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CITY OF CORAL GABLES  
CHARTER REVIEW COMMITTEE  
VERBATIM TRANSCRIPT  
CORAL GABLES CITY HALL  
405 BILTMORE WAY, COMMISSION CHAMBERS  
CORAL GABLES, FLORIDA  
TUESDAY, NOVEMBER 24, 2015, COMMENCING AT 7:15 P.M.

Board Members Present:

- Raul Valdes-Fauli, Chairman
- Tom Korge
- Jimmy Morales
- Parker D. Thomson
- Richard Dewitt
- William Bonn
- Angelique Ortega-Fridman

CITY OF CORAL GABLES  
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City Staff and Consultants:

- Craig E. Leen, City Attorney
- Miriam Ramos, Deputy City Attorney
- Yaneris Figueroa, Assistant City Attorney
- Bridgette N. Thornton, Esq., Special Counsel



1 THEREUPON:

2 (The following proceedings were held.)

3 MR. KORGE: We are missing Mr. Morales and  
4 our Chairman. So we have a quorum, right?

5 MR. LEEN: We do.

6 MR. KORGE: Okay.

7 MR. LEEN: You do.

8 MR. KORGE: So you wanted to start with  
9 Item 2-C -- no, excuse me, 2-B, a discussion  
10 regarding the auditor.

11 And the question that we have was, how do  
12 we actually conduct the audit, to whom goes the  
13 auditor report, who selects the auditor, that  
14 sort of thing.

15 MR. LEEN: Yes, and so what the City  
16 Manager said, and I'll just read the relevant  
17 part, is that "The external auditors are  
18 selected by and report directly to the City  
19 Commission. The day-to-day activities of the  
20 audit field work is managed by the Finance  
21 Department. The audit contract is a three-year  
22 contract, with three one-year option renewals.  
23 The City awards the external audit contract  
24 through the RFP process. An evaluation  
25 committee is tasked with reviewing each of the

1 proposals received and making recommendation of  
2 award based on qualifications, experience and  
3 ability to meet the City's need. That  
4 recommendation is taken to the City Commission  
5 for acceptance or rejection. The City  
6 Commission makes the ultimate decision on the  
7 award.

8 "Even though the day-to-day activities of  
9 the auditor is managed by the Finance  
10 Department, through the City Manager, the  
11 external auditors report to the City  
12 Commission. All correspondence regarding the  
13 audit process and any audit findings are  
14 addressed directly to the City Commission.  
15 Additionally, all reports are discussed and  
16 presented annually to the City Commission at a  
17 regular Commission meeting.

18 "Although the City does have a Budget and  
19 Audit Advisory Board, it has not historically  
20 taken an active role in the external audit  
21 function. Financial statements are provided  
22 and presented to the Board each year, but their  
23 main focus has been internal audit and the  
24 budgetary process."

25 This is from, actually, the Finance

1 Director to the City Manager.

2 MR. DEWITT: Craig, let me ask a question.  
3 Is this three-year and three-year options, is  
4 that in the ordinance or is that just  
5 tradition?

6 MR. LEEN: That would be in the contract.

7 MR. DEWITT: That's just the tradition in  
8 our contract?

9 MR. LEEN: Yes. That's what she's  
10 describing as our current contract.

11 MR. DEWITT: And we don't know whether the  
12 option is for us or for the --

13 MR. KORGE: It will be with us.

14 MR. LEEN: Typically the options are  
15 executed by the City Manager. Typically, in  
16 City contracts --

17 MR. DEWITT: So it's at the option of the  
18 City Manager to continue it?

19 MR. LEEN: Yes, but, you know, what I take  
20 this, as her saying -- and it doesn't expressly  
21 say that. I'm just telling you, typically, if  
22 it's an option, it's exercised  
23 administratively.

24 MR. KORGE: It's definitely going to be our  
25 option, not the CPA's, no doubt.

1           MR. LEEN: Yes. No, no, but what I mean  
2 is, it's not the Commission. It's typically  
3 the City Manager has the delegated authority to  
4 exercise the option.

5           MR. KORGE: I understand.

6           MR. LEEN: That's what I was saying. But  
7 you're right, typically we would need to  
8 execute the option.

9           MR. KORGE: Right. That contract, the form  
10 and contents of the contract, are decided by  
11 the Commission. So they can do whatever they  
12 want, in terms of delegating the option rights.

13          MR. LEEN: Yes.

14          MR. KORGE: The important point to me is  
15 that the auditors are going through the  
16 Commission, and that the auditors report to the  
17 Commission, and issue their audit report to the  
18 Commission.

19          MR. LEEN: Yes.

20                 I want to reiterate that there is no doubt  
21 in my mind, under our Charter, and particularly  
22 under the history of the Charter, that the  
23 Commission can hire an outside auditor. They  
24 can hire a company to be the auditor. There's  
25 no question about that.

1           The question that was raised by this  
2           Committee was about an employee, a Commission  
3           auditor, and whether that needed to be created  
4           by Charter or whether that could be created by  
5           Code, and I know that that was the discussion  
6           last time, and that's up to you to decide. I  
7           have some legal thoughts on that, too, but you  
8           have to decide, as a policy matter, whether you  
9           would want to do that.

10           MR THOMSON: I would move that the Charter  
11           provide that the Commission will annually  
12           appoint an outside auditor, who will report to  
13           the Commission or a Committee thereof.

14           MR. KORGE: Is there a second for the  
15           motion?

16           MR. DEWITT: What was the second part?

17           MR THOMSON: That the Commission would  
18           annually appoint an external auditor, who would  
19           report to the Commission or a Committee  
20           thereof.

21           MR. DEWITT: Rather than have a three-year  
22           contract?

23           MR THOMSON: I don't mind them having a  
24           three-year contract. I just think it's --  
25           that's a standard corporate form, is that every

1 year the auditor gets -- the external auditor  
2 gets appointed or approved for the next year by  
3 the Commission and reports to the Commission or  
4 an Audit Committee.

5 MR. KORGE: So can I take from your motion  
6 that you want to formalize in the Charter --

7 MR. THOMSON: Yes.

8 MR. KORGE: -- that an external auditor  
9 would be reporting directly to the Commission,  
10 selected by the Commission and reporting to the  
11 Commission, which is what the practice is now?

12 So I think all you're really suggesting is  
13 that we formalize it in the Charter, so it  
14 can't be changed, except by referendum.

15 MR. THOMSON: Exactly. Exactly.

16 MR. KORGE: Is there a second for that?

17 MR. DEWITT: Is anyone concerned or thinks  
18 it would be appropriate that at least every  
19 three years, that the auditor be changed? Or  
20 is that the tradition? How long has our  
21 auditor been around?

22 MR THOMSON: I think that's a little short.  
23 It is certainly good practice to not have them  
24 beyond a certain period. I think three is a  
25 little short, but I could care less --

1 MR. DEWITT: I just picked that number,  
2 because that's what the contract is.

3 MR. THOMSON: Yeah, right.

4 MR. DEWITT: But it would seem to me that  
5 at some point we should not have the same  
6 auditors over and over, for twenty years.

7 MR. BONN: I could not agree more with  
8 Richard, and I think that the thing is, like  
9 even in private industry, let's be honest, I  
10 mean, the way you look at it is that it's about  
11 a six-year run, and that's probably why this  
12 was structured as a three-year contract, with  
13 three one-year options in favor of the City to  
14 renew.

