

City of Coral Gables City Commission Meeting
Agenda Item F-5
May 9, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Public Speaker(s)

Deborah Register

Maria Cruz

Agenda Item F-5 [3:46 p.m.]

An Ordinance of the City Commission adjusting the date of the Run-Off Election from two weeks after the General Election to three weeks after the General Election and adjusting all other dates related thereto, including the date the Mayor and Commissioners shall take office, and amending Chapter 18 “Elections,” Section 18-2 “Canvass of Returns; Duty of Commission; Declaration of Results,” of the City Code to adjust the date of the Run-Off Election and all other dates related thereto commencing with the General Biennial Election to be held on April 8, 2025; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored By Commissioner Menendez) (Sponsored by Commissioner Anderson)

Mayor Lago: Moving onto F-5, which is also connected with G-20.

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City Attorney Suarez: So F-5 is an Ordinance of the City Commission adjusting the date of the Run-Off Election from two weeks after the General Election to three weeks after the General Election and adjusting all other dates related thereto, including the date the Mayor and Commissioners shall take office, and amending Chapter 18 “Elections,” Section 18-2 “Canvass of Returns; Duty of Commission; Declaration of Results,” of the City Code to adjust the date of the Run-Off Election and all other dates related thereto commencing with the General Biennial Election to be held on April 8, 2025; providing for severability clause, repealer provision, codification, and providing for an effective date. I know this is similar to a discussion item and this is Commissioner Menendez’ and Commissioner Anderson’s are both sponsors of this item, so Deputy City Attorney Stephanie Throckmorton can present the item unless you all want to have discussion first, let us know.

Deputy City Attorney Throckmorton: Hello, good afternoon, Stephanie Throckmorton, Deputy City Attorney. As you all are aware, in 2016 following a referendum, the Run-Off was inserted into the City Charter which called for a two-week Run-Off period following the General Election. State law and our City Charter provide that that date of that Run-Off can be changed via ordinance. The ordinance before you today suggest moving that Run-Off from two weeks to three weeks and changing the relevant Swearing in dates, etc. There’s also a discussion item generally about the election dates which I’m happy to address any questions regarding. There are provisions in state law and the Charter that are relevant that we are happy to discuss with you all, but the ordinance before you today move from two weeks to three weeks and adjusts the installation dates of the Commissioners based on that change.

Commissioner Anderson: Commissioner Menendez you were the first drafter on this. I do have some two cents to add.

Commissioner Menendez: I was just responding to a resident. As soon as, I think the City Clerk or someone sent out information regarding the mail-in ballots in a process by which, I think it had to be certified and the county had to issue within a minute, residents were reaching out saying that’s not enough time for us. We also know that time of year, spring break, Easter break and this is a response to residents feeling that they didn’t have enough time to get their vote in. So, if I’m not mistaken, when I spoke to staff or the City Attorney’s office, at some point the county had recommended the city go with three weeks.

Deputy City Attorney Throckmorton: Sir, I believe that during the Charter Review Commission in 2015, there was discussion about those dates and whether or not the county Supervisor of Elections could turn around within two or three weeks. Ultimately, they determined they could turn that around within two weeks, and that’s how its proceeded since 2016, but there was discussion about the timeline for the Run-Off in that 2015 Commission.

Commissioner Menendez: And that's the reasoning behind this item is to make sure that folks have enough time to receive the ballots with the certified process issued, filled out, returned, just to make sure our residents have enough time to exercise their vote.

Commissioner Anderson: The majority of the Commission here now, I think has lived through the rigors of a Run-Off Election and this was a thought in my mind right afterwards, but I just thought it was maybe based upon my perception of how to do the race and a two-week period, but after seeing having another elected official here to my left having gone through those rigors and myself trying to get my own mail-in ballot in time before I needed to take a trip, I'm convinced that this needs to be adjusted. But then we also need to consider the actual date its going to hit and Mr. Urquia brought to my attention that it might be actually better to do four weeks and I'm going to ask you state exactly where it would hit depending on what we do with everything else.

City Clerk Urquia: Correct. So, here's the issue. If we keep it in April, three weeks seems like a good timeframe. If you wait too long, if you go a month or something, people might even forget there's an election going on. If the Commission is also talking about the possibility of changing the date of the election, if we were to go to the August election, your Run-Off in three weeks would fall right in between your first and second reading for the city budget, which means your new Commission will be getting to approve a brand-new budget they know nothing about. If you go to the April, the November Election, three weeks after the election in November is the Tuesday right before Thanksgiving, which means your installation for the new Commission will be Black Friday, something to keep in mind. So same thing if you go to August, early voting will begin in the beginning of August, most people are still on vacation, that's something to consider as well. So, either you do four weeks and that would put you in the first week of December. If you do November, that would put you...

Deputy City Attorney Throckmorton: Labor Day.

City Clerk Urquia: Labor Day, something to think about.

Deputy City Attorney Throckmorton: If you did August.

Commissioner Menendez: What's the code or whatever regarding the Swearing in?

City Clerk Urquia: The new Commission has to take office three days after the date of the election and that's per the Charter.

