

City of Coral Gables City Commission Meeting

Agenda Item F-2

November 13, 2007

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II

Vice Mayor Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner William H. Kerdyk, 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

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Discussion regarding term limits for City Commission

Commissioner “Ralph” Cabrera, Jr.

Discussed/No Action Taken

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Last time we met we discussed term limits, and I think it was agreed upon by this Commission that I would be back to you with a memorandum making a recommendation for consideration of term limits. Let me just say, and you should have a copy of that in your package, let me just say that I chose to give you a very, how should I say, a baseline recommendation for term limits, not for the sake of trying to get it passed through you quickly, but more importantly to get hopefully some discussion over it. So for those reasons the memorandum, which you should all again, have a copy of, reads that, the limitations on length of service for members of the City Commission shall be, no person shall serve as Mayor for more than two consecutive elected terms; no persons shall serve as City Commissioner for more than three consecutive terms. That's all open for discussion. It's basically what I have held on to since the Charter Review Committee discussed term limits two and-a-half three years ago, so I've not made any modifications, with the exception of the fact that I have included the word consecutive; and I think we discussed that briefly, which basically means that you could in fact be termed out and take some time off between cycles of elections, and then return for another term if you should wish to continue to serve as a Coral Gables City Commissioner. Did have one quick review of the City of Pinecrest, and I think the City

Attorney's office is also looking into other municipalities that may have similar term limits within their Charter, and/or by, would it be ordinance or resolution?

City Attorney Hernandez: Ordinance.

Commissioner Cabrera: Ordinance – by ordinance – so the floor is wide open for any discussion regarding this item. I once again will just say that this is not to ask you to support term limits, but to all the citizens of Coral Gables to make that decision on a Charter question. Thank you.

Mayor Slesnick: As a footnote, I've noticed that the citizens of Surfside rejected term limits on this last election two weeks ago. Anybody....

Commissioner Withers: Would the idea be to convene a Charter Review Committee to review, I wish Bill was here, but Bill had mentioned something other than just term limits, he wanted everything looked at, whether it's the three highest vote-getters, or by region, or do we want to look at the overall?

Commissioner Cabrera: I would be happy to look at the overall landscape, that's not – and I appreciate you bringing it up since Bill's not here; and I would be agreeable to that as well, but again if we are going to do that then we might as well just throw in the Trial Board, might as well throw it in.

Mayor Slesnick: Why? We've already approved it.

Commissioner Cabrera: Well...

Mayor Slesnick: It's already on. The Trial Board, Ralph, is so different; the Trial Board is an internal way in which we run our City; and I don't think that ninety-nine percent (99%) of the people don't know or care as long as the City is run well, and it's an internal thing. This is more how the people choose and pick their representatives, so I think this is...

Commissioner Cabrera: Well, it's still a Charter Review question, that's the only reason I bring it up that way.

Mayor Slesnick: But we have the right to put it on, we've done that.

Commissioner Cabrera: We certainly do.

Mayor Slesnick: You know, I don't know Chip, I just think that if we are going to look at limitations of length of service, and I think that you raise some good issues before about why move good people out and why make them stand down; and the citizens in an informed community, I mean, we have a very informed community, and a very – well we do....

Commissioner Cabrera: I'll give you an example of our informed community – well, come on, this is a discussion; this is a good discussion....

Mayor Slesnick: Go ahead.

Commissioner Cabrera: I was at a Halloween party recently and....

Commissioner Withers: As Spiderman.

Commissioner Cabrera: I wasn't Spiderman, I just can't get back into that costume Chip, those days are gone, but was chatting with a member of one of our City Boards, in fact, one of our critical City Boards; and in the discussion that member asked me if you, Chip, and you, Maria, were still members of the City Commission. I got a big chuckle out of that one, because this is supposed to be one of our most informed residents, serving on a City Board, so I just don't believe that Don, and I don't believe that our citizens are well informed when it comes to their government.