15 And, then, if you decide to make a change,  
16 you make a change, and --

17 MR. DEWITT: But there's no requirement  
18 that they make a change.

19 MR. BONN: No.

20 MR. DEWITT: And maybe we should consider  
21 that.

22 MR. BONN: Right. Exactly.

23 MR. KORGE: Well, right now the motion that  
24 needs a second is to incorporate as a provision  
25 of the Charter a requirement that the City



1 Commission retain external auditors, that  
2 report directly to the City, formalizing in the  
3 Charter the practice that is ongoing and is a  
4 pretty typical practice.

5 Yes.

6 MS. ORTEGA-FRIDMAN: Didn't we vote on this  
7 already last meeting?

8 MR. KORGE: I thought so, but -- I don't  
9 know if we voted on it being --

10 MR. DEWITT: I think we wanted more  
11 information, is what we said.

12 MS. ORTEGA-FRIDMAN: Okay.

13 MR. KORGE: Yeah, it wasn't clear at the  
14 last meeting. I thought it was that they  
15 reported to the Commission, but it wasn't  
16 clear. And now it's very clear. We got an  
17 e-mail that says what it should say, which is  
18 very comforting, and Parker's presented a  
19 motion that we incorporate that into a Charter  
20 provision, and what I understand you're saying  
21 is just that they have to hire an external  
22 auditor, that reports directly to the  
23 Commission, without getting into the details of  
24 what the contract would provide, the number of  
25 years of the contract or any of that.

1           So is that correct, Parker?

2           MR. THOMSON: Yeah.

3           MR. DEWITT: I would just suggest that we  
4 might consider amending it to saying that every  
5 five or six years or whatever, we believe that  
6 the auditor should be changed.

7           MR. THOMSON: I'm perfectly agreeable to  
8 that amendment.

9           MR. LEEN: Let me ask you something,  
10 though. If the Commission -- I have no  
11 position, but just for purposes of inquiry, if  
12 the Commission were to pick a person, you would  
13 then require them to change that person in five  
14 years?

15          MR. DEWITT: Yes, or the firm.

16          MR. KORGE: It's going to end up being an  
17 accounting firm. It's not going to be an  
18 individual.

19          MR. LEEN: No, but what if they were to go  
20 the route of the Commission Auditor, like they  
21 wanted to select a person to fill that  
22 position?

23          MR. DEWITT: It thought we were talking  
24 about external auditor.

25          MR. KORGE: This is an external auditor,

1 not an employee.

2 MR THOMSON: This has nothing to do with  
3 the internal auditor, who would report to the  
4 City Manager.

5 MR. LEEN: I understand, but I remember, at  
6 the last meeting, there is an internal auditor  
7 that reports to the City Manager, there is this  
8 external auditing firm, and then this Board  
9 asked us to -- you also had raised the issue of  
10 a Commission auditor, which is something in  
11 between the two. So that's no longer -- is  
12 that something you're still --

13 MR. KORGE: What's a Commission auditor? I  
14 don't understand what that means.

15 MR. LEEN: Well, I was asked to give an  
16 opinion last time about whether under the  
17 current Charter and Code, could the Commission  
18 appoint someone, that was an employee, that was  
19 the Commission auditor, and the opinion that I  
20 gave was that it depends on the nature of the  
21 duties given to that person.

22 And I talked about it a little bit, but if  
23 it was something that was more in the nature of  
24 inquiry, where the person was inquiring with  
25 different departments, getting information for

1           Commissioners and assisting them in their  
2           investigative function, I gave the opinion that  
3           you could do that under the current Code. You  
4           either put that person under the Commission as  
5           a whole or under the City Clerk's Office, if  
6           you wanted it to be an independent person.

7           But I said that if you wanted someone with  
8           substantial authority to be able -- to  
9           basically do investigations on behalf of the  
10          Commission, like a Charter officer, answerable  
11          only to the Commission, that's something that  
12          would be more like something you would need to  
13          do by Charter Amendment.

14          This is different, though, is what it  
15          sounds --

16          MR. DEWITT: I think what we're talking  
17          about is the external auditor for the City,  
18          that we have a contract with them, and what  
19          we're saying is that that person should be  
20          selected -- in the Charter, should be selected  
21          by the Commission, and should have -- you know,  
22          I'm not sure of five years or six years or  
23          whatever, but at the max, every five or six  
24          years, that firm should be changed, so we have  
25          a different firm come in and do it.

1 MR. BONN: I agree, Richard. And, also,  
2 the City Attorney is correct. We did discuss  
3 both subjects at the last meeting, about  
4 whether we wanted to have someone that reported  
5 directly to the Commission, as -- you know, but  
6 you're right, we've sort of mixed the two  
7 concepts, but this is very comforting, I would  
8 agree, but this is in practice with the  
9 external audit firm, but I do think it's wise  
10 to make it a Charter point, so that we're sure  
11 this is followed in the future.

12 MR. KORGE: So do you want to second the  
13 motion?

14 MR. BONN: I will second Parker's motion.

15 MR. KORGE: And you have --

16 MR. BONN: With the amendment.

17 MR. KORGE: With the amendment?

18 MR THOMSON: Yes. That's fine.

19 MR. KORGE: So the amendment would require  
20 a change at least every six years or every six  
21 years --

22 MR. DEWITT: Five years -- at least --  
23 whatever you all think. Parker, what do you  
24 think?

25 MR. THOMSON: You know, the Commission has

1 complete discretion to terminate one year, two  
2 years, three years, but at least every six  
3 years --

4 MR. KORGE: Okay.

5 MR THOMSON: -- bring in a new auditor.

6 MR. KORGE: Let's have a little discussion  
7 about that.

8 MR. THOMSON: But it would be nice to know  
9 if six is the right period. I mean, there are  
10 -- it's fairly standard, but I don't know that  
11 five or six --

12 MR. KORGE: Let me ask about that. I mean,  
13 that's the only question I have. I think  
14 having it in the Charter is good, because it  
15 makes it very clear, that has been the  
16 practice, that's a good practice, and having it  
17 in the Charter cements it in forever, until,  
18 you know, the practice is changed.

19 MR. DEWITT: Until the Charter is changed.

20 MR. KORGE: Yeah. So then they've got to  
21 go back and change the Charter, you know, but  
22 the concern I have or the question I have is,  
23 six years, five years -- I mean, should we  
24 leave the number of years to the Commission or  
25 should we have an outside number?

1 MR. DEWITT: No. Absolutely, I think it  
2 should be in the Charter.

3 MR. KORGE: It should be in the Charter?

4 MR. DEWITT: I think so, yeah.

5 MR. KORGE: Why do you think that?

6 MR. DEWITT: Because I believe it resolves  
7 a problem. It specifically sets up a change in  
8 the auditor, so we know that we're getting a  
9 fresh look at what's going on.

10 MR. BONN: I would agree, especially since  
11 the, you know, members of the Commission will  
12 change from time to time, and if we don't have  
13 a date certain, then how do we know that's  
14 being honored?

15 MR. DEWITT: Then, you know, they can  
16 continue it on forever.

17 MR. LEEN: For Mayor Valdes-Fauli, I just  
18 wanted to -- Mayor Valdes-Fauli, what we did  
19 was -- I let them know that you were in  
20 traffic. Also, Jimmy Morales sent me a text.  
21 He's in traffic right now. And there's a lot  
22 of traffic out tonight.

