

City of Coral Gables City Commission Meeting

Agenda Item I-1

October 28, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Public Speaker(s)

Roxcy Bolton, Coral Gables Resident

Richard Namon, Coral Gables Resident

I-1 [Start: 11:30:50 a.m.]

A Resolution directing the City Attorney to prepare an Ordinance amending the City Charter to delete Section 22, entitled “Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; trial board”; and further authorizing the holding of a special municipal referendum election on the issue at the general biennial election to be held on April 14, 2009, for the submission to the qualified electors of the City of Coral Gables.

City Attorney Hernandez: Mr. Mayor, Commissioners, at the last City Commission meeting you asked my office to bring back a resolution prepared to direct the City Attorney to prepare an ordinance, to place the Trial Board question back on the election on April of 2009, for a question to be decided by the citizens of Coral Gables. The resolution is before you; you will have to act upon it in order for us to proceed with the drafting of the ordinance.

Mayor Slesnick: Let me speak to this since I asked for it. Just to clarify, this is not the resolution to put this on the ballot. This is asking the City Attorney to prepare and circulate and ask for public comment on such a resolution.

Commissioner Anderson: Public comment at a later date.

Mayor Slesnick: Yes.

City Attorney Hernandez: When we prepare the ordinance.

Mayor Slesnick: Yes, when we prepare the ordinance, and for people to comment on it at that time when they see the terms of the ordinance. In the interim, it was brought to my attention by Mr. Namon that he had heard a presentation by Parker Thompson prior to the last vote; and Parker had raised an issue which was that there were people in between the top management and those in the bargaining unit he said needed or should have protection if they loose their jobs, and they are not in the bargaining unit, so they are not top management; and I think that's a reasonable observation; and I am prepared to at the same time, we would discuss such a resolution, come back with a proposed solution to that too...

Commissioner Anderson: I'm in agreement with that.

Mayor Slesnick:...that we would cover, and make sure that there was an appeal process for those exact people that was brought to my attention. Therefore the only people to which we would be referring to take away this process would be the top management level people, and we haven't defined that yet, but whether it's just the department heads or assistant department heads...one second Mrs. Bolton...

Mrs. Bolton: Sir?

Mayor Slesnick: One second Mrs. Bolton.

Commissioner Anderson: Thought it was public hearing.

Mayor Slesnick: Well, its not.

Commissioner Anderson: I have a couple of questions.

Mayor Slesnick: Yes.

Commissioner Anderson: We put this on back in '05, or '07 I believe?

Commissioner Cabrera: It was voted on in January of 2008.

Commissioner Anderson: Thank you. January 2008. It was defeated, now what is the City going to do different this time to do this?- is there going to be an educational campaign, are we going to advocate, I mean there was a vote....Is...

Mayor Slesnick: Yeah, there was a vote, and I'm not sure it was fully explained, number one; number two, one of the things I think people are concerned about is efficiency in government and effectiveness and cost, and the only thing I remember being said about cost was a quote in the paper that lead people to believe that there was no cost to the Trial Board, when in fact it's a very expensive process...

Commissioner Anderson: Right.

Mayor Slesnick:...and as the current Trial Board goes along, the amount of that expense will become evident to the public in Coral Gables as to what that expense is; its going to be costly, underline costly.

Commissioner Anderson: I understand.

Mayor Slesnick: So I think with this experience in mind people may want to take a look at that in their decision-making, to say that they were mislead the last time, as to the expense of this.

Commissioner Anderson: Do we want to advocate and have a more comprehensive...

Mayor Slesnick: You know we voted, the last time...

Commissioner Anderson:...educational process.

