

City of Coral Gables City Commission Meeting
Agenda Item J-1
January 8, 2019
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, Billy Urquia
Government Affairs Manager, Naomi Levi-Garcia

Public Speaker(s)

Katherine Fernandez Rundle

Agenda Item J-1 [11:26 a.m.]

A Resolution of the City Commission of Coral Gables approving the City's 2019
Legislative Priorities.

Mayor Valdes-Fauli: Legislative agenda.

Government Affairs Manager Levi-Garcia: Good morning, Mayor and Commissioners. You have before you a resolution for the City's legislative agenda. The agenda sets forth the policy and funding priorities for the City. Our lobbying team could not be here today. because they're

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in Tallahassee for the Governor's inauguration, but we are well represented by Southern Strategy and Ron Book, P.A. They're very familiar with our priorities, but they recognize that this is an evolving document. Things can change. We may come back to you from time to time to ask to add to the legislative agenda. So, among our priorities this session is increased funding for the State Attorney's Office, and we have State Attorney Katherine Fernandez Rundle here to talk to you on the topic. So, unless you have any questions regarding the legislative agenda, I will turn it over to her.

Mayor Valdes-Fauli: Thank you. State Attorney Katherine Fernandez-Rundle, it's an honor to have you with us. Big honor.

Katherine Fernandez Rundle: Good morning, Mr. Mayor.

Mayor Valdes-Fauli: Good morning.

Ms. Fernandez Rundle: Thank you so much for this opportunity to be here and thank you all. Welcome, Mr. Manager, and I want to thank all of the City Commission and counsel for allowing me to be here and speak on an issue. I think I know most of you and I admire so much the work that you do. It's incredible when you look at the City Beautiful and you realize it's not just about the citizens, it's about governance. So, I congratulate all of you. I have to give a great shout out to Miriam Ramos. I mean, she's a former Assistant State Attorney, was great in that role. And now, just to watch her blossom as your City Attorney has been just a real privilege and a joy. I also want to let you know, just in case because I don't often have an opportunity to come here, that we have an excellent working relationship with your Chief of Police, Ed Hudak. And also, a little shout out to your chief in the Fire Department because his sister works with me. She's one of my judicial assistants. So, that's good blood in that family. So, you guys do a great job. And for the City of -- for your police department, let me also just say that on a larger scale - - and I know I'm not here to talk on this, but it's an opportunity to thank you. You act as the fiscal agent for our money laundering strike force. And, I have to tell you when you look at

Department of Justice and other places around the country that they supervise, and they analyze, I think because the City of Coral Gables has done such an outstanding job as the fiscal agent, our money laundering strike force has never gotten anything but great reviews. And, I think that's in large part to the leadership of your police department, so thank you for doing that for us. I came here to you today, because your judicial system and the criminal justice system is important to you and to those you serve in your community. And we are at a crisis point right now, and I believe that if I didn't share this with you so that you could weigh in on this, A, so that you're aware, and B, I think there's a very powerful role for you if you wanted to weigh in on your State Attorney's Office. The State Attorney's Office works for you. We work for all your constituents. We work for your police department. We're a partner with them. We're a partner with your crime watch and so many other people in your community that count on you and count on us. And so, I just want to bring to your attention what is going on with your State Attorney's Office in terms of its ability to continue the good service that it always has done for our larger community. Just remember there are 37 municipalities and we're the only local prosecutor's office, so there's 35 police departments and all of those municipalities. You look anywhere -- and I don't need to tell you, because you all are very knowledgeable on the issue of housing. But, Miami is one of the least affordable housing markets for any recent graduate from any -- from either undergraduate or law school. And you can look at studies. I won't bore you with all of them, but you know that Investopedia just found that Miami -- as of about two years ago -- was one of the top most expensive cities to live in the United States and the only one in the southern US list. You know, if you're a graduate from law school whether it's Florida State University -- as an example of a public law school -- your debt is way over \$67,000. And if you're a University of Miami law student, even with some scholarships, you're in debt upwards of \$154,000. I meet with these young people and I look at them and say how are you going to do this? They want to be able to do this. They want to be able to serve, but now it's a question of where are they going to live, can they live, can they feed themselves and their families. So, why do I bring this up with the housing market? The State Legislature provides \$40,000 per year. Yes, I did say \$40,000 per year per lawyer, the assistant state attorney in our office. And if you think about that number, I bet you there are people that you know that make that kind of money

