

City of Coral Gables City Commission Meeting

Agenda Item E-3

October 9, 2007

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II

Vice Mayor Maria Anderson

Commissioner Rafael "Ralph" Cabrera, Jr.

Commissioner William H. Kerdyk, Jr.

Commissioner Wayne "Chip" Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Susan Franqui

Public Speaker(s)

Richard Namon, Coral Gables Resident

George Volsky, Coral Gables Gazette

Rip Holmes, Coral Gables Property Owner

E-3

Ordinance on First Reading. An Ordinance calling for the holding of a Special Municipal Referendum Election of Coral Gables, Florida, on January 29, 2008, for the submission to the qualified electors of said City, and Ordinance in connection with the proposed amendment to the Code of the City of Coral Gables, wherein the voters of the City of Coral Gables shall be called upon to vote on the following question, to be known as Charter Amendment Ballot Question No.: Shall the Charter of the City of Coral Gables be amended to delete Section 22 entitled, "Authority over officers and employees; removal, suspension, reduction; requests for cause and hearing; trial board", which calls for a special trial board to investigate and render a decision as to the propriety of the City Manager's removal, suspension, lay-off or reduction in grade of any officer or employee; stating the form of the question to be voted upon, providing the form of the ballot for said election; designating and appointing the City Clerk as the official representative of the City Commission with respect to the use of the voter registration books and records; further directing the City Clerk to cause a certified copy of the herein ordinance to be delivered to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of such Special Municipal Referendum Election; directing the City Clerk of the City of Coral Gables to publish

notice of such election pursuant to Section 100.342, Florida Statutes (2007), which notice shall include the full text of the proposed amendment to the Charter of the City of Coral Gables, Florida, providing at least thirty days notice of the election or referendum by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held; providing for the severability of the provisions of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date for this ordinance.

Mayor Slesnick: This has a note, and has come back to us from the administration at the Commission's request. Have a motion.

Commissioner Withers: I'll move it.

Commissioner Anderson: I'll second it.

Mayor Slesnick: Moved by Mr. Withers and second by Ms. Anderson. This is our First Reading and was in fact on First Reading once before we sent it back for further work, and it was on discussion at least.

City Manager Brown: It was on discussion and we sent it back so that we could bring it back to you on October 9th which is the time limit prescribed to hit the January 29th election date.

Mayor Slesnick: Madam City Attorney would you describe for us the impact?

City Attorney Hernandez: The City has a Charter provision that was based when the City was first founded and it provided for employees who had been disciplined or terminated to be able to have access to the trial board. When collective bargaining came into existence the unions negotiated with the City, and we have our administrative grievance processes in place which are consistent with Florida law. The only provisions that remain in this Charter provision deal with what are known as exempt employees. We are one of maybe two or three cities statewide that still have these types of provisions. In a strong City Manager form of government it is the City Manager who determines who will be the department heads and deal with that accordingly. As such the City Commission had indicated that they wanted to have a referendum election for the citizens of Coral Gables to determine whether to do away with the trial board. The reason for this is under Florida Statutes in order to revoke this provision in the Charter it must be approved by the citizens of Coral Gables, and that is why the question will be posed to them at the upcoming election.

Mayor Slesnick: Thank you.

Vice Mayor Kerdyk: Just a quick election; when was the last time this trial board was implemented?

City Attorney Hernandez: I think 1989 was the last time the trial board met.

Commissioner Cabrera: Why don't you tell the Commission how the trial board gets assembled so that public understands, because trial board doesn't seem like a real definitive description of what they actually do or how they are selected. Could you do that Madam City Attorney?

City Attorney Hernandez: Each of the Commissioners has an appointee to the trial board as well as the employees, and what they do is sit and overview, and review what the Manager has determined visa a vie an exempt employee. As of today it has not convened since 1989.

Commissioner Cabrera: I just like you to then define for me because I'm going in a different direction, that's why I'd rather you continue with this if you have a question that goes along with it, because I'm going to go in a different direction altogether.

Vice Mayor Kerdyk: I just wanted to ask about the excluded and exempt employees. I understand the fact that they are going to be held accountable from the standpoint that the City Manager will now have a.....but the question is what would their due process be in this particular situation now if we go ahead?- and if there is a definable due process procedure?

City Attorney Hernandez: There are two responses to that; number one, the City Commission directed the Manager to bring back an administrative procedure for review and approval by the City Commission. So I'm assuming that, that would be coming back to you in the near future. But secondly.....

