

City of Coral Gables City Commission Meeting
Agenda Item J-4
December 11, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item J-4 [0:00:00 p.m.]

Update on staff analysis of EV parking requirements for development projects.

Mayor Valdes-Fauli: J-4.

City Attorney Ramos: J-4 is an update regarding Administrative and Implementing Orders. At the last meeting, Commissioner Keon had asked that we come back and report. The City Manager has worked closely with Naomi Levi-Garcia to implement this process. I think it's going to make things a lot more process driven rather than people driven so that things are memorialized and we know where they come from. They will be published online, much like the City Attorney opinions,

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so there will be transparency. And the first administrative order setting out administrative and implementing orders has been authored. It is 18-001.

City Manager Iglesias: This will -- as the City Attorney said, we'll go from basically working from historical knowledge to being procedural. This goes with our smart city concept that we're working towards the next two or three years and it will document policies.

Mayor Valdes-Fauli: Thank you.

City Manager Iglesias: So, the policies will be documented and they'll be right next to the City Attorney opinions.

Commissioner Keon: Yeah.

City Manager Iglesias: So, I think that we're going towards the procedural work process instead of a historical -- from a historical work process.

Commissioner Keon: Yeah.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Keon: Thank you very much. From the time when I was elected, I have asked about why there are no administrative orders that accompany legislation and no implementing language that accompany legislation because I've never seen in a well-functioning organization where that doesn't occur. And it's the same issue when we were talking here about the "No Parking" signs. All of that should be documented as to what the ordinance or resolution is, what the administrative -- how you're going to go about carrying it out and what you're going to do so it's never standing up here guessing about, you know, I think it was about five years ago that we

talked about that. That should never happen in a government that should be as sophisticated as this government should be.

City Manager Iglesias: Yeah. It will not only...

Commissioner Keon: But I am very grateful to you -- I'm very grateful to you for doing this. Thank you...

City Manager Iglesias: Much help from...

Commissioner Keon: Very much.

City Manager Iglesias: Much help from the City Attorney. But this is going to also...

Commissioner Keon: Thank you.

City Manager Iglesias: This will document the implementation also and not only it will be generated by the City Manager's office. It will be generated by any department that wants to. So, we're bringing all of the -- all these administrative orders and implementation from all the departments to get them documented.

Commissioner Keon: Thank you very much.

Commissioner Mena: What's the process going to be for that as far as, you know, after the meeting, there's a given ordinance...

City Attorney Ramos: So, AOs will be more for policy matters that don't necessarily come from here or that aren't attached to an ordinance. IOs will be for ordinance implementation. So, for example, we just had an ordinance pass on second reading about the bond -- the green bond

initiative. So, there would be an implementing order that says starting on this day, this is how this will be done.

Commissioner Mena: And then...

City Attorney Ramos: And this is the department responsible.

Commissioner Mena: Okay. But I guess my question is, A, who will prepare that?

City Attorney Ramos: So, primarily, it's being done...

Commissioner Mena: And B, will it -- I want to make sure things don't get lost in translation.

Commissioner Keon: Department directors should.

City Attorney Ramos: So, primarily, it will be done by Naomi, approved by Peter because they're his orders, but I will be reviewing them as well to make sure that they comport with whatever the Commission's will was in those that obviously relate back to an ordinance or something that came before the Commission. I could foresee things where the Manager would want to issue an administrative order that didn't necessarily come before Commission. It's just an idea that he has that he wants to implement, so those aren't as important for me to review. But the ones that do tie back to an ordinance or resolution, I'm happy to review.

City Manager Iglesias: In this case, on the green ordinance and the TCO, the director would provide that administrative implementation order to Naomi Levi-Garcia, and then we would review it, send it to the City Attorney's Office, and then I would approve it and then it would be implemented.

Commissioner Keon: It accompanies the legislation.

City Manager Iglesias: So, that would be the...

Commissioner Mena: Again, I just want to be...

City Manager Iglesias: Procedure.

Commissioner Mena: Careful the content and substance of what is in the order and that it, you know -- obviously, the goal is for it to reflect to what we've voted on, but there's logistical things that then come up after the fact. And I guess my question is would those things go into such an order?

City Attorney Ramos: So, I think that the initial policy will be taken from all of you. When we prepare resolutions, we listen to the meeting again to make sure that everything that was said is memorialized. We will do that in the implementation order and then he'll -- the City Manager and the different department directors will have some leeway...

Commissioner Mena: Correct.

City Attorney Ramos: In the details of how those things get done and who will be responsible in their department. The nice thing is it'll be published online so everyone will have access to them. And of course, they can be amended if we find that there's an issue. It is either not working or it's not accurate.

Vice Mayor Lago: Okay.

City Manager Iglesias: Commissioner, are you worried about the issue...

Commissioner Mena: I'm -- I think it's a great thing overall. Let me be clear about that on the outset. But with that said, I just -- you know, I'm always wary -- I don't want somebody coming to me and saying, Commissioner, here's the implementing order for the ordinance that you passed and this is how you approved things happening and that it be somehow either, A -- I don't think it'll be inconsistent, but that it be sort of beyond the purview of anything that we discussed and now there's some sort of level of, you know, ownership over that. So, I -- we'll see how it goes.

City Attorney Ramos: Understood.

Commissioner Keon: But it shouldn't be because they review for consistency.

Commissioner Mena: So, but I'm saying...

Commissioner Keon: So, that's why...

Commissioner Mena: Things that are sort of...

Commissioner Keon: Oh, okay.

Commissioner Mena: Maybe a little beyond the scope of maybe something that we discussed, maybe something more precise, more specific in the implementation and logistics. You know, again, we'll see how it goes and we'll adjust accordingly, if necessary.

City Manager Iglesias: But what the Commission wants has to be implemented.

Commissioner Mena: Of course.

City Manager Iglesias: And there's always implementing details.

Commissioner Mena: Of course.

City Manager Iglesias: And so, if we don't do that then it will get -- things will get lost.

Commissioner Mena: And I agree with that.

City Manager Iglesias: So, we do not intend to have implanting details go contrary to what the Commission wants.

Commissioner Mena: Of course. And I'm not -- it's not my goal to suggest that you would do that or anybody would do that. But again, there's things that just are not precisely discussed by us at times that are logistical things that you have to deal with and it's your job to deal with as you roll these things out and I respect that. But I also want to make sure that there's a clarity between what is a staff level decision and what is a Commission level decision as far as the specifics in a given order.

City Attorney Ramos: And so, I think that that can be laid out kind of as a disclaimer at the top of the implementing orders about the Commission...

Commissioner Mena: That's right.

City Attorney Ramos: Sets the following policy. However, the Administration has the discretion how to apply these policies, et cetera. I can talk to Naomi about adding such a statement to the top of the implementing orders.

Commissioner Mena: I think that makes sense.

Mayor Valdes-Fauli: Alright.

Vice Mayor Lago: Okay.