and are probably on food stamps or some kind of welfare. That is not a livable wage in the City of Miami -- I mean, in the County of Miami-Dade, rather. And so, what happens is they may come for a little while, assuming that they come. I compete with -- we're the fourth largest in the United States, we compete with all the other major urban DAs offices, New York, Chicago, L.A. They're my friends. We always are collaborating, but their markets are paying a lot more, but that's okay. I'm not talking so much about those markets, but that's who I'm competing with. So, let's assume that I can get them to come for \$40,000. Now, what's happening is they actually discovered they can't really live on that money, and so they leave. And when they leave, that creates a dearth -- a loss, an economic loss of not just talent, but of an investment of having recruited them and trained them only for the benefit of some private law firm probably somewhere else. And just this year -- and this has been an ongoing problem, but it's hit a real critical point. Since January, I've lost -- I believe the number's 75 lawyers. I want you to think about that number. For those of you that aren't lawyers, you probably have friends that are lawyers. That is a large business, whether it's a legal business or not. Seventy-five lawyers is one of the largest sized law firms in Miami-Dade. So, I have 333 lawyers. So, just consider that that is like replenishing and rebuilding every year a new law firm. That absolutely makes no sense. So, if you can see, we are around -- this is a little out of date. I have updated numbers. Like I said, I believe it's 75 now. Now, why is the State Legislature -- when you think about, well, how much money does it cost because the State Legislature has to look around. It has a tremendous burden of trying to finance a whole bunch of services for the state of Florida. Well, if you look at this, you'll see, you know, the criminal courts -- and then out of that because we're on the Article V of the Constitution, so we're funded with the courts, not to get too down in the weeds. But, you'll see our percentage of State Attorney -- that's for the whole state -- is less than just about half a percent. So, it's not like we're an expensive item. It's just that we're not prioritized. That's my view. We need to become prioritized. Now, if you look around and you say, okay, well, we're public servants. We accept that. We know that. We're definitely not doing it for the money. This isn't about making money. It's about surviving, making a livable wage. So, you look around and you say, okay, we accept that as public servants we're going to do this because we put others before ourselves. But look at this. If you look at just other public

servants and their salaries, you'll see County Attorney's -- and believe me, these are all our friends. This is not a slight to anybody. God bless that they can get those salaries. I'm happy for them. They deserve it. But just look at what we're competing with. So, we're competing -- County Attorney -- all these public lawyers are all upwards of, you know, 10, 12, 15, \$17,000 more. And then just a police officer -- God love the police officers -- in Miami Beach, they start at \$54,000 and all that's required is a high school diploma. And that's fine. They do a great job and we rely on them. We need them. But, what I want you to see the comparison of how we're not prioritizing. That Miami Beach Police Department needs the State Attorney's Office. We're the gatekeepers for them and for the people that are victims in our system. School teachers, God bless them. I still think they're underpaid, bachelor's degree. And Miami-Dade police officer, I think that's actually gone up. And there we are way at the bottom, and yet, we're required -- and we're at the bottom with people for a high school diploma. And please believe me, I'm not slighting anybody for their educational levels or accomplishments. It's just that the -- with education comes debt. Tuition in this country is very expensive, so that's what these young people are carrying on their backs. These are just other comparisons with other lawyers in the community. And again, we can't even compete with them. Why is it important that you keep people who understand the system and understand the cases there for some at least minimal period of time? Well, I'll give you an example. If you -- so, the other day, I had a woman who was a rape victim call me and she said I don't understand why I've had seven lawyers and I've had to wait eight years. I've had to tell my story over and over and over again. Why is that? I think your office is great. They're so nice, but why does it take so long? Part of the reason it takes so long is because you constantly have turnover. So, in one case I analyzed, there were five new assistant state attorneys and three new public defenders who also share in this problem of adequate salaries. And, when I looked at that case what happens is -- for those that you don't know -- every time there's a new lawyer on a case, they go in front of the judge, rightfully so, and they say, listen, I don't know anything about this case. I just got this case. I need some time, and they're right to ask for time to get to know -- to understand the case and they have to meet with the victim and meet with the police officers, look at the forensic evidence, look at the depo, see -- there's all these things that they have to do, until it gets reset. And then it gets reset