Mayor Slesnick:...the last time we did vote, I believe unanimously to put it on, and I think if we all agree that we could advocate, and that we should advocate, now that it is again up for discussion, and that is not decided here, but that is something, I think, we should consider doing. I also say that, you know, it needs a fuller airing about the public purpose that it serves or doesn't serve, in the top management people being responsive to the Manager completely as at-will employees; and the amount of expense, and the amount of disruption, and the amount of turmoil that it brings when top management people are not at-will employees, and are not at the will of the Manager; and we've seen this now, and we will continue to see it as long as this is in effect; and so with Mr. Namon and Mr. Thompson's point and view about we should express some way for other people to have a valid appeal procedure, I think that maybe this will answer some of the issues that the public had. I also have to tell you that one of my comments to the City Attorney, and I'm not sure if it was valuable or not, but I don't think that the ballot wording was particularly understandable, and I think that we need to work hard to have plain English ballot language so the people know if I vote this way, or if I vote that way, this is what I'm doing.

Commissioner Withers: You know, the other thing Don and Maria, and probably if whoever would be running for re-election, it will be vetted during the campaign because obviously it's going to come up in April, so as far as the opportunity to educate folks, the candidates will have the ability to do that.

Commissioner Anderson: Understandably.

Commissioner Withers: You see where I'm...

Commissioner Anderson: Yeah, I know, I see that point; and I also got that same e-mail from Mr. Namon and I had spoken with our City Attorney and am supportive of a process to put in place to make sure there is something that protects, but I'm in favor of putting it on the ballot as well. I just want to know...people who voted on it now, are we going to change their mind?- there is going to be a strategy; that's what I'm looking for, and what's our strategy?- and what's our thought process?

Mayor Slesnick: And at this point, at this point my only request is, and it's my request, but I would request that we at least take one more step toward bringing back a resolution, and at the same time, the same time bringing back a proposal to how to solve the issue of the in between employees.

City Attorney Hernandez: Right.

Mayor Slesnick: And at that time this Commission will have a full chance to really look at and discuss exactly what it is we might approve or disapprove.

City Attorney Hernandez: And Mr. Mayor if I just may, if our personnel rules and regulations, we do have a process that non department head employees or excluded employees can avail themselves of, it is a grievance process, but we can strengthen at the direction of the City Commission.

Mayor Slesnick: And I think strengthening it would be a good idea, because I looked at that after I read that, and I think strengthening would be a good idea.

City Attorney Hernandez: OK.

Commissioner Cabrera: May I chime in for a second? Did you want to talk?

Commissioner Withers: No, I'm going to have another issue once this is done.

Commissioner Cabrera: You're right about the cost of the Trial Board. I happen to think that it's a "kangaroo court", you know. I think it's a waste of time; it's a waste of tax dollars and a waste of resources. Having said that the voters spoke in January of 2008, and let me add, the voters spoke in a Primary Election, not in a Biennial Spring Election without a Mayoral race. So I'm willing to bet based upon my limited knowledge as a politician that at the upcoming election we will have a much less voter turnout than we had in the Primary Election, and I'm sure I can probably go back to Mr. Foeman, and he can get me the results of the Primary Election held here in Miami-Dade County, in the State of Florida for that matter, and I'm sure the voter turnout was much higher. Having said the comments about the expense associated with the Trial Board today, there is also another expense, and that is the expense we will incur of truly informing and educating the electorate on the Trial Board. See, I don't believe that the electorate...I don't think it's an easy process to educate and inform someone about the pros and cons of having a Trial Board; I think it's somewhat complicated.

Commissioner Anderson: I agree.

Commissioner Cabrera: And given that, I believe that we are going to have to expend some financial resources in order to properly do it, because I to this day don't feel that we did a good job explaining to the voters the two years versus the four year Mayoral term, in spite of the debate that took place between you and Mr. Hartnett, which was probably not well attended; and in spite of all the efforts that were done at the very tail end of that process leading up to that vote, I still to this day when I talk to citizens, they are unsure of what they did, in many instances; and

when I sit there and I start talking to them about the unbalance that it created in all our upcoming elections, I go, you know, that doesn't make much sense that we did that; well you did, you voted on it and you passed it. So now we are going to try to educate the electorate on something that is very, very complicated, and I would agree with Mr. Namon; I would like Mr. Namon and Mr. Thompson to maybe take a crack at this, if they are willing to give us of their time, and therefore I would prefer to defer this Charter question for another election, not the upcoming election which is in six months, because I don't think we will have enough time to put something together that's meaningful and easier to understand; therefore I simply will not support bringing this back to the voters in such a small and short timeframe, I mean, its already been voted upon. So that's how I feel. I will not be supporting bringing back this item.

