

City of Coral Gables City Commission Meeting
Agenda Item I-2
March 29, 2016
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

Public Speaker(s)

Raul Valdes-Fauli

Agenda Item I-2 [0:00:00 a.m.]

Presentation of Final Restated Charter and Setting of Charter Review Commission
Process to consider proposed amendments.

Mayor Cason: Alright. The next item is I-2. This is a presentation of the Final Restated Charter and the setting of a Charter Review Commission process to consider proposed amendments.

Raul Valdes-Fauli, would you like to come up, Mayor?

City Attorney Leen: Thank you, Mr. Mayor. Just to introduce the Chair of the Charter Review Committee, he's going to speak a little bit about the seven proposals that are before you today. You're not considering the actual seven proposals today. What you will do is work with the Chair of the committee to set a schedule for consideration. The one thing I want to make sure you all know is in setting that schedule, there are three different potential election methods that could be used here. First is by placing it on the August 30 election ballot. That's typically known as the primary election, but it's the August 30 election ballot. That would be June 10. We'd have to get it on the ballot by June 10. And that means the last Commission meeting before then is May 24. So, if you want to put it on the August 30 ballot, you would have to pass a resolution -- any of these recommendations or none of them, whatever you decide. But if you want to put anything on the ballot, it would have to be done by the May 24 Commission meeting. Now if you want to use the November 8 general election, that would have to be done by August 9. That means we have to get the resolution done by August 9, which the last Commission meeting before that is July 26, so you would have to act by July 26. And we can -- my office can meet all those deadlines, so that's your choice. The third possible method is by a mail ballot. And of course, a mail ballot would not be tied to any of these specific dates. We would work with the County to determine how that would be issued. My understanding is that a mail ballot costs the same basically as using one of these set election dates. Now, when we talked about this in the past, the thing that's more expensive is to do a special election, which would have -- you know, where people go to the polls and vote, but it's on a date other than August 30 and November 8. You've asked that that not be considered. So, the three options we have are the August 30 election, November 8 election or the mail ballot.

Mayor Cason: The August 30 nonpartisan -- no party affiliations would not be able to vote?

City Attorney Leen: August 30, the -- it is a candidate election, other than president. The presidential primaries already occurred, but this is another one. It depends. If there's things on the ballot, then anyone can vote. But yes, there are certain -- like if you're voting for a certain candidate or a certain seat or position, there's a Republican primary and a Democratic primary.

Judge -- judicial elections are also August 30 is my recollection. The Clerk would probably know more about that. But yes, if you want to get a broader electorate, it would be November 8.

Mayor Cason: Okay.

City Attorney Leen: August 30, Walter, what elections are on the August 30 ballot?

City Clerk Foeman: I'll have to check. Offhand, I'm not sure.

City Attorney Leen: Okay.

City Manager Swanson-Rivenbark: We'll check while you're talking.

Mayor Cason: Okay.

City Attorney Leen: So, with that the -- what I've given to you is a memorandum that lists the seven proposals of the Charter Review Committee. One thing that you've already done is by ordinance, you've adopted a restated Charter, which does not have substantive changes in it. It was just we took it and we put it into a better form. That came from the Charter Review Committee as a recommendation and it's now been presented to you and it's also been passed by ordinance. So, that's finished and that's in your packets. What's before you now are the seven substantive changes to the Charter, three of which are new sections, four of which are amendments to sections in the Charter. I've indicated those in your memo. And all I've done is provide you the language. So, with that, I would turn it over to the Chair of the Charter Review Committee, if it's okay, Mr. Mayor.

Mayor Cason: Certainly.

City Attorney Leen: To present the proposals.

Raul Valdes-Fauli: Thank you very much.

Mayor Cason: Thank you.

Mr. Valdes-Fauli: It's always a pleasure to be here. And Mr. Mayor, Commissioners, City Manager, City Attorney, City Clerk, I appear here as the Chair of the Charter Review Committee, a committee that was appointed by you on May 12, 2015. Our members were Tom Korge, Jimmy Morales, Parker Thomson, Richard DeWitt, William Bonn, and Angelique Ortega Fridman, and myself, as chair. And I wish to publicly thank all of them for a wonderful, very dedicated intensive job. It was -- we did something. It was very colorful. It was very unique in the history of Florida and distinguished the City of Coral Gables from any other city in Florida in that our Charter, its first section said that the present municipal government existing under the name of the City of Coral Gables in Dade County, Florida be -- and the same is hereby abolished. So, our Section 1 in our Charter abolished our City, which I'm going to miss that. But we took our job with the utmost severity, as to be expected with such an important topic as our governing document. And yes, we did away with that first paragraph or first section. We not only fixed abominations such as these, but we brought the Charter up-to-date. The old Charter stated that we needed a referenda for a pension plan and amendments, which violates our labor contracts. We needed a referenda to acquire the Biltmore hotel and other properties. We needed a referenda to float bonds. We did it notwithstanding what the Charter said, but if you just read the Charter, we were in violation of the law. These three and other items were in the old Charter, and you adopted a new one on February 9 eliminating these, but not incorporating the amendments that I am going to mention to you. The first section we dealt with, which was not an amendment, was keeping the election date in April of every other year. We discussed at length -- the whole meeting, as a matter of fact, almost -- changing the election to November or some other date to increase participation. And we decided that, especially in a year such as this one, to keep focus on Coral Gables issues and things important to Coral Gables, we would keep the election in April. And we discussed it at length and decided that the nature of the campaign