23 Instead of starting, we went right to the  
24 discussion regarding auditors. So I could just  
25 read the report. There's a report in your

1 packet from the City Manager. It was  
2 originally from the Finance Director, to the  
3 City Manager, to you, through me, which talks  
4 about our external auditing process, and shows  
5 that that external auditor is answerable to the  
6 Commission. They're selected by the  
7 Commission, by RFP. They're answerable to the  
8 Commission. Day-to-day, they're supervised by  
9 the Finance Director. I think you'll be  
10 satisfied with the information.

11 The issue that came up was, Mr. Thomson  
12 made a motion to require that this basic  
13 process be done every year by the Commission,  
14 or, you know -- I think the actual motion was,  
15 you could do whatever you wanted to, but you  
16 had to have an audit done every year by an  
17 external auditor, and at least once every six  
18 years you had to change the auditor.

19 That was second.

20 Did I get the motion correct?

21 MR. DEWITT: Yes.

22 MR. KORGE: Yeah.

23 CHAIRMAN VALDES-FAULI: I thought we had it  
24 once every three years. No?

25 MR. LEEN: Right now we have an external



1 auditor every year.

2 CHAIRMAN VALDES-FAULI: No. No. No. I  
3 mean, but change every three years.

4 MR. DEWITT: No.

5 MR. KORGE: No. It's three years -- they  
6 have three years, and then the City has three  
7 one-year options to extend.

8 CHAIRMAN VALDES-FAULI: Okay. Okay.

9 MR. KORGE: So the motion is, at least  
10 every six years.

11 CHAIRMAN VALDES-FAULI: Perfect.

12 MR. LEEN: Mr. Morales, we started with  
13 2-B, because of all of the traffic. So I know  
14 it was hard for people to get here. So we just  
15 started with the discussion item, which has  
16 turned into a motion.

17 And if you want to read the information  
18 from the City Manager, it's on Page 1, 2, 3, 4,  
19 5.

20 MR. DEWITT: 5.

21 MR. LEEN: There's a little bit of  
22 information there about the external auditor,  
23 from the Finance Director to the City Manager.  
24 So it will give you the information you need.  
25 And there was a motion that came out of the

1 discussion, which was to require -- right now  
2 the Charter allows, empowers the Commission,  
3 but it doesn't require the Commission. The  
4 motion is to require the Commission to have an  
5 external auditor do the audit every year, and  
6 the Commission would be required to change the  
7 auditor at least once every six years.

8 CHAIRMAN VALDES-FAULI: The motion was  
9 made, and second.

10 MR. LEEN: Yes, it was.

11 CHAIRMAN VALDES-FAULI: Did we call a vote?

12 MR. KORGE: It has not come to a vote yet.  
13 We were discussing it when you arrived.

14 CHAIRMAN VALDES-FAULI: Oh, okay. I'm very  
15 much for that, and I think that when I was --  
16 when I had something to do with it, I think  
17 that we had an audit every year and the auditor  
18 came before us, the external auditor.

19 MR. KORGE: Call the question, because I  
20 think everybody agrees.

21 CHAIRMAN VALDES-FAULI: Shall we call the  
22 question?

23 MR. KORGE: Yeah.

24 CHAIRMAN VALDES-FAULI: All those in favor,  
25 say, aye.

1 MR. DEWITT: Aye.

2 MR. BONN: Aye.

3 MR. KORGE: Aye.

4 MR. MORALES: Aye.

5 MR. THOMSON: Aye.

6 CHAIRMAN VALDES-FAULI: Opposed, likewise?

7 MS. ORTEGA-FRIDMAN: Well, just to be  
8 consistent with my last vote.

9 CHAIRMAN VALDES-FAULI: I'm sorry?

10 MS. ORTEGA-FRIDMAN: To be consistent with  
11 my last vote, I oppose.

12 CHAIRMAN VALDES-FAULI: You oppose the  
13 external auditor and the report?

14 MS. ORTEGA-FRIDMAN: Just to include it in  
15 the Charter, for the same reason, it's already  
16 happening.

17 CHAIRMAN VALDES-FAULI: Oh, okay. Okay.  
18 Thank you.

19 All right. And thank you for waiting for  
20 us, and an additional problem I had is that I  
21 was down there for a few minutes, because the  
22 door was locked.

23 MR. LEEN: I'm sorry about that. We have a  
24 security guard now that's supposed to be  
25 watching and I'm sorry that he missed you.

1           CHAIRMAN VALDES-FAULI: No. I know. I  
2           pounded on the door, but I can see somebody  
3           saying that we're hiding something or --

4           MR. LEEN: Okay. Well, did you have any  
5           trouble getting in, Mr. Morales, this time?

6           MR. MORALES: No. The cleaning staff let  
7           me in.

8           CHAIRMAN VALDES-FAULI: The guard was  
9           there.

10          MR. LEEN: Did you go downstairs and is  
11          there someone down there?

12          MS. FIGUEROA: The security guard is there,  
13          and he knows he has to stay there --

14          CHAIRMAN VALDES-FAULI: The policeman was  
15          very nice.

16          MR. LEEN: Okay. We have a security guard  
17          now, but I guess he was walking around. He's  
18          downstairs and will let anyone in that wants to  
19          come in.

20          CHAIRMAN VALDES-FAULI: He was patrolling  
21          the upstairs, making sure that we were  
22          behaving, yes.

23          MR. LEEN: Sorry about that.

24          CHAIRMAN VALDES-FAULI: I'm sorry to be  
25          late. I apologize. It took me three times as

1 long to get out of Downtown as it usually does.

2 Should we start discussing 8.1?

3 MR. LEEN: Yes. Mr. Mayor, what 8.1 is,  
4 Mr. Chair, is the runoff election. Last time,  
5 when we talked about having a runoff election,  
6 we tried to incorporate it into Section 8,  
7 which is a very long section, and we felt that  
8 it was a little convoluted. I think that there  
9 was some discussion among the Board that it was  
10 a difficult paragraph to work on.

11 So what we ended up doing was coming back  
12 to you with a separate section, that would  
13 follow Section 8, that would establish the  
14 runoff.

15 First of all, you should look at whether  
16 you like this language. The second thing is,  
17 there was an issue about whether the runoff  
18 should be in two weeks or three weeks.

19 The Elections Department has informed us  
20 that they'd prefer -- and by "Elections  
21 Department," I mean, County Elections  
22 Department, prefers three weeks; however, based  
23 on a couple of examples that we were able to  
24 bring up to them, they recognized that they do  
25 do it in two weeks sometimes, and they did say

1           that if we asked for it to be in two weeks,  
2           they could do it in two weeks.

3           CHAIRMAN VALDES-FAULI: That's perfect,  
4           because, you know, Miami does it in two weeks.

5           MR. MORALES: Miami Beach just had one.

6           CHAIRMAN VALDES-FAULI: Yeah. Yeah.

7           Precisely.

8           So let's request that it be in two weeks,  
9           and, you know, I would put the two weeks here,  
10          if they say that they can do it.

11          MR. DEWITT: Do we need a motion for this?

12          MR. LEEN: Yes.

13          MR. KORGE: And before you do, just as a  
14          drafting point, the second to last sentence  
15          reads, "The Mayor and Commissioners, regardless  
16          of participation in a runoff, shall take office  
17          at noon on the Friday after the runoff  
18          established herein." I would prefer to say,  
19          "Shall take office at noon on the second Friday  
20          after the general election established herein."

21          And the reason for that is that it's  
22          unclear to me how that would apply if there is  
23          no runoff.

