assistant City Manager/Director of Public Safety -- and yes, I did look at other cities and there are other city examples. And the one that I gave you just now was Virginia Beach -- was I needed additional strength citywide as it relates to public safety. And I recruited someone, wrote the job description, which says sworn officer, advised the Commission -- the then-Commission would be a sworn officer, and a sworn officer with ten years of experience with Department of Justice, federal, going and consulting in ways of improving best practices for policing, best practices use of force, best practices for police in general. That's a tremendous value that I have that I can call

on to make things better. Every department -- and I think if every director made a list of the things that they do better now that they didn't do before, you will see the City is moving in a good direction to earn that Baldrige Award that you all challenged us to get, that earns our reputation of Coral Gables is a city that does things right. And so, having that, I did recruit, I did hire, did have, did know that he has a sworn status and required it to continue. I required it to continue, and I believe that gives better value -- take personalities aside because I'm told this is not a personality issue or another issue. Take personalities aside, we want the best, highest level of performance in all departments, and I rely and I push our Assistant City Managers for the departments they're responsible for. I have mentioned to you IA. I have mentioned -- I'm not going to open up the files and say look, I -- those files are public. You all can look at them yourselves. I reviewed them. I wanted to make sure that I, as a resident, I, as a retiree, I, as now Manager -- because, remember, I was here for 20 years in Economic Development, doing many projects that were important to the City, but I didn't have the privilege of doing it as Manager. Learned a lot of experience from another city in terms of labor negotiations, in terms of financial urgency and challenges and a part of bringing up employees who had been gut busted, who had not had hope. You all -- one of the conversations I had with two of the Commissioners here was our employees' morale you were concerned about. And so, we worked hard on making those changes in all areas and fair and transparent practices is one of them. He has more authority to go in and work with that on a national level and on a local level with that sworn status. It is a damage to, I believe, to the City and to him personally if I would think that I would take that away, and that is not something that I would do. I also...

Vice Mayor Quesada: So, but -- thank you for all that. I think you've gotten away from the question. You hit it, but I just want to sort of summarize that. So, you wanted to bring -- in your structural overview of the City, when you come in as City Manager, you wanted to make an Assistant City Manager that was sworn...

City Manager Swanson-Rivenbark: It was a subject matter expert...

Vice Mayor Quesada: Correct.

City Manager Swanson-Rivenbark: In what is critically important.

Vice Mayor Quesada: That had federal experience and for the other reasons. Got it, okay.

City Manager Swanson-Rivenbark: Now, I will say -- if -- and I appreciate the Chief saying if this is what the Commission wants, then he'll accept it. And I appreciate that because you have said that twice at our meetings too with Commissioner Mena. I'm asking the Commission to accept it. I'm asking the Commission, as hard as it is, as much pressure as you get from your public, I believe in this public safety process. I am -- I believe not only in what we have accomplished already, I believe also in the credentials of the individual, as well as the credentials of the counterpart as Assistant City Manager. I commit to you that we have the organizational structure in place that no city in the state of Florida, regardless of size, regardless of status could match with the credentials that we have assembled and empowered here.

Mayor Valdes-Fauli: Thank you.

City Manager Swanson-Rivenbark: And I would ask that you accept my ability to provide that structure and you allow me to continue to meet that.

Mayor Valdes-Fauli: Thank you. Commissioner Lago.

Commissioner Mena: He wanted to say (INAUDIBLE)...

Mayor Valdes-Fauli: (INAUDIBLE)

Police Chief Hudak: Just for the record -- and I totally agree with Frank's credentials, with the Director's credentials. But again, we have been nationally accredited as a police department for

many, many years and we continue to get better. So, I don't want -- and not so much you all, but everybody else that may be watching to think that we had a problem as a police department. We continue to be...

Mayor Valdes-Fauli: We were accredited the last time when I was Mayor in the '90s.

Police Chief Hudak: Exactly. And now, we are the only one with excellence in Miami-Dade County of the 37 different police departments. We're the only -- and that's attributed to the officers, to the strategies that were in place (INAUDIBLE), but we continue to get better. So, and the -- and again, the Manager is absolutely correct. I'm not sitting here saying things that this is -- you know, this person's bad or this person's bad. Whatever you all decide.

Mayor Valdes-Fauli: Commissioner Lago.

Commissioner Lago: Thank you, Chief. Chief, will you stay for a second? First off, before I get into this -- and I just want to mention that I really enjoy the tone of today's meeting. I think it's spectacular. I think it really exemplifies that Coral Gables is all about, and I see that we're making a lot of progress. And I have to do -- I have to give credit where credit is due. Commissioner Mena has done an exceptional job. He has stepped up, as he always does, and I think you've -- you haven't told me how many meetings, but I imagine every time I hear...

Unidentified Speaker: (INAUDIBLE)

Commissioner Mena: I think it's four.

Commissioner Lago: Four.

Vice Mayor Quesada: (INAUDIBLE) didn't want to do it.

Commissioner Lago: No, he did, he did. He wanted to do it. He's done an exceptional job, along with the Chief, ACM Fernandez and our City Manager of sitting down and finding common grounds. You know, we have proven leadership (INAUDIBLE). We have effective leadership and (INAUDIBLE). I don't know how many times because there's this continued, you know, talk from the rear, in the shadows that I oppose Frank Fernandez. I sometimes feel that I'm on your payroll as your public relations person, to be honest with you, along with the Chief. So, I just want to continue to say that because, outside of writing you an anonymous letter, then I don't know how else to do it. So, there -- I have a few very simple issues that I just want to clarify. Number one, Commissioner Mena mentioned items that have been addressed and that will be delivered. I'd like to see a timeline for deliverables. That's all I want to see, a schedule of when we're going to potentially, you know, bring these issues into effect so that we can keep track of them. I think that's critical.

Mayor Valdes-Fauli: I'm sorry. I don't understand.

Commissioner Lago: Commissioner Mena probably mentioned, I don't know, like four or five items...

Commissioner Mena: Yeah, one of which was (INAUDIBLE)...

Commissioner Lago: Outside of the sworn status that...

Commissioner Mena: Yeah.

Commissioner Lago: Had been dealt with our agreed upon, but that...

Commissioner Mena: And one of which included the engagement survey for employees and stuff like that.

Commissioner Lago: So, I want to know kind of when is that going to be delivered upon. I think that's critical so we can keep tabs on it. (INAUDIBLE) No, no worries. You know, we talk about issues -- structural issues. The sworn officer -- who is the highest sworn officer. And I think that's an issue that, again, is unresolved, and I want to resolve that issue very simply.

Unidentified Speaker: Today.

Commissioner Lago: Today. I want to resolve it. And I'm going to ask you a very simple question, and it's the only question I'm going to ask you. Do you suffer from insubordination in your department?

Police Chief Hudak: (INAUDIBLE)

Commissioner Lago: Do you have -- but let me finish. Do you have instances where certain officers, no matter the rank, instead of talking to you, meet with ACM Fernandez?

Police Chief Hudak: I think that culture exists where there's some (INAUDIBLE), so to speak, with the individual that may go around. I believe there is -- and this isn't -- I want to be clear. This isn't something that he...

Commissioner Lago: At all.

Police Chief Hudak: (INAUDIBLE).

Commissioner Lago: At all.

Police Chief Hudak: But I believe they see that as another avenue to circumvent what my decisions are. Do I suffer or have I been exposed to some insubordinate acts? Yes, I have.

Commissioner Lago: And are those individuals in the higher command staff, some of them?

Police Chief Hudak: Some.

Commissioner Lago: The reason why I bring that up is because, as an individual -- again, I don't own my company, but I'm third in command outside of the two individuals that own the company that I have the honor to work for for the last ten years. We all answer to two individuals in the office. People come to me and I funnel everybody to the two owners. And I say, you need to sit down with them and have this conversation. There has to be a delineated hierarchy because that's the way you, you know, maintain controls. That's the way you maintain quality. And that's my biggest concern. If people are being insubordinate and if people think that they can get a different result by talking to the Chief or talking to our Assistant City Manager, that's a problem. And that's a problem that'll continue to fester and that won't be resolved. And today, it may be something small, but in the future, it may be an issue because you may not have -- you may not all -- you may not have both parties in the know in regards to an issue that may slip through the cracks. We're all human beings. If one of these police officers goes and speaks to the ACM or goes and speaks to the Chief, and for some reason, they do not coordinate on that issue, it may fall through the cracks. At the end of the day, it's all about accountability and there has to be one person, like the Manager runs the day-to-day operations of the City. She is accountable. You can blame the Finance Director. You can blame the Parks Director. But at the end of the day, if she is made aware of an issue, via an email or a telephone conversation, she is accountable, day to day, just like we have to fact the elected -- the individuals who put us in this position every two to four years. So, that's my only concern, the issue of insubordination. I can't speak high -- I can't speak any more of these individuals. I mean, they -- the proof is in the pudding. They've done an exceptional job. The Chief has done an exceptional job. And everywhere I go, police officers tell me how happy they are, you know, how we're really working on issues. We're providing a quality -- a level of quality of service that is unmatched in Miami-Dade County, unmatched.

Police Chief Hudak: And I do want to clarify, okay, when that has happened -- and as of late, that that supervisor shopping, so to speak, takes place...

Commissioner Lago: Yeah.

Police Chief Hudak: The Director and I (INAUDIBLE)...