in Coral Gables, door to door, you imagine going door to door and being asked what you think of Donald Trump or what you think of Bernie Sanders, what do you think of whoever -- very few people would care enough for Coral Gables to focus on Coral Gables in such a contentious year. In addition, our turnout in contested election years in Coral Gables -- and I'm thinking of 1985, 2001 -- we have had 50 percent or more participation. In others where there have been very few candidates or not too much interest, our participation is 20, 25, 30 percent. But we did, after extension discussion, keep the date as April of odd years. The first change was in Section 1 of the Charter, which, by unanimity, we changed the first (INAUDIBLE) election qualification to have a run-off. If nobody gets 50 percent plus 1, a majority, there will be a run-off. And it was briefly considered, a suggestion made by a very distinguished University of Miami professor, that we have weighted voting. In other words, on the ballot you have a list of names and you rank them by preference. And the last one or least vote getter, his votes or her votes would be added to the top two vote getters or the top three. That -- there's one city in Florida that has it, and I think it's Boca. But none of the others we have seen, they all have run-offs. And we decided for the run-off given the complication of the other one and the difficulty in explaining it to people. And I think that most people concentrate on the first two or three candidates and not five or six candidates in some races to qualify them or weigh them. We were told by the County Elections Division that they would need three weeks after the general election in order to have a run-off, and I think that's in one of the drafts you sent us.

City Attorney Leen: No, Mr. Chair...

Mr. Valdes-Fauli: However, that...

City Attorney Leen: They did say that, but we pressed them and they said they could do it in two weeks.

Mr. Valdes-Fauli: That's what I was going to say.

City Attorney Leen: And I believe we changed it to two weeks.

Mr. Valdes-Fauli: That's what I'm going to say. But that -- we were given that opinion the week that the City of Miami had a run-off and the City of Miami Beach had a run-off two weeks after the election. And we said, you know, that's unacceptable. What's this? And you know, as the City Attorney has said, it'll be two weeks after the general election. We amended Section 4, Rules of Procedure, and provided for expulsion of members of the Commission if they -- and the grounds provided by general law. We debated these grounds extensively and they were what the general law provides. And if the Governor suspends a Commissioner and then the Commissioner's reinstated, we still reserve the right to expel that member, and referred to the Pizzi case in Miami whatever.

Mayor Cason: Lakes.

Mr. Valdes-Fauli: The Commissioner in question would have the opportunity to be heard and set up a vigorous defense. There's plenty of time for that Commissioner to defend himself or herself. And -- but we thought that the Commission should have that authority to expel one of its members for violation -- or grounds provided by general law. In addition, we provided for removal of Commissioners for incapacity after expert medical testimony and such. This is removal and not expulsion. We made that difference, but we thought that the City of Coral Gables has to have sitting Commissioners that do participate. And in the unfortunate incident that somebody has a stroke, paralysis or whatever and can't participate, that person should be removed, giving the opportunity to leave the seat to somebody who can participate. We looked at Section 6, Duties of Mayor. And the Mayor is the titular head of the City. The Mayor presides Commission meetings, and the Mayor formally this time, as opposed to tradition, and it has always been that way, that the Mayor appoints the Vice Mayor or the successor. This had been the practice forever. Article 2, the City Manager, Section 11. The City Manager has the power to appoint and remove all officers in the administrative service of the City. In other words, the City Manager is the chief administrator, the chief operating officer, the chief

executive officer of the City. And there was a debate or somebody had included that the City Manager -- that the Commission appoint the Chief of Police. That was discarded by the Committee, and we decided that the City Manager -- that was a proper City Manager function. We eliminated the Trial Board, the famous Trial Board, making sure -- and that is in the record -- that the Trial Board, its functions, its procedure, its process does not apply to police, to fire and to general employees. Those are covered by union contract provisions so that the elimination of the Trial Board affects only those employees appointed by the City Manager, that is administrative personnel, but not the union, not -- it does not apply to police. It does not apply to fire, and it does not apply to general employees. We dealt with the appointment of an external auditor and put in the Charter that there would be an external auditor that will report directly to the Commission and not to the Finance Director. That is the City Commission will choose an external auditor, which will be appointed, and its report will come directly to the Commission. And we also dealt with lines of authority. None of the Commissioners may issue directives in the City Manager's field of authority, and except for purposes of inquiries to obtain information, the City Commissioners cannot communicate with employees and certainly cannot order City Manager employees or union employees, police, fire, general employees, to do anything. And violation of this will result in forfeiture of office. We also dealt with various other provisions in the Charter and left them unchanged. For example, signage and how the Commission can regulate signage. And we discussed First Amendment rights, et cetera, related to signage, but left it as it is because it talks about endangerment of life, et cetera. It was a very thorough process. It was a long process. We've had several meetings. Our meetings started at 7 and ended at 9:30 or 10 many times. Great participation by everybody. And I think that the product is a Charter that will serve Coral Gables in the years to come. Thank you very much for the opportunity of having served, Mr. Mayor, for appointing me as the Chairman of the committee. It was a privilege, as I'm sure everybody will say that. And I urge your submitting this to the voters for ratification because we do now have -- or will have after this, a very functional Charter. Thank you.

