

**City of Coral Gables City Commission Meeting**  
**Agenda Item F-1**  
**July 7, 2015**  
**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)**

**Former Mayor Raul Valdes-Fauli**  
**George Volsky, Coral Gables Resident**

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**Time Certain** Agenda Item F-1 [10:00:05 a.m.]

Discussion regarding the Charter Review Committee

Mayor Cason: We have now a Time Certain Item, F-1. This is a discussion regarding the Charter Review Commission and we have former Mayor Valdes-Fauli here, who is the Chairman of the Board to address us and ask us a few questions, I think.

Mr. Valdez Fauli: Thank you very much Mr. Mayor, Vice Mayor and Commissioners, delightful to be here and to be entrusted with such an important project. I am very aware of the seriousness of the task, nobody thinks about the City Charter because you talk about Planning and Zoning Board, talk about construction, whatever, but the City Charter is our basic document, it provides for the rules of the game, it provides for our structure, just like the Constitution of the U.S. does and I repeat, I'm very aware of the seriousness of the task that has been entrusted upon me as Chairman and upon our members of the Charter Review Board. I want to present to you today

some of the issues that we are going to be looking at that I will propose to the Charter Commission when we look at, and these I think are relevant, are worthy of examination, but under no circumstances should these be exclusive and members of the Charter Review Board will bring up other issues and I hope you feel free to communicate with me through the City Attorney or directly one-on-one, if you wish to put some more items on the discussion list. The first I would bring up would be the form of government. Do we want to continue being a City Manager form of government? I think the consensus there would be yes, but it is something that should be looked at periodically. To have a strong Mayor would mean to have a fulltime position in a City such as Coral Gables with salaries, etcetera, and I think the Commission is wise enough to select a good City Manager and to keep a good City Manager as long as he or she is doing a good job, so that's the first issue there, the form of government. Appointments by Commission – What we have today is that the Commission appoints the City Manager, the City Attorney, and the City Clerk, and that is prevalent among the municipalities I have looked at in Florida. We have the City Manager being the Chief Executive Officer and the City Manager making all the appointments except those three; City Manager preparing the budget; and the City Manager setting the agenda, which is something that should be discussed, but mostly a City Manager sets the agenda at the suggestion of Commissioners, Mayor, and whatever the City Manager feels should be brought up before the Commission. Another issue is communications between the Commissioners and the City employees and unanimously in the city's I have reviewed all communications with employees in the City should go through the City Manager and in some direct penalties if Commissioners communicate directly with or give instructions directly to employees be it Fire Chief, Chief of Police, whatever. Another issue that we will look at in the form of Government Issue is, Manager Removal. In some cities it is unanimous...anonymity, in others its four out of five, five Commissioners; in Sarasota its three out of five and something that should be discussed. The next item should be elections – should we continue with our present method first...or there are other alternatives. One is go back to our old pre 1983 method which was there were no Commission seats, everybody ran against everybody and the top vote-getters would get to appoint the open seats. Number one vote-getter would sit in one, number two, number three, number four, etc., and I would think that there isn't any desire to go back into that, but it is something that should be considered at least. Two is run off two weeks after the election to get a majority, to get somebody who is a majority and that is prevalent in most cities. There is a third way which is the STI, which is the Single Transfer vote elections, this was suggested by a UM professor, Professor Fumkin and their the voters rank candidates in order of preference, and the weakest candidate is eliminated and his or her votes are added to the top until somebody gets a majority. My opinion on this is if we considered discussing this is that it will be so complicated that we would have even fewer voters than we have today, but we will discuss this. Terms of Office is another point. In Boca Raton we had three year terms; usually the Commission is selected for four years in Florida cities and I reviewed many of them. A three year Mayor, recently we had a four-year term for the Mayor and that was rescinded by the

voters. One good advantage of the three-year Mayor, four-year Commissioner is that every two years the citizens, the residents have an opportunity to sweep the majority and Commission. Another term that should be discussed and I am personally, I shouldn't say this, but I'm against it, is districts, in Coral Gables should we establish districts? Pinecrest, Sarasota, Miami, have districts. Pinecrest for example you have three Commissioners that represent specific areas, one at-large and the Mayor at-large. In Sarasota it's three districts, and two at-large; in Miami it's all districts; Miami has five districts, five Commissioners, and the Mayor is not a voting member of the Commission but he has a veto. Term Limits is another matter to be discussed. Continue with the current system, which is the term limits except for consecutive terms. You can be re-elected if it's not consecutive with the terms you are limited out of. Should we eliminate consecutive or should we continue with our present system. There is a third mechanism, which is not used in any City, but there is a third one which is step down period and you have to step down for a number of years equal to the number of years you served. In the case of Commissioner Kerdyk Senior, he would have had to step down for 50 years or something.