24          CHAIRMAN VALDES-FAULI: No. No. No.

25          MR. MORALES: It would be the third Friday.

1           CHAIRMAN VALDES-FAULI: It would be the  
2           third Friday.

3           MR. MORALES: Third Friday.

4           CHAIRMAN VALDES-FAULI: First Friday after  
5           the elections are a few days after.

6           MR. KORGE: Third Friday. Yes, the third  
7           Friday. I apologize. Yes, the third Friday.  
8           But the problem I had with referencing the  
9           second Friday -- or the noon after the runoff  
10          established herein is, if there's no runoff,  
11          it's a little ambiguous what the date is.

12          CHAIRMAN VALDES-FAULI: Understood. Yeah,  
13          but if there's no runoff, then --

14          MR. BONN: Then this section doesn't apply.

15          CHAIRMAN VALDES-FAULI: No.

16          MR. KORGE: Meaning they will take office  
17          earlier?

18          CHAIRMAN VALDES-FAULI: Yeah.

19          MR. LEEN: No. No. No. It still applies.  
20          There's no runoff, but they don't take office  
21          until there would have been a runoff. That's  
22          what you said.

23          MR. KORGE: That's what we had agreed at  
24          the last meeting, was that regardless of  
25          whether there's a runoff, it would take --

1 every year or every election, they would take  
2 office at the same time.

3 CHAIRMAN VALDES-FAULI: Why don't we say,  
4 to avoid this, "Shall take office on the Friday  
5 after the candidates are elected or the Mayor  
6 and Commissioners are elected"? If there's no  
7 runoff, it would be the Friday afterwards.

8 MR. KORGE: If you want to accelerate it,  
9 if there's no runoff, then that's different.

10 CHAIRMAN VALDES-FAULI: That's what I mean.

11 MR. KORGE: Yeah.

12 MR. LEEN: Well, I think the concern was,  
13 what if there was a runoff -- what you had said  
14 in one of the prior meetings was, if there was  
15 a runoff in one race and not in the other two  
16 races, for example, would all three wait -- I  
17 guess they would -- for the runoff.

18 So then the thought was, we would just set  
19 -- your thought -- I was just trying to  
20 transcribe it, was that it would always be the  
21 same day, which would be three Fridays after,  
22 no matter what.

23 CHAIRMAN VALDES-FAULI: Okay. Yeah. Yeah.

24 MR. LEEN: Whether there was a runoff or  
25 not. And that would always subsume the runoff



1 period. So you'd always have enough time for a  
2 runoff.

3 CHAIRMAN VALDES-FAULI: I agree. I agree.  
4 I don't know if you --

5 MR. KORGE: Yeah. I mean, I would just  
6 state it as the third Friday after the general  
7 election.

8 MR. LEEN: Okay.

9 MR. KORGE: Then there can't be any  
10 ambiguity about what that date would be. It  
11 would always be that date.

12 CHAIRMAN VALDES-FAULI: All right.

13 MR. MORALES: So by that you're saying that  
14 even if there's no runoff --

15 MR. KORGE: Right.

16 MR. MORALES: -- it would still be three  
17 weeks later?

18 MR. KORGE: That day. Right.

19 MR. DEWITT: Because the runoff is in two  
20 weeks.

21 MR. LEEN: I wanted to raise one issue,  
22 which came up with the City of Miami. What do  
23 we do in a situation if there's only one person  
24 running in the runoff? I would like there to  
25 be an ability to not hold the election --

1 MS. ORTEGA-FRIDMAN: What do you mean --

2 MR. LEEN: -- as the City Attorney?

3 MR. DEWITT: Say what --

4 MR. LEEN: Well, what happened in the City  
5 of Miami's election is, they had two people  
6 running in a runoff. One of them dropped out,  
7 and under their law -- under their law, the  
8 votes for that person didn't count.

9 So the only person running in the runoff  
10 was the only person who could have been  
11 elected.

12 MR. DEWITT: They're elected, right?

13 MR. LEEN: Yes, but they require -- the  
14 City of Miami -- the City Attorney's Office,  
15 looking at their Charter, determined that they  
16 had to hold the election anyway, and expend the  
17 funds, which I think was \$100,000 or something  
18 like that.

19 MR. KORGE: Presumably because you can't  
20 withdraw once you're a candidate. Is that  
21 right?

22 MR. LEEN: They allowed her to withdraw,  
23 because they didn't count her votes.

24 MR. DEWITT: You can withdraw at any time  
25 and the other person is elected by a --

1           MR. LEEN: Well, I was concerned about it,  
2           because if that situation came here, I would  
3           like to give the opinion that we didn't have to  
4           hold the election.

5           MR. MORALES: Yeah, I think the issue there  
6           was that the Charter said you had to win by a  
7           majority of the votes cast, so there had to be  
8           an election.

9           So unless you put specific language, I  
10          guess, that says that in a runoff, if a  
11          candidate drops out, you can cancel the  
12          election.

13          MR. LEEN: I wanted to know, if you, as a  
14          policy matter, supported it. I just wanted to  
15          raise the issue with you. We could put  
16          language in there that would account for that.

17          CHAIRMAN VALDES-FAULI: Okay. Put language  
18          in there, I think, right?

19          MR. MORALES: Yeah.

20          CHAIRMAN VALDES-FAULI: So if we save the  
21          \$100,000 for the runoff or whatever much it is.

22          MR. MORALES: Sure.

23          CHAIRMAN VALDES-FAULI: Yeah.

24          MR. KORGE: Yeah.

25          MR. DEWITT: Why have a --

1 MR. LEEN: Okay. I will add that,  
2 depending on your motion, but if this passes,  
3 I'll add it to it.

4 This has already passed in concept. This  
5 is just the final language.

6 CHAIRMAN VALDES-FAULI: Yeah. Okay.

7 MR. LEEN: And we'll probably have to come  
8 back to you in the final meeting -- the next  
9 meeting is the final meeting, where we'll show  
10 you all of the things that you passed, most of  
11 which are already finished. You'll just see  
12 them. But this one, I can add that additional  
13 language.

14 CHAIRMAN VALDES-FAULI: All right.

15 The next is Section 11, Coral Gables --

16 MR. LEEN: I need a vote on this, though.  
17 We do need a vote on this, because even though  
18 it was approved in concept, it's now its own  
19 section.

20 MR. MORALES: Moved as amended.

21 MR. LEEN: Moved as amended.

22 MR. KORGE: I second that.

23 MR. DEWITT: Second.

24 CHAIRMAN VALDES-FAULI: All those in favor  
25 say, aye.

1 MS. ORTEGA-FRIDMAN: Aye.

2 MR. BONN: Aye.

3 MR. KORGE: Aye.

4 MR. MORALES: Aye.

5 MR. DEWITT: Aye.

6 MR. THOMSON: Aye.

7 CHAIRMAN VALDES-FAULI: Opposed?

8 MS. ORTEGA-FRIDMAN: I'm good.

9 CHAIRMAN VALDES-FAULI: Section 11, City of  
10 Coral Gables Charter. We discussed this at  
11 length. Does anybody have any comments?

12 MR. KORGE: Well, yeah, I have one minor  
13 comment. I sent Craig an e-mail today. When I  
14 was reading through the revised version of the  
15 Charter, I noticed that a Commissioner is not  
16 allowed to vote on any matter affecting him or  
17 her financially or in relation to any of his or  
18 her conduct.

19 The removal, the expulsion provision,  
20 requires a four-fifth vote of the Commission to  
21 expel a member of the Commission, which it just  
22 seems a little ambiguous or contradictory,  
23 because that person can't vote.