Vice Mayor Quesada: Thank you.

Mayor Cason: Thank you.

Vice Mayor Quesada: And congratulations. I mean, this is a tremendous job. You guys have really hit a lot of points that I think were lacking in the Charter, and obviously, cleaning it up as well. One item -- Proposal #2, Rules for Procedure; Removal, and Quorum. One item that came to mind -- and I apologize because I read all your minutes, and I think this was discussed, but I don't see it in here. So, let's say someone, either one of the elected officials either passes away or is removed, what happens with that open slot?

Mr. Valdes-Fauli: The Commission appoints the replacement for the remainder of that person's term. If the term exceeds the next election period, then that person or whoever runs for election for the unexpired portion of the deceased term...

Vice Mayor Quesada: Because I thought I read that in the minutes, but I didn't see it here. But it's incorporated here as well.

Mr. Valdes-Fauli: (INAUDIBLE).

City Attorney Leen: It's in -- Proposal #2 deals with the permanent removal of a Commissioner. Proposal #3 deals with suspension. Let's say, for example, a Commissioner got very sick...

Vice Mayor Quesada: Oh, that's right, the last...

City Attorney Leen: And needed to take time off...

Vice Mayor Quesada: Okay, the last sentence says the Commission may reappoint a replacement. I just wanted to be clear. So...

Mr. Valdes-Fauli: Appoints a replacement just until the next election.

Vice Mayor Quesada: To the next election, yeah.

Mr. Valdes-Fauli: If the terms ends there. And if it doesn't, then there's an election at that point.

Vice Mayor Quesada: Okay. Yeah, that's logical.

Mr. Valdes-Fauli: For the unexpired term.

Vice Mayor Quesada: That's logical. And then the selection of that placeholder Commissioner, is it unanimous vote?

Commissioner Keon: No, it's a four-fifths vote.

Mr. Valdes-Fauli: It doesn't say unanimous.

Commissioner Keon: Four-fifths.

City Attorney Leen: I believe it's a majority.

Commissioner Keon: No, I think it's four members.

City Attorney Leen: It's four-fifths to remove, but the replacement is a majority.

Mayor Cason: No, it was unanimous to remove because the person's being removed from...

Mr. Valdes-Fauli: And it's unanimous to remove because there are only four votes at that point.

Mayor Cason: Right.

Vice Mayor Quesada: Yeah, of course.

City Attorney Leen: Yes.

Mr. Valdes-Fauli: But to reappoint...

Vice Mayor Quesada: Okay, I just wanted to make sure because I didn't see it in this analysis...

Mr. Valdes-Fauli: And we did not -- and this...

Vice Mayor Quesada: And I remember reading it in the minutes.

Mr. Valdes-Fauli: Came up in the '80s. We did not have any provision saying that that person, the appointee, had to agree not to run, something which has...

Mayor Cason: Right.

Mr. Valdes-Fauli: Happened in the past. We didn't...

Vice Mayor Quesada: That appointee would agree not to run is what you said?

Mr. Valdes-Fauli: We did not include that.

Vice Mayor Quesada: Okay.

Mr. Valdes-Fauli: We did not.

Mayor Cason: Did generally the committee agree unanimously on these seven? Was there a difference of opinion? Or in the end, did you reach a consensus on all of these or was there...

Mr. Valdes-Fauli: On most big things we did reach a consensus and the vote was unanimous, yes.

City Attorney Leen: We can only...

Mr. Valdes-Fauli: There was a lot of discussion.

Mayor Cason: Right. I watched a lot of the...

Mr. Valdes-Fauli: Especially on what were grounds for removal, what is violations of law, the Governor's criteria versus our criteria. Should we have the ability to remove if that person is re-appointed by the Governor or comes back -- the Pizzi case. And there was substantial discussion, which has been very well captured in the -- these are the proceedings of just one meeting.

Mayor Cason: The...

Mr. Valdes-Fauli: And I welcome (INAUDIBLE).

(LAUGHTER)

Mayor Cason: The run-off provision, in general, are run-offs now standard in Florida?

Mr. Valdes-Fauli: They are standard in most cities I reviewed. And I think we reviewed -- I reviewed maybe ten cities; Boca, Sarasota, Miami -- a lot of cities -- Hollywood, Pinecrest, Boca.

Vice Mayor Quesada: You know, my biggest concern about the run-off is voter fatigue. You know, as it is sometimes in elections -- you mentioned it -- sometimes we get a turnout of 20 to 30 percent. And then to have a run-off, my concern is that voter turnout's going to go from 20 to 30 percent down to 10 or 15 percent.

