

City of Coral Gables City Commission Meeting
Agenda Item F-3
November 18, 2008
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

Interim City Manager, Maria Alberro Jimenez
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia

Public Speaker(s)

F-3 [Start: 1:20:38 p.m.]

A Resolution of the City Commission of Coral Gables directing the City Attorney to prepare an ordinance amending Section 8 of the City Charter entitled, “Creation, composition, election, terms, vacancies, qualifications”, to change the Mayor’s term from four (4) years to two (2) years; and further authorizing the holding of a special municipal referendum election on the issue at the General Biennial Election to be held on April 14, 2009, for the submission to the qualified electors of the City of Coral Gables. Commissioner Rafael “Ralph” Cabrera, Jr.

Mayor Slesnick: Mr. Cabrera F-3.

Commissioner Cabrera: Thank you. Does my item need to be read or no, I can just go right to it? Madam City Attorney does my item need to be read or shall we just go right to it?

City Attorney Hernandez: Well it’s for discussion purposes. You had asked me to bring it back for discussion purposes, and then if the Commission wishes to move forward, then this is the resolution that’s adopted.

Commissioner Cabrera: Very good. So we are talking about here for those that are watching and those that are in the audience today, we are discussing whether a question is to be placed before the qualified electors this coming April 14, 2009 to amend Section 8 of the City Charter, entitled “Creation, composition, election, terms, vacancies, qualifications”, to change the Mayor’s term from four (4) years to two (2) years. I brought this up and I’d like to begin by providing all of us on the Commission some background. This Charter amendment change was approved by the voters on April 12, 2005. Four thousand two hundred and ninety four residents voted on this

change (4,294), and the total votes were the following to change it 2,242; and to leave it “as is” with the Mayor serving a two (2) year term 2,052. Let me break that down just a bit for all of us. Twenty-six precincts voted on April 12, 2005; of the twenty-six precincts 1,626 voters were in favor of changing the Mayoral term to two (2) years, and 1,743 were not. The absentee ballots that were cast for that election swayed the differences; with 616 voters of absentee ballots voting in favor of changing it, and 309 voting to leave it “as is”. So from a total standpoint, this thing passed by 190 votes; excuse me, not thing, this Charter Amendment passed by 190 votes. I will say this for the record; I did not take a strong position either way early on this, in fact I decided to only approve the question to be on the ballot, and I purposely chose not to advocate in one direction or the other. As we were getting closer to the election, I thought long and hard and realized that it was my responsibility to advocate a position, but I chose to advocate very late in the game. In the interim, we went and did our best as a City to inform and to educate the electorate, and I have a couple copies, I have all the copies of all of our communications to the electorate. The one that probably caught my eye, and it should have caught most of the voters eyes, was the mailer that was sent out; we printed 15,000 of these voting guides and we mailed them out the week of March 21st, and we explained the four (4) year Mayoral term as Charter Amendment Ballot Question No. 1, and the one sentence that caught my eye was the very last sentence in these three paragraphs, and it said, “that this proposed amendment would equalize the terms of all City Commission members”; very true statement, it would equalize the terms of all City Commission members, but at the same time it created an imbalance amongst the five members of the City Commission. So as I looked further into the public education process, I ran into, thanks to the help of the Communications Department, the ENEWS, where we told people that should the City change the current two (2) year term Mayor’s term to four (4) years?- that was the first message. It was followed by these suggested changes were developed by the Charter Review Committee, a group of citizens who met periodically last summer to review the City Charter and recommend updates where the committee felt necessary. After a series of public hearings, the Committee proposed the following, to change the Mayors term from two (2) years to four (4) years. We went on to educate on March 9th, and we said that one of the proposed changes would extend the Mayor’s term of service to four years; currently City Commissioners serve four years while the Mayor serves a two year term. Historically, all members of the City Commission serve for two years each. In 1991 the Commissioner’s terms were extended to four years, the proposed Charter change would extend the Mayor’s term to four years, as well in order to equalize the terms of all members of the City Commission, and I could go on and on, but basically, that was the gist of our explanation to the voters. Never really discussing the fact that we were going to create a natural imbalance in all our future elections, that’s what I had a problem with back then, that’s something that I chose not to advocate that I was opposed to it, but because we decided recently that we wanted to bring back the Trial Board, which was by the way soundly defeated by over 800; well the exact number of votes was 838 votes, voted to keep the Trial Board in tact. I felt that this would be a good opportunity after three years, not nine months, after three years of seeing how the Mayoral term has worked two versus four, that we would give the voters another opportunity to vote on it, whether they wish to keep it “as is”, or to return to the two year Mayor. So that’s the basis for my discussion, and I’m open to any and all points that each of you may want to make regarding what I’ve tried to share with you this afternoon.

