

**City of Coral Gables City Commission Meeting
Agenda Item F-1
January 12, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick**

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia**

Public Speaker(s)

Agenda Item F-1 [1:50:23 p.m.]

A Resolution of the City Commission of Coral Gables, Florida, changing the title of Commission Aide to Commission Liaison and transferring the position from the Office of the City Clerk to the Office of the City Manager.

Mayor Cason: Okay. Alright, let's move on to item F-1.

Commissioner Slesnick: Okay, Item F-1 is for changing the name of our Commission Aide to Commissioner (sic) Liaison, and I think this elevates the position as our Commission Aides really deal with the public so often, and it gives some importance to the position. And also, since

most of us work with the City Manager instead of the City Clerk on a regular basis, on a day to day basis, I think we should switch the position hiring from the -- and supervision from the City Clerk to the City Manager's Office.

Vice Mayor Quesada: Okay.

Commissioner Slesnick: I'm done.

Vice Mayor Quesada: Can I speak on that? Changing the name, love the idea. Commission Liaison just sounds better, and they really are because, especially with Chelsea, she does that. Respectfully, I disagree with the second aspect of it. I'll tell you why. In my experience, you know, what we -- when I think about positions in the City, I always try to do it based on the position -- thinking about, you know, the worst case scenario of the personnel that would be in place. Obviously, now we have a great relationship with the Clerk and the Manager, but in the past, it always wasn't so smooth. So, my concern is not just in the nature of the way local government is set up in South Florida, all different, you know, municipal governments. The City Manager really has a lot of control because the City Manager speaks to each one of the elected officials before a Commission meeting. The City Manager and the City Attorney really know how the dais could potentially vote based on the questions that we have, based on the one on one meetings that we have with the City Manager and the City Attorney. The City Clerk is never involved in those conversations leading up to meetings, so it almost creates that the liaison is independent of the Manager. My fear is that if the City Manager is the individual that oversees and hires and fires this Commission Liaison, it almost creates an inherent conflict for that liaison. For example, Chelsea now, our liaison, the one that you and I deal with primarily -- oh, I think all of us now since there's a void there -- you know, she knows exactly what we're doing. We have one on one -- I have one on one conversations with her of the initiatives I want to bring that I tell her she cannot speak -- discuss it with you or with the others for reasons for Sunshine. If we had a City Manager that we had tension with -- and I'm not saying this is the case now. I'm just thinking none of us are here and Cathy's not here and this is a completely different group.

The City Manager can use that authority over that liaison to almost prod information out of that person. Again, I'm thinking of an extreme example here, but...

Commissioner Keon: But they did.

Vice Mayor Quesada: Some of us up here had...

Commissioner Keon: It did happen.

Vice Mayor Quesada: Some of us up here lived through that, so that's where -- why my mind is where it is on this topic, and that's why I think -- I don't know who made the motion originally. I think it was Commissioner Lago...

Commissioner Lago: Yeah.

Vice Mayor Quesada: Originally, but I supported when we shifted it over to the City Clerk, and it's really to create that independence because I would hate for a City Manager to hold the threat of firing or reprimanding a liaison that works with the Commission when that Manager might be trying to get some information or do something along those lines. I think it creates more independence. I could be wrong and it's just a fear...

Commissioner Slesnick: I see your point.

Vice Mayor Quesada: I'm willing to be convinced of it.

Commissioner Slesnick: And I remember that the...

Vice Mayor Quesada: But that's just where I'm at right now.

Commissioner Slesnick: Agenda was in the City Manager's Office and then it was transferred to the City Clerk's Office, and I thought that was a fabulous idea. On the other hand, you know, you have to respect the employees and the City Manager does govern all the employees, basically, except for Craig's office and the City Clerk's office, and really knows more of the hiring and firing practices and so forth and the process for hiring and firing and does that on a regular basis. So, that was my perception. I think we are very fortunate to have Chelsea and somebody that -- and I know she never discusses anything that anybody else is doing with the rest of us or the Mayor's office. It's just I think we're very lucky to have somebody like Chelsea to begin with, but I really think it's been like seven months since our last aide left and here we are seven months later and we've been overworked by not having another assistant there. And I think our City Manager would have hired somebody faster and more because he's used to doing that, nothing against the City Clerk's office so -- but that's just my perception.

Commissioner Lago: No, and I agree wholeheartedly with your position, especially your last statement. If it would have been -- if those two positions of liaisons would have been under the auspices of the City Manager, I think we would have hired another person...

Commissioner Slesnick: Months ago.

Commissioner Lago: In a much more efficient manner. Again, that's nothing in regards to the Clerk. He's got a staff and we also have to come to the understanding that Chelsea's on the second floor. It's not like she's continuously interacting with the Clerk, who is her boss at the present moment. But I want Craig to give us an interpretation, and maybe we'll explain when we talk about hiring and firing in regards to Chelsea's position, the liaison position.

