

City of Coral Gables City Commission Meeting
Agenda Item E-7
January 26, 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 E-7 [12:47:35 p.m.]

An Ordinance of the City Commission of Coral Gables, adopting the Restated Charter as the official Charter of the City of Coral Gables and providing for repealer, codification, and an effective date. (This proposal does not substantively amend the Charter. Instead, this proposal improves its readability and format, corrects the footnotes and legal history, complies with the Municipal Home Rule Powers Act and includes a forward).

Mayor Cason: Item E-7, Ordinance adopting the Restated Charter.

City Attorney Leen: Thank you Mr. Mayor. Item E-7 is An Ordinance of the City Commission of Coral Gables, adopting the Restated Charter as the official Charter of the City of Coral Gables and providing for repealer, codification, and an effective date. This proposal does not substantively amend the Charter. Instead, this proposal improves its readability and format, corrects the footnotes and legal history, complies with the Municipal Home Rule Powers Act and includes a forward. This is a public hearing item on First Reading. I would like to say for the record that this is coming out of the Charter Review Committee, which you appointed and one of the primary matters they wanted to take up was restating the Charter so that it could be put into a

better format. Let me just give you a couple of examples of some issues that they raised. First, if you look at the numbering of the current Charter there are a lot of gaps, numbers are missing. Some of the numbers are like seventeen and-a-half or things like that. They wanted to fix that and make it, sort of condense it, the numbers so that they would be 1, 2, 3, 4, 5, etc., and in a format that made sense. Another issued they raised was, and Mr. Thompson in particular raised this issue many times, was that the first clause of the Charter presently says that the government of Coral Gables is abolished. I assume what they meant was in the 1920's, it was abolished and then there was a new government established, but it's not that clear, so we thought that it would be better to move that.

Commissioner Lago: You don't want the first line of your Charter to read as follows.

City Attorney Leen: It reads something like that, abolished or no longer, or something like that. So anyway, that's been moved into the Appendix; and the Charter is gender neutral, the Charter has been, the wording has been improved, but there have been no substantive changes and I want to emphasize that. The prior Charter, the compiled Charter, which you can read about in the Forward, if you are interested, that was actually approved by the City Clerk at the time in the 1950's. The City Attorney authorized the City Clerk to approve the compiled Charter and what they did was, they took these special acts of the legislature and other documents and put them into a Charter. I think the nice thing about what you are doing today, what you are being asked to do, and also recommended to do by the Charter Review Committee is, there is going to be a formal ordinance approving a formal form of the Charter, and then we can prepare a pamphlet for everyone to look at and then when you take up the actual substantive changes of the Charter Review Committee, most of which, if not all, and it depends on exactly what you end up doing, would require a referendum to make a substantive change to the Charter. Although there are a couple of types of changes you could make without a referendum and we'll get into that when all those proposed amendments come before you, but we thought that it was important to be clear what the actual Charter is, and what's being amended, so that's what's before you today. It's on First Reading. So take a look at it, assuming you approve it today, if there are some edits you see that you'd like just let me know and we could put those in on Second Reading. We received some edits from members of the public and we are always looking at it to improve it, so you do have that opportunity and with that.

Mayor Cason: Did you incorporate the point that I made on page 19, section 26, that talks about the Commission may appoint boards the Commission could propose such number of City residents as a Commission since some on a four-fifths vote, we take people sometimes who are not in the City. So I just wanted to make sure that ten years from now nobody goes back and says you can't put somebody on because they are not a resident.

Commissioner Lago: That's important because the individuals that we put on these boards that may not be a City resident, they bring a certain quality that we may not be able to find currently.

City Attorney Leen: Mr. Mayor, I have not made that edit because it was already before you on First Reading; and what I was going to do was make the edit between First and Second Reading.

Mayor Cason: OK.

City Attorney Leen: It's not a substantive change. Already the Code in practice is that the Commission can appoint non-residents by a four-fifths vote, so we will reference that somehow in that provision and its notes, and that will come back before you for your review.

Mayor Cason: OK. Anymore discussion on this? Do we have a motion?

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion.

City Attorney Leen: Oh, Mr. Mayor, it is a public hearing item.

Mayor Cason: Any public...

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: We'll close the public hearing then. So motion – Vice Mayor made the motion, second?

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Slesnick. City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Vice Mayor Quesada: I just want to say City Attorney, great job on this. You can actually read it now, it flows. I think you could read it before, obviously, but it's just very logical in its construction now, so thank you for that.

City Attorney Leen: Mr. Vice Mayor, I'm honored you would say that. I do need to thank a few people, if you don't mind. I know we are not done with this yet, but I can't take all the credit for that, because the former Deputy City Attorney did a lot of work on that, Bridgette Thornton, also the current Deputy City Attorney Miriam Ramos, and the Assistant City Attorney Yaneris Figueroa put a lot of time into it. If I can just say, I thought it was one of the best Charter Review processes I've ever seen. It was such a high level discussion. I've been sending you all the transcripts, so I think you are going to enjoy reading them. You picked an excellent committee and they did a great job.

Mayor Cason: Thank you.

[End: 12:53:00 p.m.]