

City of Coral Gables City Commission Meeting
Agenda Item F-1
April 28, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

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 [12:14:32 p.m.]

Consideration of Convening a Charter Review Committee
Commissioner Lago

Mayor Cason: Now we'll move onto Item F-1, that's a discussion considering convening a Charter Review Committee, Commissioner Lago.

Commissioner Lago: Thank you Mayor. I'll be brief in reference to F-1. As of lately, I've become very interested in potentially having a Charter Review after speaking with the City Clerk and the City Attorney and the City Manager, I was notified that we haven't had a real Charter Review since 2005, I think is the exact number, which was headed up by Mayor Slesnick. What I wanted to do was see the appetite of the Commission in reference to having a Charter Review, having each one of us name one person to that Board and have them come back maybe in 3-6 months with a thorough analysis of the Charter and allowing us the ability to make changes to the Charter based on their recommendations and staff's interpretation.

Mayor Cason: I think it's a great idea. I think it's long overdue. Just recently what happened in Miami Lakes gives you some idea of contingencies that are not in our Charter. So I think ten years later it's worthwhile having a group of experts come in, take a look, come back to us with some ideas about how we might update our Charter and make it so we don't have surprises and not know what to do if certain things might happen.

Commissioner Lago: And I think it's a great opportunity because as the times change, I think the Charter needs to be updated or we need to make sure that we evolve with the times and put forth any changes that may really affect the City, because I think that right now – for the first time I read the Charter the other day in real depth in preparation for this meeting, and I found out a lot of things that, in my opinion, there is no time to really discuss them today, but it really needs to be updated, that are outdated and it just hasn't happened. There's been significant changes in ten years, we may not think so, but in ten years everything changes, so I'm moving to put forth the effort to find somebody who I think will – like what we did with our previous appointment, which was in reference to the City Manager, excuse me, find somebody who is qualified, like Vice Mayor said, somebody who meets the requirements that has to be a City resident. We can put forth those requirements as we speak to the City Manager and City Attorney, but somebody who is willing to dedicate the time. This is essential and I didn't see the timeframe, because they mentioned they are very loose, they said a couple of months was the review process. I want to get a really detailed timeframe in reference to how long the process will take.

Mayor Cason: When this was last done in Resolution 78 of 2004, they created a Charter Review Committee of seven, all of Coral Gables residents, one from each member of the Commission, City Manager appointed a member, City Attorney appointing one member who is a City or County Attorney. They were to make recommendations to the Commission, some of which probably we could do and some of which will go to a referendum, is that correct?

City Attorney Leen: Yes Mr. Mayor. I just wanted to briefly say something. I did a little bit of research and I asked the Deputy City Attorney to as well, into the history of Charter Review in the City, and what you'll find is that – and I asked her just to report on her findings, but just two brief general observations. Charter Review was done in the City, at least the last two times every seven years, so it was done 2004, 1997. I had heard it had been done on that sort of basis previously to that, although we haven't gotten that far yet, but one thing we saw – there were two different types of Charter amendments that would occur. Some go on the ballot in the referendum, just like what you probably know from the County process. Some of them are done by ordinance, because under the Municipal Home Rule Powers Act, anything in a Charter that restricts the authority of a City Commission can be changed by ordinance based on the statute, the state statute. Now this Commission may not want to do that, you have the option to send it to

referendum, but you also have the option to act by ordinance in certain circumstances. Both of these options have been used by this Commission over the last 20 years. Well, actually at this point I'll turn it over to the Deputy City Attorney.

Ms. Miriam Ramos: Hello everyone. At the City Attorney's request, I have put together what came out of the 1995 Charter Review and then what came out of the 2005 Charter Review, and it's just a brief synopsis that I'll go through for you so that you have an idea. Out of the 1995, it was impanelled in December of 1995. Commissioner Lago, you were wondering what the time is more or less, it looks like they impanelled in December of '95, and then the ordinances were put forth December of '97, so it was a two year process. I'm sure we can make that shorter.

