

City of Coral Gables City Commission
September 23, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Patricia Keon
Commissioner Vince Lago
Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia (Absent)
Agenda Coordinator, Lillian Quiroz
Economic & Cultural Development Director, Cynthia Birdsill

E.-3.

An Ordinance of the City Commission amending the Code of the City of Coral Gables, Florida to move the function of preparation of the commission meeting agenda from the City Manager to the City Clerk, and moving the agenda coordinator position and budgeted funds from under the Office of City Manager to under the Office of the City Clerk, and providing for severability, repealer, codification, and an effective date.

Commissioner Keon: I don't think we have that much more to do.

Mayor Cason: (UNINTELLIGIBLE), we have that much more?

Craig Leen: No, I'm ready.

Mayor Cason: All right, let's move on then to Item E-3.

Unidentified Speaker: Well, this is an ordinance of the City Commission amending the Code of the City of Coral Gables, Florida, to move the function of preparation of the Commission meeting agenda from the City Manager to the City Clerk and moving the Agenda Coordinator position and budgeted funds from under the Office of the City Manager to under the Office of the City Clerk; and providing for severability, repealer codification, and effective date. This is sponsored by Commissioner Vince Lago and continued from the September 11, 2014 meeting.

Mayor Cason: We have any speaker cards?

Walter J. Foeman: No, Mr. Mayor.

Mayor Cason: Close the public hearing part. Vince.

Commissioner Lago: All right. Well, you know, I brought this forward -- first off, I'd like to give thanks to our Clerk, which has always done an exceptional job in reference to helping me put together anything in regards to the City; and also to our City Attorney, who advise me on a multiple issues in regards to this potential ordinance. I hope that my colleagues have had a chance to review this in detail. This took me -- took us probably about five months to put together. This is pretty extensive. It's a detailed survey of the following counties: Miami-Dade County, Broward County, Palm Beach County, and Monroe County. What you have here -- and I'm not going to go into the finer points of it. What you have here is basically a breakdown, and I wanted to make sure that we detailed it, like close to -- a little over 70 percent of the agendas in these four municipalities -- in these four counties are handled by the City Clerk. And why am I bringing this forward? I'll tell you why, and I'll make it very simple. The City Manager currently, because he or she has control of the 801 employees, basically can put 99 percent of the items on the agenda, and they will never lose that control, because all those employees have to go through the Manager to put anything on the agenda. What I'm doing here, and hoping with

your support, is to make sure that we entrust one individual or one entity, which is apolitical, which is the Clerk, to have the ability and have the responsibility to always be able to allow the City Clerk; the City Manager, which controls all 801 employees; the City Attorney, and all the elected officials on this dais to have the ability to, at whatever time they so deem, to be able to put something on the agenda. And it's clear, if you look at these four counties and the 70 percent-plus, that it works, and it is the litmus test for those counties and those municipalities. If anybody has any questions, if anybody wants me to go over, I'd be more than willing to answer any questions, or Craig or the City Attorney --

Commissioner Quesada: Yeah.

Commissioner Lago: -- or the --

Commissioner Quesada: I had a few thoughts.

Commissioner Lago: Yes, sir.

Commissioner Quesada: Honestly, I don't -- it doesn't bother me either way. The only question I have for you, I mean, really, to this is, Are we -- from an efficiency standpoint, a practical standpoint, are we now bringing in another department to be involved in this process to slow it down or make it more difficult?

Commissioner Lago: Let me tell you. I'll answer that question for you. Let's go point by point. If you have a chance and you sit down -- because that was one of my concerns -- and you sit down and you speak to the Clerk, Walter, Walter will tell you that he currently trains the individual that handles the agenda for the City Manager. Walter, can you elaborate a little bit in regards to that?

Mr. Foeman: Yes. We actually brought in Legistar, which is our legislative workflow and document management application, and the training was done through our office when we

brought that in.

Commissioner Lago: So when you talk about -- when you -- your point is whether we're going to be bringing another entity, like the City Clerk, and maybe, you know, cause them to have to work even harder. That's not even the issue, because they already do the work. They already train the individual who handles the agenda for the Manager, so they're already doing that work. In reference to the individual who handles the agenda currently for the City Manager, (UNINTELLIGIBLE), I don't have an issue with her continuing to work in the Manager's Office, but the function -- and this is the purpose of this ordinance -- the function would -- the function powers would be under the City Clerk and no longer under the City Manager, and I think that's just something that provides significant transparency and simplifies the process even greater.