Commissioner Withers: Well, I'd like to hear Don's position on this. He's the one that's been the Mayor and how that affects the...

Mayor Slesnick: Well, first of all I don't think we need to repeat the entire campaign one way or the other, but everything that was printed there of course is accurate; the City Charter Board did take public testimony, did recommend it to the Commission as a thing they said was a good idea, because they made recommendations, they didn't take non stances, they made recommendations to us based on what they thought was good for the City; and that was citizens that we all helped appoint. There were a larger number of people that voted for the Trial Board, but there were also many more people that voted, so I don't know what the percentages are compared to those percentages. This is an equalization of the term limits; now whether or not the exact way in which the elections work, work to the benefit of some people who would not prefer to resign to run for Mayor is one thing; the fact of the matter is that when Commissioners go out and raise money, which is an excruciating process, and it takes up many months of their time trying to be Commissioner and Campaigner, and Candidate, and to do that every two years is a natural, natural inhibitor of the Mayor's ability to serve the people, because the Mayor is, as I think that most of the Commissioner's will agree, this does not diminish by the way, the great work our Commissioners do, and do constantly and do well as partners in this, but the Mayor does put in a substantial amount of time and effort into this job, and every two years to try to turn the Mayor into a Candidate and make the Mayor goes through that, when no one else does it every two years, they do it every four years. Now, could we find a system which brings more people up for election every two years, that's a different story, but the thing is it doesn't make any sense to ask the person that this City asks to head the Commission, to Chair the Commission, and to act as Mayor, and as you all know whether or not the Charter calls for it or not, the people of the City look to the Mayor to be responsive, and to be there, and to be always around, and to be always on the cutting edge of answering questions and so forth, to make that person run every two years its an inhibitor of doing a good job, its an inhibitor of doing a complete job; and it is a thing which encourages turnover and most of the people, and I respect, Ralph, your position on it, but I think that most of the people I've heard from, from the public that are complaining about it are people that just like to see turnover, and they like to see things change as opposed to continuity. So it's a matter of putting everyone in play as often as possible, and maybe we should put everyone on a two year term Ralph, and that will make us all run together every two years, and all five seats would be up as it once was. By the way, I don't support that; I'm not asking you all or anyone that follows in your footsteps to run every two years. I think two year terms are a travesty; and I think if you all decide to put it back on the ballot, I'll be fine; its not something that's going to affect me in the future, but I think for future Mayors, and I think for you all, and I think for the citizens it's a bad thing; and I have to tell you I've cut out some materials thinking about this coming out, I'm not planning to look at them right now or read them, but its something where people have really talked about the essence of the four year term. I think it serves you all well, and it serves this seat well. I mean, you all would not want to run every two years; you all would not want to put yourself through that, and the only thing this causes is that if one of you all decide that you would like to run, and I'm saying you all, but anyone sitting in your seat that would like to run for Mayor at an evolution that is not your natural evolution, it just means that you have chosen voluntarily to make yours a two year term.

Commissioner Cabrera: Don, let me comment on a couple of things you said. Very early on when you made your commentary you said something about if somebody wanted to run for Mayor they had the right to resign to run.

Mayor Slesnick: Um huh or whatever the requirement is.

Commissioner Cabrera: Yes, or whatever that requirement is; well if anybody wanted to have a four year term instead of a two year term, they could run for City Commissioner instead of Mayor. So the same thing could be said.

Mayor Slesnick: That's true Ralph, but that doesn't make sense.

Commissioner Cabrera: Well it does make sense because some people may want to say to themselves, well do I want to do this for the next two years, or do I want to do this for the next four years, or do I want to do this for the next twelve years. So people have the right to do that and people often make those kinds of personal decisions.

