

City of Coral Gables City Commission Meeting
Agenda Item F-3
June 13, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

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

Public Speaker(s)

Agenda Item F-3 [2:53:33 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, identifying the duties and powers of the Mayor, consistent with Section 6 of the City Charter, creating Section 2-28 of the Code of the City of Coral Gables entitled “Mayor; Duties and Powers” establishing the function, duties, and responsibilities of the Office of the Mayor; providing for a repealer provision, severability clause, codification, and providing for an effective date. (Sponsored by Mayor Valdes-Fauli)

Mayor Valdes-Fauli: Ordinance on First Reading.

City Attorney Leen: Item F-3 is an Ordinance of the City Commission of Coral Gables, Florida, identifying the duties and powers of the Mayor, consistent with Section 6 of the City Charter, creating Section 2-28 of the Code of the City of Coral Gables entitled “Mayor; Duties and Powers,” establishing the function, duties, and responsibilities of the Office of the Mayor; providing for a repealer provision, severability clause, codification, and providing for an effective date. This item is sponsored by Mayor Valdes-Fauli. Mr. Mayor if I may just briefly and then I’ll have the Deputy City Attorney present it. The Mayor of Coral Gables has certain

customary authority as the chair; it's been exercised for a long time. The Charter basically establishes the Mayor as the ceremonial head of the City and also the head of the City for military purposes if there is an emergency. Basically says that the Mayor also can have any additional powers provided by the Commission. So, what this ordinance does is it codifies a lot of the traditional authority of the Mayor as Chair. I'll turn it over to Deputy City Attorney, because there are a couple of items that may be a little bit different than typical, so I think she should go through each one.

Deputy City Attorney Ramos: So as the City Attorney mentioned, Section 6 of the Charter has basically three sentences that talk about the Mayor's authority, but the Mayor has customarily in the City performed many different functions, and so the purpose of this Code section is to codify what those functions have been. Essentially, the service Chair of the City Commission, including ruling and procedural matters and administrating Commission meetings and moving on points of order to establish timeframes for speakers, to represent the City Commission in negotiations, meetings, and functions, to designate other Commissioners to do so as well, to have the Chairperson of Board and Committees report to him or her on all matters of procedure, to issue procedural orders in quasi-judicial matters, to rule on procedural motions by party to quasi-judicial matters, to approve requests for time certain matters, to appoint the Vice Mayor, to call special meetings of the City Commission consistent with Section 2-26 of the City Code, and to exercise all other authority provided in the Charter and/or the City Code. I call your attention to 3, 5, and 8, which are probably the ones that are a little bit above what's been historically done. So, to represent City Commission in negotiations, meetings, and functions, that's typically only been done once a Commission has voted to designate the Mayor. Now the Mayor would be the primary person and then obviously you all could vote to designate someone else if you so choose.

City Attorney Leen: The reason why that's an important provision is because the tradition role of the Mayor is to negotiate with the City Manager, the City Attorney, the City Clerk, when they are hired, their initial contract which is then brought to the Commission, which is approved in open session, but for purposes of the Sunshine Law another provision it's better to have that in the Code, but notice it says, on behalf of the City Commission, it doesn't say the City, because the City Manager would typically negotiate on behalf of the City, but there are times when the City Commission itself is negotiating and that would be the Mayor. I would also note that it allows for someone else to be appointed from the Commission and it also allows the Commission to overrule the Mayor, which is a matter of Parliamentary Procedure by a majority vote.

Deputy City Attorney Ramos: Correct – and that's actually in Section D, it says, any proposed agreements that results in the Mayor's authority to negotiate on behalf of the City

Commissioners subject to review by the City Commission, also it not unilateral authority. Number 5, to have Chairpersons of Board and Committees report to him on matters of procedure. I thought this could be useful in situations, where for example, the City Commission may be bringing up an item to discuss and a Board or Committee may also be interested in that item, but the Mayor may wish to advise them to wait until the City Commission had an opportunity to provide their leadership before a Board goes and discusses that, so that's an example of that; and also to approve request for time certain matters, that has been done both ways. I believe it's been done through the Clerk's office, as well as through the Mayor and this will give the Mayor the ability to do that. If you have any further questions, I'm happy to address them.

