

City of Coral Gables City Commission Meeting
Agenda Item G-1
June 8, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

Deputy City Attorney, Cristina Suárez

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item G-1 [11:30 a.m.]

A Resolution of the City Commission of the City of Coral Gables, Florida, Re-adopting the City's Civility Code, Establishing a Civility Code for Members of the City Commission, and for City Employees.

(Sponsored by Mayor Vince Lago)

Mayor Lago: City Commission items, G-1.

City Attorney Ramos: G-1 is a resolution of the City Commission of the City of Coral Gables, Florida, Re-adopting the City's Civility Code, establishing a Civility Code for Members of the City Commission, and for City Employees. It is sponsored by Mayor Lago. Ms. Suarez.

Deputy City Attorney Suárez: Good morning again. So, by way of background, in 2016, the City Commission approved and adopted a Civility Code to establish or further establish rules of participation and decorum for members of the public who are participating in public meetings, community meetings, any meetings before the Commission. Also, Section 2-247 of the City Code includes as part of the oath of office for all members of the Commission, an oath that includes a pledge of fairness, integrity, and civility in all actions and communications. The City's Human Resources Rule 17 for employees requires that they behave in a courteous and respectful manner with other employees, City officials, and the general public at all times. And Rule 10 of the -- Human Resources Rule 10 provides an employee may be disciplined for offensive, profane, or abusive conduct or language towards the public, supervisors, or other employees. This proposed resolution re-establishes or re-adopts the City's Civility Code, establishes a Civility Code for the members of the Commission, and establishes a Civility Code for City employees when interacting with members of the public.

Mayor Lago: Thank you, Cristina. I appreciate it. Let me tell you why I put this on the Commission floor for your consideration, even though this already exists. This is a new day in Coral Gables. I'm working incredibly hard to make sure that everyone in this community has a voice, along with my colleagues on the Commission. Every time that I speak to a resident, they tell me I'm speaking to the Vice Mayor, I'm speaking to Commissioner Fors. "Hey, I met with Commissioner Menendez," or "I have a meeting forthcoming with Commissioner Anderson." I want to make sure that everybody understands very clear that as we come out of COVID, we have to conduct ourselves in a way across the board, where we take great pride in representing the City of Coral Gables. So, as I was doing my research on civility, I was looking at the definition of civility, and I think it's important to define that. Civility is a commitment to respect one another and encourage professional and academic growth with open communication, honesty, and

empathy. Civility is a dedication to provide these values to everyone within this community. So, I apply this definition to myself. I work on myself every single day. Just the other day, I was having an interview with Mark Trowbridge, where I was blessed to be invited, and we had a very, very candid conversation for about an hour and a half with about 60 individuals over Zoom. And after that, we had a conversation about what we want to see in the City, what do we want for the future of this community. I think we forget on a daily basis that we have a higher calling and that all of us are fortunate to not only live in the City of Coral Gables, to work in the City of Coral Gables, but to represent the City of Coral Gables. So, I start with myself. I am not immune to making mistakes. I make them on a daily basis, and I probably sometimes step on people's toes, but I want people to know that I don't do it intentionally, and I want people to know in this community that this Commission wants the best, even when we disagree with each other, and even when we disagree with you. So, I want the residents of this community to understand that they're welcome, and I continue to say that over and over and over again, but I will hold them to a higher standard. I will hold the employees, I will hold the residents, I will hold the business community, I will hold everyone who is affiliated with this community to the highest standard because we are not just any other city. We are the City of Coral Gables. We are the City Beautiful, and I expect us to behave in a fashion which sells the City and sells what we're about. So, when you talk about civility, it's across the board, and it starts with the Mayor, the Vice Mayor, the Commission, but we need to show each other respect, especially as we come out of COVID; the residents, the business community, the employees, and the elected officials. So, this is just a simple reminder. I always try to point four fingers at myself when I'm pointing at someone else. It starts with me, and I ask you to join me in being as courteous and respectful as possible as residents of the City. Thank you. I don't know if we need someone to make the motion on this. I will move to the Vice Mayor and make the motion on this item, and I ask for a second.