Mayor Slesnick: You know, I...

Mrs. Bolton: [Inaudible – off microphone]

Mayor Slesnick: Mrs. Bolton when we get...yes Mrs. Bolton, I said you could, but not right now; could we just finish our conversation? I respect what you said Ralph. I think there are two ways to look at the fact that it came up on the Primary Ballot; one is I'm sorry that we were in a rush to put it on the ballot because obviously it produced results that we were not foreseeing; and I think that we have found in the past that the people that focus on City elections really are people who focus on the City, and I think a lot of people voted in a Presidential Primary that may not have focused on the City and the internal operations of the City, and just cast a ballot because they were just at the ballot box; and I'm not saying I can prove that or disprove, I'm just saying it's a possibility.

Commissioner Cabrera: A possibility.

Mayor Slesnick: So I think that people who vote in a City Election are real focused on City Elections and City systems and City results, and that's, I guess that's all I'll say about that. The other thing is, I think Chip brings up a good point and that is, if it's a part of the City Election you'll have people talking about it much more so as candidates for the City Election, that's all.

Commissioner Cabrera: Well good. But you made a really good comment; you said we rushed it before the Primary, we are rushing it now.

Mayor Slesnick: Well, I don't know that we are rushing it.

Commissioner Cabrera: Oh yeah absolutely. We are rushing it now, we are; we are less than six months away, but hey look, I'm ready to vote on this thing, so if you guys want to do it, I'm certainly going to vote against it, and then when it gets time for re-election I'll state my reasons. Again, I want the public to understand, I don't support the Trial Board, I really don't. I think Chip Withers was the one that said, how many times have we had the Trial Board in twenty years and I think the response was once, and now we have the Trial Board for the second time. So in twenty years we've had the Trial Board twice and therefore...I understand what you are saying, but if we really want to inform and educate, we are going to have to spend some money, we are going to have to spend some money to really do a good job.

Mayor Slesnick: With the permission of the Commission we'll let Mrs. Bolton say something. Mrs. Bolton this is...please.

Commissioner Anderson: After that I have a comment.

Vice Mayor Kerdyk: I have something.

Commissioner Withers: I have one thing to say while she is coming up, is that alright? Excuse me one second Madam. We also have a couple of other City issues, correct?

City Attorney Hernandez: Right.

Commissioner Withers: We have the term limit.

City Attorney Hernandez: Right.

Commissioner Anderson: That's right.

Commissioner Withers: We have the twenty-five thousand...

City Attorney Hernandez: That hasn't passed though.

Commissioner Withers: So we are going to have several City issues; are we having the four year, two year Mayor up again or no? I didn't know, I thought I'd heard that we were.

Commissioner Cabrera: No, no, I was just talking about...

Commissioner Withers: I was just watching Don's face.

Commissioner Cabrera: I know you are joking, but let me tell you, all kidding aside; if we bring back the Trial Board and we talk about the limits, then I want to reconsider the four year Mayoral term versus the two year Mayoral term; I really truly want to do that, and I'll throw a couple more things in there; you know what else I'd like to consider; I'd like to consider a very direct definition of our three appointed officials. Are they appointed?- are they considered employees; I'd really like to define that going forward as well, so that there is no further ambiguity regarding that.

Commissioner Withers: But...OK, I think everything is on the table, but my point is that we obviously are going to have some other initiatives that we are going to need to educate the public with.

Vice Mayor Kerdyk: So we might as well do it all, is what you are saying?

Commissioner Withers: If we are going to spend the money, why not?- if we are going to spend it on term limits, if we are going to spend it on whatever, then maybe we have the opportunity to talk about other issues too.