Commissioner Lago: That's a good way to put it, by the way.

Police Chief Hudak: Had conversations on many occasions and he directs them back. He reroutes them, but it does exist.

Mayor Valdes-Fauli: Thank you. (INAUDIBLE)

Assistant City Manager Fernandez: Commissioner Mena -- I'm sorry, Commissioner Lago, I just want to clarify that did happen when I first got into the first couple of months, not knowing the culture of the organization. As I embedded myself into that culture, understanding it better, and better lines of communication back when I got here in 2015, that stopped. I don't have officers trying to shop for a supervisor. I have a philosophy that I practice with every department. I have an open-door policy for suggestions and ideas and innovation. (INAUDIBLE) let's see how we can make the City better. But if it comes to discipline, there's a procedure. You got to go back to your first-line supervisor, middle-line supervisor, go through the chain of command. I truly believe in empowerment. And Chief Hudak and I have discussed this at length, have we not?

Police Chief Hudak: Yes, we have.

Assistant City Manager Fernandez: So, that is not an issue here. I just want to make that clear.

Vice Mayor Quesada: You know, I'm glad he brought that up because -- and I'm sorry to cut you off. Were you done?

Assistant City Manager Fernandez: Yes, sir.

Vice Mayor Quesada: (INAUDIBLE) Merrick Park, when we first met very early on before you were brought on, that was actually an issue I brought up also. I didn't want to create a situation where people can shop who they go to.

Assistant City Manager Fernandez: The org chart in the budget, by the way, clearly delineates that he is the head of the organization. My name is not on the org chart for the budget. Look at your budget and you'll see it. The officers know exactly what (INAUDIBLE)...

Vice Mayor Quesada: I think that's...

Assistant City Manager Fernandez: (INAUDIBLE)

Vice Mayor Quesada: I think that's a perfect issue that the two of you need to communicate to make sure it absolutely doesn't happen. Those games absolutely cannot be played.

Assistant City Manager Fernandez: I want to make sure for the people that are here and maybe that are watching. Chief Hudak and I do not go to the office and have these shouting matches or arguments. (INAUDIBLE). I just want to make that clear. You know, this is -- I got to tell you, this is -- (INAUDIBLE) remove politics from the police department, it's going to run a lot smoother, which is my perspective on it. But in terms of my position being sworn, yes, I was brought in here in that position. And if I'm taken out of it, yes, it's a big detriment to my career. It definitely is.

Unidentified Speaker: (INAUDIBLE)

Assistant City Manager Fernandez: (INAUDIBLE) cause no distractions for the City or for the Chief of Police position or for a major. I don't do that.

Police Chief Hudak: And...

Mayor Valdes-Fauli: Go ahead.

Police Chief Hudak: To your point, and the last thing, recently, we had somebody leave and the proof is in the exit interviews, which we do, when we talk and what's written. So, when I have a high-ranking official move on, and basically, with me, in writing, however -- and rightfully so, he did some great things. And I say the individual that left that was praised from my predecessor and my boss. So, to your point, it's not about Frank Fernandez and Ed Hudak. This is what the organization does when they believe they're going to get something from somebody else, whoever they think their wagon is hitched to, so to speak.

Mayor Valdes-Fauli: Thank you, Chief. Commissioner Keon.

Commissioner Keon: You know, thank you. And I do hope that this will end today because it has...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Keon: Been a terrible distraction...

Mayor Valdes-Fauli: As far as I'm concerned.

Commissioner Keon: For all of us. So, I hope very much it ends today. You know, it's my understanding and from, you know, this (INAUDIBLE) conversations with the Manager that

when Frank Fernandez was hired, he happened to have the credentials of a sworn officer. He wasn't hired to run the police department. We had a chief of police and -- that would run the police department. So, regardless of what credentials he may have, the fact that he's a sworn officer or anything else, you know, the police chief is the head of that department. I think maybe what has created issues here is the existing culture in the police department, and maybe, you know, this may be, you know, a structure that they're not used to. That's alright. You know, we have a Board of Architects; other people don't have it. We have structures within our city the way things are done that other people don't have it. It doesn't prevent us from doing it if it makes us a better city. And I think it probably does make us a better city. I would, in no way, no way do anything to strip Frank Fernandez of his status because (INAUDIBLE) to get that back, you know, he may go on to do other things. He has been outside of his job that he does with the Department of Justice and in other organizations where those credentials are needed and are necessary. So, to affect him in any way over something that might be, could be -- it should be worked out and shouldn't be an issue would be punitive. And I don't think that we ever, you know, in our role as policy makers, would ever endorse being punitive. And there is no reason for it. Now, could it happen? Yeah, it could happen and we've said over and over again, in any situation, things could happen. But it's do they happen. Do they happen. You know, Frank Fernandez is apolitical. My -- I could not ask for anything more from a police department than to be apolitical. You need -- you serve the public because you have sworn to do so and you do it for those reasons, and you don't do it by ingratiating yourself politically or anything else. And I'm very happy to see that -- what I believe is that we have now an apolitical police department. You know, I applaud you, Chief, for your work and for working through this. It is difficult to work under a new structure. We have not had a police chief that has been, you know, greatly recognized and applauded in our city in a long time. And so, I'm happy that you are here and you will bring back that honor to your officers and the honor of a great police chief in our city once again because you know, as well as I do, it's been a long time since we've had a really good police chief. And equipped to do it. This community loves you. They think the world of you. You know, the -- Frank Fernandez has brought, you know, experience and expertise and an ability to bring those various departments together and, you know, can be your sounding board,

his sounding board. And between everyone -- I don't -- it may not have been the structure it was before. It is the structure it is now. We were aware of it as a Commission. It is the role of the Manager to set that structure. It comes to us, and we approve it; we did. So, I would -- I'd like - - I don't know why it continues, and I'd like to see it end. I thank Mike for -- Commissioner Mena for, you know, being the agent that brought this all together and has maybe given us the opportunity now to put an end to it. I mean, the other things that you talked about, you know, you can go forward with with the Manager. But this particular issue over, you know, who is the police chief, Chief Hudak is the police chief.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: You are the police chief. Frank Fernandez does not act in the role of the police chief. Whether he is also a sworn officer is irrelevant. You know, I have a degree in nursing that I got a long time ago. I maintain a license in nursing that I have maintained for all of these years in the event that, at some point, if I want to go back and utilize that, I can. You know, his credentials are his credentials. It shouldn't really make a difference. You know, the certifications in the City Attorney's Office where, you know, she encourages her other attorneys to acquire other certifications and levels -- you know, the fact that one may be higher than the other or have, you know, more certifications or different things is irrelevant. She's still the City Attorney. You are the police chief. And in everybody's eyes, you will always be the police chief. You are beloved by the citizens of this city.

Mayor Valdes-Fauli: Thank you, Commissioner Keon.

Commissioner Keon: So, I'd like it to -- I would like to just -- I mean, I don't know whether we -- you call for a vote of...

Mayor Valdes-Fauli: No. I have...

Commissioner Keon: Confidence or whatever...

Mayor Valdes-Fauli: Comments.

Commissioner Keon: You do.

Mayor Valdes-Fauli: No, no. I...

Unidentified Speaker: But that's what I was...

Commissioner Keon: Okay.

Commissioner Lago: I was going to...

Commissioner Keon: I would...

Commissioner Lago: I was going to ask (INAUDIBLE)...

Commissioner Keon: I would leave it to you, as Mayor...

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: To put an end to it.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: I'd like to make a few comments. And you know, thank you, Commission, for having expressed your opinions and (INAUDIBLE) to clarify the issue. And especially, thanks for Commissioner Mena. Any time you want to volunteer for matters such as these, you're welcome to do so. You reported to us that there has been progress. There have been changes. There's going to be an employee survey with requests for suggestions. And in the police building, as well as in this building, Frank Fernandez is going to have -- I mean, our Assistant City Manager is going to have a different office separate from the police department. We talked about communication between the Chief and Assistant City Manager. Police Twitter - - I have no idea what that has to do with this issue, but you know, it's coming. And promotions that has been an issue and, you know, we -- the Commission thanks you for whatever you -- your four meetings, which, I'm sure, were not where you wanted to be at the time. The City Manager, Ms. Swanson-Rivenbark, mentioned that crime has been down and it is down, and we're all very proud of that. For the first time in a long time, the police department is fully staffed. In April of 2017, we were down anywhere between 17 and 25 positions, depending on who was counting. And today, we have the highest number ever of police officers. Our technology is admirable. Our technology is at the forefront of technology everywhere. I have taken people from other countries and other cities to visit the camera -- our emergency operations center, and they are astonished as to what we can do with our technology and the progress in crime prevention, crime solving, missing persons, et cetera. It's been a wonderful work, thanks to Assistant City Manager Fernandez and today's technology. In 2011, Chief Hudak was appointed interim chief. And in 2014 -- when Cathy started, in 2015, he was appointed the chief of police. Ethics, integrity, professionalism was mentioned by the City Manager, and that's what we have today. But -- in the organization first, not a matter of discussion between two individuals, but the organization comes first. The police department comes first to serve the needs of the community. Frank Fernandez -- she talked about Assistant City Manager Fernandez and his being a sworn officer and for us not to underestimate him. (INAUDIBLE) the leaders with the Assistant City Manager in charge of public safety, as well as our chief of police (INAUDIBLE) in the nation in terms of standards. And the City has not been held back. She also mentioned Internal Affairs and the need to have more Internal Affairs work in the police department. Chief