Commissioner Keon: I spoke to Walter. I spoke with the City Clerk as to other changes that might be done in collection of these records and the -- making them available to the public, and whatever, and it seems that they have other ideas also as to -- because they are the record --

Commissioner Lago: Yes.

Commissioner Keon: -- keepers of our city, there are other things that they could do, you know, as part of this process that would make additional information available and have it maybe moved more quickly and more swiftly through our city. I -- Mr. Foreman [sic], could you just talk a little bit about the --

Mr. Foeman: Sure.

Commissioner Keon: -- types of things that you would do with it in your office that maybe currently aren't done that might add value?

Mr. Foeman: Yes. And you can do them either through my office or whoever has the

responsibility, but there was some evolving issues with respect to the one person/one meeting venue in the area of citizen engagement, which will provide more access to information to the Commission and Administration, and using such applications as surveys and opinion polls; and also, you can also incorporate that as far as the video conferencing during the actual public hearing presentation; and in addition to that, there are certain standardization initiatives with respect to not only the City Commission as a board, but all City boards in terms of just zeroing in on the nomenclature in terms of actions taken to create one repository for public informational access not only to us, but to the viewing public as well.

Commissioner Keon: Thank you.

Vice Mayor Kerdyk: Walter, I have a question for you, too. I thought we passed an ordinance several years ago that made sure that if a -- the City Attorney, City Clerk, or Commission wanted to put a Commission item on the agenda, that it was -- that it had to be placed on the agenda; correct?

Mr. Foeman: That is true. And it's -- I think it's referenced in the prepared ordinance to it. That was codified, so I think it's in Ordinance 2-69(i).

Vice Mayor Kerdyk: OK, OK. So there is already an ordinance that -- so anybody can place something on the agenda that they're supposed to. I have a question, Commissioner Lago. With regards to the methodology that would (UNINTELLIGIBLE), are you expecting the City Manager to sign off on all the agenda items like he does now?

Commissioner Lago: In regards to the employees, yes.

Vice Mayor Kerdyk: So they would -- so a department head would go and he would have to sign off on all those issues there?

Commissioner Lago: Yeah.

Vice Mayor Kerdyk: You know --

Commissioner Lago: So they're really -- when you think about it, the City Manager, which has the control over all the employees, except obviously, three individuals who are under the auspice of the Commission, they wouldn't be losing any power in regards to that. All directors would have to continue to go through the City Manager. What this allows -- it's not only about -- it's not only about that resolution that was passed making sure that --

Vice Mayor Kerdyk: Right.

Commissioner Lago: -- we could put anything on the agenda. This has to do with the simplification of the process, streamlining the process, and transparency. When you look at the other municipalities in those four counties -- and I could have continued going through counties, but I just didn't want to continue to do the resources -- it's done this way because it's the most transparent way. It's the way that good government's achieved. So the numbers don't lie because the numbers are here with all the backup. I understand what your statement is in regards to, you know, whether the Manager or the Manager's Office or previous Managers would not allow certain things to be on the agenda. That's not what we're discussion here. That's secondary. That's on the back burner. The main point here is just being as efficient as possible. You already have the Clerk's Office already doing a lot of those functions without having total control over the agenda.

Vice Mayor Kerdyk: See, I'm seeing it differently. First, I'm seeing it from the standpoint that -- I mean, I really have never seen a issue here, and I think the City of Coral Gables is one that they -- you model -- you -- after -- not necessarily look at what other people are doing. I really -- you know, I'm not seeing the big problem here. I'm also understanding -- and Walter will be glad to take anything that's given to him, but I also understand that the City Clerk's Office is inundated with work, and I'm just -- you know, I'm concerned. And he -- of course, if you ask Walter, he's --

Commissioner Lago: No. I mean --

Vice Mayor Kerdyk: -- the best employee. He will say --

Commissioner Lago: But -- no, but (UNINTELLIGIBLE) -- but I asked Walter, and I asked him very candidly. I asked him, "Well, Walter, tell me the truth, you know, in regards to this issue." What if -- I didn't ask him -- let me correct. I didn't ask him whether it would be too much on his plate. I asked him for his honest professional opinion in regards to what is the most efficient way to do business in this community, and Walter's opinion fell in line with what the findings are here in this report.

Mayor Cason: Can I say something?

Commissioner Lago: Yeah, yeah, yeah.

Mayor Cason: Can I say something?

Commissioner Lago: Of course.