Commissioner Lago: You know what...

Mr. Valdes-Fauli: We discussed that.

Commissioner Lago: Vice Mayor...

Vice Mayor Quesada: Yeah.

Commissioner Lago: My concern was -- and if we go back, I think I mentioned this when I requested that we put together a Charter review -- I think we've been talking about it for a year now, right, about a year and change?

Mr. Valdes-Fauli: We were appointed on May 12, 2015.

Commissioner Lago: Almost a year. My big concern was the cost associated with Proposal #1, in regards to the addition of a run-off election. Because you're talking about a significant cost expenditure. I think it's something that's necessary. I mean, we are -- I'll put it to you this way, the Chairman mentioned right now I think there's maybe a handful of cities that don't have a

run-off election and we're one of them. So, I would look at our Clerk and have them do an analysis in regards to what the cost associated were -- are going to be potentially in the future.

Vice Mayor Quesada: But we've looked at that in the past. And if there's another election ongoing...

Commissioner Lago: But it was -- yeah, that's -- the issue is...

Vice Mayor Quesada: It's less than 20,000...

Commissioner Lago: But if...

Vice Mayor Quesada: And if there's no other election ongoing, I believe it's about a hundred...

Commissioner Lago: Hundred.

Vice Mayor Quesada: A hundred and ten thousand I believe was the number that we were quoted about a year ago.

Mr. Valdes-Fauli: A hundred and ten thousand, but prior to a year and a half ago -- no, prior to two or three elections ago, the cost used to be ten thousand, and then it suddenly went up to a hundred thousand.

Commissioner Lago: So, the costs have been fluctuating a little bit. I don't know what the actual reason for that may be. I don't know if it's a state issue or a manpower issue. But my only concern there is the additional cost, but I'm a firm believer that I think we need to have a run-off system. But again, that's up for...

Mr. Valdes-Fauli: It is an additional cost...

Commissioner Lago: Discussion on another day or...

Mayor Cason: Discussion in a future meeting.

Commissioner Lago: The future, but I think the issue that we really need to take a look at and get our hands around is what is going to be the cost associated...

Mr. Valdes-Fauli: It is costly, but I think it's very, very important to have the Mayor and Commissioners be elected by a majority vote.

Vice Mayor Quesada: Yeah.

Commissioner Keon: Yeah.

Mr. Valdes-Fauli: Especially in races such as Coral Gables, where you may have seven or eight candidates for...

Commissioner Lago: I just think it's an issue of optics. I mean, you want the individuals representing the community to have a majority.

Mr. Valdes-Fauli: Right.

Mayor Cason: Well, we really appreciate your work and that of the committee. I looked at most of the sessions on the CD and very hard work and a lot of thought went into it. I'm glad that you had a consensus on most of these things. I think one of the key things for us to discuss now is how are we going to present this to the voters, the three options. Are we going to vote -- we vote on that today?

City Attorney Leen: The -- well, Mr. Mayor...

Commissioner Keon: No.

City Attorney Leen: There's two things that you have to decide. First, which election date you want to aim for. That would be helpful to have an idea today because that would set the schedule. The second thing is, how do you want to -- to put these on the ballot, you have seven proposals. It's up to the Commission -- you have a number of options. You could put all seven on the ballot. You could put some of them on the ballot and others not. You could put none of them on the ballot. In order to actually become part of the Charter, though, whichever proposal you would like, if you want it to be in the Charter, you have to place it on the ballot, and then there has to be a referendum vote and a majority of the public have to pass that proposal for it to go on the ballot.

Mayor Cason: Let me tell you the reason that I like the mail ballot because, first of all, we can pick when to do it. It would go to all registered voters, so you'd probably have a bigger turnout, particularly if it's not tied to some other issue. And secondly...

Vice Mayor Quesada: No live voting is what you're saying?

Mayor Cason: What I'm saying is...

Commissioner Lago: Standalone.

Mayor Cason: I like a standalone, mail ballot where you can explain in detail what each of these seven issues are. Because if you put it on the ballot, what is the number of words you're allowed, Walter?

City Clerk Foeman: Seventy-five.

Mayor Cason: I think it's going to be awful hard on some of these in 75 words to give the background to what the issue is whereas you can put whatever you want, I suppose, in terms of a mail ballot to explain -- and you might get a better quality decision.

Commissioner Lago: And if I just may add to that. And I appreciate my colleague...

City Attorney Leen: I think we have to...

Commissioner Lago: And the Chairman's opinion in regards to this matter...

City Attorney Leen: I think we'd have to look at that.

Commissioner Lago: But let me ask you a question, Craig. For me, I see a lot of people, when they go into the voting booth and there's a litany of items that they need to review, that they become a little bit -- I don't want to say frustrated, but they -- you know, they have to be somewhere so it kind of takes away from the voting experience so people don't want to go there. They want to vote for one issue and then they just check everything or they don't vote on the rest of the items. Having a mail ballot -- you know, I haven't made a decision yet, but having a mail ballot maybe will give that voter the opportunity to sit down, digest the issue, review it, do some research, really get into it. And if you also -- I mean, I know everybody here has gone to vote. It's interesting when you go and vote on certain amendments or, you know, changes to a charter or changes to a constitution, they're always very confusing. The language they use, you know, has implications that if you don't read it very, very carefully, you could be voting no when you really meant to vote yes.