three months, four months later. And then it gets reset seven or eight months later. And now there's a new public defender, so he's not or she's not ready. And so, you begin this cycle and what happens is this, the people in our communities, they lose faith completely in the judicial system. They don't want to invest in it, so then they won't call the police. They don't want to be part of it. They don't believe in it. They've lost faith in it and kind of understandably so. Or if they do initially do call the police and they get involved, they get tired after a while. They've taken off work. They're exhausted. They don't feel it's going anywhere. They don't feel they're getting any justice. So, why should I participate? Why should I be a juror? Why should I be an employer that allows my employee to go? What if I have to take off work? I'm the employee; I'm losing work, any daycare issues. And so, we're putting such an immense pressure on those other dependent parts of the system that what happens is the case gets stale. We lose the case. It gets dismissed. The people leave the case. And so what has happened? We didn't have any administration of justice. We just delayed it until it died on the vine and no one benefits from that. Let me give you an example. I know that numbers and stuff sometimes can overwhelm people and I don't know how much time I have and I certainly don't want to overstay this great welcome. But, the way we're divided is the core of our office is felonies. And so, we have 20 felony courts. That's all they do, felonies, every day, all day. They average between 400 to 700 cases at the same time. That's not for the year. That's at any given time. And, the person that runs that court division that's assigned to it has three lawyers underneath he or she and she's responsible for all those cases, plus his or her own murder cases. So, the division chief of those units have the most serious cases, plus they're responsible for all the cases underneath them. Now, out of those 20 divisions that I just described to you, 13 of them have been there less than six months. Now, they're the ones handling your murder cases, your serious rape cases, your child predator cases and they're supervising all the other cases. That makes absolutely no sense if you really want an effective, meaningful administration of justice. They've been there six months and we're asking them to try felony murder cases -- life felony murder cases, sometimes death penalty murder cases and those cases take six to seven years to get through the system. And yet, in addition to that and they have to supervise 4 or 500 cases and all the people that complain about those cases and they've been there less than six months. In terms of support

staff, I was meeting with the Chief Judge of the Third District Court of Appeals a couple of years ago and we were talking about the dilemma. Our support staff, a Secretary I, I think we call them, coming into our system starts at around \$34,000. They can't afford it either. So, what does that mean? That means we have a high turnover of lawyers and then the support staff that's trying to support those lawyers and all those cases and case management, we don't have them either. They come for a while and then they leave. And so, we have more work and less employees and a high turnover rate. Now, if you look at the state of Florida, I know a lot of people don't believe in government employees and I get that philosophy. This isn't about whether you believe in them or not. You need them. We need them. So, the question is, are we being smart? Are we being smart about how we are compensating them? And if you look at in Florida, the government employees are -- we have less now -- I believe it's almost like 50 percent less than the national average of the state. And, the salary for an average state employee is almost 20 percent less than the national level. So, what I'm asking you is to look at how your state attorneys, your assistant state attorneys, your soldiers and your generals that are in the system every day, how it is that we can attract them to come here and support us and support you when we're competing with Jacksonville and Sarasota and Daytona Beach, Orlando, Tampa. Look at the housing. Going back to the housing issue there. You know, you take the same amount of dollars -- because we're given exactly the same amount of dollars as all the other assistant state attorneys in Florida. And in Miami, you're talking about housing costs of minimum -- the money they get is equal to \$289,000? And, they could go to Jacksonville and it would have more buying power in Jacksonville, of course, Orlando, Tampa and some of our competitors. So, just because you may say somebody really wants to give back to the community, they can do it in 19 other communities as an assistant state attorney, but they can't survive here on that kind of a salary range. One last thing I want to bring up to your attention is one way -- one of the things our state legislature always says is, well, we try to give it to take care of you in Miami-Dade, because everybody knows we're more expensive. We know that. I don't have to convince you. The thing is, what do we do about it. One of the things that our legislators will say is, well, if we do that for your lawyers, we're going to have to do that for all the other lawyers in the state of Florida. Okay, first of all, I think they should. I think they're

