

City of Coral Gables City Commission Meeting
Agenda Item F-1
October 24, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos

Public Speaker(s)

Agenda Item: F-1 [11:48:00 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida creating a State of Emergency Ordinance to establish powers and regulations during a state of emergency; providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date.

Mayor Valdes-Fauli: The next item is Ordinances on First Reading, City Commission of Coral Gables creating a State of Emergency Ordinance to establish powers and regulations during a state of emergency.

City Attorney Leen: Yes Mr. Mayor. So, this is an ordinance on First Reading, An Ordinance of the City Commission of Coral Gables, Florida creating a State of Emergency Ordinance to establish powers and regulations during a state of emergency; providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date. This is sponsored by Mayor Valdes-Fauli. There was discussion item on this last time, we've addressed

all the issues that the Commission asked us to modify in the proposed memo, and so now it's before you on First Reading. I have the Deputy City Attorney here who worked on the actual ordinance and she can tell you about the changes between the two, between the discussion item and the First Reading Ordinance.

Deputy City Attorney Ramos: Good morning everyone. When we had a discussion the first time around...and they've been addressed in this First Reading version of the ordinance. One is that the City Commission will retain authority to act if a City Commission meeting is held during a state of emergency. There were concerns about giving all the authority to the Mayor and trying to convene a meeting first before that's done, so that was added. It is in 27(3)(b); then in 27(4), actually talks about the Director of the Emergency Operations Center being the Director of Public Safety as was during this last hurricane. So, it actually sets that out throughout the ordinance; and then the last thing was in 27(6), we previously had a provision about regulating cranes, and given the discussion that we had, it now reads that cranes are regulated as set forth in the City's crane ordinance if one is in place at the time, and we are still researching whether we are going to move forward with that and we'll bring a memo back to you about cranes.

City Attorney Leen: We also added a provision that says that if the Mayor – one of the parts of this ordinance indicates that the Mayor can act for the Commission if an approval needs to be made on an emergency basis. We have included language that also says though that at the next Commission meeting, if the Commission wishes to modify that...

Commissioner Quesada: Yes, which is the 27(3) (b) that she mentioned.

City Attorney Leen: There are two parts; there is one provision which says that the Commission retains authority to act, if you meet during an emergency. There is another provision regarding the Mayor's powers, which say that any approval that he grants for the Commission as-a-whole can be modified by the Commission at the next meeting, but any actions that are taken based on the order prior to the Commission modification remain valid. That protects us legally, but it retains the Commission's authority to modify anything going forward.

Mayor Valdes-Fauli: And in this emergency, I signed orders, evacuation orders or curfew orders at 10:00 p.m. and Sunday mornings and I think it's something to have subject to approval by the Commission.

City Attorney Leen: Sir they are not subject to approval by the Commission. You need to be able to issue it...

Commissioner Quesada: I got it. I like the way you addressed it. I just have a concern that I had the first time around, I think this is logical to me.

Mayor Valdes-Fauli: Do I hear a motion?

City Attorney Leen: It's a public hearing item sir.

Mayor Valdes-Fauli: Is there anyone who wishes to speak? - Do I hear a motion?

Vice Mayor Keon: I'll move it.

Commissioner Quesada: Second.

Mayor Valdes-Fauli: Call the roll please.

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you.

[End: 11:51:24 a.m.]