

City of Coral Gables City Commission Meeting
Agenda Item E-16
January 13, 2009
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

Interim City Manager, Maria Alberro Jimenez
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia

Public Speaker(s)

Jim Hartnett, Coral Gables Resident
Charles Girtman, Coral Gables Resident

E-16 [Start: 11:02:24 a.m.]

An Ordinance calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendment to the Charter 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 provide for two (2) term limits for a total of eight (8) years for the Mayor?: Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide for three (3) term limits for a total of twelve (12) years for City Commissioner, with the incumbents in Groups Four (IV) and Five (V) allowed to run an additional term in the General Biennial Election of 2011?; and Ballot Question No. __: Shall the Charter of the City of Coral Gables be amended to provide that the time served in fulfilling the unexpired term resulting from a vacancy on the City Commission not be counted in applying these term limits?; including, but not limited to, amending certain sections, 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 (60) 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 (2008), 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 (30) 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: We'll jump to E-16 now; I think its E-16 and take care of the last of the ballots. This is an ordinance on first reading; doesn't matter Ms. Hernandez, why don't you take it, because it's your item.

[City Attorney Hernandez read the aforementioned title into the record].

City Attorney Hernandez: I'm sorry Mr. Mayor, I apologize but this is the old language...

Mayor Slesnick: This is the old language. Where is the...

City Attorney Hernandez: This is not the correct language and I need to pull the ordinance that you have, but the agenda has the old language in it; I need to pull it, give me a second.

Mayor Slesnick: I'd ask you to refer to the agenda item itself.

Commissioner Anderson: The one that's printed on here?

City Attorney Hernandez: An Ordinance calling for the holding of a special municipal referendum election of Coral Gables, Florida, on April 14, 2009, in accordance with Section 6.03 of the Code of Miami-Dade County, for the submission to the qualified electors of said City, not less than sixty (60) nor more than one hundred twenty (120) days after the draft is submitted, an ordinance in connection with the proposed amendment to the Charter 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 provide for two (2) term limits for a total of eight (8) years

for the Mayor?: Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to provide for three (3) term limits for a total of twelve (12) years for City Commissioner, with the incumbents in Groups Four (IV) and Five (V) allowed to run an additional term in the General Biennial Election of 2011?; and Ballot Question No. ____: Shall the Charter of the City of Coral Gables be amended to provide that the time served in fulfilling the unexpired term resulting from a vacancy on the City Commission not be counted in applying these term limits?; including, but not limited to, amending certain sections, 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 (60) 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 (2008), 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 (30) days' notice of the election or referendum in a newspaper of general circulation in the City of Coral Gables, 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 of this ordinance.

City Attorney Hernandez: Mr. Mayor and Commissioners, as we previously pointed out in order to...

Mayor Slesnick: A mistake made though, because we said all elected officials currently serving, you only have Groups Four (IV) and Five (V), I mean the Mayor should be in there too.

City Attorney Hernandez: Well, no, at the last Commission meeting...

Mayor Slesnick: No, we said the people currently serving, the people currently serving, was the Mayor too.

City Attorney Hernandez: OK.

Vice Mayor Kerdyk: That's was it said.

Ms. Bolton in audience: Said what?

City Attorney Hernandez: Well let me just finish my summary and then if you can direct me to do the changes that you deem appropriate.

Mayor Slesnick: OK. I can't image how you could send that as being...

City Attorney Hernandez: Mr. Mayor, that was what we were able to get from the minutes; but let me just really quickly point out that because the City Commission has approved putting on the Ballot the question of a two year Mayor's term, we are recommending and we raised this before, that the language be removed, that says two term limits, rather to say, just for a total of eight years for the Mayor, to provide for a total of eight years for the Mayor; and to provide a total of twelve years for Commissioner so that the voters are not confused when they vote on the Ballot Question; and I just wanted to make that recommendation, and now if the Commission wants to direct us to make other changes, it was our understanding from reading the minutes, the Commission had indicated that the members of Groups Four and Five would be allowed to run...

Mayor Slesnick: I never said anything about Groups Four and Five, we said the people currently serving...