worth it. But, I think there's another mechanism also that we should be utilizing that other entities do as well. We're not asking for a first. There's already a precedent. So, if you look at the federal government, for example -- so, what I'm thinking of is comparative area differentials. They call them different things, CADs. And this would be, if you're going to live in an expensive city or county like Miami-Dade, then we're going to compensate you as much as we can, right, at least something to recognize that it's going to cost you more to do the same thing there as in other communities. And so, for instance, the federal government to whom we lose a lot of our lawyers -- we lose a lot of our lawyers to the US Attorney's Office -- they get automatically \$11,000 more just as a CAD, just as an area differential. That's not their salary. You already saw their salary. Their salary begins in the 60s, but just for living in Miami-Dade -- New York I think is \$15,000. And so, they recognize that these public servants have to survive in the varied different communities that cost more. Even our Florida Highway Patrol officers -- God bless them. I'm proud they got this. They get \$5,000 more a year. You saw their salary earlier on the chart. They're like \$2,000 less starting salary, I believe it was. But yet, they're getting \$5,000 extra and they should, and I'm very happy they got it. They had good lobbyists -- just to work in Miami-Dade, Broward, Palm Beach and all those other communities. So, why do we have such a heavy caseload? Because the law has changed on a number of different grounds. So, our lawyers are doing more for less with less experience. And if you just look -- this doesn't mean much to a lot of you, but the law has changed in the last couple years, so every juvenile -- think about this, every juvenile that was once sentenced to life without parole on a homicide case, we now have coming back -- the new law is no, no, no, no. There's no such thing as life with prison without parole forever. We want to bring those juveniles back in at some point and see if they can in some way -- they've rehabilitated and we can put them back out. Can you fathom what that's like to bring all those old cases back into the system, learn them, put them back together again? So, the caseload is growing exponentially. Last, but not least is our death penalty has changed, so all these old cases have to come back into the system. We also have -- I'm sorry to tell you -- you know, national politics has an impact on us, so all of the foreign nationals who are now concerned about removal from this country, because of out -- some dated previous convictions they have are all filing what we call post-conviction relief. So, they've

been convicted. Their cases are 10, 15 years old. Now, all of a sudden, they're afraid about being removed because of what's going on nationally, and they file these motions in front of the court and we have to deal with those. So, our caseload is increasing exponentially. And last, just look at where are we losing them to. How much more would we have to give them to keep them? Not much. Look at this. We lose some to the county attorneys for 40. A lot go to ICE, Broward attorneys, county attorneys, 11,000. Six thousand dollars to the statewide prosecutor, our own general inspector who is a former chief assistant of mine, a wonderful professional, \$6,000. They'll leave us for \$6,000 and so on and so forth to become bar -- counsel to the Florida Bar. Even to go to Legal Services they're leaving us for that much, to go be a lawyer for the police department. And so, for so little money, we could really save our community from a misadministration of justice if we're not careful, and certainly, to one that could be a lot better. We need to serve better. And I'm asking you to help these lawyers, to help your State Attorney's Office. Do it because it's good for you and your community. And so, I would like very much for this to become one of your top priorities for the Legislature. You all have a lot of power. I know all of you and I know that when you talk to these legislators, Speaker of the House, you will -- you can make a difference and have an impact. So, I thank you very much for allowing me to come here today and meet with you and thank you all very much and I'm open for any questions.