Vice Mayor Kerdyk: Let me just interrupt you, that's going to be coming back to us prior to this Second Reading of this.

City Attorney Hernandez: It is my understanding that the Manager – only he can address that.

City Manager Brown: I was prepared to bring that at Second Reading, but I can certainly provide that to you in a memorandum prior to Second Reading.

Vice Mayor Kerdyk: That's alright, as long as we have it prior to Second Reading its OK.

City Attorney Hernandez: Secondly, by Charter provision this Commission has the authority to direct the Manager to rehire an employee, to direct the Manager to terminate a department head or employee, so this Commission maintains the ultimate authority over employees and departments.

Commissioner Cabrera: My question has to do more with the definition of officer and employee. Do either one of you, either the City Manager or City Attorney; can you define for me an officer?

City Attorney Hernandez: There are three appointed officers.

City Manager Brown: That would be the City Attorney, the City Manager, and the City Clerk.

Commissioner Cabrera: OK, I just wanted to get the clarification. The public doesn't understand that. So then employees would be anyone else outside of the three of you.

City Manager Brown: That's my understanding, yes, correct.

City Attorney Hernandez: Correct.

Commissioner Cabrera: So in essence if you look at this, maybe I'm reading this incorrectly, but this would essentially give you the power to also do away with the trial board for all three of you which are already at-will employees.

City Attorney Hernandez: We are not subject to trial board.

City Manager Brown: We are not subject to the trial board.

Commissioner Cabrera: So why are the officers listed in here?

City Manager Brown: I can't answer that.

Mayor Slesnick: That maybe the wording of the current ordinance.

Commissioner Cabrera: Well, I know, but that's confusing because you know who I thought officers were, and just didn't know any better, I thought they were department heads.

City Manager Brown: I always thought that us three.....

Commissioner Cabrera: I understand, no I understand that you are the officers, but you know when this to best of my recollection, if anyone wishes to correct me that's fine, but to the best of my recollection this was discussed initially at the first Budget Workshop when we talked a little bit about the issue and then it was brought up that we should look at it as a Charter Amendment. My intent back at that Budget Workshop was not to change what was already in place for the general employees, or the City employees which includes general employees, Fire and Police, but I was really trying to direct my attention and focus to the director level, and so this to me, what it does is, it changes what my focus was, and my focus was initially to simply put the directors on the same platform as the three of you.

Mayor Slesnick: That's what I think it does.

Commissioner Cabrera: Well, but it does more than that because if it says, of any officer or employee to me that means all eight hundred (800).....

Mayor Slesnick: But all the employees that are unionized have their own system in the contract.

Commissioner Cabrera: What about non-union?

Mayor Slesnick: That's why they don't use the trial board.

Commissioner Cabrera: What about non-union employees?

Mayor Slesnick: Well anyone who is in the bargaining unit; the only people not in the bargaining unit would be exempt, confidential managerial employees, that's the only people not in bargaining units. Doesn't matter if they are members or not, they are covered by the contract.

City Attorney Hernandez: Right.

Mayor Slesnick: I think that the main issue here is what we said before that the people at the top level of government in almost every government, I truly believe need to be at the will of the Manager.....

Commissioner Cabrera: I agree.

Mayor Slesnick: The Manager and the City Attorney and the City Clerk are at our will, and the fact that this hasn't been used since 1989 or whatever, is not the issue, is that the Manager as we know has been held accountable to the fact of a trial board being held over his head, and we have paid out sums of money in order to avoid the public discussion of a Manager trying to fire his own management team member. As Liz said this isn't duplicated. After the collective bargaining law went into effect in 1974 almost every civil service board and/or trial board has disappeared from the landscape in the State of Florida, and the reason is that the unions have taken the place to protect their own employees, and that the management team is not expected to be protected.

Commissioner Cabrera: I don't disagree with it.

Mayor Slesnick: Therefore, I need to say that if in fact you do anything like have this ordinance or provide a director with a grievance or due process procedure you are giving them issues that they can defend in court. Let me try – the courts in this country have been very clear that public employees have a right of due process before their jobs are taken because they have property rights. If in fact you create the property right, this is a big distinction, it needs to be understood; if in fact the City, would not be the unions would not agree, nor do I suggest it, I'm just showing that if this City in fact had a clear

ordinance or Charter that said that all employees were at-will, and that there are no job rights, then the courts in fact would not contend that employees of this City had property rights because the courts have been very clear that you must give property rights before they can be protected. So we have given to everyone in this City property rights up until this point. The unions have ensured the property rights protections for their members, and we have given through this ordinance property rights to management team members. So Bill, the only thing I have to caution you is that we have to be very careful that if we vote for this – or the people of the City vote this out that we don't turn around and through another - because the biggest issue is the court action afterwards. We don't want to turn around and give senior management people a grant of property rights which we would subsequently be held accountable for in court. That's what I think is for consideration here.