Mayor Slesnick: Well let me say this, if you want to do this job and I say this to the citizens of Coral Gables because you are looking at five people here; the people that run for this office are not getting rich. They in fact, we are all paid just short of or just over thirty thousand dollars (\$30,000) a year, and each of us have a career that we have to keep together and families to feed, and some of us are helped by our spouses to do that, which is by the way not their obligation, but thank heavens they do. So everyone here is committed to doing this because of the right reasons, doing it for a good job, and Ralph I say to you that's my response, that if you are running you are not running for like....I didn't run to hold this office for four years for personal pleasure, I did it to do the right job and I truly believe, I believe then and I believe now that giving the person a full length of time to do that job and not disrupting it every two years is important.

Commissioner Cabrera: And I appreciate that, and I know that you did that. Second comment you made was about what people think, I think that was the way you started your sentence, and you made a commentary of what you believe people think; and one of the things you said was that certain people want to see an ongoing change in this group here. I can tell you that some people believe that if they are unhappy with their elected officials they would like the ability to replace them, the majority of that group every two years versus four years. Now let's talk about realities, and nobody likes to talk about the white elephant or the big elephant in the room, but the reality is when you have three people running together and two people running together as we have in this group, you automatically have a situation where the non Mayoral election may turn out less voters because there is no Mayor, and automatically the vote participation is very low, and secondly and three members, and I'm not suggesting for one minute that any of you would do this, but I'm talking about theoretically, I'm not bringing Chip, Bill or Don into the subject, theoretically the three people that run together as a group could literally have the power to dictate or to govern their City for a period of four years. So as voters become disenchanted or disenfranchised or unhappy with the way that their government is operating, they must all of a sudden realize that well, you know what, we are going to have to wait four years to make any substantive changes to the composition of this group.

Mayor Slesnick: Well, OK. Number one...

Commissioner Cabrera: And I had one last comment.

Mayor Slesnick: OK.

Commissioner Cabrera: And then you can talk all you want. Regardless of how you want to argue this point, and because I think this is a very fruitful discussion that we are having, you must admit that what I just said creates a natural imbalance in the way the government is composed and structured, it just does.

Mayor Slesnick: Number one, Chip, Bill and I disagree on a lot of issues, and yes maybe there is some cabal out there...

Commissioner Cabrera: It's not about you three.

Mayor Slesnick: No, but I'm saying, its not about us three, but maybe there is some cabal out there, in fact the only cabal I know is one pushing for this change, but the fact is yes, somebody could get together and have three people...but this City has never had that much disruptiveness if you will, nor has it had accusations of bad government, I think we are preparing for the wrong thing, and if you think Ralph, that its that important that we have the ability for the citizens to change government every so often, quickly if you will, every two years, then let's put us all up for every two years.

Commissioner Cabrera: You said two minutes ago you didn't support that.

Mayor Slesnick: No, I don't support that, but I'm saying if that was your goal, then that's what your proposal should be.

Commissioner Cabrera: No, no, that's not my goal; my goal is very clear; my goal is to change the term of the Mayor, its not to change the five of us, but I'm not opposed to that, I'm not adverse to that. I'm willing to do it. You know what happens and this is the reality; the reality is...

Mayor Slesnick: You said I could talk all I want to (laughter).

Commissioner Cabrera: I'm sorry, I apologize, but you engage me, you engage me, you engage me.

Mayor Slesnick: I want to hear it go ahead.

Commissioner Cabrera: No, I want you to speak, I really do; I'd rather listen.

Commissioner Anderson: I'd like to throw in a couple nickel, dimes, quarters into this whole discussion, and for the sake of that; back when in '04 when this came up, it does create an imbalance, but I'm not saying...I understand the rationale between the four year Mayor's term,

because it does make sense, because it is continuance of governance in this City, and I think that's important. However, when there is no Mayor running there is a significant drop off of voters and we have to decide, I guess, which one has more weight.

Mayor Slesnick: Can I ask you though; you both said it, there is a significant drop off in voters. Well first of all I would suggest that putting the issues on the ballot that we are talking about is going to create interest, that's number one. So I think we have other ways to create interest; and secondly the Mayor being on the ballot is that big a deal then obviously the citizens think who is the Mayor is a big deal and therefore, I suggest to you that giving the Mayor the four year term in which to operate is important to the government.

Commissioner Cabrera: As far as the citizens thinking the Mayor is a big deal, I don't think they know; I honestly don't think they know. I constantly inform and educate the electorate on how the five of us operate as a government, and back to...I want to echo on what Ms. Anderson said; automatically we will have a lesser voter turnout. So then...hear what you said, but we are going to potentially have more ballot questions, we are going to have more ballot questions, which would draw more interest, which will put us in a position that we'll have no choice to advocate it one way or the other, and the three of you can just sit there nice as a bed bug, and wait until 2011 and decide what you want to do, because you have no election until 2011.