Mayor Slesnick: Well, with some – anyways with great respect for your opinion, I disagree. I think that the City of Coral Gables citizens are well informed, that doesn't mean that there aren't voids in their knowledge. I think that they are well informed. I would have to say that like most people in the United States they probably can't name their State Legislator, or their State Senator, but I think most people know, and most people who take part in the process know about their government and about what they want from their government, and are well educated people, and so I just believe that. I don't know that making people stand down so other people can have a chance is a philosophy that I care....

Commissioner Cabrera: Well, it's not a permanent philosophy, it's an interim philosophy – not an interim philosophy, I should say it's a philosophy that allows more people to become part of government at the level that we are in; it allows people to be able to affect public policy without having to raise thousands, and thousands of dollars to un-seat an incumbent.

Mayor Slesnick: Well, couple things: one is the argument – some of the arguments made last time when we first ran, Ralph, in 2001, I ran against an incumbent as you did; the incumbent raised more money than I did, and the incumbent had more standing in the community than I did having been Mayor for four terms, and Commissioner for a term before that. So, you know, things can register with people, and I know that the term “wedge issue” was thrown around; I don't think many people in the audience probably knew what a “wedge issue” was, meaning an important issue; but the fact is that if there are no important issues that speak to the government itself; I mean, if there is not an important issue which motives people to turn out the incumbent, I think that speaks highly for the incumbent. I think it's wrong to argue that if there is no important issues, then people still deserve a chance to be turned in because others are turned out automatically. So I think that is true, and I think that people can make cases for themselves, and people don't need the most money to win if they've got a good message.

So, you know, incumbency is important, but incumbency is incumbency; I mean, I think that if we argue the fact that incumbency shouldn't be important, I can't figure that one out either because if a person is an incumbent, and we'll take you Ralph, I mean, your six years here have given you a wealth of knowledge, and a major basis on which you will continue to help govern the City; and to be very honest with you, I don't think turning you out of office for two years and having you consider life in general, and everything makes you a better legislator. I think that....

Commissioner Cabrera: If it makes me a worse one.

Mayor Slesnick: No, I didn't say that either.

Commissioner Cabrera: In fact it allows you to kind of look back and see what you did right and what you did wrong; it gives you a completely different perspective.

Mayor Slesnick: Well, I don't know about you, but I think if I sat out two years, I'm not sure I'd be looking to come back.

Commissioner Cabrera: Well then that's a very wise decision on your part.

Mayor Slesnick: I don't see the need for sabbaticals unless they are self-imposed; in other words let's take Chip now; Chip has been here sixteen years, and Chip has never chosen for a self-imposed sabbatical, he has chosen to continue to serve, and every year he serves he shows a great deal of vigor, and a great deal of commitment, and a great deal of knowledge, which he applies to the job. So you know, having asked Chip eight years ago to take a sabbatical just doesn't make a lot of sense to me. Now remember, I'm not arguing your point about letting the citizens choose because I may very well in the end agree with you; I'm just....

Commissioner Cabrera: Well, that's really what this discussion is about, is allowing the citizens to choose, its not about how we personally – I mean, we all have our personal feelings regarding this, and listen, its very difficult to come to my colleagues and ask them to consider a date in which they are going to – they know they will be sitting down from or removing themselves from office, its not something that I....

Mayor Slesnick: And also I'm not sure Ralph, but you and I have talked about this in talking about my future here when I told you that more than likely I've stood for my last election, term limits or not; and I said to you something that, you know, this "lame duck" philosophy that permeates government from top to bottom, is something that a person has to be really careful to avoid, and term limits imposes that "lame duck" philosophy on everybody at one time or another, and as you get to those last two years that you know that you are not running again, you know that people's comments aren't as valuable because you are not going to stand for election again. So that's another thing that bothers me.

Commissioner Cabrera: Let me, let me – I think that’s a good point you make, but I would then take the opposite position and tell you that it also creates something that is very positive, and that is it creates a sense of urgency; it allows you to realize that you are going to be serving for a period of time in which you are going to learn the process, become part of it, and hopefully leave a legacy from it, and knowing that you have a number of years to achieve that provides you with a sense of urgency. You know, this government, not only this particular government, but most municipal governments in my opinion, needs to have a sense of urgency in many of the tasks that they take on, especially on the legislative side of things, so I’m not saying that....