Mr. Valdes-Fauli: Especially when you word it in the negative...

Commissioner Lago: So, when you're trying -- and that happened across the board...

Commissioner Keon: Right.

Commissioner Lago: You know, and it's a concern where I think we need to be very, very careful what we explain. And 75 words, I don't even know how you can potentially articulate a discussion point...

Commissioner Slesnick: I agree.

Commissioner Lago: On that.

Commissioner Slesnick: I agree with Commissioner Lago. I mean, so often you go in there and it says if you believe in this or not to support this, then you have to vote okay is it not or is it for? Yeah, the...

Mr. Valdes-Fauli: (INAUDIBLE) for not whatever...

Commissioner Slesnick: Yes.

Vice Mayor Quesada: Yeah.

Mr. Valdes-Fauli: And then if you say yes...

Mayor Cason: If you have...

Mr. Valdes-Fauli: It's a negative vote.

Mayor Cason: Seven of them at the end of a ballot where you're...

Commissioner Lago: Voting Congress and state...

Mayor Cason: Who knows what else is on there...

Commissioner Lago: Representative...

Vice Mayor Quesada: Yeah.

Mayor Cason: A lot of people probably won't even go to them, but -- so, I think you'd have more validity and greater turnout if you...

Vice Mayor Quesada: There may be a legal issue there that we have to address because I don't know if it's -- I've never researched the issue, but due process is not the right term, but there's some legal research...

Commissioner Lago: I know...

Vice Mayor Quesada: We need to perform.

City Attorney Lago: We are allowed to do by Code -- and we checked with the Miami-Dade County Elections Department. We can do -- we're allowed to do a mail ballot. But I don't know if the mail ballot -- because cities don't typically do that, I would have to do some legal research as to whether we could change, you know, the number of words, for example, you could use in the title because that's determined by state law. Now one thing we could do is we're allowed to do an informational campaign, although we can't advocate on behalf of either side of any item. But we could, for example, put information on the website. We could refer people to that, so they would at least know the legal effect of each of them.

Commissioner Slesnick: But could the information come out with that ballot?

Commissioner Keon: No. I don't think so.

City Attorney Leen: That's what we would...

Commissioner Keon: I think the only thing that is allowed on a ballot is the actual ballot language.

City Attorney Leen: Yes.

Commissioner Keon: And we approve the ballot language. I mean, so when people are constructing ballot language that is intended to confuse, they construct the language in such a way as to confuse, depending on what, you know, they hope to see the vote. You know, that's really up to us is to approve ballot language that isn't confusing.

Mayor Cason: Well, if we can do more than 75 words...

Commissioner Keon: And I don't think you can put anything else on there except the ballot language.

Commissioner Slesnick: Well, can you send out a ballot along with a page of...

Commissioner Keon: No.

Commissioner Slesnick: You can't. It only has to be the ballot from the Elections Department.

Commissioner Keon: Not -- you can do the whole campaign prior to that. You could have meetings. You can have it in the paper.

Commissioner Slesnick: But that's another mailing.

Commissioner Keon: You could have all kinds of other, you know, information, information sessions and forums...

Mr. Valdes-Fauli: And I think that the whole...

Commissioner Keon: And whatever, but you can't...

Mr. Valdes-Fauli: The whole Charter Review Committee would volunteer to...

Commissioner Keon: Absolutely.

Mr. Valdes-Fauli: Appear in every public forum you can think of...

Commissioner Keon: Absolutely.

Mr. Valdes-Fauli: To speak for this because I think it makes all the sense in the world.

Commissioner Keon: I do too.

Commissioner Lago: And you know the good thing about...

Commissioner Keon: But the language itself that you -- that goes out as a ballot, I think, is limited to the ballot question only.

Commissioner Lago: And I think we all agree that every -- it has to be clear and concise. I don't want persuasive or ambiguous language. And the good thing about it is -- and I know that the Chairman has a busy schedule -- is that we have an opportunity right now -- the deadlines, from

what Craig mentioned, are May and August, so we have time. We have a little bit of time to make this decision. Again, I don't want to wait until the end of April to make this decision, but we have a few weeks, maybe a month, month and a half to really figure out how we want to structure this and see what the cost implications are for a mail ballot or whatever...

Mayor Cason: And Craig can research the...

Commissioner Lago: Other ideas that we have, and Craig can research it.

Mayor Cason: Research that.

City Attorney Leen: The thing you need to remember is a mail ballot is different than an absentee ballot. It's governed by our Code. Obviously, it has to be consistent with state law. I would -- if you decide you're interested in the mail ballot, we'll confer with the Dade County Elections Department and also get you, at the next meeting, a list of what we can include in the mail ballot.

Commissioner Lago: Let's do that.

City Attorney Leen: One thing you will do, though, is regardless of which way we choose, there will be a Commission meeting where you have to take a vote...

Mayor Cason: Right.

