

City of Coral Gables City Commission Meeting
Agenda Item F-1
March 11, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

George Volsky, Coral Gables Resident

F-1 [Start: 10:34:15 a.m.]

Follow-up Re: Commission Aide Position

Mayor Cason: Moving onto City Commission Items, we have a job description for the Commission Aide that we discussed before. Anybody has any problem with this?

Commissioner Keon: There is a revised one that's on everyone's desk.

Vice Mayor Kerdyk: It's OK with me.

Mayor Cason: Does anybody have any discussion on this? OK. We don't need to vote on this, do we?- I don't think so.

City Attorney Leen: You may or you can ask the Manager to do it, but my recollection was you wanted it brought back for your approval. You can do it by unanimous consent.

Commissioner Keon: Because we asked that the duties and responsibilities be approved by the Commission, that was why it came back.

Commissioner Quesada: So just to be clear shall we make a motion just to be clear.

Commissioner Keon: I'll second it.

Mr. Volsky: May I....

Mayor Cason: Just a minute because it's not a Commission item – go ahead.

Mr. Volsky: This one word...attends and/or represents Mayor. Secretary Kerry represents the President in discussions, doesn't mean that this person represents...of the Commission. I think there is something wrong there with the word. Representation means power and I don't think that, that person has the power to speak and to answer questions, and the word represent would imply by definition, would imply a very substantial change in our ordinance, in our governance. Attending is one thing, representing is another. As I said, government officials represent the chief, as I said; Secretary Kerry represents the President of the United States. I don't think that the Aide can represent members of the Commission and maybe our Attorney says in my opinion she does or he does or whoever, but it seems to me it's ambiguous and this is not in accordance with our government.

Mayor Cason: Craig?

City Attorney Leen: Well I don't read the word represents that way. What I would read it to mean is that they can attend on your behalf; they can basically be your designee. It has to be an individual Commissioner though, they can't be two or three of your designees at once, but like for example, if you have something you've been asked to go to, you can ask this person to go on your behalf that would be perfectly fine.

Mayor Cason: Is that a better word than attends on behalf of?

City Attorney Leen: You can say attends on behalf of members of the Commission...

Mayor Cason: So the last part prepares meeting summaries that was what I assumed that meant - so how about – does anybody have a problem with attends on behalf of members, of a member of the Commission?

Commissioner Keon: No.

Commissioner Quesada: No. No problem.

City Attorney Leen: So it would be attends on behalf of a member of the Commission...

Mayor Cason: Of a member of the Commission.

City Attorney Leen:....at that Commissioner's request...

Mayor Cason: Yes.

City Attorney Leen:...at community, homeowners.

Commissioner Lago: But let's be sincere about this. If I send either our Commission Aide to an event because I'm incapable of attending, everybody is still under the impression that she is there representing not only the Commission, but she is there representing the City of Coral Gables as a whole. Am I correct?- or does anybody disagree?

Commissioner Keon: I know myself having worked as a Commission Aide; I was a policy legislative aide to Commissioner Jimmy Morales. When I attended numerous functions and events on his behalf I represented the office of the City Commissioner, I represented his office. I was able to take questions, I was able to, I didn't necessarily answer them, but yes I told them I will refer them back and you were always referred to representing the office of the Commissioner at whatever the event was. So you know, I don't have any problem with the way they are representing in our presence, they are not there to speak on behalf of us, or sometimes they will, I mean they will deliver a message, the Commissioner is not available, I'm here to take your questions and to report back to the Commissioner. You know if you want to make this an issue of semantics, I frankly don't care.

Mr. Volsky: Well you don't care but let me tell you Commissioner Keon you are absolutely wrong, you are absolutely wrong, because in the County the structure of the County is different. Each Commissioner in addition to representing 350,000 people has staff, chief of staff, a number of aides, and they represent someone, in our system no. There is one person representing five people, five people they are....for years an aide.

Commissioner Keon: This individual is a Commission Aide.

Mr. Volsky: Please don't interrupt....

Commissioner Keon: That's what they are.

Mr. Volsky: This is – representing to me means having power and I think this is – I'm not paraphrasing this, this is the meaning of the word.

Commissioner Keon: You may but the City Attorney who has the ultimate authority says that it's not, so I'm comfortable – it doesn't make any difference to me.

Mayor Cason: If it doesn't make any difference....

Commissioner Lago: Pat, I'm with you 110 percent.

Commissioner Quesada: And the meeting minutes from this meeting will reflect that it's not giving any power, so the legislative intent that we are giving it pursuant to my motion that you seconded will show that they are not giving any power in that regard.

Commissioner Keon: That they are representing, so we leave it as it is.

City Attorney Leen: I think the goal though is that this person could go to the meeting and if you can't attend and say, the Commissioner is sorry and I'm here on their behalf.

Commissioner Quesada: Exactly.

City Attorney Leen: That's the purpose.

Commissioner Lago: I'll deliver a message; I'm here to take notes.

Commissioner Quesada: OK, that's clear.

Mr. Volsky: But not representing. The word represent is a very strong word in legal language and this is law, this is not law, opinion of.....

Mayor Cason: Mr. Volsky, I think we...

Commissioner Quesada: My motion is based on the revisions that Craig had announced related to that line and that's my motion.

Mayor Cason: Who was the second?

Commissioner Keon: I am.

Mayor Cason: OK. Commissioner Quesada makes the motion and Commissioner Keon seconds it.

Mr. Volsky: What is the wording of this?

Commissioner Keon: As it's written.

City Attorney Leen: It will say, attends on behalf of, I think you can just say members of the Commission at their individual request.

Commissioner Lago: No, we are going to keep it the same.

Commissioner Keon: Our motion is to leave it as it's written.

City Attorney Leen: Oh, I'm sorry. Then understand how it's being interpreted is that, that person doesn't have governing power, by the way we made that clear also at the last meeting that an individual Commissioner is not allowed to commit the City to anything, that, that can only be

done by the Manager and staff, they are representing them in their individual capacity as a Commissioner, not as – they can't make any sort of commitment.

Mr. Volsky: I heard the discussion at the last meeting, the last meeting, so I know what it is, but the word represent means something different.

Mayor Cason: OK, but we've defined it; we've defined it in a more general way. Do we have Mr. Clerk...?

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Keon: Can I ask just as a technicality now after this passing, does this role of a secretary no long exist and this shifts to that, is that right?- administratively how do you handle that?

City Manager Salerno: Follow the Commissioner's eliminating the secretary position create this position in the City Clerk's office and move the appropriate funds over there.

Commissioner Keon: OK. Thank you very much for your help with this Mr. Manager.

Commissioner Lago: Thank you very much. I appreciate that to both Craig and our City Manager, I appreciate your efforts to get this done. Thank you.

[End: 10:42:48 a.m.]