Hudak spoke and he said that after his appointment in 2015, crime has been going down. It isn't just lately, but crime has been going down after he was appointed, which is not a matter of personalities, but it is a matter of who is the highest-ranking sworn officer, the person who's in charge of the police department. He may be the administrator, but if police think that there is somebody else they can go to, that is destructive and that's not -- split leadership takes its toll, as he said. And he said that he valued technology very, very much, but the issue is not technology or crime being down or -- crime will go down and crime went down when he was -- when he became chief, and crime has continued to go down thanks, in part -- or thanks also to the efforts of our Assistant City Manager. The Assistant City Manager, Frank Fernandez, came and talked about his Coral Gables background, which is very impressive, and the presentations that he has made to the Commission. And it used to be once a week for him to (INAUDIBLE) that I appreciated very much. That's he's a strategist -- he's a tactician and a strategist and he doesn't play politics. The accusations made against him -- he denies them and rightly so, and he's steadfast in his values and he treasures communication. I've reviewed (INAUDIBLE) and I hope I've been accurate with what the three presenters have said. And I have the highest respect for our City Manager, Ms. Swanson-Rivenbark. Crime has gone down. She's doing a wonderful job in the City. Crime has gone down. Finances are very, very stable. We haven't increased taxes in god knows how long. The quality of life is fantastic in Miami-Dade County and in South Florida that a city (INAUDIBLE) including (INAUDIBLE) whatever it is (INAUDIBLE) Giralda, Miracle Mile, it's a fantastic city. But this issue, the leadership in the police department, has always been at the forefront of issues in Coral Gables. I brought this forth in my second or third meeting in June of 2017. It came up in November. It came up later on with a reprimand, and we had a hundred and some people packing the Hall and seventy some spoke, and I kept count on it. To me, this has been a self-inflicted injury on the part of our City Manager. She wanted to appoint two police chiefs until Craig Leen, our former City Attorney, said that that was illegal. The swearing in was paid for by the Chief and there were 2,000 people there. I went. The famous -- or the infamous party investigation, which was at the initiative of the City Manager and not the International Association of Chiefs of Police -- I have no letter saying that they initiated this. And then the reprimand after spending \$50,000 on the

investigation, that reprimand and the investigation made us the laughingstock of the nation, and internationally, too. It is a matter of -- be that as it may and thanks to Commissioner Mena, people are talking to each other, but the issue is still out there. The (INAUDIBLE) that (INAUDIBLE) the anonymous letters, there was an investigation of the anonymous letters of the female police officers (INAUDIBLE) wonder where that is. We have -- as long it concerns Chief Hudak, we have paid attention to anonymous letters. Chief Hudak -- crime is down (INAUDIBLE) this issue to the extent that, as I said before, it is at the forefront of the City today. Leadership, who is the highest-ranking officer, that is the issue today. And Frank Fernandez came before us and gave us his background and what he has done and how he reports to the Commission, and how there's no personal animosity between him and Chief Hudak. I (INAUDIBLE) -- I want to get over this matter. I want -- we have a fantastic City Manager, a fantastic Assistant City Manager, and a fantastic Chief of Police, but there is an issue in division of leadership in the police department, a functional issue. Yes, crime is down, which is the function of the police department, but with that division, that department is going on seven cylinders or however many cylinders it is, and that is not the right way to continue. There is a leadership crisis. It's not a personal issue. It's who is the highest-ranking sworn officer. Commissioner Keon said that he was not -- that Fernandez was not run to -- was not hired to run the police department. And Commissioner Lago rightly said this is a matter not of running -- I mean, of running the department and divided leadership. I'd like to invite Commissioners to make a motion to settle this issue, to settle this issue because it will -- just will not go away and I want it to go away. And believe me, this is the last time I'm going to put this on the agenda because we've been at it for two hours and to go to the fifth meeting this is discussed, hundreds of presentations by members of the public, by residents of Coral Gables, and I would like to invite the Commission -- Commissioners -- Vice Mayor and Commissioners to make a motion to settle this matter once and for all. Whether it is to (INAUDIBLE) Assistant City Manager of his sworn status and the leadership of the police department or continue as it is. And I would like to solve this once and for all. And the issue is the sworn status of Assistant City Manager Fernandez.

Vice Mayor Quesada: Mr. Mayor, considering what I have heard from the other Commissioners, including myself, that, you know, we agree that the Assistant City Manager's done a fabulous job and considering that he was brought in and told that he was going to be sworn, as we saw in that letter in 2015, you know, I have a fundamental problem with removing that from him considering he was -- that was part of his engagement with us. And taking that away from him would be a sign of showing that we're unhappy with his work when the exact opposite is true. So, I guess since you're asking for a motion, I would say -- I would ask that we don't make a motion and keep things as they are.

Commissioner Keon: And...

Vice Mayor Quesada: (INAUDIBLE) structure.

Commissioner Keon: Can we make a motion to -- in support of the structure that exists? I mean, it is up to the Manager to do that (INAUDIBLE)...

Vice Mayor Quesada: (INAUDIBLE) I...

Commissioner Keon: That structure. It is up to us to approve it. It was approved under our Commission. I'm prepared to approve it under this...

Mayor Valdes-Fauli: Okay. Will you make a motion...

Commissioner Keon: This Commission also.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Keon: I really think some of the issues that you're dealing with here are cultural issues, and they're issues of change. You know, every time you make changes, there are periods

of resistance before they begin to become -- before there is acceptance and people move forward. And we need to allow it to move forward. You have a commitment from everyone here that is involved that they will move forward with whatever decision we make. I would support the structure of the current (INAUDIBLE).

Mayor Valdes-Fauli: Okay. Will you make that motion?

Commissioner Keon: I make the motion that we (INAUDIBLE)...

Mayor Valdes-Fauli: Okay. Is there a second?

Commissioner Mena: Were you going to say something, Commissioner Lago?

Commissioner Lago: No. There's a motion on the table.

Mayor Valdes-Fauli: There's a motion. Is there a second?

(COMMENTS MADE OFF THE RECORD)

Mayor Valdes-Fauli: Okay. Do you want to say -- comment on the motion, Commissioner Lago?

Commissioner Lago: No. I mean, personally, like I mentioned before, you know, in business terms, when you have a business -- when you run a business -- and I view the City as a business -- you're constantly tweaking to make yourself better, constantly tweaking, constantly tweaking. You're not resting on your laurels. You're not standing back and saying, listen, you were great in 2017. We're going to be great in 2018. You've got to constantly be tweaking. Like I mentioned before, on many occasions -- this would probably be the third time I say it today. I respect Frank Fernandez and I also respect the Chief. And, in my opinion, this hierarchy is

something that is not commonplace in most governments. I wish we would find a way that both individuals could stay. I don't know if there could be a possibility that he could continue to remain as his sworn status, but not be engaged in the police department in some sort of function. I'm trying to figure out a way to make all parties happy.

Unidentified Speaker: (INAUDIBLE)

Commissioner Lago: I'm trying to figure out a way because, at the end of the day, I kind of feel that, you know, it's a privilege to work in the City of Coral Gables. And if we're doing something different and if Mr. Fernandez enjoys working at the City so much, and he has done such an exceptional job, then we all have to make sacrifices at certain points. And I make...

Unidentified Speaker: (INAUDIBLE)

Commissioner Lago: And we all make -- every single person on this dais makes sacrifices every day. So...

Vice Mayor Quesada: So -- let's just hypothetically walk through that. And I think Commissioner Mena hit it earlier, which is, okay, just hypothetically...

Commissioner Lago: (INAUDIBLE), there's a mo -- just so you know, Robert's Rules -- there's a motion on the floor, so if you want to vote on it...

Vice Mayor Quesada: (INAUDIBLE) a discussion.

Commissioner Lago: No, no. I'm just saying -- but I don't know if you want to...

Commissioner Keon: It's been made and...

Vice Mayor Quesada: (INAUDIBLE)

Commissioner Keon: Seconded, and so, you know...

Mayor Valdes-Fauli: (INAUDIBLE) let's vote on the motion.

Commissioner Keon: It's time for discussion.

Commissioner Lago: No. I'm just respecting the motion. That's all.

Commissioner Keon: Okay, right. But it's been seconded, so now you would have discussion.

Vice Mayor Quesada: So...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Keon: Yeah.

Vice Mayor Quesada: (INAUDIBLE) hypothetically. Hypothetically, let's say we moved to remove his sworn status, okay, the Assistant City Manager is still over the police chief.

Unidentified Speaker: (INAUDIBLE)

Vice Mayor Quesada: So, that structure matter -- the structure technically is still there.

Mayor Valdes-Fauli: No, it isn't.

Vice Mayor Quesada: No, it isn't?

Mayor Valdes-Fauli: No, it isn't. The Chief reports to the Assistant City Manager, but the Chief is the top sworn officer in the Police Department. And police officers report to him and cannot bypass him to go to the -- another sworn position. Because he does report -- and if he doesn't do a good job, he will be fired, yeah.

Vice Mayor Quesada: So, is there a rule or regulation that we can create...

Commissioner Lago: You're going back to my statement.

Unidentified Speaker: You know, I think...

Commissioner Lago: You're going back to my comments because again, I would...