Mayor Slesnick: Mrs. Bolton, number one, just let me explain while you are coming up, because I don't want to be accused of...

Mrs. Bolton: [Inaudible – off microphone]

Mayor Slesnick: No, it's just that this is not a public hearing. The public hearing will come, let me explain, and I'm going to let you speak anyways, because I don't feel in the mood to do anything but be very pleasant to you today; I'm just asking, I'm just asking Mrs. Bolton, in the future, our public hearing will come when we discuss, if we discuss the resolution, we may never even get there; and secondly we took that position with other people who had filled out cards, and I'd only ask that in the future if you wish to speak that you fill out a card...

Mrs. Bolton: [Inaudible – off microphone]

Mayor Slesnick: OK, Mrs. Bolton, I'm just trying to be nice and pleasant, and ask you to do what everyone else does, but please its your turn; and Mr. Namon because we are letting Mrs. Bolton speak, then we are going to let you speak.

Mrs. Bolton: Good morning gentlepersons. My name is Roxcy Bolton; I live at 124 Cadima Avenue. Before I state my message, I'd just like to say to Commissioner Cabrera you would have been one heck of a lawyer.

Commissioner Cabrera: Not today.

Mrs. Bolton: You would have been. I made my point. Mayor Slesnick help me understand, I'm puzzled why, it's your issue you said, that you want to go back to the voters. You know when we elect Governor "X", "Y", "Z", we can't go back in a few months and say, wait a minute, we want to change our minds, we want the Governor to step down, and we are going to vote again. I'm puzzled why you want to go back to the ballot box, I don't understand, what prompted that?

Mayor Slesnick: Mrs. Bolton, I can say that out of the five of us sitting up here, there are five elected officials who do not believe, or have expressed in the past, they do not believe the system of the Trial Board works well for the citizens of Coral Gables; and so therefore there was a result in an election which may or may not reflect the true sentiments of people in the City if they truly understood the issue, that's why. I mean, you have five elected officials here who have at least at one time, I'm not going to speak for them at this moment, that's up to them, but who have at least at one time have said the Trial Board needs to be sunsetted; and if you have five elected officials who are elected by the people of Coral Gables that said that, it seems to me a little strange that what happened, happened in January, and maybe we need another look at it, that's all. I'm not trying to make this some kind of campaign against anything or for anything, its just that it seems there is a disconnect here between the elected officials and the citizens of what they think or understand about the Trial Board, that's all. That's the total thing.

Mrs. Bolton: But you are a labor lawyer; we all know you are a labor lawyer.

Mayor Slesnick: That's right ma'am...

Mrs. Bolton: You've been ever since I've known you...

Mayor Slesnick: I represent rank and file individuals who deserve the protections, that's what I believe in, and the rank and file individuals in this City deserve those protections and they have been. Mrs. Bolton...

Mrs. Bolton: I know, I served on the Trial Board, and as you admitted before this Commission once before, look at the tape if you doubt me.

Mayor Slesnick: I'm just waiting to hear what you said I said.

Mrs. Bolton: You said, when I said I was a good Trial Board member, constructive and helpful, and meaningful, you said yes you were because you were the labor lawyer representing the guys.

Mayor Slesnick: Absolutely I said that and I meant that.

Mrs. Bolton: Something is amiss here; something is wrong. They are now asking, or I guess it's the Teamsters asking, or our employees are asking the Teamsters; one of the employees came to me recently and said, Ms. Roxcy, what do think about us going in with the Teamsters?- and I said I can't make a blanket statement like that, because I don't know what the differences are. If you are unhappy with the City, you knew me very well when I was on the Trial Board, you know, I was very, very, very strong about what I felt and did, and what they could do, and what they couldn't do that they had to give the City a good days work for a good days pay. I was a very good Trial Board member. I cared about the employees, I care about this City. Now when the employees are out seeking the assistance or the representation, I guess, of the Teamsters, I'm thinking something is amiss here. We've had the same union for how many years?