Commissioner Cabrera: The issue though, as I see it, and I appreciate the legal explanation because its very helpful for me; the issue as I see it is based upon the little feedback that I have received from employees of the City who are concerned that the process that's in place, the corrective action process, is being removed and so the at-will component they feel is not only going to affect a director level person but as far down as a secretary level person.

Mayor Slesnick: No.

Commissioner Cabrera: I'm just telling you though.....

Mayor Slesnick: Well OK, I'm saying we need to make clear – the only secretaries that would be involved if there are any secretaries declared by the Public Employee Relations Commission is confidential employees, they would be. And in answer to Bill's point and your point we could certainly carve out and give a due process procedure to certain level employees who are otherwise prohibited from having collective bargaining rights. Right now I think what we are looking at, and correct me because I'm only trying to capture what we are looking at, I think that this Commission was mostly concerned with people at the director's and assistant director levels.

Commissioner Cabrera: That's it, you are absolutely right.

City Attorney Hernandez: I think what you need is a list of all the employees that are captured by this, and their position, and their status because I see that the Commission is grappling with who is this completely affecting beyond the directors. For example it captures the personnel in my office.

Commissioner Cabrera: I think that the list that you refer to maybe helpful, could that be done between First and Second Reading?

City Manager Brown: Yes sir. Let me see if I can clarify this. If this ordinance were to pass by the referendum, it is my opinion that the trial board would be removed from the excluded people. All of the unionized people do not have records to the trial board, and

they go through a very strict due process progressive discipline process; by removing this portion of the ordinance you would provide that same process to those people that are excluded, who are department heads, assistant department heads because right now they have an unfair advantage where the union people have one set of.....

Mayor Slesnick: Woah! Woah!, David, excuse me.....

City Manager Brown: In my opinion there is an extra level of protection at the director level, not at the union level.

Mayor Slesnick: We are not talking about giving the same arbitration procedure to the directors.

City Manager Brown: I'm just saying that we remove the trial board, and if the Commission wants to set other parameters that's fine, but there is an extra level of protection to the management side of this, of the employees right now.

Commissioner Cabrera: How many people would you say, you may not know this off the top of your head, but I'm sure Ms. Adler knows this, how many employees in our City are non-union?

City Manager Brown: One hundred and twenty (120).

Commissioner Cabrera: And those are general employees, most of them, the majority of them because both the Fire and Police, the majority of those employees are union. OK, so this in effect.....

Mayor Slesnick: Except for the management team.

Commissioner Cabrera: Except for the management team. So this in fact approximately affects one hundred and twenty (120).

Mayor Slesnick: And the Police Department who are not in the union; Captains and above, or Majors and above.

City Manager Brown: Majors and above.

Mayor Slesnick: Majors and above, and then the Fire Department who is that.

Commissioner Cabrera: We don't have Captains, do we?

City Manager Brown: Division Chiefs and above.

Mayor Slesnick: Division Chiefs and above, OK.

Commissioner Cabrera: So its Majors, right? So a Lieutenant is still eligible for union membership? So it affects approximately one hundred and twenty (120) people.

City Manager Brown: Yes sir.

Commissioner Cabrera: You know, I'm going to continue to support this, but its important that we understand the effects and the fact that Ms. Hernandez suggested we look at a list, its not that I want to look at this with a magnifying lens, but the bottom line is it will affect potentially one hundred and twenty employees (120), potentially I say that, it could be much less, or it could be a few more. So the bottom line is I'm prepared to support it today with the understanding that you'll have that list forthcoming between now and Second Reading.

City Manager Brown: I'll have both of those to you in between so you will have some time to digest it.

Commissioner Cabrera: That will give us plenty of time to digest it. And incidentally, you and I have had private conversations about this, and you have made me very comfortable with the fact that a process will remain in effect; and I like to say this publicly because a lot of people think that this is something we are doing to give you additional power so that you have the last say in the issue. The fact is when you and I discussed it you were very clear with me about the process that would still remain in place to ensure that everyone would get their due process, and that's one of the things that made be very comfortable with what's being done, with the exception of the fact that I'd rather just see only directors be affected by it.