Vice Mayor Quesada: (INAUDIBLE)

Commissioner Lago: Love nothing more than to appease Mr. Fernandez, but at the end of the day, like the Mayor just stated, he has to be -- the buck stops with the Chief in reference to the...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: Police Department.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: Just like the buck stops with the Manager in reference to the almost 1,000 employees here in the City.

Mayor Valdes-Fauli: There's a motion on the floor. Will you call the roll, please?

Commissioner Mena: Which is exactly what?

Mayor Valdes-Fauli: The motion is to continue as we are...

Commissioner Keon: Continue as we are.

Mayor Valdes-Fauli: Yes.

Commissioner Keon: It's a cultural change. I think if they'll work together, we'll work it out. If we find that...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Keon: It's not, we have the opportunity to change it again.

Commissioner Mena: Yeah.

Commissioner Keon: But for right now, I'd like to (INAUDIBLE)...

Commissioner Mena: Here's my prob -- my challenge here and the thing that I'm having a tough time with, and I sort of touched on it briefly earlier. I don't agree with the structure as a concept. The only reason we're having this discussion is because this decision was made in 2014 or '15, before I was here. So, what I'm wrestling with is, you know, on the one hand, we're saying it's not about the individuals. It's about the structure. So, if that's true, then it's not about, you know -- and I'm -- I'm going to be perfectly honest with you. This makes me very uncomfortable and sick right now because I think Frank Fernandez is terrific and a tremendous person and a tremendous leader. But if it's not about him, if it's about our structure, then that's where -- if you're asking me right now, what I think our structure should be, I do think the Chief is -- almost by definition -- the highest sworn officer in the police department. I -

- literally, when they were both standing up here, I'm looking at them and one of them's in a suit and one of them's in uniform. Because he is in his capacity as chief, he works as a sworn officer. And Frank's role is as an Assistant City Manager/Director of Public Safety, which is a position that involves strategy and it involves oversight and it involves a lot of things, but he's not, you know, out on the street wearing a badge and a gun. He's not a sworn officer in that capacity. So...

Commissioner Keon: But he has...

Commissioner Mena: And -- but let me just...

Commissioner Keon: Oh, go ahead.

Commissioner Mena: You know, you described it as a credential and I don't...

Commissioner Keon: (INAUDIBLE)

Commissioner Mena: Know that that's necessarily true. I think -- it's not a license. It's not...

Commissioner Keon: The (INAUDIBLE)...

Commissioner Mena: You're either sworn in this role or not. He could have the exact role and...

Commissioner Keon: (INAUDIBLE)

Commissioner Mena: Positive impact and leadership on our public safety, to me, whether he was sworn or not. And that comes down then to my question earlier. It really, for me, boils down to the IA part of it. That's really the only distinguishing thing. I heard the FBI mentioned

or I heard that he could still be in the loop on that, I don't know. But I got to be honest with you. I'm not sure I'm comfortable making a decision just because my predecessor made a decision -- my predecessors, one of whom, at least from what I'm hearing, is sort of in a similar place and was here at that time, you know what I mean? So...

Commissioner Lago: (INAUDIBLE)

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: Which decision are you talking about? The...

Commissioner Keon: The structural decision.

Commissioner Lago: I mean, don't forget, this was a memo.

Mayor Valdes-Fauli: Okay, let's...

Commissioner Keon: Okay, but I think that...

Commissioner Lago: No, but I want to clarify that. I think it's very important because I didn't hire Mr. Fernandez.

Commissioner Mena: No, of course, of course.

Commissioner Lago: Even though I think he's a great acquisition to the City of Coral Gables (INAUDIBLE)...

Commissioner Mena: But you knew he was going to be sworn when he was hired.

Commissioner Lago: To be honest with you...

Commissioner Mena: Okay.

Commissioner Lago: If we're going to be honest, I didn't...

Unidentified Speaker: (INAUDIBLE)

Commissioner Lago: Catch that. I didn't catch that because I didn't know that that was an issue at that point.

Mayor Valdes-Fauli: Mr. City Clerk, will you...

Commissioner Lago: Four years ago and change.

Mayor Valdes-Fauli: (INAUDIBLE) please?

Unidentified Speaker: (INAUDIBLE)

Vice Mayor Quesada: The biggest problem I have here, Commissioner Mena, is the term of the employment. You know, if you've done -- if he's done a mediocre job or an okay job, you know, I feel okay about it. But what if we don't get him without that term?

Unidentified Speaker: (INAUDIBLE)

Vice Mayor Quesada: And (INAUDIBLE) that's a hypothetical question, but...

Mayor Valdes-Fauli: (INAUDIBLE)

Vice Mayor Quesada: It's almost like you're penalizing (INAUDIBLE)...

Mayor Valdes-Fauli: Let's finish this and call the roll and then (INAUDIBLE)...

Commissioner Keon: Can we get some clarification (INAUDIBLE) as Commissioner Mena, you know, said that being a sworn officer are not credentials or whatever else. In my mind, they are credentials. Mr. Fernandez, could you come up?

Commissioner Mena: (INAUDIBLE)

Commissioner Keon: As a sworn officer, are those -- aren't those credentials?

Commissioner Mena: Can I clarify what I'm saying?

Commissioner Keon: Yeah.

Commissioner Mena: I'm a licensed attorney by the Florida Bar.

Commissioner Keon: Right.

Commissioner Mena: When I sit up here, I'm not working as a licensed attorney of the Florida Bar. I'm sitting as...

Commissioner Keon: Absolutely.

Commissioner Mena: A Commissioner.

Commissioner Keon: That's right.

Commissioner Mena: Our attorney is sitting at the end of the dais.

Commissioner Keon: That's right.

Commissioner Mena: She's here as the attorney, not me.

Commissioner Keon: Right.

Commissioner Mena: And so, all I'm saying is that I view Director Fernandez's position as a role that is -- I don't want to say administrative, but...

Commissioner Keon: It is administrative.

Commissioner Mena: Yeah, administrative.

Commissioner Keon: He's not acting in the role of a sworn officer...

Commissioner Mena: Correct.

Commissioner Keon: And whatever.

Commissioner Mena: Correct.

Commissioner Keon: But he's not. But don't take (INAUDIBLE)...

Commissioner Mena: So, why is he sworn?

(COMMENTS MADE OFF THE RECORD)

Commissioner Keon: Why are you an attorney?

Commissioner Mena: That's the challenge.

Commissioner Keon: Because you know what, you retain your licensure as an attorney, yet, you sit in the role (INAUDIBLE) Commission...

Mayor Valdes-Fauli: Okay. Let's...

Commissioner Mena: But I'm not here...

Commissioner Keon: (INAUDIBLE)...

Mayor Valdes-Fauli: Please...

Commissioner Mena: But I'm not here to give legal opinions to the Commission or the City.

Commissioner Keon: And he's not here to run the police department.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Mena: I disagree with that.

Mayor Valdes-Fauli: (INAUDIBLE) doing that.

Commissioner Keon: But he -- what is your credentials?

Assistant City Manager Fernandez: Look, I was hired to come here in this position as a sworn position. I wouldn't have come if it wasn't for those reasons. If you, today, decide to take that

position from me or stripping me from not just my employment, but future opportunities. This is not as simple as saying (INAUDIBLE) sworn position. I would say the highest-ranked individual in the police department is Chief Hudak. It's in the org chart in the budget. If you look at it, that's how it is. I am not in the org chart. I'm in a sworn position because it gives me the authority to (INAUDIBLE) and to have proper oversight. I understand -- if you want to remove that position once I leave, then that's fine. But stripping me of that position now (INAUDIBLE)...

Mayor Valdes-Fauli: (INAUDIBLE)

Assistant City Manager Fernandez: (INAUDIBLE)

Mayor Valdes-Fauli: (INAUDIBLE) officers. You have been (INAUDIBLE) Internal Affairs. You have been...

Assistant City Manager Fernandez: No, sir.

Mayor Valdes-Fauli: (INAUDIBLE) promotions are not made because they have to be cleared by you. That's not right. That is not the running of the police department.

City Manager Swanson-Rivenbark: Excuse me, Mr. Mayor.

Assistant City Manager Fernandez: Sir, if I may just...

City Manager Swanson-Rivenbark: Excuse me, one second. Promotions have to be cleared through me. It has to be cleared through Human Resources. Mayor, I think a problem is you are getting information that is not accurate as you form your opinion, and I am concerned about that. Human Resources...

Mayor Valdes-Fauli: And he's the director (INAUDIBLE).

City Manager Swanson-Rivenbark: Processes -- yes.

Mayor Valdes-Fauli: Yeah.

City Manager Swanson-Rivenbark: And under my direction. But there is a process in place. You can go to our website. You can see what that promotions process is, and we adhere to that process.

Assistant City Manager Fernandez: If I may add, promotions, sir, are based on policies. I've explained this to Commissioner Mena. There are policies that are citywide. All I ask is for truth, justice and fundamental fairness for everyone, and I hear that consistently across the City. When I came here, the Commissioners, the Manager asked me to put forward a policy for promotions that they're fair, that they're just and it subscribes with the principles of procedure of justice for individuals in the City. Mr. Mayor, I did that. It is a policy that he follows. And there are ways that he wants to bypass an individual -- which he just recently did -- that he documents it and we've moved forward. If you look at the HR Department, before I got here, it was told to me, many complaints have come in about the employees, about morale, about justice and fairness, and not the cliquish type of promotions. All I did was develop a policy that was reviewed by staff and the Manager and approved by the Manager.