24 So why do we have a four-fifth vote --

25 CHAIRMAN VALDES-FAULI: Yeah.

1 MR. DEWITT: Good point.

2 MR. KORGE: I just pointed that out.

3 CHAIRMAN VALDES-FAULI: I agree. I agree.

4 MR. KORGE: It's just kind of odd. I don't  
5 know how to address it.

6 MR. LEEN: I guess the question to you is,  
7 do you want a person to be able to vote on  
8 their own expulsion, and, if not, do you want  
9 to just change it to a vote of four, which is  
10 unanimous of those that can vote?

11 MR. KORGE: Well, that raises the question,  
12 if you only have three Commissioners for some  
13 reason. In other words, not based on a quorum,  
14 but let's say there was a missing Commissioner,  
15 a Commissioner died and we're down to three. I  
16 don't know. I'm just raising the questions. I  
17 don't have answers.

18 MR. LEEN: I understand.

19 MR. MORALES: But there may be a deeper  
20 policy question here. And, as you know, I  
21 voted against this -- the concept last time,  
22 but if we're going to allow the Commission to  
23 expel a Commissioner, I think, as a protection,  
24 that you probably are saying four-fifth of the  
25 body. So you'd actually want four affirmative

1 votes to expel, so that it's not four-fifth --  
2 if there's three Commissioners here and two  
3 vote, the person is off. I would imagine you  
4 want a super majority to take such a, you know,  
5 extraordinary act.

6 MR. KORGE: Do you want to say, the  
7 unanimous vote of the remaining Commissioners?  
8 Is that what we want?

9 MR. MORALES: In case you're saying, all  
10 right, it would be the unanimous vote of the  
11 four other Commissioners.

12 CHAIRMAN VALDES-FAULI: The remaining  
13 Commissioners.

14 MR. MORALES: Either way, if you want to do  
15 that, presuming that the person either is  
16 conflicted or would vote against --

17 MR. KORGE: I just don't like the ambiguity  
18 of, you know, if that Commissioner isn't  
19 allowed to participate in the vote, under a  
20 different section of the Charter, then the  
21 four-fifth implies that maybe they can't vote  
22 and it's not clear.

23 I always understood the four-fifth to mean  
24 it's really going to be unanimous, because  
25 everybody else would have to vote in favor of

1           it. So if that person isn't allowed to  
2 participate, I would prefer to say just the  
3 unanimous vote of the Commission. Does that  
4 make sense?

5           MR. LEEN: I just want you to know, because  
6 of the four-fifth vote -- that's the most  
7 specific provision. Typically, when I have two  
8 Charter provisions, I take the more specific  
9 one. I would have allowed or at least I would  
10 have given the opinion to the Mayor, who would  
11 have been, you know, presiding over that  
12 meeting, the expulsion meeting, to allow the  
13 person to vote --

14           MR. DEWITT: Unless he's being expelled.

15           MR. LEEN: -- because of the four-fifth  
16 requirement, which implies that all five can  
17 vote, and, to me, that's more specific.

18           MR. KORGE: Well, I would not leave --

19           MR. LEEN: But I recognize the conflict in  
20 the language of the Charter, which seems to say  
21 something different in another provision.

22           MR. KORGE: Bear in mind that in the  
23 unlikely event this is ever used, it's going to  
24 be litigated.

25           MR. LEEN: Yes, probably.



1 MR. KORGE: It's going to be litigated.

2 CHAIRMAN VALDES-FAULI: Yeah.

3 MR. KORGE: So any possible ambiguity  
4 should be eliminated, simply to eliminate  
5 another issue that's going to cost money in a  
6 litigation.

7 MR. DEWITT: Why not just use the language  
8 that you proposed, a unanimous vote of the  
9 remaining Commissioners?

10 MR. LEEN: I would recommend saying,  
11 sitting Commissioners, because if there's a  
12 vacancy, then the person wouldn't count, and  
13 then we would -- but "remaining," I'd be  
14 concerned. What if it's remaining -- I'm  
15 sorry, sir.

16 MR. KORGE: Remaining City Commissioners.

17 MR. DEWITT: Yeah, I'm good with that.

18 MR. LEEN: Because if we said, "Remaining,"  
19 it could be like remaining at the meeting. So  
20 what if it's just three Commissioners are at a  
21 meeting, could two of them vote to expel the  
22 other person? I'd be concerned.

23 CHAIRMAN VALDES-FAULI: No, put the  
24 unanimous vote -- I think that would make  
25 sense.

1 MR. DEWITT: That is clear language, yeah.

2 MR. LEEN: Okay.

3 CHAIRMAN VALDES-FAULI: Yeah.

4 MR. KORGE: Just to be clear, sitting  
5 doesn't mean attending that meeting, right?

6 MR. LEEN: No. Sitting means --

7 MR. KORGE: It means actually in power at  
8 the time?

9 MR. LEEN: We'll make sure to double-check  
10 the term, but I believe that's the best term.

11 MR. KORGE: Yeah.

12 CHAIRMAN VALDES-FAULI: Okay.

13 MR. KORGE: Yeah, okay.

14 MR. LEEN: But we'll double-check. This  
15 will be coming back to you in the final  
16 meeting.

17 MR. KORGE: I'm good with this. I don't  
18 view that as a substantive change. I view that  
19 as just a clarification.

20 CHAIRMAN VALDES-FAULI: Do we need to vote  
21 here?

22 MR. KORGE: Do we need to vote?

23 MR. LEEN: This has already been approved.  
24 This was coming before you for the final  
25 language, but now we're going to be changing it

1 again, so, no, it doesn't need a vote.

2 As long as there's unanimous consent that  
3 we can make this change --

4 CHAIRMAN VALDES-FAULI: I think there is,  
5 yeah.

6 MR. BONN: Yes.

7 MR. LEEN: Okay.

8 CHAIRMAN VALDES-FAULI: Okay. The next is  
9 Section 15 of the City of Coral Gables Charter.

10 Any problems with this? Section 15, we  
11 made a change on the Vice Mayor. "The Mayor  
12 shall appoint a Commissioner to -- if the Vice  
13 Mayor fails" --

14 MR. LEEN: This is before you again,  
15 because we added the language about  
16 Commissioner. "The Mayor shall appoint a  
17 Commissioner to undertake the Mayor's duties  
18 when the Vice Mayor is unavailable."

19 CHAIRMAN VALDES-FAULI: Okay. I think that  
20 that is clear and everybody is for it, so do we  
21 need a vote on this?

22 MR. LEEN: Yes.

23 CHAIRMAN VALDES-FAULI: Okay.

24 MR. LEEN: This is the final vote on this.

25 MR. BONN: I move for approval.

1 CHAIRMAN VALDES-FAULI: Second?

2 MR. DEWITT: I couldn't hear what we were  
3 approving.

4 CHAIRMAN VALDES-FAULI: We're approving  
5 Section 15. And there, we added that if the  
6 Vice Mayor is absent, then the Mayor shall  
7 appoint another Commissioner.