(Laughter)

Mr. Valdes-Fauli: Appointment for Vice Mayor is another issue. Most cities the Mayor appoints the Vice Mayor, the Vice Mayor's duties are to represent the Mayor in his or her absence and to take the Mayor's seat in leading the Commission whenever the Mayor is absent. In most cities the Mayor appoints the Vice Mayor, in Pinecrest however, the Commission appoints the Vice Mayor. There are miscellaneous other issues and I'm sure I've missed some, but forfeiture of your seat. In Pinecrest if you miss six regular Commission meetings in a year with good cause you are out or four regular Commission meetings without cause. Sometimes in popular votes a Commissioner will get up and excuse himself or herself that's addressed in some Charters. Filling a vacancy – The date of election is very important and in Florida cities they are all over the map; you have them in March, you have them in April, you have them in September, you have them in November, with our regular low participation in elections, this is something that should be considered, and in my opinion the decision should be made to choose a date which will do two things; one, ensure participation; and two, ensure that Coral Gables issues are debated. Salaries – Miami Commissioners have salaries and the County Commissioners have salaries, \$6,000 a year; and emergency powers, Emergency powers is another issue. In our Charter and many Charters in the case of emergency the Mayor has the powers to lead the City. There is an alternative which is for the City Manager to continue leading the City or managing the City. There are two sides to that argument; one, the Mayor is not a strong Mayor and should he lead? and the City Manager is a manager. On the other hand the City Manager is elected by the Commission and maybe the Commission is not totally satisfied with the City Manager, with his or her management of the City and by the same token the Mayor is the elected official. These are some of the issues that we will consider, not exclusive by any means and please feel free to bring

issues that concern you and we have an open mind, this is a Commission, a Committee that will function in the Sunshine and we are here to do a good job and to give us a City Charter for the continuation of Coral Gables in the same manner and the same City that we have so far. Again, I want to thank you for your confidence in making me the Chairman of the Committee and I look forward to serving.

Mayor Cason: Can you tell us how you plan operationally to move forward. You are going to have regular meetings, when do you think you might conclude?- will you bring back, I see sixteen things you've mentioned, you plan on bringing each one of these back for us to consider and then go to a referendum?

Mr. Valdes Fauli: I'll answer your second question first, I will tell you that I have no idea on the first question because the City Attorney has told me he is going to figure where we are going to meet, etc. Yes, I'm going to give members of the Committee a list, this list with additions or not, and we are going to discuss each one of these. Some discussions will be lengthy and some discussions will not be, continuation of our former government, for example, I think is no discussion. But I plan to present this list to the committee members and then we will discuss these one by one, present our recommendations for you to discuss.

City Attorney Leen: Mr. Mayor, the way that the resolution is set up and how I think it would work is that they'll discuss each of these subjects and any other subjects you ask them to, and then they will by a majority vote propose or not propose amendments on each one, proposed amendments, they will come to you, and then the Commission under the resolution has the authority to determine whether to put these on the ballot or not, and you would do that by a majority vote, that's under the Miami-Dade County Charter, which lays out the process for amending a Charter. We do not have any language in our current Charter and that's one thing I thought I would mention, just as a City Attorney, we actually do not have language in our Charter regarding how the Commission would amend the Charter, so that may be something...

Mr. Valdes Fauli: Most cities do.

City Attorney Leen: And most cities do, so we use the County Charter lays out in Article 6 how to amend the City Charter and that's the only provision that exists, so that's what we would follow. So the Commission by a majority vote would determine whether to put these items on the ballot for referendum, and then if it's passed by a majority of the public voting they would become part of the Charter. There are certain provisions that you may be able to do by ordinance, you do not have to do necessarily by putting it on the ballot. Some of those would not go into the Charter though; they would be Charter-like. But for example, if you were to pass an amendment relating to the City Attorney Ordinance or the City Clerk, the City Manager's powers are in the

Charter, but the City Attorney and City Clerk are not, so you would be able to do that by ordinance or amendment of an ordinance.

Mayor Cason: This is what happened over the years, I mean the Charter used to be much longer and so much has been taken out because of ordinances there is very little left in the Charter right now.

City Attorney Leen: That is true. The Municipal Home Rule Powers Act indicated that provisions that were in a City Charter that limited the ability of the government to take action, so perhaps, often they were procurement issues, they would limit your ability to procure items, all of those were removed, they were either nullified or they became ordinances depending on the nature of the provision.

Mr. Valdes-Fauli: Excuse me, and in many Municipal Charters those provisions are still in the Charter and you end up with a 72 page Charter with bids and whatever.

City Attorney Leen: In this City they were all removed. So we have a much shorter Charter now. There may still be provisions in there that could be removed by ordinance though; we'd have to look at each one as they come before the Commission.