Mayor Slesnick: I promise you, I will be out advocating on every issue...

Cabrera: That's you. You got to stop with this; you can't personalize this; you can't personalize this.

Mayor Slesnick: I am the Mayor and I am going...

Commissioner Cabrera: You hold the Office of the Mayor...

Mayor Slesnick: And I am going to advocate.

Commissioner Cabrera: And you are allowed to; you are allowed to advocate, but maybe if "Joe Shmo" was the Mayor that person would decide not to advocate. So I'm not criticizing Don Slesnick, the strong advocate of most positions in the City, I'm not doing that. Gee, you're the one that taught me how important it is not to internalize some of these things, and I'm not trying to, because hey, maybe this will not get any support from any of you; but look, I gave you empirical data; I told you what it was. In 2005 we had at that time 27,560 registered voters; today that number has got to be well over 30,000, with the last Presidential Election, its got to be probably well into the thirty-five or even higher; and I assure you, and I'm willing to say this today, there were 4,384 cast on April 12, 2005. I project the same kind of turnout whether we have ballot questions or no ballot questions without a Mayoral term, because people don't know. You know what people ask me?- people ask me, when are you going to run for Mayor, and I say, I don't even think that's in the cards for me; I don't think that is something that I've even given any thought to. But even if I did think about it, I would have to resign to run in 2011, but first I have to get re-elected in 2009; and they go Oh, well I thought there was an election coming up next April – well there is, but Mayor Slesnick is not up; you the voters changed that; and they go,

really, we changed that, and I said, yes you did, Oh and by the way, I've got another point that I'd like to make. Our voters are so well educated and sophisticated that even though 4384 people went to the ballots, went to the precincts and voted in the 2005 election, guess what?- only 4,294 voted on this question.

Mayor Slesnick: That's not unusual.

Commissioner Cabrera: It's not unusual, and you know why?- because they don't know the answer, they don't know how they want to respond and so they prefer to leave it blank. That's my assessment, that's my assessment.

Mayor Slesnick: That's their choice.

Commissioner Cabrera: It is a choice they make, but you know what?- they are saying, I just don't know enough about this, is this good or is this bad?

Commissioner Withers: Ralph, let me ask you, why do you think it would be different this time?

Commissioner Cabrera: What's that?

Commissioner Withers: Why do you feel or why do you think there would be a difference in the outcome of the vote this time, what would we do different?

Commissioner Cabrera: I can tell you what we would do different; at least I can tell you what my office would do different; I can't tell you what your office would do different.

Commissioner Withers: I understand.

Commissioner Cabrera: I would advocate a position, the minute that we decide to put it on the ballot, and I would go out and speak to groups, and I would openly...instead of putting Don in a position like we did in 2005, where we had a debate amongst two candidates, an incumbent and a candidate, and immediately following that debate we had Merritt Steirheim facilitate another debate amongst Don Slesnick and Mr. Hartnett, Bill Hartnett?- yes Bill Hartnett. I would say why is a resident, a non elected official of the City taking on the Mayor of the City on an issue of this importance? It should have been one of us.

Mayor Slesnick: The debate was in front of fifty people; it didn't have a big effect.

Commissioner Cabrera: I hear you, and that's another criticism; we should have televised the debate, and we should have proactively shown the debate to the public, so they could better understand the question.

Mayor Slesnick: We may have televised, I forget.

Commissioner Cabrera: I don't think we did, I don't think we did.

Commissioner Withers: Here's my last question. How do you separate the popularity of the individual when it's on the ballot for four years versus two years?

Commissioner Cabrera: The individual?

Commissioner Withers: The Mayor.

Commissioner Cabrera: How do you do that? You can never set aside the popularity of any one of us, or the unpopularity of any one of us, you can't. You meet people everyday, every walk of life, everything you do in life you meet Gables residents everyday, and they either like you or don't like you, or they don't know who you are. It's the parade, you are either in it, you are watching it, or you don't know a parade is going on.

Vice Mayor Kerdyk: Let me just say a couple things; you finish Chip?

Commissioner Withers: Yes, I'm finished.

Vice Mayor Kerdyk: First of all, in fairness to Don, I mean, as he mentions he feels very, very strongly about this because it's probably not going to affect him whatsoever.