Commissioner Lago: That's what I was confused about.

Ms. Ramos: I don't know that it was required to be that way, but that seems to be how it's been.

Commissioner Lago: That was a very long process.

Ms. Ramos: And then 2004 was impanelled in April of 2004 and the ordinances came up in 2005.

Mayor Cason: One thing we might want to look at is November 2016 Presidential Election coming up that would be the logical place to do the referendum part.

Ms. Ramos: Sure. So we would have to make it a much more condensed period of time, and so a very dedicated group of people that can meet in the next few months and get this done. Anyhow the 1995 Charter Review – no changes went to referendum on this one. There were 13 changes; they were all done by ordinance. 3289 was an ordinance amending Section 5 of the City Charter, to include meters and bounds descriptions for the following annexed areas, Hammocks Lakes, Snapper Creek, Pine Bay Estates, and Deering Bay. 3290 was an ordinance amending Section 8 of the City Charter, to delete provisions contrary to the broad band of powers given to municipalities under the Municipal Home Rule Powers Act. 3291 was an ordinance amending Section 14 of the City Charter, to repeal the portion which required publication in the newspaper within 10 days after the final passage, and it changed it to 10 days before the adoption, which is consistent with state statute 166.041, subsection 3. 3292 was an ordinance amending Section 18 of the City Charter, to eliminate all references to the Assistant City Attorney as being an appointed official. 3293 was an ordinance amending Section 19 of the City Charter to eliminate the tax accessor's ability to administer oaths. 3294 was an ordinance amending Section 21 of the City Charter to reduce the percentage of registered voters required to sign a petition from referendum vote, from 20 percent to 10 percent. 3295 was an ordinance amending Section 57 of

the City Charter, to require all contracts for Public Works or improvements over \$7,500 to be awarded to the most responsive bidder. 3298 was an ordinance amending Section 91 of the City Charter, to delete penalty provisions for failure to return City property upon leaving office that is already addressed in Section 1-14 of the City Code. So there was no need to have it in the Charter. 3299 was an ordinance amending Section 94 of the City Charter, to eliminate references to the requirement that all fees and monies received or collected by offices that an employee shall be paid to the City treasury. It provided a transfer to the appropriate section, and its now in Section 89 of our City Code. 3300, ordinance amending Section 104 of the City Charter, to replace the requirement of the City Clerk record ordinances in the register within 10 days, and it replaced it within a reasonable period of time. 3301 was an ordinance amending Section 114 of the City Charter for inclusion of designated non ad valorem tax revenues to conform with the percentages that are detailed under state statute. 3302 was an ordinance amending Section 11(a) of the City Charter, to increase residency requirements from six months to one year to qualify for a candidate in an election. And 3303 was an ordinance repealing sections of the City Charter superseded by Florida Statute and/or the Municipal Home Rule Powers Act, to replace with the appropriate ordinance provisions. Then in 2004 the group was impanelled in April, and in 2005, three ordinances came before and were passed. One ordinance repealed sections of the City Charter superseded by Florida Statute, it was the same kind of idea; and then two ordinances were passed to go to referendum. One was to hold a special municipal referendum election on April 12, 2005. The question was, whether to provide for the Mayor to serve a four year term beginning in April of 2007?- and that failed, in other words the voters did not vote for it. And then the second one was – or the third one was an ordinance to hold Special Municipal Referendum Election on the same date and that question was a Charter amendment to transfer provisions to the City Code to increase the threshold for four more public bids and awards from \$7,500 to \$25,000 on Public Works projects, and that was passed by the voters.

Commissioner Lago: Thank you very much. I appreciate your hard work.

Vice Mayor Quesada: In years past – I'm assuming you don't know this. In 1995 and 2005, did the Commission have a meeting prior to tell the Charter Review Board where their focus should be?- or do you just let the Charter Review Board sort of run free and figure it out?

Ms. Ramos: Do you know what was done in the past Craig?