Mayor Cason: And one of the things that I think we touched on earlier was how to go to the voters on this? It could be at a regular election or it could be by mail?

City Attorney Leen: Yes. What the County Charter says is between 60 and 120 days from your vote to put something on the ballot, there needs to be an election. It could either be a regularly scheduled election or it could be a special election set by the Commission and by our Code that could be done by mail ballot. I did check with the County Attorney's office and they have no issue with that from what I hear nor does the Elections Department, so you have a lot of options as to how to put it on the ballot.

Vice Mayor Quesada: Two items – First of all, very thorough analysis of issues, thank you for that. On your list I think I had three of these, I think 15 that you read...so I appreciate looking at all those issues, at least identifying those preliminary issues. I guess three things I want to tell you, one is don't be closed off to any other ideas that may come up....

Mr. Valdes-Fauli: As I said this is just a preliminary list, the 12 Charters I looked at.

Vice Mayor Quesada: Got it. I think we are seeing a lot of turnover in City of Coral Gables, I think we are seeing a lot of new residents. One thing I would like for the Charter Committee to

consider is, increasing the residency requirement for running for office. I think currently its one year. I think I'd like to see that go up, but I'd like to hear the committee's opinion on it and obviously the rest of the Commission, but after hearing from the Charter Committee. Also, for the election date, my last item is, I don't know if it's possible we can do an election on a Saturday. I don't know if that's too crazy, maybe that will help with our voter turnout, whether we decide to keep it in April, November, August, March, whatever month we move it to. You know I've always had an opinion that I think you get more voter turnout on a Saturday. I have no data to support that, it was just a theory that...

Commissioner Lago: Vice Mayor the only issue that I foresee is an issue of overtime payment for the County or some of the employees...

Vice Mayor Quesada: Counting the votes.

Commissioner Lago: Counting the votes, if it could happen. Usually an election ends at 7 o'clock, so you'll probably have that roll over to Sunday.

Vice Mayor Quesada: But there's got to be a study out there that has some municipalities tried to do it, were the results better?- were they worse?

Commissioner Lago: Something interesting to look into.

Vice Mayor Quesada: It doesn't hurt.

Mayor Cason: I think one of the issues mentioned was filling vacancies are very important based on what happened in Miami Lakes, all of that turmoil. What happens if somebody dies, gets incapacitated, gets arrested, how do you go about filling – they still haven't really resolved that – the courts eventually, but still I think....

Mr. Valdes-Fauli: In most cities the Commission fills the vacancy if it's under a certain period of time and then an election, the next regular election that they can see...

Mayor Cason: I think it's important to say by how many votes because ours is kind of vague. For example, it says that if you instruct somebody to do something bypassing the City Manager that's grounds for removal, but it doesn't say if its automatic, is it unanimous, is it four out of five. So to make it very specific the number of votes required is...through all these things would be very helpful.

Mr. Valdes-Fauli: OK. I would look forward, I don't know how available people are going to be over the summer, I will be available, but if they are not available in the summer start this is September and have how many meetings are necessary, every week, something, to have something for you by late September/October and then you can decide when and how and whatever to put it on the ballot, but I look forward to this being fairly expeditious process and if we can meet over the summer we will.

Mayor Cason: Great. Any other...

Commissioner Keon: Mayor Valdes-Fauli there is a provision in our Charter that the Commission can hire and fire employees, which is unique to a City Manager form of government generally. I don't have a problem with it, but I know that the issue has come up and I think that – I'm not always sure how many people are really aware of that in our Charter, but maybe you can take a look at that provision also please.

Mr. Valdes-Fauli: And that provision historically was used once in '95 or '96.

Commissioner Keon: Maybe once, but it always seems to...

Mr. Valdes-Fauli:...that provision was used to dislodge someone, yes.

Commissioner Keon: Yes, but I'd like you to take a look at it and I think it's a good provision, but I know that not everybody thinks so. You gathered a panel that is very, very good and you have a wonderful Charter Review panel that I think...

Mayor Cason: Thank you for volunteering to set up and be Chairman. I think it's going to be very important.

Mr. Valdes-Fauli: Thank you very much everybody.

Commissioner Lago: Thank you sir. I appreciate it.

Commissioner Keon: Thank you.