Mayor Slesnick: As you know, you and I have discussed this too, that I get very frustrated at the lack of urgency sometimes, and the lack of swiftness at our achieving an end to some of the issues. On the other hand, I think that the debate we had today, voting for Second Reading on the senior housing, something I remember Maria and I were running the same time you were, and probably Bill and Chip were the same people, but in 2001 a number of seniors approached me, Elaine Duncan, being one prominent memory of mine, urging us to do something about seniors, and so we all came to office, I think; and we’ve been talking positively about doing something for seniors for six years, but the fact of the matter is even though there are times when I will truthfully say to you or anyone else, that should have been done faster, and that should have been executed faster. The public procedure that we go through with the open meetings and the public debate, and the number of times that we take it before committees, and take it out to the public, this is very frustrating that we’ve been working this long on the Palace, before it was the Palace it was just an idea. But the fact is, I think, that there are some issues that don’t come about fast. I was thinking the other day about the fact that an issue had come up in the 2001 election about whether or not the claim by a long sitting City Commissioner that you know, one of the greatest accomplishments was a traffic light on a certain street in town, and I thought now, I know that I had taken an entire career in politics to get a traffic light on a certain street in town.

Commissioner Cabrera: Well, I was the challenger that had that piece.

Mayor Slesnick: I’m just saying, I’ve learned a lot in seven years, and one of them is that sometimes it is a fault of the system, but sometimes it is the system that is forced upon us in the public sector that takes a long time.

Commissioner Cabrera: You know, you’re right, and its funny because speaking of learning a lot, I learned a lot as a challenger; one thing was that I was only going to be effective for a very definitive period of time because I took a shot at somebody that I felt was ineffective at that particular time; and secondly, whatever commitments I made while campaigning, I knew that I would have to carry those commitments out. So really that’s the basis for what we are doing today; and I could sit here and literally, not debate, but discuss with all of you the merits and the disadvantages of term limits.

Mayor Slesnick: Well, I think we’ve gone through them. I would also say, and this is not for me, but I would also say that I would want to, if we put it before the public, thinking

that it may pass to push it to a date certain that it takes effect in the future, and/or exempting any current Commissioners or whatever.

Commissioner Cabrera: Yes, I agree with that. Don, I definitely agree with that. The reason that I haven't pushed that is, I don't want the public to think that I'm trying to protect myself.

Mayor Slesnick: Well, I think it's the right thing.

Commissioner Cabrera: But I concur with you; I think it's the right thing. While you were away from the Chambers, Chip made an interesting commentary about how you had discussed looking at the entire process for elections....

Vice Mayor Kerdyk: Right.

Commissioner Cabrera:...and I agree with Chip that there was something that I found it was a favorable recommendation on your behalf; if you decided to give an opinion on it or not.

Commissioner Withers: Well, I mean, I'm listening to you guys discuss and the two reasons for term limits that I've heard is, the incumbent has an unfair advantage. When I first ran I ran against an incumbent, when I first ran for office.

Commissioner Cabrera: When you first ran for office you ran in an open seat.

Commissioner Withers: No, there was an incumbent Commissioner, Ms. Jeanne Ann Moorman was sitting in this seat.

Commissioner Cabrera: Well, she had been appointed for one year.

Commissioner Withers: Yes, but she was running.

Commissioner Cabrera: Right, OK.

Commissioner Withers: So, I was running against an incumbent, and there was no wedge issue. But the unfair advantage, if we are worried about unfair advantages for an incumbent, maybe we regulate how much money an incumbent can raise to run an election; if we are worried about that as an issue. That's just a suggestion.

Commissioner Cabrera: I'm not looking at it as an issue; I was just giving you some of the reasons, name recognition is the other, let's face it, much higher name recognition when you are an incumbent than when you are a challenger.

Mayor Slesnick: There's another point: at least the last three Mayors before me had been turned out by election.

Commissioner Cabrera: They'd been termed out by wedge issues; and by the way wedge issues, let's define them. I consider a wedge issue an important issue which causes the electorate to lose confidence in their legislative government. That's my definition of a wedge issue.