Mayor Valdes-Fauli: Thank you.

Assistant City Manager Fernandez: I just feel like I am the scapegoat here and now my career is being impacted. And I will tell you that the Chief is the highest-ranked individual -- I subscribe to that every single day. But to remove me of this position is going to impact me financially, my career growth in the future. I didn't come here to create distraction, but I must tell you, I've done everything correctly. You've told me what you wanted to get done. And as you've all

said, flawlessly. I didn't say -- I don't want credit. But I also don't want to be damaged. Your decision today will damage me. I just want you to understand that.

Commissioner Lago: Frank, may I ask you a question?

Assistant City Manager Fernandez: Yes, sir.

Commissioner Lago: And I want to get it from you because I'm just sort of confused. I hear from police that command staff hasn't been -- we haven't had the full complement of officers in the command staff, and that it's been months, if not a year or two where certain positions haven't been filled. Is there a reason why that hasn't occurred?

Assistant City Manager Fernandez: Yes, there is a reason. So, I'll go back. There are many vacancies here. I spent a number of hours with all of you filling those police vacancies. Now, we reached a critical point about two years ago, where we were quite short in patrol. The union came here before you -- and it was during contract negotiations -- and said, look, we're working double overtime. We're at risk. We need more officers. We're not hiring them, and we need to (INAUDIBLE). We need a contract. We need a contract. We need a contract. We needed to put boots on the ground. Every promotion means that one less cop on the street because, as (INAUDIBLE) make one promotion up, the contract says that, within 30 days, you must promote a sergeant. So, Chief Hudak and I collectively met and decided we're not going to make any promotions until we fill the bottom ranks to a safe level. Once we did, we started making those promotions. Those promotions are based on policies that are standard citywide. I don't hold anything back. I don't hold anything back. You brought before me four unstable labor contracts. I (INAUDIBLE) those labor contracts. You asked me to fulfill the obligation of officers that were vacant. We brought forward a strategy. You asked me to bring forward a strategy for public safety. I brought forward a strategy for public safety. It is not my doing to investigate people and then receive the retaliation about these investigations. I just do what's procedurally correct. I follow the principles of law, and I stick to that. Now, other individuals

may look at it differently. I just heard from one individual recently that the word that he feared the most -- the word that he feared the most -- and he's sitting here today -- is transparency. He did not like the fact that I bring transparency to the table. I can't help the fact that a shooting took place and it wasn't thoroughly investigated or thoroughly followed through. But I bring it forward and tell them investigate it.

Commissioner Keon: (INAUDIBLE)

Unidentified Speaker: (INAUDIBLE)

Assistant City Manager Fernandez: Those are issues that you brought to my attention, and I (INAUDIBLE)

Commissioner Lago: I want to...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: I want to ask a follow-up...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: I want to...

Mayor Valdes-Fauli: One last question, and then I'm going to use my faculties as Mayor and call for a vote and stop this...

Commissioner Keon: (INAUDIBLE)

Commissioner Lago: And I...

Mayor Valdes-Fauli: Discussion.

Commissioner Keon: I'm going to withdraw my motion.

Commissioner Lago: (INAUDIBLE)

Commissioner Keon: I withdraw my motion because I'm not going to be a part of this. (INAUDIBLE) in the police department. I will not stand here and watch you strip somebody of their credentials that allows them employment and allows their future and be a part of it. I think it's wrong. You know what, you have an Assistant City Manager. You have a Police Chief. One does not run the police department. Yes, he does oversee it. Do I think having another set of eyes on IA is a good thing? I absolutely do. If I was the one that went to Mr. Fernandez and said to him from the time that young man was shot and killed by one of our officers in the flea market, over a car issue, it bothered me immensely. But a 17-year-old kid lost his life over -- because he was killed by a police officer. Was it justified? Was it right? Did we do everything we were supposed to do? And nobody else would answer that question for me or look into it until I went to him and he did. And he came back and made it -- and discussed it, and I think they had some training or whatever -- a discussion...

Police Chief Hudak: Commissioner.

Commissioner Keon: That went forward...

Police Chief Hudak: Commissioner, with all due respect...

Commissioner Keon: With that...

Police Chief Hudak: With all due respect, the investigation started before I was Chief and he was Director. And for the record, the individual officer who separated before I came down with discipline...

Commissioner Keon: Yes.

Police Chief Hudak: Was found to be at fault in that shooting. The other officer that was involved was exonerated and it was within policy.

Commissioner Keon: Absolutely.

Police Chief Hudak: So, truth be told, the officer that left the department shot two separate (INAUDIBLE).

Commissioner Keon: Yes.

Police Chief Hudak: And that was investigated by Internal Affairs, by the State Attorney's Office, and I made the final recommendation on what it was, and I submitted it to the Director. I don't want you to come away with thinking that we were not doing our due diligence as a police department with an officer-involved shooting (INAUDIBLE)...

Commissioner Keon: I didn't say that.

Commissioner Lago: Let me ask...

Police Chief Hudak: Well, I'm just...

Commissioner Lago: Chief, I want to...

Commissioner Keon: I didn't say that.

Commissioner Lago: I want to ask...

Police Chief Hudak: (INAUDIBLE) very clear...

Commissioner Keon: I didn't say that.

Commissioner Lago: I was in the middle of a question. It was a follow-up question. But since we're on this -- since we changed topics, is the Chief correct, Mr. Fernandez, in regards to his account of the fact -- I just need a yes or no answer because I want to move on from this.

Assistant City Manager Fernandez: I would say that that shooting...

Commissioner Lago: I want -- that's not what I asked for.

Assistant City Manager Fernandez: No. I don't know how to (INAUDIBLE) because...

Commissioner Lago: My answer -- my question was very simple.

Assistant City Manager Fernandez: (INAUDIBLE)

Commissioner Keon: It's not a yes or no answer.

Assistant City Manager Fernandez: (INAUDIBLE) I don't know if it's...

Commissioner Lago: Give an account...

Police Chief Hudak: Shooting took place before both of us were in our position.

Assistant City Manager Fernandez: That is correct.

Police Chief Hudak: The State Attorney's Office could not come to and did not indict any of our officers.

Assistant City Manager Fernandez: That is correct.

Police Chief Hudak: Subsequently, the Internal Affairs exonerated one officer that shot in the performance of his duty. The second finding -- I found that the first set of shots from the second officer were within policy. The second set of shots -- there were five rounds shot -- were not within policy.

Assistant City Manager Fernandez: What I would say to that is that that internal investigation did not take place. I know that that's the issue that was brought to myself by Commissioner Keon. I brought it to the Chief's attention. He then surfaced the issue and ran with it. That's -- and it wasn't under his leadership. It was actually under the previous chief...

Commissioner Lago: Okay, so...

Assistant City Manager Fernandez: What I'm telling you is that...

Commissioner Lago: So, listen, so the point is that's why I wanted a yes or no answer because I don't want to discuss something here that was not under your leadership or the Chief's leadership.

Assistant City Manager Fernandez: No.

Commissioner Lago: And I don't want to -- by the way, because by adding this to the conversation -- and I'll leave that to the lawyers to my left -- we're kind of tarnishing this discussion here and...

Unidentified Speaker: (INAUDIBLE)

Commissioner Lago: We're steering away from the main topic here.

(OVERLAPPING COMMENTS)

Commissioner Lago: This is my sec -- this is my follow-up question in regards to -- don't leave, Chief. This deals with you. It's a very simple question. We talked about command staff and you answered me about command staff. Chief, you and I have had conversations before -- I can't remember when the last one was -- and it was the issue of the inability to hire command staff. Have you ever submitted a name to -- in reference to consideration to be hired for command staff and it's been denied?

Police Chief Hudak: Yes.

Commissioner Lago: Has the reason been given?

Police Chief Hudak: One, again, was the staffing, as the Director said, that we weren't able to go at that time. And we further discussed it, but I submitted three names early on and we did not move forward with any of them.

Commissioner Lago: Okay, so...

Assistant City Manager Fernandez: Those three names were not submitted to me. I don't know which -- I'm not -- I have no idea what he's talking about.

Commissioner Lago: Okay, so that's...

Assistant City Manager Fernandez: (INAUDIBLE)

Commissioner Lago: That's why I have an issue -- that's why I have an issue where the buck stops, where the buck stops. Where you -- when you...

Assistant City Manager Fernandez: Sir, if I may...

Commissioner Lago: (INAUDIBLE) but I'm saying -- but hold on.

Assistant City Manager Fernandez: (INAUDIBLE) process.

Commissioner Lago: But let -- I understand. Frank, I...

Assistant City Manager Fernandez: (INAUDIBLE) procedure...

Commissioner Lago: Frank, as I understand...

Assistant City Manager Fernandez: (INAUDIBLE) rules.

Commissioner Lago: Mr. Fernandez, I spent 95 percent of this discussion showing you the utmost respect.

Assistant City Manager Fernandez: Yes, sir. I showed the same (INAUDIBLE).

Commissioner Lago: And heaping praise on you.

Assistant City Manager Fernandez: Thank you.

Commissioner Lago: That I'm on your payroll.

Assistant City Manager Fernandez: Thank you.