Commissioner Quesada: So, thank you so much. You do a great job.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Quesada: You know, it's funny, every time I talk to our lobbyists, I always bring this up, so I was a CLI and my wife was a prosecutor for a decade in your office. And the reason -- I got offered a job and I didn't take it, because I wanted to move out of my parents' house.

Ms. Fernandez Rundle: Yeah.

Commissioner Quesada: And it was tough...

Ms. Fernandez Rundle: It is tough.

Commissioner Quesada: With law school and undergrad. We -- both my wife and I, we couldn't do it, you know. So, I'm glad you're out there really fighting for it. So, yeah, I mean, absolutely. I'm going to do everything I can. Hopefully, with the new governor who was a prosecutor...

Ms. Fernandez Rundle: Yes.

Commissioner Quesada: Hopefully, he understands and can help us there as well, but we'll do everything we can.

Ms. Fernandez Rundle: I appreciate that, Frank. And you are right.

Mayor Valdes-Fauli: (INAUDIBLE).

Commissioner Quesada: And if you haven't harassed Ambassador Trujillo, another former prosecutor, make sure to call him up and I'm happy to do that as well.

Ms. Fernandez Rundle: He's wonderful. You know, Carlos Trujillo -- maybe he's listening or his family is. I call him -- he calls me his work mom. And he has been great when he was there. He helped...

Commissioner Quesada: Yeah.

Ms. Fernandez Rundle: As much as he could. And -- but it's a constant battle.

Commissioner Quesada: Yeah, it is.

Ms. Fernandez Rundle: And we're -- you know, we need good inside fighters, like you guys, so thank you, Frank.

Commissioner Quesada: Yeah. We definitely will.

Mayor Valdes-Fauli: Good presentation and thank you. And, you mentioned Chief De La Rosa and his sister and being a great family. I will always remember your father. Carlos Benito Fernandez was a great, great, great, one of the original "Cuban" lawyers in Miami in the '60s and '70s and maybe '50s. I don't know, but you come from a great family.

Ms. Fernandez Rundle: Thank you.

Mayor Valdes-Fauli: Thank you.

Ms. Fernandez Rundle: And you -- I have -- so, since you opened the door, I always thank the Mayor privately, but you know, I have to thank him publicly because when I needed help, I was nobody. Raul Valdes-Fauli was there for me and he was huge. He was larger than life. And so, I thank you for all your years of friendship and also your support. Thank you.

Mayor Valdes-Fauli: And thank you very, very much for doing what you're doing. Thank you.

Ms. Fernandez Rundle: Any questions, anyone? Okay.

Commissioner Keon: No.

Ms. Fernandez Rundle: Thank y'all very -- Happy New Year, right?

Commissioner Quesada: Yeah.

Mayor Valdes-Fauli: And a Happy New Year to you.

Commissioner Quesada: Thanks.

Mayor Valdes-Fauli: Thank you very much.

City Attorney Ramos: With that, unless we're going to talk about any of the other items, we just need to -- a motion for the record.

Commissioner Quesada: Can we just make sure -- I didn't see that on our list...

Commissioner Mena: It is.

Commissioner Quesada: When we met with the lobbyists.

City Attorney Ramos: It is. It's on there.

Commissioner Quesada: It was on there?

Commissioner Mena: Yeah.

Commissioner Quesada: Okay. Can we just make sure we push that?

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: We just need a motion to adopt the resolution by the City Commission approving the City's 2019 legislative priorities.

Vice Mayor Lago: So moved.

Mayor Valdes-Fauli: Motion?

Vice Mayor Lago: So moved.

Commissioner Quesada: Second.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)