City Attorney Leen: Well, this position, the liaison, is different than every other position. If you do move it under my City Manager, my opinion would be that it's still under the City Commission. You know that's been my opinion the whole time. The Commission made the decision, which made a lot of sense, to put it under the City Clerk at the time, and -- but in my

view, it was ultimately this person was to assist you as Commissioners in the performance of your oversight function. So, I don't believe -- and my opinion will continue to be that neither the Clerk nor the Manager could remove this person -- could fire this person. Only the Commission could fire this person. And also, the Commission would hire this person.

Commissioner Lago: And let me tell you why -- and when I had a meeting the other day with Craig, I asked him for that interpretation. We have an incredibly healthy relationship as a Commission, not only with Commission as a whole, but also with the City Manager, the City Attorney and the City Clerk. It's completely different than it was in the past, on all levels. To me, the issue of moving Chelsea under the Manager, I just think it's an efficiency issue, number one. Number two, I'm going to be up front here with everybody. We have zero budget. I mean, for example, I'm having a town hall meeting and I'm paying for the mail-out that we're sending out, and you've done it, too.

Commissioner Slesnick: I paid for my mail-out, too.

Commissioner Lago: Yeah, we have zero budget, you know. Sometimes Chelsea is missing certain things and she -- the lines of communication are not as simple as they should be when you're talking about a person who's subordinate to four people because the Mayor has two individuals that work for him. And right now we're one person short, so it's kind of a little bit confusing. In the perfect scenario, we would all -- we would be like other forms of government that have one individual that works for them, one individual that obviously would not compromise the Sunshine Law. Right now, you know, you have an individual who's working for all four of us and is handling day to day issues, which, at the end of the day, it's kind of a nightmare when it comes to the Sunshine, when you think about it. Not that she would ever do anything, but she's dealing emails. What if she sends the wrong email to the wrong person by mistake? She's a human being. It happens. And I know how much workload I give her personally and it's a lot. So, we're looking forward to hiring a new individual. I don't have any issue with the change in the actual job title. To me, I think it sounds more professional. I don't

know if the answer is moving her position under the Manager, but I know that something needs to be done because the way it is right now, there's just...

Vice Mayor Quesada: Okay, can I just offer something here? So I've changed my mind. However, but I think it's very clear if we just put that the Commission liaison serves at the will and pleasure of the Commission and all administrative functions and any other employment matter is dealt with through the City Manager's Office, I have no problem, just that it's clearly enumerated in the Code that that employee works at the will and pleasure of the Commission.

Commissioner Keon: Yeah. I think so, too.

Vice Mayor Quesada: Because that way it'll avoid the concern that I have.

Commissioner Lago: Could I...

Vice Mayor Quesada: But yet, it accomplishes the goal that you have.

Commissioner Lago: I'd like to also have the City Manager, you know, offer her guidance in this issue, just if she -- if you can give us a few moments and see what her opinion is on the matter.

City Manager Swanson-Rivenbark: Well, I think I speak...

Commissioner Lago: I know you wanted to steer clear, but I want to...

City Manager Swanson-Rivenbark: I think I speak on behalf of both the City Clerk, who I have the utmost respect for...

Commissioner Lago: Yes.

City Manager Swanson-Rivenbark: And myself that we want whatever the Commission wants and whatever worked best. And so, if the decision is -- I think the agenda is working so well under the City Clerk that I am thrilled that that is -- that, you know, he has made it a better process. It's accurate, it's timely, and I'm very excited about that. If it's the desire of the Commission for our office to be a facilitator related to the Commission Aide or Liaisons -- we already are with the Mayor's assistant -- we would be happy to do so. But either way, we're going to work very collaboratively and cooperatively with the City Clerk's Office, the City Attorney's Office. I am really blessed with two excellent co-appointments that you all have made, so we're going to make it happen whichever way is the best way of the Commission.

Mayor Cason: Alright, so do we have...

Commissioner Keon: I agree. No, I think that -- I already saw that position and I thought when we had discussed it when we did a job description or whatever, I thought it was clear that she worked for the Commission and so it would be the Commission that would hire and fire her and that it would only -- it would really be administered through the City Manager's Office.

Vice Mayor Quesada: We're on the same page.

Mayor Cason: Same page.

Commissioner Keon: Yeah. I think so too.

Mayor Cason: How about a motion?

City Attorney Leen: I do think that you should authorize the City Manager to do evaluations of her and also to give her raises. Otherwise, she's going to have to come...

Commissioner Keon: Well, I think that she...

City Attorney Leen: Before you to get the raise otherwise in open session.

Commissioner Keon: Well, but she -- I mean, so far, the Clerk's office has facilitated that. I mean, they -- we filled out the -- all of the evaluation forms and gave it back. There is, you know, a step system here. We can make that decision and it is still facilitated by the Manager.