City Manager Brown: And also besides due process there is progressive discipline.

Commissioner Cabrera: Right and we talked about that and you discussed that with me and as long as you are prepared to continue to do that.....

City Manager Brown: I absolutely am.

Commissioner Cabrera: So I'm....

Mayor Slesnick: But that should not apply to directors though.

Commissioner Cabrera: What's that?- the due process.

Mayor Slesnick: Due process and – not that – listen – not that we don't want the Manager to be a fair Manager, but for department heads if you describe those kinds of things you give them rights way above, which you are not understanding, you can do whatever you want to do and you can do it through due process, and progressive discipline, but then you give them their entree into the courts.

Commissioner Cabrera: But his management style, the Manager's, from what he shared with me his management style is one that he is going to have a particular process.

Mayor Slesnick: His style is his style, but if we set forth something for department heads you can be assured that you've just given them property rights which are then protected by the courts.

Commissioner Cabrera: Well then we need to discuss it because you know, I really, what we discussed, he and I, you know, unless it's a flagrant act by a director, inappropriate to their status as a City Director; you are going to put them through a corrective action process, that's what you lead me to believe.

City Manager Brown: That's the difference between due process and progressive discipline. If it's not a flagrant act, if it doesn't call for termination on the spot, I'm probably going to give them some kind of counseling or discipline and put them through a progressive discipline, but if it's flagrant then I have the right to make a decision on the spot.

Mayor Slesnick: That's the underlying thing here, is that he has the right to do that, and if you build into the Code certain protections he won't have that right. I mean, I think that you have to understand that unless you describe people as at-will employees they are not. And we may want to do a dividing line between certain levels of employees.

Commissioner Cabrera: That's why I think, I don't know how the rest of you feel, but Liz' recommendation to have a list to be able to look at and see who will actually be affected, I think is an excellent idea.

Vice Mayor Kerdyk: I think it's important because I had the same discussion as you did Commissioner, with the City Manager and he articulated the same thing as far as due process and progressive discipline that he would undertake with these new employees that are falling in that, and if there is some way that we could bifurcate the employees or apply some of this to those employees we need to discuss that with him, and have that taken care of prior to us coming to the next meeting, and move forward with this because I'm not completely comfortable on the way that this is presented right now; I'm going to support it but I want to get some clarification between First and Second Reading of whose affected, and how they are affected basically.

City Manager Brown: That will be in the memo and a list of employees coming forward.

Mayor Slesnick: OK, we have a request for public presentation by Mr. Richard Namon, 5555 Oakwood Lane.

Mr. Namon: Good morning, Richard Namon, Coral Gables, listening to you gentlemen and ladies discuss this issue it seems to me there is a big difference between what's in the Charter and what is the policy within the organization, the organization can change its policy at any time it wishes, but it cannot change its Charter at any time it wishes.

Commissioner Cabrera: And what's wrong with that?

Mr. Namon: There is a significant difference.

Commissioner Cabrera: OK.

Mr. Namon: You change something out of the Charter and put it into the arbitrary section, it is no longer the same as being written in the Charter. About three years ago our City held public hearings on changes to the City Charter; the removal of Charter Section 22 was debated in depth and it was left unchanged. My question then is, what has happened in the last two years to make its removal important and necessary? Section 22 is the only protection eighteen percent (18%) of our employees have against being fired or demoted for political or arbitrary reasons. Has anyone taken a poll of what the affected employees think? We are in the midst of a criminal investigation and budget cuts, will this change – what will this change do to employee morale? We need public hearings to discuss removing this Charter section before taking it to a Special Election; otherwise how will the voting public know the ramifications of this change? I hear discussions of legal arguments and reasons, but they would require a little bit of public digestion more than just this hearing. The argument that Charter Section 22 hasn't been used in years does not mean that it isn't needed. Its very existence and threat of its use may have done the job it was intended to do. A supervisor will not fire someone without substantial reasons if they know their actions are subject to public review. I think Section 22 has been fulfilling its purpose. Consider the consequences of your actions – to fire our union employees you have to go through a process that protects them from arbitrary actions. If the purpose of removing Section 22 is to encourage our non-union employees to form or join the union, you might well succeed. The City is not a private company. Coral Gables is controlled by five elected officials and their appointed City Manager. Who would want to work for a City when every two years their job could be in jeopardy after an election? I strongly suggest you rethink this action and leave the City Charter alone. Stopping runaway pension plan cost should be your major concern, not removing Section 22. Thank you.