City Attorney Leen: To place something on the ballot, and it will be the ballot language that you're talking about.

Mayor Cason: So then we'll decide which of the seven or if all of them will go on the ballot. The more they are, I think, for me, the more important to do a mail ballot because you can sit at

home, you can think about it, depending on how many words will be in the question. If it's more than 75, we may not have to do as much of a pre-campaign. But that way you have more legitimacy. Nobody can say, well, I didn't -- I couldn't make it that day. You could have a couple weeks, look it over, mail it back.

Commissioner Slesnick: Just the way this is presented today, it's clear because you segmented what you're proposing against what was officially on there. So, if you divide it all up into different categories, I think you can cover the 75 words.

City Attorney Leen: No, no. The actual -- just so I can be clear. The actual proposed language is placed on file with the Clerk. What we do is -- so you could have 15,000 words in terms of what you want to add to the Charter. What goes on the ballot, though -- so...

Commissioner Slesnick: Is the actual words.

City Attorney Leen: No, no.

Commissioner Slesnick: No?

City Attorney Leen: What goes on the ballot is there's a ballot title and then there's ballot language. And one of them I think is something like 20 or 30 words, and one of them is 75 words. And the 75 words explains what's being done, and then the ballot title is similar to like what I put here for Proposal #2. It just lists basically which proposal is this, and then there's the ballot language. Then you place on file with the Clerk and you make available for inspection what the actual change to the Charter would be based on the ballot question. And when there's litigation on these issues, usually what comes up is, well, is the ballot question -- does it fairly reflect what the actual change to the Charter will be? You will approve the change -- you will approve when you approve the ballot title and language, the question. You will also approve the language that would go into the Charter if there's a yes vote after that item. So all that will be

very transparent. It will be all part of the same resolution placing it on the ballot. One other thing I should tell you is you're not -- you should consider what's been proposed by the Charter Review Committee, but you ultimately have the discretion to modify it, if you like. You could also put your own proposed amendments on the Charter -- pardon me, for referendum to the people. You can -- you have a lot of flexibility over what you can do. Ultimately, it's the Commission's decision what to place on the ballot.

Mayor Cason: Alright, so we'll come back at a later date and discuss the seven items. You'll do some research as to whether more than 75 words can be used on a mail ballot to explain the item, if that's possible. And what else do we need to do today?

City Attorney Leen: Well, I would recommend setting a date to consider the seven items.

Commissioner Keon: A special meeting?

Commissioner Slesnick: No, no.

City Attorney Leen: It's up to you.

Commissioner Slesnick: You mean a Commission meeting?

City Attorney Leen: It can be...

Mayor Cason: Commission meeting.

City Attorney Leen: A special meeting. It can be a Commission meeting. It could be a workshop. It's up to you.

Mayor Cason: I would suggest we do at the end of a regular meeting, like we've done before, like at 5 o'clock and...

Commissioner Slesnick: That's good.

Mayor Cason: Let's separate it.

Commissioner Slesnick: So people can attend if they want.

Mayor Cason: Right.

Commissioner Keon: Could I...

Mayor Cason: Yes.

Mr. Valdes-Fauli: Clearing up a little bit of what you're talking about, except for the run-off, there is nothing that we have proposed that hasn't been considered in the old Charter already. We're just clearing up things. We're establishing the removal procedure, et cetera, but under the rules of law. There's nothing that's, you know, life or death, extremely controversial or turning the ship around 180 degrees. We're not doing any of that.

Commissioner Lago: No, but I mean...

Commissioner Keon: Right.

Commissioner Lago: I agree with your comments. But I've read the Charter and the first time I had a moment to really digest it, I was kind of caught off guard by the first few comments of the Charter, and anybody who is not daily engaged in the City of Coral Gables and the rules and

regulations here, when they pick up our Charter and they read it, it just seems like as if we weren't taking the necessary precautions to really simplify and update our Charter.

Commissioner Keon: But I think we have.

Commissioner Keon: I mean, I think with the restated...

Commissioner Lago: Yeah, the restated.

Commissioner Keon: The restated and the rewritten...

Commissioner Lago: I know, but...

Commissioner Keon: Charter that we already adopted, I think now what is available to the public is a much better...

Mayor Cason: It's coherent.

Commissioner Keon: Charter.

Mayor Cason: It's smooth. You've got all that...

Commissioner Keon: Yes.

Mayor Cason: Those things were taken out.

Mr. Valdes-Fauli: Grammatical, yeah.

Commissioner Lago: Again...

Mayor Cason: It's shorter.

Commissioner Lago: That's key, but when you have a Charter...

Commissioner Keon: Yes, much better.

Commissioner Lago: That states -- forget the language about, you know, abolishing the government. When you have a Charter that states the following, if you'd like to, you know -- the following issue is subject to County law X, Y and Z. That person now needs to go get the County Charter or the state Charter. You know, to me, that makes...

Mr. Valdes-Fauli: We have one of the best charters in...

Commissioner Lago: That's what gives government...

Mr. Valdes-Fauli: The state of Florida today.