Commissioner Cabrera: It may or may not.

Vice Mayor Kerdyk: May or may not....

Commissioner Cabrera: My son is counting on running against....in 2024, OK.

Vice Mayor Kerdyk: My daughter might be up there (laughter).

Commissioner Cabrera: We'll let her go first; we'll let her go first.

Vice Mayor Kerdyk: Anyway, the compelling argument for me is a couple things, one is the Mayor's office, even when it was two years, if you hearken back three Mayoral winners or Mayor, you can look at the consistency. Mayor Corrigan I think served six years; Mayor Valdez Fauli for eight; and of course Mayor Slesnick will be for ten, at least ten. So even though it was a two year term most of the time other than the last one Mayor Slesnick was elected, the Mayor would get re-elected when they thought they had done a good job, so there is some of that validity to it. The one compelling argument for making the change is the fact, in my opinion, that if there is an issue that constituents can make a change in going to a different direction, and that was pretty much exemplified in 2001 when they felt that we needed to go in a different direction for whatever reason that was, we don't need to articulate it at this point; but there was a reason there, and at that juncture people wanted to make that change. Now, if we were in the same timing and there were only two people up, that change could only have been made on two people, and we could still be in the same direction if the Mayor was sitting there that the constituents didn't want to go, and I think that to me, is the overriding situation for putting this onto the ballot. Now what that's saying is we're not making any decisions here, we are going to

let the constituents make another vote on this and of course I will live with whatever that decision is. That to me is the rationale that I have on the overall situation.

Commissioner Cabrera: So what's the essence of your position? Are you...?

Vice Mayor Kerdyk: Yes.

Commissioner Cabrera: OK. Well, what do you all want to do?

Mayor Slesnick: Well, we have a proposed resolution by Commissioner Cabrera, which is to ask the City Attorney to draft an ordinance which would be put on our next agenda, I guess, with all the other ordinances to talk about ballot issues. Mr. Cabrera moves the motion.

Commissioner Cabrera: Thank you sir, I do move it.

Mayor Slesnick: I'll second it, but I just want to understand the procedure. So it will come back to us as a resolution...

Commissioner Cabrera: It comes back as an ordinance. I was totally mistaken, I thought it was strictly a resolution, but it actually comes back as an ordinance.

Commissioner Withers: On the first reading?

City Attorney Hernandez: Yes.

Commissioner Withers: And that's publicly discussed?

Mayor Slesnick: Yes.

Commissioner Withers: And then we...OK. If that's the process we might as well follow through with the process.

Commissioner Cabrera: And what I'm going to try to do in the interim, if this gets approved today, what I'm going to try to do, because I think it's only fair that you all have as much factual information as you are willing to look at to make an informed decision. I'm going to go back and look at the Office of the Mayor and kind of try to historically give you a background based upon the people that I'll have an opportunity to speak to about how long they served, why did they leave office, because one of the things that I'm just convinced of, and this has no bearing on Don Slesnick, I am very convinced that in our City's history as a kid growing up here all the years that I've lived here, that Mayors served until they were ready to step down; they literally got the vote of confidence from the constituency every two years because the electorate thought they did a good job, but there were those times when an wedge issue reared its head and Mayors were replaced. They were replaced whether it was George Corrigan because of what happened at Doctor's Hospital with the medical professional building, or Raul Valdez Fauli because of the annex and the closing of Biltmore Way.

Mayor Slesnick: The last three Mayors were unelected.

Commissioner Cabrera: Were what?

Mayor Slesnick: Unelected.

Commissioner Cabrera: Unelected, but they served a long...one of the points...the real point that I'm trying to make is for a long time they served without even getting any legitimate opposition, and in some instances no opposition, and the time came when the electorate said, you know what?- as Vice Mayor Kerdyk said, we need to go in another direction, and they made a decision to do so every two years.

Mayor Slesnick: Dorothy served two years and was unelected.

Commissioner Cabrera: That may be true, I appreciate...

Mayor Slesnick: [Inaudible].

Commissioner Cabrera: Well there's probably good reason for that.

Mayor Slesnick: So the last three Mayors were all unelected, one as a one term Mayor.

Commissioner Cabrera: I'm going to go back more than just three years; I'm going to go back; it's a great history exercise.

Mayor Slesnick: We have a motion and a second.

Mr. Clerk

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Mayor Slesnick: No

(Vote 4-1)

[End: 1:47:46 p.m.]