

City of Coral Gables City Commission Meeting
Agenda Item F-5 and K-1 are related
August 24, 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, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item F-5 [Start 11:45 a.m.]

An Ordinance of the City Commission amending Chapter 2 “Administration”, Article VII “Finance”, Section 2-349 “Fees for Copies of Ordinances and other Records” providing for a repealer provision, severability clause, codification, providing for an effective date.

Mayor Lago: Moving onto F-5.

City Attorney Ramos: F-5 is an Ordinance of the City Commission amending Chapter 2 “Administration”, Article VII “Finance”, Section 2-349 “Fees for Copies of Ordinances and other Records” providing for a repealer provision, severability clause, codification, providing for an effective date. Ms. Throckmorton – Also, I’ll note that this item is related to K-1, and it is a public hearing item.

Assistant City Attorney Throckmorton: Good morning Mayor, Commissioners, this is an ordinance on first reading clarifying some of the city’s public records fees and procedures. As the

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“Fees for copies of ordinances and other records”*

[Date]

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City Attorney mentioned, there is an associated resolution adopting a public records and information request policy. If its alright with you, I'll talk about that as well in conjunction with this item, the resolution that's associated with it.

Mayor Lago: If I may just add one thing, just so my colleagues are aware. I had a conversation with our City Attorney, and I asked her to make a few provisions and some changes to the way the legislation was written, and I wanted to just be more fair and equitable across the board, so that we are not receiving any phone calls from what constitutes a media outlet, what constitutes a website. So, I wanted to be very, very, clear and concise that everybody gets treated equally.

Assistant City Attorney Throckmorton: Understood. The policy has been updated and was provided to you all earlier this morning. I can go over what those small changes were.

Mayor Lago: Yes.

Assistant City Attorney Throckmorton: The ordinance itself clarifies what an extensive use request is, that's an extensive use of time of city staff or city equipment. The code currently says 20 minutes, our policy has been 30 minutes, so this updates the ordinance to reflect that its half an hour before its an extensive use request, not 20 minutes. It also clarifies in accordance with state law and case law that extensive research fee is calculated using the lowest hourly rate of the employee capable of performing such services. There are occasionally unique circumstances when there are only certain staff members who can review records for their responsiveness and so this would allow the city to charge the lowest hourly rate of the person capable of reviewing those records, rather than a flat fee. So that's the small change to the ordinance. It really just clarifies 30 minutes rather than 20 minutes and reiterates what the rate is. The associated resolution is adopting the public records and information request policy. The Clerk is implementing a new public records portal called JustVOIA, starting in September, and this policy is updated to coincide, the timing of this policy the update is to coincide with that switch. So, we are removing references to our previous policy, so noting that its just a public records portal, rather than GovQA by name. It details what staff members do when they receive public records request, how they should promptly acknowledge them and forward them to the Clerk's office for processing. It also clarifies, as the Mayor pointed out, when the City Attorney and City Clerk have discretion to waive extensive use fees. It's a very limited circumstance when somebody is appearing as a party, an applicant, or an appellant before a city board or Commission. Again, it just clarifies what staff members do when they receive those public records request, clarifies the extensive use fees and the extensive use time as indicated in the ordinance itself. It eliminates the e-mail extraction fee for use of city IT services to extract e-mails from city servers, so that fee has been eliminated, and clarifies when media requests are received how they should be acknowledged and processed through the Clerk's office. The Clerk's office does a tremendous job dealing with the volume of public records requests. I believe they received over 800 public records requests this calendar year alone, and they do a really great job of processing those requests in a timely manner in conjunction with our office. So, hat's off to the Clerk's office. Any questions on the policy or the ordinance itself?

Mayor Lago: Perfect. Thank you. Any comments from my colleagues? I'll entertain a motion.

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Commissioner Anderson: I'll move it.

Commissioner Fors: Second.

City Clerk Urquia: So, this vote is on Agenda Item F-5.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you very much.

Assistant City Attorney Throckmorton: Could we also have a vote on item K-1, the adoption of the public records policy itself.

Mayor Lago: My fellow Commissioners, anyone with a motion.

Commissioner Anderson: I'll move it.

Commissioner Menendez: Second.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Mayor Lago: Yes

(Vote: 5-0)

Assistant City Attorney Throckmorton: Thank you.

Mayor Lago: Thank you. Great work.