Mayor Cason: I tend to agree with the Vice Mayor. I don't see what's broken. We've been doing it this way for 56 years, my knowledge. We went -- couple years ago when this came up, we had a very -- we had a knock-down, drag out about the question of whether somebody could or could not put something on the agenda, and that's why we passed that ordinance that anybody can put something on the agenda. I'm not aware that any incident has occurred where that hasn't happened. Also, I think there's -- there could be some difference of opinion in terms of the study, because a lot of these people say they prepare the agenda, but when you -- we had some people call, a couple of them, and they said, "Well, I prepare it, but I type it." So, you know, I mean, maybe other cities do it different way, but you have -- so I don't see what's broken. I don't see how this stands efficient. What I do see is that it would create a practical problem that you

have -- Lillian does half her time on the agenda and -- but she also does work for the City -- for the City Clerk.

Commissioner Lago: Yeah, but that's not the point.

Mayor Cason: Yeah.

Commissioner Quesada: But let me jump in here for a second. I'm sorry, Mr. Mayor; were you done? I'm sorry for cutting you off.

Mayor Cason: Yeah. No, I just -- I'm just wondering what's broken. Because usually, my philosophy is if it's not broken, don't fix it. And so, tell me what's broken and how this is more efficient? I really don't see it.

Commissioner Quesada: Let me address one thing, because I'm -- I guess I've been on the fence with this one. As far as the issue with Lillian and the work there, I don't see that as being an issue that fall into the consideration of our decision here, because whether -- Lily can -- let's say we decide 5-0 to put the function at the City Clerk's Office. Lily can still perform the function of putting the documents together. That -- I don't think that change -- I don't think that should be part of your consideration, how much work they have. I don't think that -- the manpower issue, that's something that could be worked out. It could stay the same, really. I think what Vince is trying to get at and (UNINTELLIGIBLE) the way I read it is really the independence of the process, because the City Clerk, he is the historian, the -- you know, the (UNINTELLIGIBLE) for the City. It's the most independent position that we have, and so that the process is a more purer process, a cleaner process. Situation may be great now in the future, but I understand why Commissioner Lago's bringing it up in that regard. Not to say that we've had a problem; not saying that it's broke, but we could always look to make our process better. I -- you know --

Mayor Cason: Am I speaking out of turn here?

Commissioner Lago: No, you're not -- you're not speak --

Commissioner Keon: And I agree with you.

Commissioner Lago: Can I just say one thing?

Commissioner Keon: Yeah.

Commissioner Lago: You're not speaking out of turn, and I'm -- and I want to just address something, and I don't want to rehash things in the past. I don't want to rehash things, OK.

Vice Mayor Kerdyk: OK.

Commissioner Lago: So I'm having -- I'm trying to hold the restraint here. I'm trying to have restraint, because I don't want to rehash things. Listen, this is about -- very simple. This is about -- not about who types this up or who puts this together. This is about the future and making sure that everyone has access to the agenda; and that if we're going to continue to govern the City in the best light possible, we need to make sure that we're as transparent as possible. So I -- you know, again, sometimes we vote 5-0, sometimes we vote 3-2, 4-1.

Vice Mayor Kerdyk: Right.

Commissioner Lago: I just wanted to bring forth something which I think will make our city even better.

Vice Mayor Kerdyk: OK. I appreciate it.

Commissioner Keon: I can --

Vice Mayor Kerdyk: I think the -- I see it differently. I see it as a City Manager form of government. He's the CEO (Chief Executive Officer). The City Clerk is the chief records office. I think it elevates him to a level close to the CEO of our organization, and I just -- you know (UNINTELLIGIBLE).

Commissioner Keon: Well, I can support Commissioner Lago on this item, but it's more reason - - it isn't that something is necessarily broken. It's possibly a system that can be improved. And because of the technology that has happened along the way and because that is the role of the Clerk's Office, they do deal with all of the issues with regard to recordkeeping and the depository of records; they're knowledgeable in that field; they -- more than any -- you know, more so than the Manager's Office. The Manager's Office, you know, they are the business of the City. They do operate the City, you know, and the Clerk's Office operates our recordkeeping functions, so -- I mean, I would be very comfortable to move it there because of that and because they have the ability and they have the research and the background and have done a lot of things differently because of their knowledge with our -- with all of our records. So, you know, sit broken? No. Could it be better? Probably. And if it could be better and it doesn't -- you know, there's no cost -- there's no difference in cost and it may improve the process and it may improve it as a depository of records, and whatever, I could support it. I think it's fine.