Mr. Volsky: First, I want to congratulate you and the Commission for naming this Charter Review Committee. I'm sure that the Committee chaired by Mayor Valdes-Fauli and many very distinguished members, citizens, residents, long residents of the City, will present to you valuable recommendations and hopefully this will go on the ballot perhaps in November when there is a national election, which will ensure bigger participation. I think we have to – the



wisdom of doing this, we have to update our Magna Charter, so to speak, to bring it back to the 21<sup>st</sup> century. At the same time the Commission should to consider it...the Committee to look into what stems from our Charter and there are ordinances and regulations. I think nobody is aware of the fact that the City is viewed by many people outside and residents and it's very difficult to work with, and it's perceived as beauracratically heavy, inflexible, and not very pleasant – true or false, but this is the perception. We have to get away with it and I believe there are many, many ordinances which make this so. Why?- because very often we have heard complaints and it takes forever to get beauracratc decisions because they require unnecessary signatures of too many officials. The most egregious case as you know, everyone knows, is the signage issue. To get a 12 by 4 by 24 sign, it takes five or six officials to sign on, in addition a compliance office. There is another problem, I believe, that should be looked into is writing of the agenda. I don't know if you remember on May 26<sup>th</sup> there were ten items on your agenda, and there were ten ordinance amendments. Each amendment consisted of one sentence, 150 words long. It seems that there is Jack...writing these sentences here, I don't know if you read Jack...but his prose was more understanding more than these 150; one sentence without – from the beginning to the comma, one comma. I believe they of course, they have to be read here. I believe that you could waive the reading, instead of that if someone who proposed the amendments to explain in plain simple English what it means to us, because I don't know if many people understand what it is. I don't know, I think I read somewhere, I think our distinguished City Attorney who I'm sure will be collaborating with the Mayor Valdes-Fauli group and we've discussed this many times and he looks are clearing up the language, because many....our language is old language. When was our Charter? 80 years?- 90 years ago?- the English language has changed, so it has to be changed...some fix that has to make it clearer. But I was referring as my last item is....meetings are set at 9 a.m. I've spoken to a number of young people who complain they cannot attend meetings because they are working; maybe some of the meetings ought to be set for five o'clock in the afternoon. Miami, I think and the County has meetings in the afternoon so these people can attend. We need young people, we don't have them. Finally, I believe because we don't have them our attendance at the polls is...I must say for this very educated City shameful. So I hope you will expand, at least ask the Committee a way to do these things which are....to our Charter. Thank you.

Mayor Cason: Thank you.

Commissioner Lago: Thank you sir.

Mayor Cason: City Attorney what's the mechanism for the citizens that want to make suggestions? Do they e-mail you?- do they e-mail individual members – we have e-mail addresses for them?



City Attorney Leen: Yes. If a citizen wants to make a proposed change to the Charter to be considered by the Charter Review Committee, they can either e-mail me at [cleen@coralgables.com](mailto:cleen@coralgables.com) and I'll forward it to Mayor Valdes-Fauli, or Mayor, do you have an e-mail address that you would like to...

Mr. Valdes-Fauli: Its complicated, its [rvaldes-fauli@foxnorthchild.com](mailto:rvaldes-fauli@foxnorthchild.com) .

City Attorney Leen: OK. So what I will do is on the City Attorney's website I will put a link for Charter Review and I will list both of our e-mail addresses.

Commissioner Lago: Why don't we also maybe include it, we can have a little blurb on E-NEWS or something that the Charter Review is forthcoming and that it will be a pleasure if we received notifications or interest from the residents of this community to the following individuals at the following e-mail, and we can also include it on the website.

City Attorney Leen: We'll put it on E-NEWS and on the website...

Mr. Valdes-Fauli: I'll give you a different, it's simple, its [rauljvsd@gmail.com](mailto:rauljvsd@gmail.com) much simpler.

City Attorney Leen: There you go, that will be good. And then the other thing I wanted to mention was, there will be a public hearing, there has to be one at some point during the process. So what we've done in the past, when we did the CM Search Committee was, we will have a public hearing before, at least one before the Charter Review Committee, then it's up to the Commission whether you want to have one or not when it comes before you. You'll have that option, but there has to be one done some time during the process and one will be done before the Charter Review Committee if it's OK with the Chair.

Mayor Cason: Thank you very much.

Commissioner Slesnick: On the E-NEWS maybe we should have the other members of the Committee mentioned also, so that if people are out and about they can talk to their other representatives.

City Attorney Leen: That will be done.

Mr. Valdes-Fauli: I would ask you to have me or communicate with the other Charter Members to try to expedite this.

City Attorney Leen: So you want to start the meetings in September?- or you want to start them this summer?

Mr. Valdes-Fauli: If they are going to be here in the summer, in the summer, and if not early September.

City Attorney Leen: OK. And then I heard you say that you wanted to do them maybe even up to once a week.

Mr. Valdes-Fauli: Maybe.

City Attorney Leen: So we'll set an organizing meeting probably this summer, at latest by September, because it's a Sunshine Committee they really can't talk to each other except for in the meeting, and at that point we can set the agenda for the rest of the fall.

Mr. Valdes-Fauli: Thank you.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you sir.

[End: 10:26:52 a.m.]