Vice Mayor Keon: I only ask that on number 5 that it relates solely to procedure, is that right?

Deputy City Attorney Ramos: That's correct, matter of procedure. Thank you.

Commissioner Quesada: I like this. I'm glad we finally have it outlined. I know there was an issue discussed that, I'm in favor of it, I just don't know if it would cause a procedural mess or not...I'm sorry?

Deputy City Attorney Ramos: The passing of the gavel.

Commissioner Quesada: No, no, not that. Were you done with your presentation?

Deputy City Attorney Ramos: Yes, but I had to mention that, so I'm sorry.

Commissioner Quesada: It was nothing related to that. You know it's funny, the Mayor of the City, but typically gets the praise and the grunt, gets the good and the bad. We saw it with Jim, we see it with other Mayors and Raul, our current Mayor has experienced it once before and he's experiencing it now, and that was the issue of whether the Mayor should be able to appoint the Chair to every one of the Boards, which I'm not against, but I know it has been brought up here, it's a conversation I had in my pre-agenda meeting. My only concern would be...

Mayor Valdes-Fauli: That's not in here.

Commissioner Quesada: I know it's not in here, but it's an additional thought, because my thought has always been the Mayor is the one, again who is the figurehead of the City, and I've always found it strange in the City of Coral Gables the Mayor really is just more of a figurehead than anything else, same vote, you run the meeting. I just want to put that out there. I don't know if anyone else had discussions related to this topic, if people were for or against it. My thought

was if the Mayor was selecting the Chair of each one of the Boards might cause a little bit of havoc just because we may have a good Chair that's not the appointee and the Mayor wants to make that person a Chair, so now you've taken away an appointee of another Commissioner. I brought it up, because I discussed it with staff and I wanted to discuss it with the other elected officials as far as your thoughts on that. Did that make sense at all or not?

Vice Mayor Keon: I agree with you that I think that these Committees and Boards often function best when they can name their own Chair and don't feel like they are subject to somebody else; and I think the Mayor doesn't always know every appointee on that committee other than their appointee, so I think there are people that have had experience and actually have the ability to run a meeting better than somebody else, and I think that the Chair – I would rather see committees...

Mayor Valdes-Fauli: It's not in here. I agree.

Vice Mayor Keon:...and things are able to organize themselves.

Mayor Valdes-Fauli: Alright. Can I get a motion?

Vice Mayor Keon: I'll move it.

City Attorney Leen: Oh, it's a public hearing item, sir.

Mayor Valdes-Fauli: What?

City Attorney Leen: It's a public hearing item. Yes ma'am.

Ms. Magdalena: Since everything is so complicated because it's legal, does it give you more power? - yes or no.

Mayor Valdes-Fauli: No, but it codifies the powers that I have had by Charter or by custom.

Ms. Magdalena: OK. Does it add to your power?- yes or no.

Commissioner Quesada: No.

Mayor Valdes-Fauli: No.

Ms. Magdalena: No. Does it define it, is that it is?

Mayor Valdes-Fauli: Yes, it does.

Commissioner Quesada: Its everything that's been held as custom as far as we've known, just putting it into writing.

Vice Mayor Keon: Right. It has always been practiced, but it has never been policy, because it hasn't been codified. So, now it is codified policy and not merely just practice.

Commissioner Lago: Case in point, the naming of the Vice Mayor.

Ms. Magdalena: What?

Commissioner Lago: Case in point, the naming of the Vice Mayor.

Mayor Valdes-Fauli: Which is in the Charter, but it's also in here. What's your question, what's your view point?

Ms. Magdalena: That was my question, whether it gave you more power or not.

Mayor Valdes-Fauli: No. No.

Commissioner Quesada: It just clearly defines everything he has been able to do and every other Mayor. Second?

Commissioner Mena: I'll second.

Mayor Valdes-Fauli: OK. Call the roll.

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

[End: 3:01:52 p.m.]