Deputy City Attorney Throckmorton: And the Charter Amendment that was adopted in 2016 provides that the date of the Run-Off and all relevant dates about the Swearing-in can be amended via ordinance. So, to change the Run-Off date and the subsequent Swearing in date would be fine to do via ordinance. I just think, as the Clerk mentioned, if we want to look at a sort of wholesale

discussion of dates, there's a lot of considerations, as the Clerk mentioned, budgeting, holidays, the length of terms, term limits, there's a lot of details to be addressed. So, we're happy to look at all of those and whatever the Commission feels, look at all of those options. The item before you today is simply moving the Run-Off date and keeping that April General Election.

Commissioner Anderson: I wanted to add one more fact for us to put under our hats for future and that is the cost of doing standalone elections, and I asked our City Clerk to provide us the dollar figures that we would save, if we're able to piggyback on another election that's generally held throughout the city.

City Clerk Urquia: So just to give you some historical data. The 2016, when we put the questions on the Presidential Election, it cost the city \$19,000, to put five questions on the ballot. For our past April Election, I estimate \$150,000 for the General, \$150,000 for the Run-Off, that is not including advertising, or any additional – early voting would be \$7,000 per day additional to that. If we were to piggyback on either countywide or General Election, the city wouldn't have to pay for early voting, the residents would get the additional benefits of having two weeks of early voting, instead of two or three days. It would be a lot more work for the candidates, but something to keep in mind, at no cost to the city. Advertising would be handled by the county. The cost of opening all precincts would be handled by the county, because again, the downfall from that – oh, by the way, we would have a much larger turnout; it would go from 25 percent to close to 80 percent turnout in the elections. If we want to talk about the downside, I would talk about voter fatigue; you would be stuck on page 8, page 10 of the ballot. There's typically about a three or four thousand voter undervote once you get to that portion of the ballot. A lot of people either vote for the President and for the Mayor, you have the federal raises, then you have the Senators, state, local, Miami-Dade County, all the amendments and then us. So that would be the one turn off that I would tell you from doing that, but still, you would get a much larger turnout than you do right now, at a fraction of the cost.

Mayor Lago: And you would save the city hundreds of thousands of dollars.

City Clerk Urquia: You would save the city; a safe assumption would be over \$250,000 per election.

Deputy City Attorney Throckmorton: One thing just to note with that is that's if the Run-Off is also coupled with...

City Clerk Urquia: Correct.

Deputy City Attorney Throckmorton: If we had a standalone Run-Off, some of those same costs would still.

Mayor Lago: There would still be savings though.

Deputy City Attorney Throckmorton: Of course. Yes.

Commissioner Menendez: I have a quick question. I remember reading, not here in Coral Gables, other places concerned with, I think we had 20 percent, but some place had 10 percent, is there a national trend, do we know of a national trend that other cities, other places that they are realizing that.

Deputy City Attorney Throckmorton: So, we've done a little bit of research with the City Attorney's office and other municipalities have gone to couple with state and county or national elections, so those August and November dates. Various municipalities in Miami-Dade County have gone that way recently and I do think traditionally its our understanding that municipalities in Florida have done these odd year elections, but there has been a move in recent years in many municipalities to switch to those sort of even year larger elections. There's no requirement at the moment to do so, so it's up to the Commission.

City Clerk Urquia: Commissioner, I would tell you that speaking with other cities as well, the standalone election cities have started to go away from it, primarily budget. It's a large cost to the municipalities and you're not getting the turnout. Yes, you're getting the core of your citizens to vote for things they care about. However, it's not the majority of your citizens that are turning out to vote at those elections and you're actually paying more just to have it by yourself.

Commissioner Menendez: My issue after hearing the explanation is, will the item that we have here with regards to the Run-Off. So based on what I'm hearing is, I guess there's first reading and second reading.

Deputy City Attorney Throckmorton: Of course, and so the item today is just moving that Run-Off date so that would be for the April 2025 Election. If we want to have a larger discussion, we can do that in between first and second, we could hold off on this, we could adopt this and then look at it again. There's many options.

Commissioner Menendez: Before this goes to second reading and if there's a change in terms of what the Commission wants to do going forward, then we would have to undo this.

Deputy City Attorney Throckmorton: Yes. So, if there was a change, for instance, that later you wanted to change it to a November Election and that third week later would be Thanksgiving and you guys wanted to look at that again, that would require another amendment and depending on how and if you change the election date that would require different things. So, if I may make a suggestion, we're happy to look at all those options and bring them back with multiple suggestions

or we're happy to act on just this and then come back between first and second, but there's clearly a lot of moving parts to this.

Commissioner Menendez: If we have a first reading, are we required to come back to second reading immediately?

Deputy City Attorney Throckmorton: No, if the sponsor doesn't want to bring back the second item at any time, you are not required to.

Commissioner Anderson: What are your thoughts Commissioner?

Commissioner Menendez: My thoughts are, this just to me is just practical and makes sense to do this one. My opinion, but we're five, to have this vote on first reading and then have a broader discussion and don't bring it back until we know whether this is going to stick or not. I'm open to recommendations on how we proceed, but seems to be, well the cost was significant, so I'm open to how we move forward.

