

City of Coral Gables City Commission Meeting
Agenda Item E-2
May 12, 2009
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Assistant City Manager, Maria Jimenez

Public Speaker(s)

E-2 – Term Limits [Start: 9:31:57 a.m.]

Mayor Slesnick: We have one Ordinance on first reading Mr. City Manager.

City Manager Salerno: An Ordinance of the City of Coral Gables amending Chapter 2 Article II, Section 2-60 of the Code of the City of Coral Gables, Florida, as amended, entitled “Terms of Members”, providing for repealer, severability, codification and an effective date.

Mayor Slesnick: Who is going to explain this to us. Ms. Jimenez?

Assistant City Manager Jimenez: I think it is Liz.

Mayor Slesnick: OK. Liz.

City Attorney Hernandez: Well Mr. Mayor, this is the Ordinance that the City Commission directed us to bring back adding the Retirement Board to the list of the Boards and Committees that would be exempt from the eight year term limit subject to a four-fifths (4/5^{ths}) vote of this City Commission.

Commissioner Cabrera: Now would this come in as an Ordinance, or is it a Resolution?

City Attorney Hernandez: It comes in as an amendment to an Ordinance that is already in place.

Commissioner Cabrera: OK. So that is the reason why it has to be an Ordinance.

City Attorney Hernandez: Yes, sir.

Commissioner Cabrera: I am sorry Chip, go ahead.

Commissioner Withers: No, you have the floor.

Commissioner Cabrera: This doesn't prohibit us from still removing board members, I mean all this does is extend their terms beyond eight (8) years.

City Attorney Hernandez: If the Commission so chooses, and it has to be the appointing Commissioner would be the one that would move to extend the eight (8) year term of the individual that they appointed, now the Commission can remove any board member at anytime for no reason at all.

Commissioner Cabrera: OK. So, there is a process then in this Ordinance that the Commissioner who appointed the individual whose term has been expired, the Commissioner then has to come before the entire Commission that his or her appointment be extended.

City Attorney Hernandez: Yes.

Commissioner Cabrera: OK.

Mayor Slesnick: And we are requiring four-fifths (4/5) vote on this?

City Attorney Hernandez: Yes, we use to only have a majority as to the Code Enforcement Board.

Mayor Slesnick: I was going to ask. Liz, I think that when we said that, and by the way I don't care either way, but when we said that I think that we thought that it required a four-fifths (4/5^{ths}) vote, but I am not sure that we were asking to change it. Is it the desire, and again I am not, I realized when we talked yesterday in the pre-agenda that Liz, term period thing I brought it into requirements to what you all wanted was four-fifths (4/5^{ths}) votes, I am just that, do we want a majority vote or four-fifths (4/5^{ths}) it doesn't matter to me, but I don't think I thought that out, I thought it already required a four-fifths (4/5^{ths}) vote when I said that, so I was not asking that, that be done.

City Attorney Hernandez: Well I drafted it as I thought...

Mayor Slesnick: I am not criticizing I am just saying, it doesn't matter to me and I don't know if you all want four-fifths (4/5^{ths}) to extend someone or majority vote. We have never really had an issue one way or the other. Ok. It is written as four-fifths (4/5^{ths}) is that the way you will want to leave it?

City Attorney Hernandez: Yes.

Commissioner Withers: I have two quick questions.

Mayor Slesnick: OK.

Commissioner Withers: So the process it is just, at the Commission meeting prior to when they termed out, you just ask the Commission to...

City Attorney Hernandez: To extend the term and then every time that we do our appointments again, because it is not done in perpetuity, it will be extended another term and then when it comes up again if you so chose you will make a motion to extended it again.

Commissioner Withers: For example, I have Chris Morrison has served eight (8) years on the City Wide Traffic Advisory Board.

City Attorney Hernandez: Right.

Commissioner Withers: He terms out.

City Attorney Hernandez: Right.

Commissioner Withers: That is done, it is only if he was to overlap into the...