Commissioner Lago: You know, and that's what puts -- that's what gets people to have distrust in government because they feel that it's so convoluted that they don't want people to really understand what the laws and the regulations are. And that's what -- you know, that's why -- one of the reasons why when I brought that up and we said let's have a Charter review and the Commission voted on it, I think that was one of the main things that we wanted to avoid.

Mayor Cason: So, Craig...

City Attorney Leen: Yes, sir.

Commissioner Lago: Correct, excuse me, not avoid.

Mayor Cason: What are the options -- what are the -- In other words, we could do this at 5 o'clock -- what's the next couple of meetings, April what?

City Attorney Leen: April 12.

Mayor Cason: And then April 26.

City Attorney Leen: Twenty-sixth.

Mayor Cason: So, you want to put it on the end of -- 5 o'clock on one of those days?

Commissioner Keon: Whatever works.

City Attorney Leen: Yes. We can put it after...

Commissioner Keon: I'd like to do...

Mayor Cason: How much time for your research?

Commissioner Keon: If we could do it sooner than later...

Mayor Cason: Yeah.

Commissioner Keon: So that we could have more conversation then send him back for the research that we can then...

Mayor Cason: Yeah.

Commissioner Keon: We can actually vote on it then.

Commissioner Lago: I want to make sure we publicly notice it...

Commissioner Keon: Yeah.

Commissioner Lago: That we put it on eNews, you know, so that the public understands...

Commissioner Keon: Right.

Commissioner Lago: What we're doing and they have that time available to make any comments.

Mayor Cason: Do we need two...

City Attorney Leen: Well, what...

Mayor Cason: Do we need two votes on this?

City Attorney Leen: We may need two -- it depends on what you instruct me...

Commissioner Keon: Yeah.

City Attorney Leen: Right now because I could prepare resolutions for all seven, and then you could vote up or down whether you want to send those to the voters. Or alternatively, I could wait to hear if you make modifications or if you have, you know, your own proposals that you'd like to put on the ballot, and then that would require a second meeting.

Mayor Cason: So, if we don't...

City Attorney Leen: What do you prefer?

Mayor Cason: If we agree with these seven and we vote them up or down, we only need one meeting?

City Attorney Leen: Yes, although I would want a little bit of time because I'm going to have to prepare -- well, here, the thing is you could have a meeting April 12 or depending on the schedule, but just hypothetically, you could have it April 12, if you're okay with me coming back to you with the final resolutions once you've approved which ones you want to proceed with. Because I have to prepare the ballot -- the title and the question for each of these, which may take a little bit of time.

Mayor Cason: So it's a resolution? It wouldn't be an ordinance?

City Attorney Leen: They're all done by resolution.

Mayor Cason: Okay, so one meeting...

Commissioner Keon: Right.

Mayor Cason: On the resolution. So, why don't we do it on the 12th at 5 o'clock?

Commissioner Keon: Right, that would be the first one. And then once...

Mayor Cason: First one.

Commissioner Keon: The ballot language is written...

Mayor Cason: Discuss them.

Commissioner Keon: We would have to approve the ballot language by resolution also, right?

City Attorney Leen: Yes, yes.

Mayor Cason: And the resolution (INAUDIBLE)...

Commissioner Keon: So, we would have to do two votes with two meetings for that.

Mayor Cason: Someone want to make the motion then for April 12?

Commissioner Keon: I'll make a motion.

Commissioner Lago: I'll second the motion.

Mayor Cason: Commissioner Keon makes the motion. Commissioner Lago seconds. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

City Attorney Leen: Now, Mr. Mayor, with the 5 o'clock, what if your meeting ends at like 2 or 3. You want to wait until 5 and then start?

Mayor Cason: Yes, because the public can...

Commissioner Slesnick: Yes.

Mayor Cason: Come, that way if anybody's interested and have to work and...

City Attorney Leen: So we'll set it -- is it okay if we set it for 5:01? That's typically what you do.

Mayor Cason: 5:01.

City Attorney Leen: Okay.

Mayor Cason: 5:01.

Commissioner Slesnick: Mr. Mayor. Mayor Valdes-Fauli, about half of the population now in Coral Gables does vote by absentee ballots, so do you think if we had a -- and I do think we should have run-off elections, especially when you have an open seat. You have five, six, seven people running. So, do you think if you were having a run-off that it could be by mailer -- by mail, and would that be less expensive? Or do you think it should be just the people that voted in that election?

Mr. Valdes-Fauli: I would give -- personally in this, I would give everybody the chance to vote the same way they voted in the first election.

Commissioner Slesnick: So you think it should be limited to just the people that voted in the first election?

Mr. Valdes-Fauli: No, no, no.

Commissioner Keon: No, no, no.

Mr. Valdes-Fauli: Everybody should be able to vote, but in the same means...

Commissioner Keon: Right.

Mr. Valdes-Fauli: That they voted in the first, if they desire to do so. We discussed at one point doing the run-off the week after the election and decided that was impossible because of the timing on getting the ballots out and advertising who won and who didn't, so we decided for two weeks, which is the normal time.

Commissioner Slesnick: I think this is what happened in the City of Miami.