Commissioner Withers: May I respond to his question, Mr. Mayor, my opinion.

Mayor Slesnick: Yes.

Commissioner Withers: You asked what is changed. Since 1989 I think there may have been ten or eleven employees that have been fired by the City Manager, I'm not sure of the number.

City Manager Brown: I'd say between five and ten of management level.

Commissioner Withers: Of those only one took the opportunity to take it to the trial board, the others did not exercise that right. The one that took it to the trial board won at the trial board level, the City took that individual to court and the overturned the trial

board. So of the ten folks that have had the opportunity to use the trial board, one used it, the others did not use it.

Mr. Namon: OK, but what's changed in the last two years when this was fully discussed.

Commissioner Withers: I think this should have been done a lot long ago than two years ago, that's my opinion.

Mr. Namon: When the last City Charter review was made this issue was discussed publicly, I was standing here discussing it the same way I'm with you gentlemen today.

Commissioner Withers: I don't think you had a Commission that was.....

Mr. Namon: Same people.

Commissioner Withers: No, no, I don't think it was as big....

Mr. Namon: Three years ago you were the same, I'm sorry.

Commissioner Withers: I don't think it was as much on our radar, at least it wasn't on my radar screen as much as it is today.

Mr. Namon: But why is it now? What's happened in the last three years?

Commissioner Withers: Well, like I just told you, what positive effect has it really had since 1989 that I can remember, because I've been on the Commission.....

Mr. Namon: Obviously it is not having any effect on the City you should just leave it there. Why have an election at the cost, and debate, and everything else if it's a non-functioning part like the appendix is supposed to be in the body you don't remove it.

City Manager Brown: My opinion and I don't vote on it, it has an unfair advantage to a group of employees who have a different advantage in addressed to a decision than the rest of the City.

Mayor Slesnick: Thank you David, thank you Mr. Namon. Mr. George Volsky.

Mr. Volsky: George Volsky, 1008 Alhambra Circle. I'm not going to speak in favor or against this proposal to change the Charter, I'm going to say to you is what the Mayor had said a couple of weeks ago one of his pledges, to encourage and facilitate citizen participation in the running of this City. Our Charter is what the Constitution is to the United States. As all of you know to change the Constitution it is extremely difficult and it's done in a very deliberate way. This could be as the Mayor just said necessary, but I would suggest to you it should have been done as it has been done for the last twenty years when changing the Charter; you name the Commission. Last one was three or four years ago, and all of you named it, including I think it was named by Mr. Brown, and this

same issue came and they said no, for other reasons, I don't know, I think it was a secondary issue. At that time as you recall the issue was giving Mr. Brown. I think probably the capacity to make contracts up to twenty five thousand dollars (\$25,000) and making the Mayor term instead of two, four years. Any how that was a process, and people spoke on a number of occasions because that Commission had, I don't know how many meetings, and they said no. I don't know why they said no, they thought it was – in addition to other Charter revision groups had said the same thing. Things have changed maybe they have, I don't know, I haven't dealt with – I always track this; this is the text of the Mayor's State of Address, such an important thing, the most important thing in any entity; Government entity is change of Constitution – change of the Charter. Can you imagine if someone wanted to in the United States change one word of the United States Constitution it would be a major issue, a national issue. This same thing applies to us. Why not go through the process and put it on the vote in November of 2008 when you have a huge amount of people voting because there is going to be a Presidential Election, and what's the difference between January and November, what is it eight month – nine months; do it in a way that this City has done before. My final thought – I came here to congratulate the Mayor and Mr. Brown, because the Mayor said in his speech that we are the best City in Florida, well could be, could not be; the Mayor hasn't been to [inaudible] so he doesn't know; the first thing you are taught -- don't say the best, because someone might regard himself or herself to be the best – one of the best. But I want to congratulate the Mayor and Mr. Brown for making this City the only in Florida, indeed in the United States in which cars drive on the left hand side, and I approve of this. As you've seen this – you've seen this Mr. Brown have you, and all of you, cars drive on the left hand side. So some other in this, I think curious and totally wasteless application, which are sort of [inaudible]; my question is I have delved into the numbers, if these photographs are skewed, in other words if black is white maybe the numbers are wrong too. In any event I want to congratulate you gentlemen, two gentlemen for having shown the City that it is proved in which the only City in the United States in which cars drive on the left hand side.