Commissioner Menendez: I'll second.

Commissioner Anderson: And just a comment. I noticed that the Civility Code, as it's written, the repercussions are mostly directed towards residents that speak out of turn, but as far as staff is concerned, I'd like to move for an amendment that a memo go to the file, if there is...

Mayor Lago: Of course.

Commissioner Anderson: You know, to the employee's file, so that there is a record of it and we're not relying upon memories that can fade over time.

Mayor Lago: I welcome that. That is something that I handle in my own private business, and like I said, everyone has to be held to the highest standard.

Deputy City Attorney Suárez: Just to clarify, the resolution does say in Section 4, with respect to the Civility Code for employees, that a City employee that violates this code may be subject to discipline, so I think it would be on a case by case basis and the discipline will be according to the violation.

Mayor Lago: Well, I think what the Commission is saying is that it be memorialized in a way that it goes within their file.

Commissioner Anderson: I mean, there might be, you know, a complaint of lack of civility that may be founded or unfounded when it's reported, but it is at least reported. It's in a file, you reach a conclusion as to whether it was founded or unfounded, but there's a record.

Mayor Lago: And I want to be clear -- I want to be clear because the -- Commissioner Anderson that brings us up, just this is across the board for everyone. If there's an issue that somebody has with me, I welcome them to put it in my file. Be very, very clear, no one is immune to this. So, don't hide in the shadows, don't get on a blog, don't take swipes at somebody. Come and bring it before the Commission and put it in my file. Because at the end of the day, we answer to you, but

we're going to hold everyone accountable here. Because some of the discourse that happened on this Commission before was completely and utterly unacceptable. And sometimes, I'd blame myself for not standing up for certain things that happened. So, I have no issues with that at the end of day, because we will do everything in our power to serve the City in the short time that we're here. Mr. Menendez -- Commissioner Menendez, excuse me.

Commissioner Menendez: I want to touch upon something you, Mayor Lago, said earlier in the Commission meeting, which I totally agree with, and I agree about the importance of this piece of legislation, and more importantly, the importance of being able to -- everybody work together to move the City forward in a cordial way, a civil way. But sometimes, unfortunately, we all waste too much time bickering. I'm not saying the current Commission, but in life in general. And we spend as a society so much time attacking one another that we lose focus of what's important, and what's important is protecting and serving our community. But on the other hand -- and there is never a right moment and there's no excuse for anyone, be a Commissioner, City employee, to use profane language, be offensive, or abusive towards anyone, especially the public. But I also want to make the distinction for the public. We are public figures. The law treats us a certain way because we are public figures. There's sort of a carve out for public figures. Our City employees I do not believe fall under that realm, legal realm of public figures. So, at the same time, they shouldn't be mistreated by the public. And I would say 99.9 percent of the public has been amazing and understanding and civil, but we've witnessed how allegations are thrown out against our City employees, and quite honestly, they're here to do their job, and they're doing their job the best way possible. And so, I ask that the civility and the cordial behavior cover everyone because we're in this together, and no one should be the brunt of attacks because everyone's trying to do their best. Perhaps, we disagree on issues and we disagree, but we move on. If we stop moving on, we have failed as a community, we have failed as a society. So, I hope that everyone understands that this applies to our entire community. We're here to work together.

Mayor Lago: Well said.

City Attorney Ramos: We will add Commissioner Anderson's suggested language that complaints be memorialized in employees' files; however, that will be only exempt employees. Otherwise, it's a mandatory subject of bargaining for all CBA employees.