8 MR. DEWITT: Got it. Got it.

9 CHAIRMAN VALDES-FAULI: All those in favor?

10 MR. DEWITT: Aye.

11 MS. ORTEGA-FRIDMAN: Aye.

12 MR. KORGE: Aye.

13 MR. MORALES: Aye.

14 MR. BONN: Aye.

15 MR. THOMSON: Aye.

16 CHAIRMAN VALDES-FAULI: Aye.

17 Opposed?

18 MS. ORTEGA-FRIDMAN: I'm good.

19 CHAIRMAN VALDES-FAULI: Section 23, lines  
20 of authority between Manager --

21 MR THOMSON: Mr. Chairman, did we approve  
22 the new language of expulsion?

23 MR. LEEN: No, because Mr. Chair --

24 MR THOMSON: I just want to make sure that  
25 my negative vote on the idea of expelling is

1 registered.

2 MR. LEEN: Why don't we do this, then --

3 MR. THOMSON: I'm not troubled by the  
4 language, I'm troubled by the concept.

5 CHAIRMAN VALDES-FAULI: You're troubled by  
6 the concept.

7 MR. LEEN: You know, I have the language  
8 now. So what it will say is, on a unanimous  
9 vote of the sitting Commissioners, the  
10 Commission may expel a member on any grounds,  
11 et cetera.

12 It used to say, on a four-fifth vote. Now  
13 it will say, on a unanimous vote of the sitting  
14 -- oh, other than --

15 MR. KORGE: Other than the --

16 MR. LEEN: How do we say that eloquently?

17 CHAIRMAN VALDES-FAULI: Okay.

18 MR. LEEN: Of the other sitting  
19 Commissioners?

20 MR. KORGE: Yeah, the "other" would get it,  
21 I think.

22 CHAIRMAN VALDES-FAULI: Okay.

23 MR. LEEN: Unanimous vote of the other  
24 sitting Commissioners --

25 MR. DEWITT: Correct.

1 CHAIRMAN VALDES-FAULI: Right.

2 MR. LEEN: -- of the Commission.

3 And I will double-check whether "sitting"  
4 is the best word and I'll let you know next  
5 time, but you could approve this now, and if it  
6 is, then it doesn't have to come back to you.

7 CHAIRMAN VALDES-FAULI: Would you make a  
8 motion?

9 MR. KORGE: I'll move to approve that  
10 language.

11 CHAIRMAN VALDES-FAULI: Second?

12 MR. BONN: I second.

13 CHAIRMAN VALDES-FAULI: Okay. All those in  
14 favor say, aye.

15 MR. BONN: Aye.

16 MR. KORGE: Aye.

17 MR. DEWITT: Aye.

18 CHAIRMAN VALDES-FAULI: Aye.

19 Opposed?

20 MR. THOMSON: Negative here.

21 CHAIRMAN VALDES-FAULI: Yeah, and Jimmy  
22 Morales is also negative.

23 MR. LEEN: Okay. Five to two.

24 CHAIRMAN VALDES-FAULI: Yeah.

25 Section 23 of the Charter, lines of

1 authority between Manager and Commission. We,  
2 again, discussed this at length. Not ad  
3 nauseam, but at length.

4 MR. LEEN: Excuse me, may I make one change  
5 to the last vote? Because reading it, it says,  
6 "On a unanimous vote of the other sitting  
7 Commissioners, the Commission may expel a  
8 member."

9 It would be better, because the word  
10 "members" is used throughout on the  
11 Commissioners and the Mayor, there might be  
12 confusion that the Mayor couldn't vote. Would  
13 you be okay by unanimous vote if I said,  
14 "Unanimous vote of the other members"?

15 CHAIRMAN VALDES-FAULI: That's fine. Yeah.

16 MR. LEEN: On a unanimous vote of the other  
17 members, comma.

18 CHAIRMAN VALDES-FAULI: That's fine.

19 MR. LEEN: Okay. Thank you.

20 CHAIRMAN VALDES-FAULI: Okay. Lines of  
21 authority between --

22 MR. LEEN: Sitting members. "On the  
23 unanimous vote of the other sitting members."  
24 Forgive me. Is that okay?

25 CHAIRMAN VALDES-FAULI: Stop it.

1 Yes.

2 MR. LEEN: Okay. Thank you.

3 CHAIRMAN VALDES-FAULI: Lines of authority  
4 between Manager and Commission.

5 MR. DEWITT: Are we on Section 23?

6 CHAIRMAN VALDES-FAULI: Yeah, Section 23.

7 MR. DEWITT: I guess, do we have that same  
8 problem with the term, Commissioners, in this  
9 that we just addressed, that it may not apply  
10 to the Mayor?

11 MR. LEEN: Which one?

12 MR. DEWITT: On Section 23.

13 CHAIRMAN VALDES-FAULI: The Commission, the  
14 Mayor is a member of it, the Commission, and --

15 MR. DEWITT: But what we changed it to, it  
16 says, "None of the Commissioners may."

17 MR. LEEN: The reason why I recommended  
18 using members there was, throughout that entire  
19 section, it referred to members.

20 MR. DEWITT: I'm talking about in Section  
21 23.

22 MR. LEEN: In this section, it already  
23 refers to Commissioners. We would be changing  
24 Commissioners, an already existing use of the  
25 term.



1 MR. DEWITT: Well, my point being, does  
2 that mean that this does not apply to the  
3 Mayor?

4 MR. LEEN: No. My opinion is that the  
5 Mayor is a Commissioner. The Charter says that  
6 in another portion.

7 MR. KORGE: Okay.

8 MR. DEWITT: Okay.

9 MR. LEEN: He's the Commissioner from  
10 District 1 -- not District, Commissioner from  
11 C-1.

12 CHAIRMAN VALDES-FAULI: Yeah. He is C-1.

13 MR. DEWITT: That was my question. So it  
14 doesn't matter.

15 MR. LEEN: No, but, like you said, in that  
16 other section, it's going to be litigated. We  
17 might as well remove every possible ambiguity.

18 MR. KORGE: I agree.

19 MR. LEEN: You had said that, so I --

20 MR. KORGE: Yeah.

21 CHAIRMAN VALDES-FAULI: All right.

22 MR THOMSON: I have a question, Mr. Chair,  
23 with the words "Or any of his subordinates,"  
24 other than the fact that the City Manager is  
25 female.

1           I had understood her to say that she didn't  
2           want it to be any of her subordinates, but was  
3           looking to questions directed to her or to any  
4           of her department heads, but not any  
5           subordinate. I just wondered -- I was going to  
6           ask Mr. Leen whether the City Manager is fine  
7           with this language, because it's very broad, as  
8           it's written.

9           MR. MORALES: Parker, I think that  
10          language, "Or any of his subordinates" is only  
11          applicable to the question of appointment and  
12          removal, not inquiries.

13          MR. KORGE: Right.

14          CHAIRMAN VALDES-FAULI: I think she didn't  
15          mind us asking the subordinates for  
16          information. I don't think she minded that. I  
17          can look it up, if you want. I have it  
18          somewhere here.

19          And it will be very cumbersome not to allow  
20          the Commissioners or the Mayor to ask questions  
21          from subordinates. The questions are usually,  
22          you know, what's happening to that permit or  
23          where are we in that status, as opposed to, you  
24          know, directing or ordering anything or  
25          commissioning a study, and I think you were the

1 one, Parker, who brought that up, what if a  
2 study costs \$25,000, and, you know, they will  
3 say -- they will come back and say, "I'll give  
4 you information, but it will cost \$25,000."  
5 Somebody said that.

6 MR THOMSON: You know, I think for an  
7 orderly arrangement, my original thought is, it  
8 it should go through the City Manager on  
9 everything. I think she said that's  
10 cumbersome. I think that's my memory of what  
11 she said, is that will be cumbersome, but I  
12 would have thought that it would be appropriate  
13 to limit it to the City Manager herself or any  
14 of the department heads, just so that everybody  
15 knows what's going on. That's all.

