

City of Coral Gables City Commission Meeting

Agenda Item D-2

April 8, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick 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, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Public Speaker(s)

Vincent Damian, Chairman, Coral Gables Citizens Political Action Committee

D-2 [Start: 9:47:22 a.m.]

Vincent E. Damian, Jr. President of the Coral Gables Citizens Political Action Committee, to present two (2) proposed Amendments to Article II, Section 8 of the Coral Gables Charter regarding terms of Commissioners.

Mayor Slesnick: Our next item of business is D-2, it's a personal appearance requested by Vince Damian, President of the Coral Gables Citizens Political Action Committee, Mr. Damian. Good morning Vince.

Mr. Damian: Good morning Mr. Mayor, Commissioners, thank you for allowing me to speak here today. Actually, I had requested this to be put on the agenda as an item for public hearing, but procedurally we are going about it in a different way, which I think will probably accomplish the same thing, maybe yes maybe no, but again I thank you for the time allowing me to be here. Twice before I did request that the issue of term limits be voted on by the Commission, and be put before the voters as a Charter Amendment, put on the ballot and voted on, that's the only way we'll get term limits as a Charter Amendment; and twice before it was discussed, but no vote was taken on it, a motion was made not seconded. I'm here because if in fact we cannot get a vote of the Commission on it, then the alternative would be to go by initiative; and I have prepared two forms of an amendment to the Charter imposing term limits of eight years upon the Commissioners and the Mayor. One calls for the Mayor's term to be reduced back to two years, which we thought was a good thing before, we still think it is, but there has been a vote on that and we are willing to go along with that if we have to; the other, it just imposes a four year term upon all Commissioners, excuse me an eight year limitation on all Commissioners with the right to run again after a hiatus of two years, or to run immediately for Mayor when their term is up. It was pointed out to me that

the way I had written the amendment and the way that its in your package, it would seem that it could possibly interrupt the running of a present term of a Commissioner, and that was not the intent, so I submitted to the City Attorney, to the City Clerk a modification to that which it makes it clear that anybody presently serving a term, their term would not be interrupted by the term limits. That is how we....to where we are. I'm not here today to convince anybody on this Commission or the citizens that term limits is a good idea and we ought to have it. I'm here only to say that I think it is the duty of this Commission to allow the voters to vote on term limits. I say that because this is not a wild hair-brain scheme that somebody has come up with that says all the Commissioners have to wear hats, or robes, or whatever. This is something that political scientists throughout the country have been supporting, and have been put up before many of the municipal governments. I think there is a big difference between the State Legislator and the two hundred some odd people and the complexities there, and a City government where you are supposed to be close to the people; I said this ten years ago, nine years ago when I was attempting with the assistance of some of the present Commissioners to reverse the Commission's choice on certain activities, and I said the writer of a great deal of the democratic institutions that we have in this country, Thomas Jefferson, said the government that is closest to the people is the most democratic government, and the idea of that is to have turn over, have citizens participate. It started in the Greek Republic and the Roman Republic, that they automatically had citizens participate for the purpose of making sure there were fresh ideas from the people coming about at all times. Again, you may disagree with this, you may think that twelve and sixteen years is necessary for experience in order to have good government, and I respect that, but I think that this accepted idea, this idea that is recommended so often ought to be at least allowed for the people to vote on it. One of the Commissioners said, well you want to vote on it, let's have an initiative. I would point out that nine years ago, ten years ago there was an initiative in this City, and it was fractious. The citizens were one against each other; there was one Commissioner who is now here, was one of the leaders of that initiative, and that Commissioner explained to me before that Commissioner ran with my support, that an initiative was one of the worst experiences that, that Commissioner had ever gone through personally, and for the people of Coral Gables, and the people of Coral Gables should never have been put to that kind of a burden that was fractious, and put citizen against citizen.

Commissioner Anderson: Mr. Damian, who was the Commissioner?

Mr. Damian: That would be you.

Commissioner Anderson: I never said that.

Mr. Damian: You told me that; you told me that Maria....

Commissioner Anderson: I actually found that to be one of the best experiences of my life, the hardest, but one of the best. So you stand corrected.

Mr. Damian: Well Maria, while we are at it...

Commissioner Anderson: No, I'm not going to....I just want to clarify for the record.

Mr. Damian: I supported you very, very strongly when you ran...

Commissioner Anderson: Thank you.