Commissioner Lago: So, the point is, these are examples where, you know, this hierarchy, in my opinion, has issues that we need to work through. You just can't say (INAUDIBLE) everything is resolved and walk away, as I mentioned before, let's get a timeline for deliverables for the other comments that Commissioner Mena discussed in the beginning. There still is one issue that needs to be dealt with. And my goal -- this is directed towards Commissioner Keon -- is to have both of the individuals continue to work here at the City, but with the ability for both of you to do your jobs, and at the end of the day, with one focus and one goal in mind, which is at the service and at the pleasure of this community. That's all I want. That's it.

Mayor Valdes-Fauli: Okay. Do you...

Commissioner Lago: It's obvious we have a difference of opinion.

Mayor Valdes-Fauli: (INAUDIBLE) withdraw your motion without (INAUDIBLE)...

Assistant City Manager Fernandez: Commissioner, I have (INAUDIBLE) at all.

Mayor Valdes-Fauli: Is there a motion on the table?

Commissioner Lago: Just want to be clear about that.

Mayor Valdes-Fauli: Okay, I...

City Manager Swanson-Rivenbark: No, Mr. Mayor...

Mayor Valdes-Fauli: No more...

City Manager Swanson-Rivenbark: Mr. Mayor, I'm going to suggest a different motion. As City Manager, as the Chief Executive Officer of this city, as the person responsible for the organizational chart and 1,100 employees, including the Chief, I would rather have you vote on my authority and whether or not you want to strip me of that status...

Mayor Valdes-Fauli: No.

City Manager Swanson-Rivenbark: Before I would let -- no, sir. No, sir, because I will not remove the sworn status of a police professional, a subject matter expert who has done everything that I have asked him to do -- excuse me, excuse me -- everything that I have asked him to do to make this community, your community, safer. And because we have concerns about who's in charge at the Police Department -- the Chief's in charge; check FDLE. The Chief's in charge; check the budget. The Chief -- Chief, are you chief of the Police Department? I have an additional sworn officer that's a subject matter expert as Assistant City Manager to make your community safer, to make my community safer, and I would say check those credentials. Tell me any other city that has such high level of credentials, both Assistant City Managers. Tell me what is happening in your list of accomplishments that you all have not been able to accomplish for a very long time. I would rather have you vote on my service to the City than you strip any of the employees that I value, any of them of their credentials. So, sir...

Mayor Valdes-Fauli: Thank you.

City Manager Swanson-Rivenbark: I would ask that someone call that question.

Mayor Valdes-Fauli: No. Mr. City Clerk, will you call the roll on Commissioner Keon's motion?

City Attorney Ramos: The motion was withdrawn.

Commissioner Keon: I withdrew it.

Mayor Valdes-Fauli: You withdrew it?

Commissioner Keon: Yep.

Mayor Valdes-Fauli: Okay, it's withdrawn. Do you accept the withdrawal? You seconded it.

Vice Mayor Quesada: You know, I'm not going to force something, but I will make my own motion to the same effect.

Mayor Valdes-Fauli: You're making a motion.

Vice Mayor Quesada: My own motion to the same effect to keep the current structure in place.

Mayor Valdes-Fauli: Okay. Is there a second to that? Okay, that motion fails. Is there a motion? If there is no motion, then the current structure will stay in place.

Commissioner Keon: Thank you.

Commissioner Lago: No. I mean, I think -- you know, I'm not happy with where we are right now, but I think that...

Mayor Valdes-Fauli: Well, make a motion.

Commissioner Lago: I think there has to be clarity. There has to be clarity. And I think that we cannot continue moving forward in this direction. You know, obviously...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Keon: We obscure clarity when we continue to politicize.

Mayor Valdes-Fauli: No. We're not...

Commissioner Keon: So, you know...

Commissioner Lago: (INAUDIBLE)

Commissioner Keon: If we drop it and stop the politicization of it, you will find clarity and you give them time...

Commissioner Lago: No.

Commissioner Keon: To come to a difference in a change in culture and they'll work it out.

Mayor Valdes-Fauli: Is there a...

Commissioner Keon: (INAUDIBLE)

Commissioner Lago: (INAUDIBLE)

Mayor Valdes-Fauli: Is there a motion (INAUDIBLE).

Commissioner Keon: Under any condition (INAUDIBLE).

Commissioner Mena: No, but there's a response to what was just said.

Mayor Valdes-Fauli: Okay.

Commissioner Lago: I didn't get to finish my statement.

Commissioner Mena: I'm sorry. Go ahead.

Commissioner Lago: No, no, no, no. Just keep going because I just interrupted. I -- it's just we have to resolve this issue. You cannot allow this to continue. And the Manager...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: You know, I know. And by doing nothing, again, is not why we were put in this position to lead. I think that's worse. I think that's worse. And you know, I just feel inclined that we have to either put these two individuals in some sort of mediation to deal with this issue outside of what you've done already. Put a timeline where, you know, sworn officer status will be removed if there isn't an actual remedy to this situation at the next meeting or we deal with it right now and we vote on it.

Mayor Valdes-Fauli: Let's deal with it right now. (INAUDIBLE)

Commissioner Mena: (INAUDIBLE) I need to say something.

Mayor Valdes-Fauli: Go ahead.

Commissioner Mena: I understand why you're saying this is politicizing. I also take a lot of exception to it. I spent a lot of time personally trying to deal with it the best I can. This is a hard decision. I don't think it's such an outrageous position given that every department in the state, save one, has it structured where the chief is the highest sworn officer. So, to make it seem like we're bringing -- we're taking some outrageous position or politicizing things -- this is a discussion about the structure of our organization. Again, I feel terrible about it because there are human beings in the position and that's always different, and they've both done terrific jobs. But I think it's perfectly within the purview of what we deal with as a Commission to discuss and take -- make a decision on the structure of our organization and our police department. And I don't think that's politics. I think that's a very basic decision that we need to make. And I got to be honest with you, when I talk to most people, everybody's reaction tends to be how is the chief not the highest sworn person in the police department.

Commissioner Keon: (INAUDIBLE)

Commissioner Mena: And it bothers...

Mayor Valdes-Fauli: Hold on. Let him...

Commissioner Mena: Me a little bit...

Mayor Valdes-Fauli: Let him finish, please.

Commissioner Mena: It bothers me that you're saying it's politicizing. It bothers me, frankly, Madam City Manager, that you would, you know, take the position that you're taking because it's not an indictment on the job you've done or that anybody's done. It's a discussion about corporate structure, which is a very basic thing, as Commissioner Lago said, in any business. He asked the question -- or government. He asked the question about insubordination. You know, that's a real question. How is that not a fair thing to discuss? You know, and that has happened

in certain instances. And there's one specific instance where, you know, I wasn't satisfied and we talked about it with the reaction to it. So, you know, it's a lot of -- there's a lot of -- I don't want to say posturing, but you know, people trying to draw lines in the sand here and I'm not here to have any line drawn in the sand in front of me. I'm here to represent the people of Coral Gables and I'm not going to not make a tough decision, and it's a tough decision. I've lost a lot of sleep over it.

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Mena: Because somebody's...

Commissioner Keon: You...

Commissioner Mena: Going to accuse it of being political or something of that nature. I think that's unfair.

Commissioner Keon: You know, yes, we are here to represent the people of the City of Coral Gables, and we have 54,000 residents that live in this city. And I want to tell you that 54,000 residents have never even given this issue a thought, you know. On occasion, you maybe have -- because they don't.

Commissioner Mena: We had a hall full with 200 people a few months ago.

Commissioner Keon: No, maybe a hundred people and how many of them were residents?

Commissioner Mena: That's the most people I've ever seen here.

Commissioner Keon: And how many of them were residents?

Commissioner Mena: Most of them.

Commissioner Keon: No, they weren't residents.

Commissioner Mena: Huh?

Commissioner Keon: No, most of them weren't residents. You can look at...

Mayor Valdes-Fauli: You know...

Commissioner Keon: The cards and look at the addresses and they're not residents. They're not necessarily...

Mayor Valdes-Fauli: They are...

Commissioner Keon: Residents.

Mayor Valdes-Fauli: They were -- they -- I looked at...

Commissioner Keon: No. I...

Mayor Valdes-Fauli: The cards. I have the cards and (INAUDIBLE)...

Commissioner Keon: I have -- I think we are here to (INAUDIBLE)...

Mayor Valdes-Fauli: Sit down, please.

Unidentified Speaker: (INAUDIBLE), sir.

Commissioner Keon: (INAUDIBLE)

Mayor Valdes-Fauli: (INAUDIBLE) not going to recognize you and (INAUDIBLE)...

Commissioner Keon: And I think that...

Commissioner Mena: Please.

Mayor Valdes-Fauli: Will you escort her (INAUDIBLE).

Commissioner Keon: You know, it is among a select group of people or a small number of people that this is an issue. I would -- I would tell you somebody called me the other day who is active in this community and wanted to know from me, you know -- she heard something about the police chief. Who was the police chief? She didn't know who the police chief was. I mean, I'm going to tell you...

Mayor Valdes-Fauli: And that person was very...

Commissioner Keon: Which tells you...

Mayor Valdes-Fauli: Uninformed.

Commissioner Keon: Doesn't know who...

Commissioner Mena: How is that (INAUDIBLE)...

Commissioner Keon: Frank Fernandez is.

Unidentified Speaker: (INAUDIBLE)

Commissioner Keon: What difference is it? You know what, yeah.

Mayor Valdes-Fauli: It makes a big difference.

Commissioner Keon: Do you think everybody knows who we are.