Mayor Slesnick: Thirty (30).

Mrs. Bolton: I'm thinking that something is amiss here; they are seeking the Teamsters representation; I said I can't give you any thoughts about it until I think more about it and talk with other people about it. Are you going to be paying the same membership fees?- is there an initiation fee?- I said there are a lot of things to think about. Coral Gables is a good place for you to work, and I want you to stay right here, and I want you to be treated right; oh Ms. Roxcy, you've always wanted us treated right, and I said that's true, so I can't give you an answer on how I feel about something. Yes, the Teamsters are tough and they get the job done, they get the job done. So there's got to be something wrong with these employees, 18-20-25 year employees; oh Ms. Roxcy, I love the City, Ms. Roxcy I love the City. I just don't understand, you said Parker had something to say at a meeting, I didn't quite understand what he had said, but Parker Thompson has given me good advice for over thirty years, so I'm going to have to talk to Parker about it. Are you saying, for example in David's case, would David be, would the Manager and

everybody, Ms. Hernandez and Mr. Foeman in what he's talking about; is that what he's talking about? What is he talking about, I didn't understand?

Mayor Slesnick: People below the rank of like assistant department heads; people who are in mid supervisory levels, I would say.

Mrs. Bolton: You mean Dona and Maria?

Mayor Slesnick: No ma'am. I'm talking about people below the top management. There are people somewhere between rank and file and top management, that's who he is talking about.

Mrs. Bolton: Well, I'll have to talk to Parker about exactly what he has reference to, but I think we need to rethink going back to the voters, going back to the voters if you don't get your way. I can think about some other decisions that Board made in the election, I think it all happened in the absentee ballot, you're wrong when you say the voters; the voters didn't vote for a two year term, I mean a four year term, it was the absentee ballots.

Commissioner Cabrera: But that's still considered a vote.

Mrs. Bolton: Sir?

Commissioner Cabrera: But that's still considered in this country a vote, I mean it is Mrs. Bolton. Mrs. Bolton, can I comment on something you said?

Mrs. Bolton: Sure.

Commissioner Cabrera: I only say this with complete respect for you; the reason that I believe, my assessment of the City's general employees considering the Teamsters as a potential union, I think it has a lot to do with pension reform, and what this government is trying to do to reform its pension plans. That's my personal perception, OK; if they are giving you others, and they are certainly entitled to do that, but my personal perception is that the consideration for possibly joining the Teamsters has a lot to do with this government's attempt to bridle its pension programs.

Mrs. Bolton: Really?

Commissioner Cabrera: That's my assessment, OK.

Mrs. Bolton: Is that so in your opinion?

Commissioner Cabrera: Ma'am, I'm just telling you how I feel and you decided to bring it up, so I'm taking this opportunity to say it. Number two, I'd like to just say one more thing, as it relates to the Trial Board. You served as a member of the Trial Board, I remember watching you; I want the public to understand when I use the term "kangaroo court", I just looked it up on dictionary.com, I consider it any crudely or irregularly operated court, to be a "kangaroo court", so I'm not defaming you...

Mrs. Bolton: Oh, man alive...

Commissioner Cabrera: Mrs. Bolton, I'm not defaming you...

Mrs. Bolton: You really got my...

Commissioner Cabrera: No, I'm not defaming you or the other people that are serving on it, but that's how I feel, Mrs. Bolton, I've sat here and I've watched the proceedings of the current Trial Board, and that's how I feel; I have friends on that Board, people who I respect, but I feel strongly about it. At the same time I don't believe that we are in a position to bring it back to the voters this early after they voted on it.

Mrs. Bolton: Well, I appreciate that. I must talk to Parker because he will give the very best advice; he cares about Coral Gables, he cares about the human race, he represented the New York Times and not everybody has that honor and responsibility to represent the New York Times, you got to be very good at what you do, but Ralph you really distress me immensely when you look up something in a dictionary or wherever; there is no way, I don't know how many people would agree with you...