Mr. Valdes-Fauli: Yeah, Miami, Miami Beach, and many other cities.

Commissioner Slesnick: And do you -- I know between 2001 and 2011 on the Vice Mayor, the Mayor appointed a different Commissioner every six months so that during that cycle no matter - there was always four Commissioners, one was always a vice mayor for six months, which passed that assignment around for each of those cycles. When you were mayor, how did you select your vice mayor? Did you have one the whole time or did you have...

Mr. Valdes-Fauli: No, I had...

Commissioner Slesnick: Because you had different...

Mayor Cason: He took the tallest one.

Mr. Valdes-Fauli: What?

Commissioner Keon: The tallest one.

Mr. Valdes-Fauli: I had one the whole time for a period, and then I rotated in other times.

Commissioner Slesnick: You started that process of rotating?

Mr. Valdes-Fauli: Yeah, but I think in my last period I only had one. I don't remember, frankly. And the importance of the vice mayor is in the absence of the mayor, and I don't think I was ever absent.

Commissioner Slesnick: Great track record.

City Attorney Leen: But there's a Code provision related to the vice chairman of the Commission -- vice chairperson of the Commission. And then there's -- I believe there's a resolution mentioning the vice mayor. And so that's typically then left up to the mayor to select.

Commissioner Slesnick: No, I just wondered how it had been done in the past.

Commissioner Keon: Well, it's been done a lot of ways, but I don't know was it policy, Raul, or was it just practice?

Mr. Valdes-Fauli: It's practice.

Commissioner Keon: Just practice.

Mr. Valdes-Fauli: Practice.

Commissioner Keon: Right, so yeah, I think it was just the practice that was...

Commissioner Lago: And it's worked out -- excuse me, Mayor. Commissioner Keon...

Commissioner Keon: You know, however the Mayor wanted.

Commissioner Lago: I think that...

Commissioner Keon: Yeah.

Commissioner Lago: I think that's worked out pretty well. I mean, I think it's been, you know, at the discretion of the Mayor, and I think it's...

Commissioner Slesnick: Well, it's always at the discretion of the Mayor.

Commissioner Lago: No, but I mean, I think that what we were clarifying right now was whether it was like put to a vote and the Mayor kind of nominated someone on the Commission...

Commissioner Slesnick: Right.

Commissioner Lago: For that.

Mayor Cason: That's the difference.

Commissioner Lago: Yeah. And I think...

Commissioner Keon: I think it was just...

Mayor Cason: He's been okay, so we don't have any...

Commissioner Lago: I move to remove Vice Mayor Quesada.

(LAUGHTER)

Mayor Cason: Thank you very much.

City Attorney Leen: One more thing, Mr. Mayor. Mr. Mayor, just to...

Commissioner Lago: I'm sorry...

Commissioner Slesnick: You didn't get a second.

City Attorney Leen: Just to clarify...

Commissioner Lago: I didn't get a second. I didn't get a second.

Mayor Cason: You didn't get a second.

Vice Mayor Quesada: I second that.

Mayor Cason: Craig, do you have anything else?

City Attorney Leen: Just to clarify, Mr. Mayor, so I'm going to go forward and get information regarding a mail ballot...

Mayor Cason: Right.

City Attorney Leen: To brief you on next time. You're going to think about whether to do the mail ballot or the primary or the general election, and that will be decided at the next meeting. And then I will wait to prepare actual ballot language until after you instruct me which of the seven you want to proceed with.

Mayor Cason: Right.

City Attorney Leen: Is that okay?

Mayor Cason: That's perfect.

City Attorney Leen: Okay.

Commissioner Keon: Could you -- Mr. Mayor, could we -- would we also ask the Clerk or the City Attorney to look at the issue of absentee ballots in a run-off election because I think at least half of our ballot -- I mean, half of our public votes...

City Attorney Leen: Yes.

Commissioner Keon: And two weeks seems like a -- I would be surprised if they could get absentee ballots out and back within two weeks and actually give people enough time to...

Mayor Cason: Do the research on that.

Commissioner Keon: If you just look into that.

Mayor Cason: And will you be available on -- to be here at 5?

Mr. Valdes-Fauli: I'm available whenever you ask me (INAUDIBLE)...

Mayor Cason: Okay.

City Attorney Leen: Mr. Mayor, should we invite the whole Charter Review Committee or...

Vice Mayor Quesada: That'd be nice.

City Attorney Leen: Or the Chair?

Mayor Cason: If they'd like to come. But certainly, if you could come and...

Mr. Valdes-Fauli: I will be here.

Mayor Cason: And those that could make it. It would be nice.

Commissioner Keon: We can invite them, and whoever can come can come.

Mayor Cason: Right.

Commissioner Lago: Yeah, and we could also recognize them...

Commissioner Keon: Yes, but...

Commissioner Lago: Just for their commitment to the City over the last year, which has been impressive.

Mayor Cason: Okay, great. Thank you.

City Attorney Leen: Thank you, Mr. Mayor.

Mayor Cason: Alright, let's move back to...

Commissioner Keon: Thank you.