Mayor Valdes-Fauli: No, please, Frank.

Commissioner Keon: You know, walk into Publix. If you could find one person out of 20 that could tell you who their Commission is, you will be lucky.

Mayor Valdes-Fauli: If we didn't have...

Commissioner Keon: They don't know.

Mayor Valdes-Fauli: One person out of 20 know that -- one person out of ten (INAUDIBLE) Coral Gables Commission, we are lucky, so that's totally irrelevant.

Assistant City Manager Fernandez: Another thing I want to add -- if I may...

Mayor Valdes-Fauli: Sir, no, no. No, Frank.

Assistant City Manager Fernandez: (INAUDIBLE)

Mayor Valdes-Fauli: Is there a motion on the floor?

Commissioner Mena: I would like to hear from (INAUDIBLE)...

City Manager Swanson-Rivenbark: Mr. Mayor, I stand by my request for (INAUDIBLE)...

Mayor Valdes-Fauli: Go ahead.

Commissioner Mena: From Mr. Fernandez.

Mayor Valdes-Fauli: Let's not hash over...

Assistant City Manager Fernandez: I'm not, sir. I'm not. I didn't come here to cause a distraction. I told the Manager if my services are no longer needed in this city that she needs to let me know. But this is an embarrassing situation for me.

Unidentified Speaker: Yeah.

Assistant City Manager Fernandez: All I've done -- and you've said it over and over again. It's like you're telling me you did a great, great job. I don't think you fully understand the impact that this will have on my career. So, all I ask you is, give the City Manager an opportunity to figure it out with me on how to resolve this issue because this has -- your decision today will have significant impact in my career longevity. That's...

Commissioner Lago: Frank...

Assistant City Manager Fernandez: I haven't don't anything wrong and I...

Commissioner Lago: Okay, let me....

Assistant City Manager Fernandez: (INAUDIBLE) this embarrassment.

Commissioner Lago: Mr. Fernandez.

Assistant City Manager Fernandez: And I got to tell you, never in my career have I seen this.

Commissioner Lago: Mr. Fernandez, you...

Assistant City Manager Fernandez: Never.

Commissioner Lago: Let me...

Assistant City Manager Fernandez: Yes, sir.

Commissioner Lago: Let's take a step back, okay, because I've heard you out and I've had to deal with people. Like we're talking about in the supermarket if anybody knows, one of the twenty people, who you are, that's not -- I've been pulled over in the supermarket and asked by people why are we investigating the police chief? What's going on with that? Why are these women -- how come they haven't had their fair shake? Why did we have a firm and spent all this money? Why is this all going on? You know, explain to me why are you going after the police chief? I'm not going after the police chief. You know, there's an investigation going on. It's outside of my purview. All these things happened -- I don't hold you accountable. I've sat here day in and day out and talked about what a wonderful job that you've done, but mistakes have been made and let's be honest. And I'm going to deal with a procurement policy later that I'm going to be bringing to our Commission to address that issue in regards to finances. But don't tell me that there haven't been mistakes that have been made here where you have been involved, and (INAUDIBLE) honest. Okay, because we all make mis -- I make mistakes every day. I'm a human being. In my opinion, there's only one perfect person and that's God who's perfect.

Assistant City Manager Fernandez: Sir, I (INAUDIBLE)...

Commissioner Lago: At the end of the day, take it for what it's worth. Take it for what it's worth. It's not an indictment on you, my friend. I want to make this city run as efficiently as possible and, you know, right now, I think that you may have your own opinion in regards to this issue, but I think the Chief disagrees with you wholeheartedly in regards to whether everything is exactly perfect and whether you guys are going to work hand in hand. Because this has been going on for how many years now?

Mayor Valdes-Fauli: Okay, thanks.

Assistant City Manager Fernandez: Sir, if I may. That's been going on for years and years before I got here. In terms of the investigation, I followed the legal advice and the principles of law and due process that was entitled to that particular (INAUDIBLE).

Mayor Valdes-Fauli: And you were wrong, and I disagree with you.

Assistant City Manager Fernandez: (INAUDIBLE)

City Manager Swanson-Rivenbark: Sir...

Mayor Valdes-Fauli: I disagree with you. You may have followed whatever it was, but you did not exhibit common sense.

City Manager Swanson-Rivenbark: Excuse....

Mayor Valdes-Fauli: The City Manager did not exhibit common sense...

City Manager Swanson-Rivenbark: Excuse...

Mayor Valdes-Fauli: In doing that.

City Manager Swanson-Rivenbark: Excuse me, Mr. Mayor.

Mayor Valdes-Fauli: And the IAFF...

City Manager Swanson-Rivenbark: I...

Mayor Valdes-Fauli: As you say, I have a letter from them saying that they never recommend investigations, and I can bring it here...

City Manager Swanson-Rivenbark: I'm not sure what...

Mayor Valdes-Fauli: And show it to the Commission.

City Manager Swanson-Rivenbark: I'm not sure what you're talking about on this instance...

Commissioner Lago: Cathy...

City Manager Swanson-Rivenbark: Sir...

Mayor Valdes-Fauli: (INAUDIBLE)

Commissioner Lago: Cathy...

City Manager Swanson-Rivenbark: But (INAUDIBLE)

Commissioner Lago: Cathy, I don't want to...

Assistant City Manager Fernandez: All I ask is please...

Commissioner Lago: Cathy, listen, we were having a very respectful conversation, and I'm going to continue with that tone and we're going to continue to have respect, but please, don't tell me -- don't throw the dirt all on one side, you know, and say that things haven't been done accordingly and this has been an issue in the police department. Let's show some respect to the men and women in blue because there's a lot of things that have happened here, especially those women that were, by the way, innocent bystanders in the pool, innocent bystanders in the pool. And their image was tarnished in the front covers of paper, and I mentioned this before and how was that dealt with? You think -- are you -- is this Commission happy with the way that that was dealt with?

Mayor Valdes-Fauli: Of course not.

Commissioner Lago: It was embarrassing. You know what's embarrassing even more than that. It's embarrassing when you're confronted by a person in the public and they come up to you and say you didn't do your job. What do you mean I didn't do my job? You didn't stand up for those women that every single day get up, put on their uniform and protect this community, protect my family. So, we all have fault. We're all human, like I mentioned before. Come on. Let's...

Mayor Valdes-Fauli: Commissioner...

Commissioner Lago: Move forward. Let's move forward on this issue.

Mayor Valdes-Fauli: Please. There is no motion on the floor regarding the leadership in the police department, regarding the sworn status of Mr. Fernandez. Is there a motion? Last opportunity, and if not, I'll call for a break.

Commissioner Lago: Can you give us a break and we can make the motion in like five, ten minutes? I need to go to the bathroom. Excuse me.

Mayor Valdes-Fauli: Okay, go to the bathroom. And in five minutes...

Commissioner Lago: I've been trying to go to the bathroom for 30 minutes.

Mayor Valdes-Fauli: Alright, we'll take a ten-minute break.

(BREAK IN AUDIO)

Mayor Valdes-Fauli: Let's continue. Okay, I'll ask again. Is there a motion on the floor?

Commissioner Lago: Okay, if I may, Mayor.

Mayor Valdes-Fauli: Yes, sir.

Commissioner Lago: I had a conversation with ACM Fernandez, and I want to see if I can have him come up here. I think he may be outside of the office -- outside the chambers. Mr. Fernandez, we had an in-depth conversation for probably about five minutes. I think we touched a lot of different topics, but the ones that I want to really focus on are what does it mean to have sworn status? And if your sworn status is removed, what are the ramifications? Obviously, with outside consulting and other issues that you deal with, please give me a detailed breakdown so everybody understands what are the ramifications of removing your sworn status.

Assistant City Manager Fernandez: Well, I mean, aside from the fact that I was lured into this position with that...

Commissioner Lago: We understand that.

Assistant City Manager Fernandez: So, that's...

Commissioner Lago: It's very clear...

Assistant City Manager Fernandez: And....

Commissioner Lago: Very clear here in the memorandum that's dated April 29, 2015, and the Manager has underlined it. Sorry?

(COMMENTS MADE OFF THE RECORD)

Commissioner Lago: Oh, excuse me. Vice Mayor Quesada underlined the statement that the Assistant City Manager/Director of Public Safety position would be a sworn command level executive law enforcement position with oversight authority over Police and Fire-Rescue Department. I just want to put that on the record to be clear.

Assistant City Manager Fernandez: So, look, the impact for me is quite substantial. I mean, I walked into this position from another sworn position. It's a continuation of my career. Now, removing that position from me, I think, has significant implications. (INAUDIBLE) covered by the FOP (INAUDIBLE), yeah, we could change that and move on and I'll transition my family. That's one of them. Number two, I'm also the chairman of the IACP Firearms Committee. And I've been doing that on my own time, but that's impacted. Number three, you don't get the oversight. If this is what you want, that's fine. I just say that, hey, when I move on, if you want to change the qualifications, that's fine. I think doing it midstream, just for me, it's a significant impact to me personally. I think it has implications for my future potentials, and I've done nothing wrong, as you've mentioned here before a million times, even today, that I've done an exceptional job. So, this is part of how I got here, you know, and my position here today does not impact the Chief of Police at all. To me, he is the highest sworn officer in the department, as

in print it says it in the budget. It doesn't show me above him. It shows it in the budget. So, I say to you today that the highest-ranked officer in that police department is Chief Hudak.