Commissioner Quesada: What -- if I can just ask a question to Cindy. What would the impact be as far as creating an agenda from -- let's say it's the Tuesday, Wednesday, Thursday leading up to the agenda being released on Thursday. How is that going to change the internal procedure in the Manager's Office -- that's the first question -- and then the second question is for Walter, in the Clerk's Office so we get a better picture of an idea? And then I think we -- my perception of what happens leading up to the creation of an agenda is the City Manager is deciding what's going to be on the agenda, what's not going to be on the agenda; speaking with Commissioners; speaking with staff, as staff work is being completed, to try to make it to a certain agenda. I would imagine that the City Manager is adding and removing items as information is available or as projects are ready to be discussed at the Commission level leading up to that Thursday. Is that accurate?

Cynthia Birdsill: Yes, that's correct. There are two aspects to preparation of the agenda. One is the purely administrative aspect, which is what the Mayor said, the -- and using the software to produce the agenda, which is a bit of a complicated program.

Mayor Cason: Who handles that now--Lillian?

Ms. Birdsill: Lillian does that, but there's also the substantive creation of the agenda.

Commissioner Quesada: Is she the only one who handles that--Lillian?

Ms. Birdsill: No. (UNINTELLIGIBLE) could do it, too.

Commissioner Quesada: OK.

Ms. Birdsill: You know, and every department knows how to use Legistar. We all have to import our own information. So it -- I mean, it's not like there's only one person who knows how to do this.

Commissioner Quesada: I was curious. I wasn't sure.

Mayor Cason: How late do you work and --? I mean, something come in at the last minute; you may -- I always (UNINTELLIGIBLE) like a cook. Some things are ready for prime time; may not be ready you to decide at the minute -- the last minute take something off the menu or add to the menu. How late do you stay, your staff, and who's involved in -- let's say, up till, I guess, Thursdays, right.

Ms. Birdsill: On the Thursday agenda night, we generally stay till at least 9 o'clock. Lillian -- the Agenda Coordinator's there, but also, all of the Manager's staff is there to complete it. And I don't see that that would change, because of the substantive issues in making sure everything

gets put together correctly.

Commissioner Quesada: I mean, you didn't -- you were answering the question, then we digressed there for a second. So Lillian and the other department heads are making their inputs into Legislar [sic] on the administrative side. On the substantive side, were you going to say something else or was that it? I just want to make sure we have the full picture.

Ms. Birdsill: I mean, I don't think that we can just turn over the preparation of the agenda to the Clerk's Office without our -- the Manager's Office being there to do it, because we have to make sure that the copies are correct, that everything's in the right order, that we've got all the PowerPoints done, that everything's gotten to the right person. It's still, ultimately, going to the Manager's job to make sure everything's done correctly.

Mayor Cason: Is the Clerk now there till 9 o'clock with you?

Ms. Birdsill: No.

Commissioner Keon: I don't --

Commissioner Lago: We can --

Ms. Birdsill: But before we do it.

Commissioner Lago: I mean, we can adjust that. I mean -- I -- listen, I think -- the bottom line is -- here is -- I think we've gone over this back and forth and --

Mayor Cason: Yeah.

Commissioner Lago: I mean, the issue is -- let's just vote on the issue and --

Vice Mayor Kerdyk: Yeah. Let's --

Commissioner Lago: You know, I'll make the motion.

Mayor Cason: OK. Commissioner Lago makes the motion. Second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds it. City Clerk.

Mr. Foeman: Commissioner Lago?

Commissioner Lago: Yes.

Mr. Foeman: Commissioner Quesada?

Commissioner Quesada: Yes.

Mr. Foeman: Commissioner Keon?

Commissioner Keon: Yes.

Mr. Foeman: Vice Mayor Kerdyk?

Vice Mayor Kerdyk: Yes.

Mr. Foeman: Mayor Cason?

Mayor Cason: No. OK.

Mayor Cason: OK. All right, let's move on to -- now to item F-1.

Commissioner Quesada: I guess moving forward on this item that was just voted on, obviously everyone communicate early on and let us know how it's going so that we make sure everything is moving along.

Commissioner Keon: I don't -- I can't see that anything's --

Commissioner Lago: There's no change.

Commissioner Keon: -- going to change, other than that is the depository of the record.

Commissioner Lago: There's absolutely -- Lillian will continue to prepare the document. The City Manager will continue to have 99 percent control over what is placed on a document, because they control 801 employees, and all the directors are in the room. Nothing will change.

Vice Mayor Kerdyk: Let's just go ahead (UNINTELLIGIBLE).

Commissioner Keon: You know, if, on first reading, the discussion can take place on second reading; and any clarification that anyone wants, they can make with both the Manager's Office and the Clerk's Office.

Vice Mayor Kerdyk: We got to get going.

Mayor Cason: OK, let's move on.