City Attorney Hernandez: Well you said specific names...

Mayor Slesnick: People currently serving, so.

City Attorney Hernandez: OK.

Mayor Slesnick: That's a logical approach.

Vice Mayor Kerdyk: That's what I remember too.

City Attorney Hernandez: OK. What is the direction of the Commission?

Mayor Slesnick: First of all, do we accept the City Attorney's recommendation to strike the number of term and add the years, only put the years?- so it's a total of eight years and total of twelve years?- do we care?

Commissioner Withers: I don't have a problem with that.

Vice Mayor Kerdyk: I don't have a problem with that.

City Attorney Hernandez: OK; and now what was your direction?

Mayor Slesnick: And provide a language about the current people serving should just be those serving currently on the Commission....

City Attorney Hernandez: Shall...

Mayor Slesnick:...have the opportunity to run one additional term.

City Attorney Hernandez: OK.

Commissioner Anderson: As long as it doesn't change the intent, I guess...that would be fine.

Vice Mayor Kerdyk: That was the intent.

Mayor Slesnick: That was the intent.

City Attorney Hernandez: So the members of Group Four and Five will run again in 2011 Election, and the remainder members should be able to run again the following election.

Mayor Slesnick: No, no; in 2011 people currently serving will have the opportunity to run one more time, that's all, that's what we said – 2011.

Commissioner Anderson: 2011.

City Attorney Hernandez: Correct, but there is only two seats that will be open.

Mayor Slesnick: There's a third seat, there's a third seat, in 2011...how soon people forget about...

City Attorney Hernandez: Oh, correct.

Commissioner Anderson: The Mayor and the two Groups

Vice Mayor Kerdyk: Wait till you are out of office. [Laughter]

City Attorney Hernandez: Very good.

Vice Mayor Kerdyk: Like my dad use to tell me, wait till you are out of office.

Mayor Slesnick: You understand?

City Attorney Hernandez: Yes sir; the Mayor and the incumbents.

Mayor Slesnick: Yes.

City Attorney Hernandez: OK.

Mayor Slesnick: OK. First let's get a motion on the amended.

Vice Mayor Kerdyk: That's fine, so moved.

Mayor Slesnick: Moved by Mr. Kerdyk.

Commissioner Withers: Second.

Mayor Slesnick: Second by Mr. Withers. The motion is on the floor; we have two people to speak, Mr. Jim Hartnett, did you want to speak again Mr. Hartnett?

Mr. Hartnett: Jim Hartnett 510 Marmore Avenue, Coral Gables. In this particular amendment you don't leave me a choice of how I get to vote. If I want to vote for the Mayor's problem only, then I got to accept the rest of the amendment. Can you separate it in where it deals with the term of the Office of the Mayor only?- then let me deal with the Commissioners and vote yes or no on those term limits.

Commissioner Cabrera: Why is that Mr. Hartnett, why are you asking for that choice to be made?

Mr. Hartnett: Maybe I don't want the Mayor to be able to serve eight years.

Commissioner Cabrera: OK, but we are all, as it looks, we are all a quasi-judicial body that works as a group, and therefore...I don't want to get into it, I've already had enough controversy for this morning, I don't want to debate anymore, so I'll remain quiet.

Mayor Slesnick: Thank you Mr. Hartnett.

Commissioner Withers: But Jim brings up a good point; we just changed the amount of terms to years. Now, we changed the Mayor's, we changed it from two terms to eight years; was that on the assumption that it going to be a four year Mayor or a two year Mayor?

City Attorney Hernandez: It doesn't matter...

Commissioner Withers: No, no, that's what I'm saying, is it...

Mayor Slesnick: Either two-four year terms, or four-two year terms.

Commissioner Withers: Is it the time or the terms is the anxed that's pushing this? I'm not in favor of term limits.

Mayor Slesnick: I'm not in favor either.

Commissioner Withers: OK, I'm going public in saying, I'm not in favor; I think the public should have the right to vote on it, but is the anxed created for the number of terms that someone is elected four times or the number of years that they serve?