Unidentified Speaker: So, let's put...

Assistant City Manager Fernandez: I just have a different responsibility and just happen to be in a sworn position. That is it.

Commissioner Lago: So, that's my first point. My second point is, to my colleagues -- I haven't had a chance to sit down with Chief Hudak, but one of the things I was kind of mulling over in my head while I was talking with ACM Fernandez was, what if we proffered a resolution where Chief Hudak was named the highest sworn officer in the organization? And if there was any issues of -- I'm trying to find common ground here. If you got a -- if you have any better ideas, I mean, I welcome them, please. And kind of really break down issues of insubordination, that that comes before the Commission.

Vice Mayor Quesada: So, you're saying itemize the roles and responsibilities of each and make it very public so everyone's aware.

Commissioner Lago: Very clear.

Unidentified Speaker: (INAUDIBLE)

Commissioner Lago: And if there's issues of insubordination, if there's issues where you have -- you're unable to hire staff or, for example, you have, let's say, a difference of opinion on a certain individual you may want to hire or a different position or strategy, that it can be brought before the Commission in some sort of mechanism, in a very simple way, kind of like we put things on the agenda. I think that that's the second point. And the third and final point was, you can put this -- we can marinate on this. We can all have discussions with the Manager, the Chief

and ACM Fernandez. Maybe you have a fifth meeting -- I apologize, Mike. Sorry about that. And we can bring this before and put it on the agenda September 11 to think about it. If you're not happy with that...

Mayor Valdes-Fauli: I would like for you to make a motion, if you so desire, saying that Chief Hudak will be the top officer in the police department, and that we will flesh out the other responsibilities, but I want to get rid of this issue today. And we will bring it up as to your filling up the hiring, whatever, the insubordination, but I would like to hear that motion because I'm not going to put it on the agenda ever again.

Commissioner Lago: So -- okay.

Mayor Valdes-Fauli: Unless you make that motion.

Commissioner Keon: Do you swear to it?

Commissioner Mena: I just want to be clear (INAUDIBLE).

Commissioner Keon: Do you swear to that?

Mayor Valdes-Fauli: What?

Commissioner Keon: Do you swear to that?

Mayor Valdes-Fauli: I will swear to that. It won't happen.

Commissioner Mena: I want to be careful. I like...

Commissioner Keon: Thank you.

Commissioner Mena: I like the idea that you've come up with, Commissioner Lago. I -- my concern is I don't know like what all the consequences are of that and what, you know...

Commissioner Lago: Can I just add one thing right there?

Commissioner Mena: Yeah.

Commissioner Lago: Since you mentioned -- you have a good point, consequences. My main con -- the main consequence here is that every single person who works for the police department will understand that the buck stops with Chief Hudak.

Commissioner Mena: Absolutely.

Mayor Valdes-Fauli: That's right.

Commissioner Lago: That if -- and if you are insubordinate and you're running to ACM Fernandez and not listening to what Police Chief Hudak says...

Mayor Valdes-Fauli: You'll be fired.

Commissioner Lago: You'll be fired.

Commissioner Keon: Well, you'll be disciplined.

Mayor Valdes-Fauli: Will you make the motion?

Vice Mayor Quesada: Yeah, but we could (INAUDIBLE)...

Commissioner Mena: I mean, Commissioner -- I mean, Commissioner...

Commissioner Lago: (INAUDIBLE)

Commissioner Keon: (INAUDIBLE)

Commissioner Lago: This is the second...

(COMMENTS MADE OFF THE RECORD)

Commissioner Lago: Let me -- excuse me, Vice Mayor, just one second, if I may. Commissioner Keon said, you know, you wouldn't be fired. I'm sorry. In my organization, if I'm not following what is told to me to do and I put the organization at risk (INAUDIBLE) employees at risk, I'm not following the head of the organization, I would be fired.

Commissioner Keon: But you're not a...

Commissioner Lago: That's the way -- and I will -- again...

City Attorney Ramos: If I could just...

Commissioner Keon: You're not a public employee.

City Attorney Ramos: If I could just (INAUDIBLE)...

Commissioner Lago: I understand, but...

Commissioner Keon: (INAUDIBLE)

City Attorney Ramos: (INAUDIBLE) contracts that would (INAUDIBLE)...

Commissioner Keon: (INAUDIBLE) and contracts.

Commissioner Lago: That's fine, that's fine. Listen...

Commissioner Keon: So, you can't equate you to that.

Commissioner Lago: Commissioner Keon, we can skin the cat. We can say whatever we want at the end of the day, but we've had this back and forth for I don't know how long. And if you have a better option...

Mayor Valdes-Fauli: Three hours.

Commissioner Lago: If you have a better option, I welcome it.

Mayor Valdes-Fauli: Make the motion and it will be seconded and let's see if it passes. Make the motion.

Commissioner Mena: But again -- but Mayor, I appreciate the desire to nip this in the bud right this second, but this is a -- I just heard this for the first time and I'm trying to understand what the implications are. Because, again, it's not -- I don't think it's anybody's desire to do any damage to Director Fernandez, and I do think there is a level of unfairness associated with the fact that he was hired under certain conditions and, you know, you're looking to change that -- we're looking to change that. But -- so, I...

Commissioner Lago: The reason -- and the reason why I said...

Commissioner Mena: (INAUDIBLE) to come back with something more fleshed out...

Commissioner Lago: Okay, that's why I was saying the reason -- I don't want to do something so quickly because I'd like for us to sit down with our City Attorney, have our City Attorney potentially draft some sort of legislation, a resolution that details everything very, very clearly, show all parties involved and bring it before the Commission and have it in a public forum. That's my opinion.

Commissioner Keon: You know, I would...

Mayor Valdes-Fauli: I will not put it on the agenda.

Commissioner Keon: I would be very happy -- okay, I would be very happy to make a motion that Chief Hudak is the highest-ranking sworn officer in the police department.

Mayor Valdes-Fauli: I would love for you to do that.

Commissioner Keon: I'll make that motion.

Mayor Valdes-Fauli: Is there a second?

Vice Mayor Quesada: How does that impact Assistant City Manager...

Commissioner Keon: You know what...

Vice Mayor Quesada: Fernandez?

Commissioner Keon: It makes -- it doesn't affect anything. It tells the public that he is -- it tells the public...

Vice Mayor Quesada: Second.

Commissioner Keon: That is concerned that he is...

Mayor Valdes-Fauli: Okay, it's moved and second.

Commissioner Lago: But I'd like to also...

Commissioner Keon: The highest-ranking...

Commissioner Lago: Besides that, I would also...

Commissioner Keon: Officer in the City of Coral Gables. So...

Mayor Valdes-Fauli: Okay.

Commissioner Keon: It puts an end to it.

Mayor Valdes-Fauli: We will move on.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Yeah.

Commissioner Keon: And Frank seconded it.

Mayor Valdes-Fauli: We will call -- will you call the roll, please?

Commissioner Mena: Yes.

City Commission Meeting

August 28, 2018

Agenda Item C-2 - Final remarks regarding talks between the City Manager and the Police Chief.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Now, it's your turn.

Commissioner Lago: I don't think it's just that cut and dry. I think we need to add some background to this piece of -- to this resolution.

Vice Mayor Quesada: I agree with you.

Mayor Valdes-Fauli: Right.

Commissioner Keon: Okay, so we can do it...

Unidentified Speaker: It's almost like a...

Commissioner Keon: At a later date.

Commissioner Lago: No, but I don't want to...

Vice Mayor Quesada: (INAUDIBLE) rules and regulations that are clear between the two of them so it's itemized so that everyone is aware...

Commissioner Lago: And I'm going to make a motion to what Vice Mayor Quesada just stated, that that be put on the next Commission agenda, September 11, so that we can have it very clear before the public. It can be studied, it can be reviewed and we can have the discussion...

Vice Mayor Quesada: So...

Commissioner Lago: Here on this Commission in regards to what is the actual...

Vice Mayor Quesada: I agree with it just for clarity. So, whoever's going to put that together, if it's the City Manager or...

Commissioner Lago: City Attorney.

Vice Mayor Quesada: City Attorney, make sure to go through the HR...

Commissioner Lago: Yes.

Vice Mayor Quesada: It's got to be someone that knows the details on the police side, procedures and protocols, as well as Human Resources (INAUDIBLE).

City Manager Swanson-Rivenbark: Well, I'm happy to work with the City Attorney on that since I'm the...

City Attorney Ramos: Of course.

Vice Mayor Quesada: It's a collaboration with everyone to put it together.

Commissioner Keon: But I think that that's an administrative order.

Mayor Valdes-Fauli: The motion has been made.

Commissioner Keon: I think that's an administrative order and does not need to come back on the agenda or back to the Commission.

Vice Mayor Quesada: I think the item's been discussed so much...

Commissioner Keon: It is an administrative order...

Vice Mayor Quesada: (INAUDIBLE)

Commissioner Lago: I think...

Commissioner Keon: That you can present to us.

Vice Mayor Quesada: (INAUDIBLE) public. I'll second it.

Commissioner Lago: Okay.

Mayor Valdes-Fauli: Sir, will you call the roll, please?

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Commissioner Keon: It's over.

Mayor Valdes-Fauli: Alright. Okay.

Vice Mayor Quesada: Perfect.

Commissioner Lago: So...

Mayor Valdes-Fauli: Next item on the agenda.