City Attorney Leen: Yes, exactly. And then with the salary, there was a Commission resolution that expressed the Commission's will regarding salary, but it was applied to the prior Commission Aide.

Commissioner Keon: Right.

City Attorney Leen: Is it your will that that be applied to the current Commission Aide, or do you want to leave that to the Manager or...

Vice Mayor Quesada: Could you repeat the question?

Commissioner Slesnick: Yeah.

City Attorney Leen: But there was a former resolution related to the former Commission Aide which says a Commission Aide is paid X, a certain amount of money. The current Commission Aide is not paid X, paid less than X, a fair amount less. So the question is, what is the Commission's will? Do you want to leave that to the Manager and give her that discretion? Do you want to decide that in open session? I know it's a little uncomfortable to bring up, but it's something that needs to be decided.

Vice Mayor Quesada: (INAUDIBLE) decide in a public session, I would like to review both because I don't know off the top of my head.

Commissioner Keon: Right. And I think there's also a salary study that is being done...

Mayor Cason: Right.

Commissioner Keon: So should look...

Mayor Cason: And it's also...

Commissioner Keon: At all of those...

Mayor Cason: I think the Manager is in the best position because you have to look across the origination and you have like my assistant's getting paid a certain amount and -- so it's all sort of...

City Attorney Leen: The concern...

Mayor Cason: (INAUDIBLE) together...

Commissioner Lago: But this is what I want just before -- I know that Commissioner Keon mentioned the issue that a compensation study is currently under way, but I would prefer if we don't wait until the compensation study is completed because I don't want to mention people's salaries, you know, even though it is public record, but I think that what Chelsea's being paid right now for a person of her education and her caliber is pretty significantly less than -- I think if you found out what she was being paid, it would astound you. You know, it's pretty...

Mayor Cason: Well, once that study's done, things could be adjusted, so I think -- when is it...

City Manager Swanson-Rivenbark: Well, if the Commission -- depending on which direction -- the City Clerk and I are going to make it work whichever direction -- but we will be happy to meet individually with you to share what our recommended action is in advance of the salary study. And then if the salary -- and take that action. And then if the salary study comes forward to suggest that we undervalued it, then we would be making adjustments, just like we are with other City employees. Salary studies are being done citywide. And then we said nobody would lose money on that, but there are some that are underpaid and that we would need to make the adjustments and we use that salary study competitive in the marketplace, internal equities. We use those for the roadmap. But I will say I understand Commissioner Lago's concern, a concern that other members of the Commission have expressed in that there are two Commission Aide positions, but the -- a very different salary amongst the two, and I think that you all would want...

Commissioner Keon: That shouldn't be the case.

City Manager Swanson-Rivenbark: To see some equity.

City Attorney Leen: And my concern was the only statement of the Commission's will, the only statement, is this resolution, which has a higher salary, and I just want to make sure your will is accomplished and I think that you should give the Manager discretion to accomplish that will, briefing each of you individually, of course. And then you always have the authority to change it.

Mayor Cason: Okay, with that...

Commissioner Keon: I'll make the motion.

Mayor Cason: Commissioner Keon makes the motion.

Commissioner Lago: I'll second.

Commissioner Slesnick: I second.

Mayor Cason: Seconded by Commissioner Lago. City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Keon: Cathy, excuse me. We also are in the process of interviewing for the other -- the individual we talked about.

City Manager Swanson-Rivenbark: Right. And the Human Resources Department is assisting us with that background, medical and other steps to that, but it will be closed quickly.

Commissioner Keon: Okay.

City Manager Swanson-Rivenbark: You have both -- you both interviewed. The City Clerk facilitated that interview, and you both came with the same first choice, and so we're going to go after them.

Commissioner Keon: We're in the process of hiring...

City Manager Swanson-Rivenbark: Yes.

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Commissioner Keon: An additional aide.

Commissioner Lago: Has that individual been notified?

City Manager Swanson-Rivenbark: I will find out from Human Resources. But we understand that...

Commissioner Lago: Cathy, just so that you know that the process...

Commissioner Keon: Yeah.

City Manager Swanson-Rivenbark: You are in -- although you interviewed separately, you were in complete agreement as to your first choice, so we'll go after that.

Commissioner Lago: I would just want that individual to know that the process to hire...

Mayor Cason: So you don't lose them.

Commissioner Lago: Is ongoing so that they don't look for another job or accept it.

City Manager Swanson-Rivenbark: I understand.

Commissioner Lago: Because they were very adamant about coming to work for the City of Coral Gables.

City Manager Swanson-Rivenbark: I'll make sure that they're called today.

Commissioner Lago: Thank you.

Commissioner Keon: Thank you.

Commissioner Lago: I appreciate it.

[End: 2:06:10 p.m.]