Commissioner Cabrera: That's OK.

Mrs. Bolton:...to refer to the "kangaroo court", that saddens me tremendously.

Commissioner Cabrera: But that's how I feel; you want me to lie to you; you want me to start, you know, agreeing to everything...I can't agree to everything you believe.

Mrs. Bolton: You don't have to agree with me, but you don't have to...

Commissioner Cabrera: But Mrs. Bolton, that's how I feel, so I'm going to stay quiet so the Chairman can...

Mayor Slesnick: Thank you Mrs. Bolton.

Mrs. Bolton: You feel the Trial Board is like a "kangaroo court" Mr. Mayor?

Mayor Slesnick: I have never used that word. I do not believe it's an effective system, that's all.

Mrs. Bolton: But do you think its something...

Mayor Slesnick: I think its something that should be sunsetted, that's what I've strongly stated over and over again.

Mrs. Bolton: You avoid the question that tells me that you are in agreement with your fellow Commissioner.

Commissioner Cabrera: No, he doesn't like calling it that and I think...

Mayor Slesnick: I said what I thought.

Mrs. Bolton: Let him speak for himself.

Commissioner Cabrera: Yes ma'am.

Mayor Slesnick: Thank you Mrs. Bolton.

Mrs. Bolton: Thank you.

Mayor Slesnick: Mr. Namon.

Mrs. Bolton: Chip, you have a...

Mayor Slesnick: Mr. Namon.

Mrs. Bolton: Sir?

Mayor Slesnick: The next speaker is coming, thank you Mrs. Bolton.

Mr. Namon: Thank you for allowing me to speak. A very quick comment, if you are going to advocate something, be it the removal of something or the addition of something, I think that it behooves you to remember that you must present all sides equally well. It shouldn't be just the City presents, because that leads the individual citizen out of the loop; it should be the pros and cons for everybody involved; and that said, just for the sake of clarity for people in the audience who have heard this referred to, I'd like to read it into the record. This item that you are talking about presents a resolution to amend the City Charter by deleting Section 22 again, that proposal was defeated decisively on January 29, 2008, because it was unfair to non union employees. I agree a Trial Board is unwieldy and not an appropriate venue for department heads. However, removing it leaves non union lower level employees without satisfactory protection and arbitrary and subjective discrimination. Parker Thompson, Esq. has suggested the City should do what other cities have done; modernize Section 22 rather than remove it. I share the same view. No City employee is required to be a union member, even in the union documents it says that. If Section 22 is removed, non union employees will have less job security than union members, which would suggest that they would be driven to be in the union rather than not. I suggest a rewrite of Section 22 that provides non union employees, the protections afforded to union members. The unions have agreed not to use Section 22 because they have been provided a substitute that is fair and less complicated for the City. An equitable rewrite of Section 22 specifying who is and who is not covered would do better in a referendum that is removed. Thank you.

Mayor Slesnick: Thank you Mr. Namon for those comments, and I think you've heard from at least two of us that they made an impact on our thinking. Does anybody else have...

Vice Mayor Kerdyk: I think I should make a comment as far as this goes; I of course support putting the Trial Board back on in April if that's so moved. I'd also like to readdress the four year to two year Mayor situation; if we do decide to revisit issues that have not passed, and at least discuss it here, and deal with the situation at a later date, but I am for proceeding forward on the April date.

Commissioner Anderson: I'd like when...I'm going to vote to bring back the language, and at that time I'd like to make sure all the different employee groups, how they are protected...

City Attorney Hernandez: Get identified.

Commissioner Anderson: Yeah, get identified, how they are protected by which method vehicle, and what would happen if we remove the Trial Board or kept it. Those kinds of scenarios are really important to formulate in my head and maybe help in the electorate's as well. That would be my look at that. Thank you.

Mayor Slesnick: Ms. Anderson moves, is there a second?

Vice Mayor Kerdyk: I second it.

Commissioner Cabrera: Moves what?