Mr. Damian: ...I gave you money, I gave you time, and I influenced my friends to vote for you because you stood on the issue of term limits; you promised me that you would vote for term limits; you promised the citizens of this City you would vote for term limits. Now, you have the right to change your mind, and I respect that, but you don't have a right not to allow those persons who supported you to allow them to vote on it without going through that process, if you do this is the reason why we are here for the term limits. Another Commissioner also ran on the same platform, and I expect that Commissioner to stand by where they ran. We have three other Commissioners and all I can do is appeal to your sense of what the citizens of this City is smart enough to know the kind of government they want, and I would request that you therefore adopt one of the two proposals that I have put before you.

Mayor Slesnick: Thank you, Mr. Damian...

Mr. Damian: One last thing.

Mayor Slesnick: Yes.

Mr. Damian: If there is an alternative proposal that the Commission wants, I have no objection to the Commission putting that forward as well. For example, no term limits, vote on that yes or no; if that one wins – boom, that one would win; eighteen years – twenty years term limits, put that one on; our Charter in fact acknowledges that you could put two competing proposals before the people and the one that gets the most votes would win. So if the no's are greater than the yeses for either one of them they both loose, etc. Last, if for any reason we do not get an immediate vote on this then I have requested because of the time constraints with the ballot, with the election coming up in August, and another one in November, and the periods of time that are required here – the approval of the form, then the initiative process, and then an election within sixty days, that will start the process right away. The City Attorney and the City Clerk has been very cooperative in that basis; the City Attorney has invited me to meet with her in the event this does not get Commission approval, and I will do so at the appropriate time when the Commission makes that decision. Thank you.

Mayor Slesnick: Thank you Mr. Damian; and Vince before you go as you and I talked when we arranged for this personal appearance, and for you to come forward, and make this presentation today, we spoke at least, I won't speak for everybody, but we spoke at least my intention was to let you make that presentation today, as you know there was some discussion whether it would be today or later, to get it started and then we would refer to the City Attorney and to the management the proposals that you've made for their analyzation, recommendations and coming back here for a decision to be made at our next meeting, and in that interim time to allow you to meet with the City Attorney and to allow you to meet with the City Clerk, and to make sure all our T's are crossed and I's are dotted, and that when we come back here in the next meeting that our vote would be on an item that we truly understand, have analyzed and so forth; and I believe I promised you that I would do all in my power to give you a final decision of whether this Commission takes a position or not, or what position it takes by the next meeting.

Mr. Damian: That is correct; this is a legislative matter, so we can talk to each other as much as we want about it. I welcome talking to you; I called you, you responded and you suggested this procedure, I wasn't entirely in favor of it, but I understand the wisdom of it; everybody has different opinions on things, but as long as we get it before the people in a democratic manner, we're heading toward the same ending. Thank you.

Mayor Slesnick: Thank you. It would be therefore my suggestion that we take the recommendations that has been given to us by the Coral Gables Citizens Political Action Committee as stated by their President, Vincent Damian, and ask our City Attorney, our City Clerk to come back to us with a full sheet of one, Walter, we'd like to know exactly what the time limits are as far as when we have to make a decision, what things have to be decided, when would the election be, what would the cost of the election be, and so forth, and what our Charter requires us to do, and what the County law may require us to do; and Liz in the same thing, we would like to know your analyzation of what the proposals that have been presented to us would mean to the Commission and lay it out in terms that we can understand, and in meeting with Mr. Damian maybe bring forth to him any concerns you have as far as misunderstandings of his words and so forth, and if we make sure we all come together the next time with the clear understanding of what we may or may not vote on, then we'll do that, OK. Is that acceptable to everybody?

Vice Mayor Kerdyk: That's good.

Mayor Slesnick: Maria?

Commissioner Anderson: OK.

Mayor Slesnick: OK; Ralph?

Commissioner Cabrera: OK.

Mayor Slesnick: OK. Mr. Namon, I know that you turned a card in, but what I'd ask you to do is if you would speak to this next time because what we'll do is bring this back as an item for discussion and you'll have a full packet from the City at that time which will analyze this and so forth, and you'll have a right to comment and critique or support whatever that is. Thank you. Mr. Damian thank you, and I understood I saw some e-mails you do have some appointments being set up with the attorney, and you'll do the same with Walter, or Walter you'll do the same.

Mr. Damian: That's already in process.

Mayor Slesnick: OK, very good.

[End: 9:58:30 a.m.]