Vice Mayor Quesada: Because I think if we are going to go through this process, if allowable pursuant to our Code and our Charter, I would like us to have an opportunity to think about it, put some items that we want the Charter Review Committee to consider.

Ms. Ramos: Could that be done through the appointee?

City Attorney Leen: Yes, but it could be done by the Commission when you appoint, you could give directions. Also, one suggestion I have was, to allow the City Manager, the City Attorney, the City Clerk, to make suggestions directly to the Commission about things that might be included based on review of our offices.

Vice Mayor Quesada: That makes sense.

City Attorney Leen: And then one other thing I thought should be was – obviously everything has to come back before the Commission and then it goes on the ballot from the Commission vote, that's a very important part of this process. And I do think that it's going to probably take a six-month process. I would serve as – well it's up to the Commission, but I would likely serve as legal counsel to the Board and either we can keep you updated informally or formally, as the case may be, whatever the Commission directs. You have significant discretion over how this process plays out.

Mayor Cason: So we would vote on each item as it came before us.

City Attorney Leen: Yes. You could decide whether to send something to the ballot or not. It's up to the Commission to determine what goes on the ballot.

Commissioner Lago: So the next goal or schedule – the next goal would be to set forth a schedule, maybe the first thing we should implement is designating each Commissioner would have one appointment to that Board.

Ms. Ramos: And impanelling the Board.

Commissioner Lago: Yes – so that we could have that done, I don't know, next Commission meeting would be?

Mayor Cason: What are your thoughts about having lawyers – do you need a certain number of lawyers on the...?

City Attorney Leen: It's up to you whether you want the City Attorney to pick someone or not. Last time they had the City Attorney pick a County or City Attorney, and the purpose of that person is to take a view more from the City/County Attorney standpoint, because as advisor of the Board when I'm sitting there I'm not going to be making policy recommendations, so there will be at least one lawyer on the Board, if you follow tradition. You could also appoint additional lawyers to the Board, although it's by no means a necessity. Every proposed Charter

amendment will go through my office for review before it comes before you for form and legal sufficiency. So you'll always know whether I think that this is – whether I or Miriam think that this complies with state law.

Mayor Cason:...and our ordinance with state law you can bring to us...

City Attorney Leen: Of course. If there are any issues at all you would know about it and I would give you my opinion before you would vote on something like that. One other thing. I talked to the City Manager about this. I'm going to put together a Charter for the 90th Anniversary this year, which will predate this Charter Review Process, so we are going to do it pretty quickly, because we need to – one thing we found in looking at the Charter is that there still seems to be some question as to exactly which provisions are in the Charter and which are in state law. I see different versions of the Charter, so one of the goals that we are going to have over the next few weeks is to get a City Attorney opinion as to what is the present Charter. Get a nice copy to each of you, so you can have that, and then to each member of the Charter Review. Then once this process is finished and we have a revised Charter, if provisions are made, we'll put together a very nice Charter that everyone can have and...

Mayor Cason: I would suggest that we try to have our appointees by the end of May, because for example, I'm going to be out after ten days and won't have time to get to it, but that way we can think about it and maybe the second meeting in May come up with our appointees.

City Attorney Leen: I agree with you.

City Manager Swanson-Rivenbark: And Mr. Mayor, if I can. Resolution 2004-78, actually called for seven appointments, one from each Commissioner, one from the Manager, and one from the City Attorney, and I would request your indulgence to consider that as a part of your formation.

City Attorney Leen: I would recommend that as well.

Mayor Cason: I think that's fine. OK.

Commissioner Keon: So you'll prepare the resolution?

City Attorney Leen: We'll have a resolution for you at the next meeting creating a board and would be similar to the one that....

Commissioner Lago: So then like the Mayor stated, so then we need to – we'll create the Board with the resolution and then we'll be looking at the next following meeting in May to name our appointments. Is that fine?- just to make sure.

Mayor Cason: Fine to me. Thank you.

Commissioner Lago: Thank you. I appreciate it.

[End: 12:28:35 p.m.]