Commissioner Anderson: I move that we bring back the language, is the resolution to bring back the...

Mayor Slesnick: She moves approval of item letter "T" number 1.

Commissioner Withers: Don, let me just historically respond to Mr. Namon. In the twenty plus years that the Trial Board has been really functional, I think we've had one person take advantage of it other than recently; and I believe the City, the Trial Board, correct me if I'm wrong David and Liz, the Trial Board voted to reinstate the person; the City took it to the next level which was the courts, and the courts upheld the City's position.

City Attorney Hernandez: Right.

Commissioner Withers: And so, to me twenty years it really hasn't performed what we thought it would.

Mr. Namon:...[Inaudible – off microphone]...I'd appreciate a chance to respond to that; the fact that the Trial Board wasn't used didn't mean it provided a purpose or service, and as I spoke just a minute ago, it isn't the concern that we have a Trial Board that, that's the best mechanism of operating; I would agree, I watched them pick their fifth member the other night and I thought, thank God they didn't pick me...[laughter]...that Board is going to be working intermittingly, if you think you have a long day, they are going to have longer nights, and I agree, it is not an appropriate venue period, but you must have a protected venue that goes beyond the City Manager, and that was the thing. If you look at the union contract, if you read them, I have taken

the trouble to read at least one of them; they have provided a mechanism that is superior from the City's standpoint and from the individual's standpoint. So if you just simply took Section 22, rewrote it to give the same kind of protection that the union members have, I would wholeheartedly support it. I did not support removing Section 22, and I will not suggest that it would be good to remove. City's like the City of Miami or Miami Beach have rewritten their Codes in a way that allow them to accomplish the same thing. I'm talking about without abolishing that right. If you have a non union employee, and the City Manager is your highest form of recourse, this is not an equitable thing when the unions have something better.

Commissioner Withers: And I submit to you that each of us understand that one of the key strengths of this City is our employees. I think each one of us have said that in one way or the other; and I think that everyone of us believes the reason that the City of Coral Gables is so successful is because of the very strong employee base that it has; and I'm also going to go on a limb and say that I think each one of us, if we had a mechanism that we felt comfortable with, that could probably result in the same, what we thought would have been the final...where we thought the Trial Board was going to end up, as far as what effect the Trail Board would have. If we could come up with another system or solution, I think this Commission is very open to supporting something like that, but we just don't have that right now.

Mr. Namon: I suggest you look at what was done and what the union contracted with the general employees and just employ the same thing.

Commissioner Withers: And I think people have suggested that we move forward with that, I think we heard that, didn't we?

Mayor Slesnick: Yes. Do we have a second?

Vice Mayor Kerdyk: Yes, I seconded that.

Mayor Slesnick: OK. We have a motion and a second.

Mr. Clerk.

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: No

Mayor Slesnick: Yes

(Vote 4-1)

Mayor Slesnick: I-2

Commissioner Cabrera: Can I just ask one quick? How do we now, if we have other items that we want to consider for the upcoming election, we just send you an e-mail and you'll confirm it? Well, let the record reflect that I'd like to have the reconsideration of the four year versus two year Mayoral term, and then I'll be articulating a more descriptive definition of asking the City

to consider, how do we define the three appointed officials as employees and/or what? I guess I'll try to draft that, well I don't know; is that something I have to do, I mean who did the work on the Trial Board?

City Attorney Hernandez: No...if you put it on the agenda then I'll draft a resolution just as I did on these two items when you all asked me to bring it back. I didn't hear the other part; I heard the Mayor's...

Commissioner Cabrera: The second one, the second one has to do with defining official; you know this maybe simply a Charter question that may get answered even before this becomes a ballot issue, but I'd like to know how you all are defined as employees or appointed officials?- I want some clarity on that.

City Attorney Hernandez: OK. I will draft you a memo explaining our Charter...appointed officials.

Commissioner Cabrera: I believe there is some ambiguity that exists and I'd like to clarify that.

City Attorney Hernandez: OK, very good.

[End: 12:04:18]