City Attorney Hernandez: No, he is, the only boards that are subject to the waiver are the three boards that are state created, The Code Enforcement, Construction Regulation, and Retirement Board, all other boards and committees are subject to the eight (8) year term limit.

Commissioner Cabrera: But staying with you, let's say you want to keep Chris on, is there a process in place so that he could keep Chris on?

City Attorney Hernandez: No.

Commissioner Withers: But let's say that Chris' term expires six (6) months before I leave office, I could keep him on for the six (6) months.

City Attorney Hernandez: He would stay on until whomever replaces you nominates a new person and they are qualified by all of the terms of our Code and so forth.

Commissioner Withers: Understood, but do I have to bring him up six (6) months before my term is expired, advising you that his term is expired and asking you to extended...

City Attorney Hernandez: No.

Mayor Slesnick: No.

Commissioner Withers: That is my confusion.

Mayor Slesnick: You can't extend it because he is on the wrong board, to extend it. His term will expire six (6) months before, so Mr. Withers will have another appointment.

City Attorney Hernandez: Oh, his term will expire versus you. Commissioner all other boards and committees have an eight (8) year term limit, there is no mechanism in place for extending those terms.

Mayor Slesnick: But we set that, we can change that.

Commissioner Withers: Well, OK., I'll give you a good example Tom Korge will term out two (2) months before I leave office, I am not going to reappoint someone for two (2) months.

City Attorney Hernandez: He will sit until such time that a new person is nominated and qualified so as long as you don't name a new person, he is going to sit and continue to serve.

Commissioner Withers: So anybody that terms out in the next two years they just sit, without any action required on my part.

City Attorney Hernandez: Right, until such time that you nominate a new person and they qualify and Mr. Mayor how it is, it is a self-effectuating Ordinance.

Mayor Slesnick: No, I know, but isn't it a little bit complex, to have an eight (8) year term limit, I know what you are talking about, you are talking about our other provision which says that people stay in until the next person comes in but, with this conflicting that says eight (8) years and you are out and then to stay in, so wouldn't it be advisable that between now and second reading you could write a sentence about exactly this situation that people who term out...

City Attorney Hernandez: It would be a different section of the Ordinance we could always bring that back as an amendment.

Mayor Slesnick: It just seems to me that people who reach their eight (8) years in the middle of someone's term could hold it until the next round of re-appointments, in other words for these few months, six months overlaps, and so forth.

City Attorney Hernandez: Right, and the idea of putting that they will serve until the new appointment is to capture those two months, six months, it is not to allow somebody to serve indefinitely, but again we will bring back language, but it is a different Ordinance provision.

Mayor Slesnick: I understand, but right now we are all appointing, or reappointing our new appointments because it is a rotation, so when we adopted that other piece that you were talking about, it was my understanding that what we were doing is we were making sure that there is no gap now, so that our people continue to serve, until new appointments are made, but I still see it somewhat in conflict with the eight (8) year rule, so we can explain that conflict. Because eight (8) years and you are out that is what it says so.

Commissioner Withers: That is good, I am clear now.

City Attorney Hernandez: You are, good I am glad.

Mayor Slesnick: OK. I need a motion...

Vice Mayor Kerdyk: So moved.

Mayor Slesnick: It has been moved by Mr. Kerdyk.

Commissioner Anderson: Second it.

Mayor Slesnick: Seconded by Ms. Anderson. Further discussion? Mr. Clerk.

City Clerk Foeman: Commissioner Withers?

Commissioner Withers: Yes.

City Clerk Foeman: Commissioner Anderson?

Commissioner Anderson: Yes.

City Clerk Foeman: Commissioner Cabrera?

Commissioner Cabrera: Yes.

City Clerk Foeman: Vice Mayor Kerdyk?

Vice Mayor Kerdyk: Yes.

City Clerk Foeman: Mayor Slesnick?

Mayor Slesnick: Yes.

[End: 9:41:14 a.m.]