Mayor Slesnick: But in reality the Mayors that were turned out in 1992 and in 1988 or whatever, there were no major changes in admission, but an incumbent lost the mayoral race, and as far as I know, I'm not going back that far, but the Mayor before that may have lost an election.

Commissioner Cabrera: Who?

Mayor Slesnick: Did Chapman lose?

Commissioner Cabrera: But Don, I hear you, I hear you, and so wedge issues are just not big structures that are going to be built at "X" millions of dollars; wedge issue is when the electorate literally loses confidence in their elected body, or their representatives. That's to me, the wedge issue, there's a lack of confidence.

Commissioner Withers: And the second issue was that someone is, you know, burnt out after two terms, or three terms, or four terms, those were the two prominent reasons I understood you put forth for term limits, is there something else. I'm just trying to get a handle on what are the....

Commissioner Cabrera: Also, allows good people who would normally not invest in the time it takes to campaign, forget the dollars, the walking, and the parties and the things that you have to do, it allows good people that maybe growing a family, and maybe working in a job where they are not self-employed to take the time to say, now here's an opportunity for an open seat where I can go up against three or four or five other people, and serve my City in a manner which, you know, allows me to affect public policy. So that's another variable to look at; and the last variable, I didn't want to get into specifics, because I don't think it's fair, but and especially with my colleagues here – I think there just comes a time in everyone's career, whether it be public office or the private sector where the new idea, the initiatives, and the bright thinking, and the challenging thinking stops occurring, and you become more a part of the process, and literally more part of the problem than the answers. And so for that reason, I think term limits are good.

Mayor Slesnick: But in your example, a lot of time you will say to us we should become more like private industry, and don't disagree in some areas, but how many companies term out their Presidents or their CEO's or their Chairmen of the Boards an artificial number of years; they usually turn them out because of lack of production.

Commissioner Cabrera: That's a great one. I was with a major insurance carrier in Florida for nine years, and I reported directly to the CEO for seven of the nine years, in that time, in the seven years that I reported directly to a CEO, I had eight of them.

Mayor Slesnick: But not because of a term limit.

Commissioner Cabrera: No, it wasn't a term; they were termed out...

Mayor Slesnick: They were evaluated as being....

Commissioner Cabrera: They were fired because they could be fired, that's the reason they were turned out because they could be fired – yes the recall exist, the process does exist, yes, yes.

Vice Mayor Kerdyk: Let me just chime in here for a second. I have mixed feelings about term limits...

Commissioner Cabrera: I still do.

Vice Mayor Kerdyk: ...yes, I think we all do, but if we are going to discuss this, where I was going on this, we all agree that the election cycle that this would go to, if it would get that far, would be the November 2008, which is one year away essentially. So that's why I thought it might be a prudent thought process of ours to go ahead, if it's the thought of the Commission to look at the overall election cycle, you know, the group concept; whether we should be doing run-offs, whether we should be going in districts, whether, you know, just the whole assortment of items that are associated with the election process, which of course is a healthy thing to do occasionally in general. Like I said, I really have mixed feelings on the term issue itself, but I see both sides of the story.

Mayor Slesnick: And its interesting, if you go back and look at the group thing, most people forget; maybe you'd like them to, I don't know; Jeanette ran in 1982 for Commission, and that was the old group thing; she came in one space out of being elected, but it was the incumbents that all won, so the incumbents all won re-election on the group thing. So I'm not sure that does much for us. OK – Maria.

Commissioner Anderson: Yes, I just wanted to make a couple comments without belaboring the issue. I've made it quite clear that I don't support term limits, and that in 2004, I made that clear that I had changed my mind knowing that there would be possibly political fall-out, but I was willing to take the risk because I think its more important to be willing to accept change when you've got better information, and when you've got experience. I think one of the best things that could happen is if the citizens really want term limits they should go out and get petitions and get them signed. I think that's how you educate the people; and if there is a wedge issue of term limits is a wedge issue, they will come out and they will sign those petitions, and they will get energized, and we'll get people at the polls. I think term limits is not good policy. I think we look to Tallahassee and we see its not good policy. The experience that is lacking up there is obvious with the recent issues of insurance and property tax reform, and the bickering, and the fighting, and the non-productivity for the residents of Florida. I won't support it in any way, shape or form; I will support it if the citizens bring it to us in a referendum fashion, and they

have the required signatures, I will accept that, and I will gladly vote to approve that on the ballot.