Commissioner Fors: I'm actually -- you know, I'm in favor of reiterating the same civility principles that we found in other places in our Code. I do become hesitant with Commissioner Anderson's amendment, which I'm not saying that I'm against looking into a procedure for properly documenting instances, but I feel like that is a matter of Human Resources management. That's something that people go to school for, et cetera, et cetera, that there are established written policies in place for. I'm open to considering it and looking at the method that we report these types of things and whether it needs to be enhanced, but it's something that I would want to hear input from our Human Resources Director before, you know, essentially on the fly, creating a Human Resources policy for our employees. As you know, we try to remain competitive as possible with other municipalities to make sure we get the best people, keep the best people. And I just want to make sure that we're not tinkering with something without taking pause to think about it a little bit more. And perhaps, it would be my preference to vote on in favor of the resolution that the Mayor set forth today, and then perhaps consider an amendment to it to enhance something after we get a little bit more direction from staff on that aspect of it.

Mayor Lago: But I'd do one better. I'll defer this item for the next Commission meeting. We can work with Human Resources to, you know, address some of your ideas, which I think are good ideas, and we can bring it back. I don't have a problem with that at all.

Commissioner Anderson: I would appreciate that. I'd like the input of Human Resources because, as written, it has teeth for -- you know, against residents who come in and speak, but we don't have any spelled-out procedure with regard to staff.

Vice Mayor Mena: You know, a couple things. You know, I would just -- we need to also keep in mind that -- I understand the point about having teeth in certain ways or not, but we have to be

sensitive to the fact that the teeth that it has for an employee is very different. When you put something in an employee's file, it's there forever. It impacts not only their current employment; it impacts the rest of their career. That's a very serious thing that you have to weigh, and we need to have a real process, and that's why I agree with Commissioner Fors wholeheartedly. It's really an HR issue that HR should be supervising and managing how that works because that has severe implications for that person for the rest of their career, when based on a statement from somebody, there's been a lack of civility, which I think we all can appreciate is a somewhat subjective standard. You know, it's not a black and white issue. It's tough to -- you know, sometimes we may feel somebody's uncivil and somebody may not. So, I'm all for the resolution, 100 percent. I think it's a great thing, but let's be careful with, you know, converting what I think this was intended to be, which was a civility pledge and having a civility code, and let's be careful with then making it really an HR issue, which I think is Commissioner Fors' point. So, I'm open to talking about it with HR, maybe Raquel or whoever else from HR can come to the next meeting and we can talk about it, but I just want to be careful about that. The other thing I just want to underscore is, you know, the Mayor went out of his way to kind of explain what civility is, and I wrote down here on my pad one of the words you used was "honesty," which I think is an important component of civility. And I think sometimes when somebody says something to you or at a meeting or in public that's just not true, that is based on facts that are just objectively inaccurate, it's important to confront those facts with the actual facts, and sometimes that makes people uncomfortable. It's inherently confrontational. Somebody has set forth a statement, the other person is setting forth the opposite statement, that is the definition of a confrontation of facts, right? It's okay to do that respectfully and with civility, and I don't think that honesty about the facts should ever be confused with a lack of civility. In fact, I would argue that giving people the impression that certain facts that you know are inaccurate, you know, may or may not be accurate is itself a lack of civility because if you respect that person, you should respect them enough to tell them the facts that you know and why they alter the facts that that person has set forth. And that applies to all of us. That applies to staff. Dealing with us, we have conversations with staff all the time about these issues. In my pre-agenda meetings, when we talk about issues, I'll try to bring up where I disagree with staff on something and give them my version of the facts, and I think that's okay. I think that's

part of any healthy discourse, which at the end of the day, is what we're here to do. And so, you know, I think it's important to put that out there. I think it's great. I think from a civility perspective, I think our meetings have been going quite well. Actually, Mayor, I think you've been doing a great job running them, and I think it's important on all of us to -- you know, and to that point, you know, respect also extends to a lot of things, right? I think you've been doing a good job of trying to keep the meeting on track in terms of time, et cetera, especially -- you know, we have special set times sometimes, you know. I think that's a form of respect, right? When you tell somebody, "Hey, we're going to hear your item at this time," you do your best -- you're not going to be -- it's not throwing a dart at a dart board, but we do our best to keep it. I think in years past, sometimes we've had trouble with that issue, and I know you've been working to manage that situation better. And so, okay, those are my thoughts. You know, I want to be really careful about the HR aspect of that because it has serious repercussions.