16 MR. KORGE: Well, we have it here, "Except  
17 for purposes for inquiry to obtain information,  
18 the Commission and its members shall otherwise  
19 deal with that portion of the administrative  
20 service which the Manager is responsible solely  
21 through the manager."

22 So what I get from that is that if you want  
23 to obtain information, a Commissioner can go to  
24 anybody. It doesn't have to go through the  
25 Manager.

1 MR THOMSON: So I think that's what this  
2 reads, yes.

3 MR. KORGE: Right. And do you have a  
4 problem with that?

5 CHAIRMAN VALDES-FAULI: We have that  
6 discussion on Page 52, 53 of the minutes.

7 Page 53, and, "Mr. Korge: Here's what I  
8 think. I think that's in the discretion of the  
9 Manager. If the Manager wants the director to  
10 be able or the Commission to be able to talk to  
11 her directors, then she should just say that."

12 And she didn't answer that, but, you know,  
13 we bifurcated the issue of hiring and inquiry,  
14 and in inquiry, I think that we -- "Mr. Leen:  
15 Has been interpreted to mean that the  
16 individual Commissioners can ask questions and  
17 receive information from any employee, and the  
18 limitation on that is that if it requires the  
19 expenditure of funds by the City in an  
20 administrative function, then it has to do it  
21 at the direction of the Commission or go  
22 through the City Manager.

23 "So an individual Commissioner cannot  
24 require one employee to spend City funds to  
25 respond to an inquiry, but if they have a

1 specific question, they can ask the question  
2 and receive the information."

3 That was the discussion.

4 MR. KORGE: And that's why we added, to  
5 obtain information.

6 CHAIRMAN VALDES-FAULI: Yeah. Yeah. Yeah.

7 And then I mentioned the irate neighbor  
8 coming, where the permit has been stuck for 23  
9 applications, and, you know, it was -- I think  
10 we passed it in the form of a request for  
11 information, as long as it's not  
12 administrative.

13 "Mr. Thomson: I know. I just suggested  
14 use of the County investigations and inquiries  
15 and say informational inquiries are fine by a  
16 single Commissioner."

17 But then, you know, it's -- I think it's  
18 for information only.

19 MR THOMSON: Well, there would be some  
20 value if the answer were authoritative, which  
21 it most certainly would be, if the information  
22 came from either the City Manager or a  
23 department head. That's all.

24 CHAIRMAN VALDES-FAULI: You cannot give  
25 orders. You're just, you know, seeking

1 specific information on --

2 MR. DEWITT: Where did that issue that was  
3 raised, if the question is an expensive  
4 question to get the information --

5 CHAIRMAN VALDES-FAULI: You can't do that.  
6 I mean, the employee will not give you the  
7 information or will refer it to the City  
8 Manager, and the City Manager will say, "You're  
9 out of line."

10 MR. DEWITT: I'm fine with that.

11 Parker raised an interesting question and  
12 since he raised it just now, Craig, is there  
13 a -- we obviously have a gender neutrality  
14 issue throughout the Charter, and especially in  
15 this document. Is there a way that we can do a  
16 universal search or something and clean that  
17 up?

18 MR. LEEN: Yes. Bridget, did you --  
19 Ms. Thornton, did you address that in your  
20 model Charter?

21 MS. THORNTON: Yes. In the re-write, I  
22 made it gender neutral.

23 MR. LEEN: I thought so.

24 MS. THORNTON: But just to caution you, if  
25 you did a universal search, because of H-E, you

1 probably will pull up "the" or "their." So it  
2 would be very time consuming.

3 MR. DEWITT: I meant, an electronic search,  
4 not a --

5 What MS. THORNTON: Yeah. Yeah. But what  
6 I'm saying is, when you do the electronic one,  
7 it picks up everything with an H-E. And so  
8 someone will likely need to sit down and  
9 re-read it and make sure that they're all  
10 right.

11 MR. DEWITT: Okay. So we're correcting  
12 that.

13 MR. LEEN: So we are making it gender  
14 neutral, though. That is the --

15 MR. DEWITT: Okay. It just didn't make it  
16 into this section here.

17 MR. LEEN: Well, no. No. This is based on  
18 the current Charter. The gender neutral part  
19 of it is something that does not require a  
20 referendum, in my opinion. The Commission  
21 could direct that. That doesn't change the  
22 substance of the Charter. So that would be --

23 MR. DEWITT: I'm just saying, the language  
24 we have here is not gender neutral.

25 MR. LEEN: No, because we -- I guess we put

1 the gender neutral aspect of that in the  
2 re-write of the Charter.

3 We could go through and put the Charter  
4 amendments, make them gender neutral, if you'd  
5 like.

6 MR. DEWITT: I would hope we would, yeah.

7 MR. LEEN: Although the Commission would  
8 first have to direct that the whole Charter be  
9 -- because we have to make it whatever it is.  
10 Like when we present it to the voters, they  
11 need to see the actual language and the change.

12 So it could be complicated, but the goal is  
13 to make these gender neutral, when they  
14 actually go into the Charter.

15 CHAIRMAN VALDES-FAULI: Okay. All right.  
16 Do we need a vote on lines of authority,  
17 Section 23?

18 MR. LEEN: Yes.

19 CHAIRMAN VALDES-FAULI: Yes.

20 MR. MORALES: Move it.

21 MR. KORGE: I'll second.

22 CHAIRMAN VALDES-FAULI: Moved and second.

23 All those in favor say, aye.

24 MS. ORTEGA-FRIDMAN: Aye.

25 MR. BONN: Aye.



1 MR. MORALES: Aye.

2 CHAIRMAN VALDES-FAULI: Aye.

3 Opposed? Good.

4 All right. The next --

5 MR. LEEN: The last is the form re-write of  
6 the Charter, Mr. Chair.

7 CHAIRMAN VALDES-FAULI: Form re-write of  
8 the Charter.

9 Mr. Leen.

10 MR. LEEN: Thank you, Mr. Chair.

11 I would ask Special Counsel to come up.

12 MR. THORNTON: Hi. Good evening.

13 CHAIRMAN VALDES-FAULI: Hello.

14 MS. THORNTON: Good to see everyone again.

15 MR. LEEN: If you could speak a little bit  
16 about what you did, the challenges you faced,  
17 if any, anything for them to decide, and, you  
18 know, what the final product is.

19 MS. THORNTON: Okay. What I did is, as you  
20 know, I've been going through the Charter.

21 It's almost like my baby now. I've read it  
22 over and over and over again.

23 And with this re-write, I tried to make it  
24 be more reader friendly and use less archaic  
25 language, and more approachable for the average

1 person, because I have to confess, I read some  
2 of the provisions, and I, as an attorney, who  
3 have been practicing for years, did not  
4 understand what some of those provisions meant.

5 So I tried to first discern the intent of  
6 those confusing provisions, and then re-write  
7 them in a manner that better reflects what I  
8 think the Legislature was trying to say.

9 I'm here to answer any questions that you  
10 may have. I just hope that it is now more  
11 reader friendly for you, and you can understand  
12 it better, as well, and you hope that you agree  
13 with me that the re-write reflects the intent  
14 of the original provisions.

15 MR. LEEN: So that's the presentation. You  
16 all have a copy. We have one more meeting.  
17 I'm sure some of you may have some edits. Feel  
18 free to send them to Ms. Thornton and myself.