Commissioner Cabrera: I'm just curious, what was the better information you got between the time...

Commissioner Anderson: I....

Commissioner Cabrera:...excuse me, I want to finish my question, what was the better information you received between the time you were a challenger and the now that you are an incumbent?

Commissioner Anderson: The better information is exactly what I mentioned. When you have experience in what's been articulated here, is that experience counts for something; and I think that if you turn people out who run the government, are the staff members, the beaurocrats, and there is a danger there. So I prefer to leave it at that. I stated that in 2004 during the Charter Review Committee, I also spoke about it in 2004 in July here in the Commission meeting, and I stand by it.

Commissioner Cabrera: The only comment I'll make to this so called turn of the Commission because it does happen, let's face it, if we are termed out it does occur that you will have new people in the Commission. Let's all remember one thing; we all serve under staggered terms; so we don't all get termed out in terms of being run out, and in fact more so today, because it used to be that when you had a two year term for the Mayor you have three people up for re-election up every two years; that dynamics has completely been thrown out the window, and we are living in a different world. But still, regardless of the fact that it is a dynamic now, what I mean by that for those that are watching and those may be listening to this Commission meeting; it used to be that we always had three people that would run for re-election every two years, that has changed since the voters approved the four year Mayor. In fact Ms. Anderson and I will be running, if we choose to run again for re-election in 2009, and there will not be a Mayoral election; the next Mayoral election will not occur until 2011, and at that time Mr. Withers and Mr. Kerdyk will also be up for re-election. There is the fail-safe, if you will, of the staggered terms. Hey, I've said my piece; I'm not going to....

Mayor Slesnick: We've asked you to come back and you've done that....

Commissioner Cabrera: That's basically, yes, I asked you all to....

Mayor Slesnick: Is there any....

Commissioner Cabrera: I ask you all once again, not to take a position on term limits, but to understand what I was looking to do was to bring it forward for the voters, and Bill, to put you on the spot, if you've got an idea I really urge you to put it to writing, and bring it back to us because its easy to say, yeh, let's look at the whole thing, but by golly if you're really serious at looking at the whole thing, give me an outline, let me see that you are not

only willing to talk the talk, but are willing to walk the walk and tell me what it is that you want to do, because all we've done in essence is kind of discussed this in a very flippant manner. And I don't mean that in a challenging way because I respect you very much, but I think that you have some ideas that I really like to see how they unfold in writing.

Mayor Slesnick: So the idea would be to go to a Charter Review Committee before it goes to the public.

Commissioner Cabrera: On this thing?

Commissioner Withers: Yes.

Commissioner Cabrera: No. No, I never intended...

Commissioner Withers: But I mean on Bill's.

Commissioner Cabrera: On Bill's absolutely, and then if we agree if that's the direction we want to take, because you know, I'm open to Bill's recommendation, I just need to know more about it, and if that's the approach we all want to take then I would certainly table this; I'm going to get tabled anyway whether I want to table it or not, and move it over to a whole review of the entire process from a systemic standpoint.

Mayor Slesnick: Then we'll wait for the next chapter of proposals; is there someone that wishes to do anything at this time?

Commissioner Cabrera: I'm going to move though, right now I'm going to move to adopt my recommendation this morning, to move it forward in the process.

Mayor Slesnick: Is there a second?

Commissioner Withers: Without going to a Charter Review Committee?

Commissioner Cabrera: I want to keep it alive, Chip.

Mayor Slesnick: Is there a second to this. Hearing no second the motion dies, and we'll wait for the next chapter.

Commissioner Cabrera: Let the record reflect this is the second time my motion dies.

Mayor Slesnick: OK.

Commissioner Cabrera: Thank you, I appreciate it. Don, thank you; thank you all for your comments.