Commissioner Anderson: I think it's probably years, I'm sure that was the intent.

Commissioner Withers: Then I think Jim has a very good point, I mean, why should a Mayor only serve for eight years and a Commissioner serve for twelve years?- especially if the person can leave the Commission and then be Mayor for eight years.

Mayor Slesnick: I agree Chip, the whole thing...anyway.

Mr. Hartnett: One other question. Does this provide for the total number of years that a Commissioner can serve before he has to leave office?- and is it retroactive in this ordinance?

Mayor Slesnick: It is partly retroactive. We came to a compromise decision where it was going to be put on the ballot, but that current terms didn't count at all and you started all over again, and then we came to a compromise that said those who are serving could run one more time if they had passed the limit, so they could get one more shot, they have to be elected of course, but they had more shot.

Mr. Hartnett: I'm opposed to that; and the reason I'm opposed to it is this; when the voters of this community voted on each of the candidates, they had every right to expect that they were going to be able to complete that term of office...

Mayor Slesnick: Right.

Mr. Hartnett:...and you disengage the fact that if I got to go back in four years I'm serving now; and I only get one more term, four years, that isn't what I started out to vote for when I elected the individual; why not start fresh at when his term of office then the new terms apply?

Mayor Slesnick: Well, that's where we started this debate, but you weren't here last time, and the person that spoke for the group that asked us to put this on the ballot said that they didn't like that, so we tried to come to a compromise decision; but I understand your position; I agree with your position more than I agree with the other one.

Mr. Hartnett: I oppose term limits and I'm opposed to retroactively going back and using part of the current term as being served. I'm part of the PAC, as well as a member, but I'm talking now for my own personal choice.

Commissioner Cabrera: And you'll have the right to vote on that on April 14th.

Mr. Hartnett: Yes, I'm going to try to get a lot of other people to vote.

Commissioner Cabrera: Good, good, that's the American way.

Commissioner Anderson: Mr. Hartnett, I also don't agree with this, but I'm just going to let the people decide. It would be my hope it looses, but I'll let the people figure that out.

Mr. Hartnett: But Commissioner, it's the wording that goes into...

Commissioner Anderson: I understand.

Mr. Hartnett: ...as an example when we went to Mayor for four years, had the wording been to change the term of office from two years to four years, I can assure you, you would have had a different vote instead of extending the term of office for the Mayor.

Commissioner Anderson: Absolutely.

Commissioner Cabrera: You're right Mr. Hartnett.

Mr. Hartnett: The public had no concept of what they were really doing.

Commissioner Anderson: That's correct.

Mayor Slesnick: Well, we'll find out again this time.

Commissioner Cabrera: I agree with that commentary Mr. Hartnett, very good point sir.

Mr. Hartnett: You can call me Jim.

Commissioner Cabrera: I know I can.

Mayor Slesnick: Thank you.

Mr. Hartnett: Thank you sir.

Mayor Slesnick: Mr. Vince Damian.

Mr. Damian: I didn't sign up for that item.

Mayor Slesnick: Oh, well yes, you did.

Mr. Damian: I signed up in the event my comments were needed...[inaudible – off mike]...I defer my comments to Charlie Girtman.

Mayor Slesnick: Thank you. Mr. Charlie Girtman.

Mr. Girtman: Charlie Girtman, 744 Tibidabo. I just ask for clarification. Basically this language is what we voted on – what you voted on last time?

Mayor Slesnick: Yes.

Mr. Girtman: Thank you very much. I'd like to give a note to Commissioner Withers notice, God it's about time somebody said let's put something we understand on the ballot, thank you very much.

Commissioner Withers: You're welcome Mr. Girtman.

**Mayor Slesnick: OK, we have a motion on the floor; any further comments, questions?
Mr. Clerk would you call the roll please.**

**Commissioner Cabrera: Yes
Vice Mayor Kerdyk: Yes
Commissioner Withers: Yes
Commissioner Anderson: Yes
Mayor Slesnick: Yes
(Vote: 5-0)**

[End: 11:16:48 a.m.]