Commissioner Withers: That was in appreciation for our British tourist, I want you to know.

Mr. Volsky: Absolutely. And then Mr. Brown instructed the Chief of Police not to give tickets to people driving on the left hand side. Those people in the City – I don't know how many households you have sent this to because there are sixteen thousand (16,000); I wish people would look at it and see how we spent our money. Coming back to this proposal, I think you ought to be thinking do it right and put it on the ballot in November of 2008.

Mayor Slesnick: Mr. Rip Holmes.

Mr. Holmes: Hi, Rip Holmes, I own 256 Miracle Mile, Coral Gables. I think that this particular timing of this thing may coincide a little bit with the budget cuts that are necessary, and to that extent I support it. If I were sitting where you are sitting my focus would be on making the budget cuts. For the record, my last tax return I made forty-six

thousand dollars (\$46,000) in 2006; I'm filing my next one for this year it would be about the same, I make around fifty thousand dollars (\$50,000). I don't think that the department heads are two or three times better people than I am, or two or three times more productive, and I don't think, even though I like everyone of them, that they deserved to be paid this much. I think that should be – I think we should go straight to the point; budget cuts are appropriate, salary cuts are appropriate including for the City Manager. The idea that he has under this situation somewhat absolute power as you described, and I appreciate your education on employee, but department heads are truly at-will, I think could have an undermining effect on the independence of the department heads. I understand what you are trying to do; I think this is a budget cutting measure; but I think it could be done in a different way, just cut the salaries and give people a little more independence. Thank you.

Vice Mayor Kerdyk: Can I ask you a question please, not of you Rip, of the City Attorney please. The date of January 29th – we picked that because that was a statewide election, is that correct?

City Attorney Hernandez: Yes sir.

Vice Mayor Kerdyk: And I think of course the question that begs to be asked is if the property reform act is stricken, if it continues to not be on the ballot, are they still going to have a statewide election on January 29th.

City Attorney Hernandez: Yes sir.

Vice Mayor Kerdyk: They are.

City Attorney Hernandez: Yes.

Vice Mayor Kerdyk: And what is going to be on the ballot at that time?

Mayor Slesnick: The Presidential Primary.

Vice Mayor Kerdyk: The Presidential Primary for both parties.

City Attorney Hernandez: Yes, absolutely for both parties – Presidential Primary.

Commissioner Cabrera: That should get them out to vote.

Vice Mayor Kerdyk: That's all, just want to make sure.

Commissioner Cabrera: Before we end I just want to – Mr. Namon when he spoke to us a few minutes ago, he also handed a document that he read from, my only comments, and I don't invite you to come back to speak to us, but I'd like to just make a comment based upon one sentence that you have, it says who would want to work for a City where every two years their job could be in jeopardy after an election, well to me that infers that

somehow the political folks that are elected would in fact have say in who the Manager fires. I think that's wrong, I think that's inappropriate. I can tell you what goes on today; what goes on today is at least from my office, I constantly give the Manager performance feedback on his fifteen-sixteen-seventeen direct reports. Some of that feedback is positive, others is feedback that causes him to realize that I would like to see improvement opportunities from those people. But at the end of the day he has the final say as to how he manages his direct reports. So my only comment is that I only see this sentence which is a question mark – with a question mark that somehow infers or implies that the political elected officials would have say on whom he fires; I think it's inappropriate and uncalled for. So I hope you educate yourself on the process and understand.....

Mr. Namon: Commissioner.....

Commissioner Cabrera: I'm not inviting you to come up here to talk to me; you had your say now it's my turn sir. When you spoke I was quiet; I listened to you and I expect you to do the same to me. Thank you.

Mayor Slesnick: Thank you. And currently every two years or after any election the Manager, the City Clerk and the City Attorney are the three people in jeopardy, and those are appropriate persons for us to act on and they could of course change at any election, and that is accepted throughout most governments in the United States of America. Joining the union by the way, doesn't have any influence on people's protection; they are either in the bargaining unit or out of the bargaining unit, whether they dues pay members or not doesn't affect their rights under the contract, and we've had people come up here and argue about the inability of the Manager to correct situations in departments and the cost it is to the City not to be able to correct situations, I think that's one thing we are referring to. And I also don't know of any form of citizen participation greater than an election. Any other discussion?

Mr. City Clerk.

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Mayor Slesnick: Yes

(Vote 5-0)