City Manager Iglesias: If I may say something, Mayor.

Mayor Lago: Talking about that, I missed the 11 o'clock time certain.

Vice Mayor Mena: Yeah, I didn't know.

Mayor Lago: Sorry about that.

City Manager Iglesias: Mayor, I'd just like to say something.

Mayor Lago: Sorry about that. Let's get on them now.

City Manager Iglesias: Something about fairness and the HR issue. I believe that documenting an unfounded complaint forever in someone's file is not correct. That is not fair, and we need to look -- and things should be documented. There should be due process. And if something is done wrong, then consequences need to happen because our employees need to be courteous and

certainly at all times, and they can't miss on that. But documenting forever unfounded complaints, that is not fairness.

Mayor Lago: No, but listen, Mr. Manager, that's not my intent, okay? And I will not bring things up in the Commission because I don't want to have problems, and I don't want to bring people's personal issues before the Commission. I think that's disrespectful. But I think everybody in this community, starting with myself, needs to understand -- and we have to take a moment back and not be -- take a step back and not be so selfish and only think about ourselves and what we have to accomplish at that moment. And I start with myself. We have incidents here in the City, whether it's my fault, an employee's fault, a resident's fault, a businessowner's fault, where we are not courteous, where we failed to recognize that we must take a step back and treat each other with respect. We've seen it happen on this Commission floor. And I think that that is -- we need to be reminded that that type of behavior is unacceptable, and that's all I'm saying. And putting an unfounded incident that is not true or that has not been properly vetted by HR or your office in somebody's file is unacceptable. I will never stand for that. But we need accountability on certain fronts, starting with my office, starting with the Commission, starting with the City and the residents. And we set the tone by the way that we behave. I hope to have a Commission over the next two years where there's not screaming, there's not shouting. I try not to use the gavel, even to start the meeting. I'm trying to show people a level of respect, and I hope that they will show this Commission, in front of the cameras and off the cameras, because there's no reason why we cannot achieve the goals as a resident or as an elected official by screaming at staff. It doesn't work. I've encountered that. Even when it's the most tense issues and somebody's not getting their way, staff or residents should never get into an encounter that's adversarial, they should not. They should speak on the issues, on the merits of the issue, and let it be. That's my whole point. I've always been fair, and I will continue to be fair, but we have to respect each other, just like Commissioner Menendez said. We have to respect each other. That is the -- that's fundamental in regards to our society, and when we fail that, we've lost complete control and I cannot govern, and this Commission cannot govern when we have a situation like that with the residents, vice versa, back and forth. That's my whole point. Let's defer this item. We'll bring it back when we're

ready, but my whole intent -- and I don't think Commissioner Anderson's intent is to randomly put someone's -- you know, an anonymous concern or an issue on someone's file. Because by the way, the one that receives anonymous letters -- I got one this week again -- is myself. I'm the one that gets them. As Commissioner Mena can tell you and as Commissioner Fors can tell you -- because I don't think they send them to you -- I'm the one that gets them. I'm the one that gets Trojan horses on my Facebook account. I'm the one that gets people who go behind to try to intimidate me in an effort -- but no one's going to intimidate me. No one's going to intimidate me. I'm going to continue pushing my legislation forward, and I'm going to treat everybody with respect, and I'm going to do my best to be the Mayor, but at the end of day, I want people just to understand that we're going to put this out there. I'm going to treat you with a level of respect. Just please, even in disagreement, afford the employees the same level of respect, and the employees afford the residents that level of respect. Alright, let's move on.

Commissioner Anderson: I agree wholeheartedly with your comments, and I would not want to disparage any employee with an incorrect comment.

Mayor Lago: I know you wouldn't.

Commissioner Anderson: And I've received a few Trojan horses myself as well.

Mayor Lago: That goes without saying, okay. That goes without saying.