Commissioner Anderson: And I didn't plan on having the full discussion today regarding the elections. I wanted to give you some information, let's get some input from staff of how the calendar can be moved around. From talking to people that vote, the fatigue usually on those little items that are not candidates that you're voting for this change in the county this or that change, you know, or whether or not because they don't understand the questions or on the judgeship, or they don't know who the judges are.

Mayor Lago: I'm working with staff, with the City Attorney's Office to move the election for consideration to November, based on money, based on voter turnout, and that's something that I'll be bringing forth maybe not the next Commission meeting, but the following, for your consideration and discussion.

Commissioner Fernandez: I think we've all...[Inaudible].

Mayor Lago: Take advantage of the Sunshine right now.

Commissioner Fernandez: I've been talking to the Clerk about this for a couple of years now, and just cost-wise its affecting us, but its also turnout. We always talked about wanting to have more participation from our residents moving the election and fatigue, one way or another really doesn't affect them because you're still going to have a greater turnout that we're currently having in our election, and it's saving us a ton of money. So, the question then would be, do we do a General in August and a Run-Off in November, or maybe change it up and do, instead of an Election and Run-Off, do something like Key Biscayne which is a Primary and then a General. So, what they do is they do it backwards; they have a Primary Election and then the candidates go on the ballot in the November ballot. So that's something else throw out there.

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City Attorney Suarez: So that would require a Charter Amendment.

Commissioner Fernandez: Okay.

City Attorney Suarez: And just for clarity, we can change the dates by ordinance, but you also can choose to do it by Charter Amendment, so that's also an option, that's another option that can be evaluated.

Commissioner Menendez: So, I'm willing to do whatever you all prefer we do with this, if you want me to defer it till we have further discussion, if you want to vote on first reading. I'll do what you all want.

Commissioner Anderson: I'm happy to move the dates, but I think we're going to end up having to look at the full set of facts. I think the other factor of voter fatigue is, oh my God, we just voted, another election, more signs, more balloting, more junk in the mail.

Commissioner Fernandez: We're also affected now by the purging of the voter vote-by-mail ballots, which really affected this election and turnout, because a lot of people thought they were getting a ballot, but didn't get it, and others just never received them on time.

Commissioner Menendez: And folks in the community, honestly, they come up with like, why aren't we voting, let's say, November, the discussion out there. So, co-sponsor, do you want to defer this until we have...or you want first reading.

Commissioner Anderson: I would say let's defer and get some more information and then we can bring it up.

Mayor Lago: Okay.

Commissioner Menendez: Sounds good to me.

Commissioner Anderson: [Inaudible]

City Attorney Suarez: Mayor and Commissioners Menendez and Anderson, since you've been the ones sponsoring, do you want us to – the City Clerk and I can work on developing different options, so you can compare them, is that acceptable to you all, to come back with like a presentation and options.

Mayor Lago: If we can basically just put everything together in one piece of legislation – November, Run-Off, all kinds of things.

Deputy City Attorney Throckmorton: So, we can come back with a presentation, different options, ordinances, Charter Amendments, ordinances, different dates, timelines, etc., and present them, so not an actual piece of legislation for first reading, just a presentation to get direction from you all.

City Attorney Suarez: And then bring it back whenever you decide with legislation you want.

Mayor Lago: Okay.

City Attorney Suarez: The next meeting or the June meeting?

Mayor Lago: I think we should wait for a meeting. It's a lot of work.

Commissioner Fernandez: And we already have a lot of items.

Mayor Lago: This is a lot of work, so you've got to really do some research and see. I don't want to put you under the gun.

City Attorney Suarez: Thank you, appreciate that.

Deputy City Attorney Throckmorton: Plan for the June Commission meeting.

Mayor Lago: We have time.

City Clerk Urquia: Mr. Mayor, before you move forward, we have members of the public requesting to speak on the item.

Mayor Lago: Okay.

City Clerk Urquia: First, Ms. Deborah Register.

Deputy City Attorney Throckmorton: Thank you all.

Mayor Lago: Thank you. Good work.

Ms. Register: Again, my name is Deborah Register, I live at 1240 Placetas Avenue. A lot of what you talked about today is what I wanted to talk about, is moving it to save us cost. I don't think we should do four weeks between the first election and the second election. I'm tired of all those mailings. They start getting pitched in the trash. So as soon as we can have it afterwards, I would suggest that people can get their mail-in ballots or whatever, but why I came here was to talk about moving it and saving us our money, because maybe that some of the money we can use to do some of the projects. Thank you for listening to me.

Commissioner Anderson: I only did one mailer in my Run-Off. I told some people less is more sometimes.

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Mayor Lago: Thank you. Mr. Clerk.

City Clerk Urquia: Next speaker is Ms. Maria Cruz.

Mayor Lago: Ms. Cruz.

Ms. Cruz: I agree with the comments. There is nothing else that I want to say.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: Thank you Mr. Mayor.

Mayor Lago: Where are we. We're done.

City Clerk Urquia: That's it.

Commissioner Anderson: That's it.