19 MR THOMSON: Mr. Chair, I had asked that a  
20 review be made by the City Attorney and the  
21 Retirement Board lawyer as to the retirement  
22 provision here, because I don't know the  
23 subject, and I have no suggestions, other than  
24 to say that what's here seems to be limiting  
25 the Commission in an area where I think the

1 Commission should have the broadest authority,  
2 considering the importance of pensions to our  
3 budget.

4 And I think I requested that at the last  
5 meeting.

6 CHAIRMAN VALDES-FAULI: You did. And it  
7 says here that the pension will not be  
8 operative until it's ratified by a general  
9 election.

10 MR. LEEN: I've given an opinion in this  
11 one and also the Biltmore one and the  
12 special -- and the related laws, they have not  
13 been incorporated in yet, because I haven't  
14 formally issued the opinion. I commit to doing  
15 that before the next meeting, but that will be  
16 taken out.

17 CHAIRMAN VALDES-FAULI: But can we vote to  
18 get rid of this?

19 MR. LEEN: We've already agreed. You  
20 agreed and I issued an opinion, and it's being  
21 stricken by opinion, which I'll provide to you.

22 CHAIRMAN VALDES-FAULI: It's being  
23 stricken?

24 MR. LEEN: Yes.

25 CHAIRMAN VALDES-FAULI: Yeah, but can we

1 strike it not only by opinion, but strike it?

2 MR. LEEN: Well, we could, but you would  
3 have to send this to a referendum if you did it  
4 through the normal process, and the problem is,  
5 the whole purpose of the Home Rule Powers Act  
6 was to not require the City to send to the  
7 voters a referendum to remove a referendum  
8 power, which, you know, typically, the thought  
9 is that voters might not want to eliminate  
10 their own referendum power.

11 CHAIRMAN VALDES-FAULI: So wait. It's  
12 here, but then we are told by you that we  
13 ignore it?

14 MR. LEEN: Yes. This has been voided, that  
15 part of it. The part that says it has to go to  
16 a referendum was voided by the Municipal Home  
17 Rules Powers Act. It has not been enforced by  
18 the City, as long as I can tell.

19 CHAIRMAN VALDES-FAULI: Okay. Can you put  
20 somewhere that it has to be --

21 MR THOMSON: I may have misunderstood. I  
22 did understand that you had said that the  
23 portion of it --

24 MR. LEEN: Yes.

25 CHAIRMAN VALDES-FAULI: Yes.

1 MR. THOMSON: -- is, in effect, deleted,  
2 but that leaves what's there.

3 CHAIRMAN VALDES-FAULI: That's right.

4 MR. THOMSON: What's there, I find,  
5 limiting language in an area where I think the  
6 Commission should have the broadest discretion.

7 MR. KORGE: Right. So continuing with  
8 that, it seems to me that if it's void, the  
9 final product should delete it and maybe  
10 footnote an explanation, if necessary, but if  
11 it's not enforceable, then it shouldn't be in  
12 the Charter itself.

13 MR. LEEN: I agree.

14 MR. KORGE: I guess that's what you're  
15 saying, right, Parker?

16 MR. THOMSON: Correct.

17 CHAIRMAN VALDES-FAULI: I agree.

18 MR. BONN: I agree.

19 MR. KORGE: Now, let me ask you a related  
20 question, kind of a tangential question.  
21 What's the Commission's power with respect to  
22 bonding, the issue of bonds? Does it require a  
23 referendum?

24 MR. LEEN: If it's pledging the ad valorem  
25 taxes of the City for more than a year, but

1 that's by general law.

2 MR. KORGE: That explains --

3 MR. LEEN: That's not something we can  
4 limit.

5 MR. KORGE: That explains the pension  
6 provision, because that's another long-term  
7 liability that you would expect. If they're  
8 going to require a referendum, which is a  
9 long-term liability, that would make sense now  
10 why that provision is in there.

11 MR. LEEN: Except that we have not gone out  
12 for a bond on our pension. That was discussed  
13 by the Commission --

14 MR. KORGE: No, not a bond on the pension.  
15 I'm talking about a bond, generally.

16 CHAIRMAN VALDES-FAULI: I don't think that  
17 that requires a referendum.

18 MR. KORGE: It doesn't?

19 MR. LEEN: It does.

20 CHAIRMAN VALDES-FAULI: It does?

21 MR. LEEN: If it's pledging the ad valorem  
22 taxes of the City for more than a year. If  
23 it's pledging revenue bonds, then it does not  
24 have to go to referendum.

25 MR. KORGE: And the pension obligation is a

1 similar long-term liability that effectively  
2 pledges the ad valorem revenues, because if  
3 it's a legal obligation of the City that  
4 extends beyond the year, then it's a long-term  
5 liability, pledging, in effect, our ad valorem.  
6 So that's why it was in there originally. I'm  
7 guessing.

8 CHAIRMAN VALDES-FAULI: But we have been  
9 told that because of the Collective Bargaining,  
10 everything else --

11 MR THOMSON: I would suggest that it was in  
12 there, because of the fact that they keep going  
13 to the legislature, and that's in there, but my  
14 proposition is very simple, a citizen of Coral  
15 Gables, a tax payer of Coral Gables, should be  
16 able to read the Charter and know what's in the  
17 Charter and what isn't in the Charter.

18 And when we started, we were given a  
19 Charter as being the current Charter and it  
20 contains a provision about pensions. If it  
21 doesn't -- whether or not our entire Charter  
22 reform is adopted by the Commission, it  
23 shouldn't be in there, because the reader  
24 believes it's there.

25 MR. KORGE: Right.

1 MR. LEEN: I hear you.

2 MR. DEWITT: And, Craig, let me ask you a  
3 question.

4 MR. LEEN: It won't be in there. It's  
5 going to be removed. Also, my opinion was that  
6 the part about the trustees of the pension also  
7 was barred by the Home Rule Powers Act and by  
8 the Collective Bargaining laws.

9 CHAIRMAN VALDES-FAULI: Right. Let's  
10 remove it.

11 MR. LEEN: I'm sorry that that's still in  
12 this draft. I have to just coordinate with  
13 Special Counsel. She probably didn't know  
14 about my opinions, so we will address it.

15 MS. THORNTON: Well, so you know, I  
16 finished the draft before the last meeting, and  
17 before you had the discussion and before the  
18 opinion was formalized about removal, and so  
19 you reviewed what you were given prior to the  
20 last meeting, but I can remove those  
21 provisions. I was waiting for direction.

22 I just wanted to have you look at a Charter  
23 that reflected everything that is purportedly  
24 in it right now. And, then, once I received  
25 direction as to what can be deleted, I was



1 going to delete it.

2 CHAIRMAN VALDES-FAULI: You have it.

3 MS. THORNTON: Okay.

4 MR. LEEN: Could you take everything that  
5 the Committee has done and incorporate it into  
6 the Charter? Work with Miriam, the Deputy City  
7 Attorney, and for our last meeting, we'll have  
8 the re-rewritten Charter, with all of your  
9 proposed changes in it.

10 MR. DEWITT: Let me ask one question, in  
11 line with the pension issue. I think I asked  
12 it before and I don't think you -- does the  
13 Commission, at this point, under the Charter  
14 and/or what we're proposing, have the authority  
15 to move to the State Pension System if it  
16 wanted to, without a referendum?

17 MR. LEEN: There's a statutory procedure  
18 for that.

19 MR. DEWITT: But the Commission can do that  
20 under our Charter?

21 MR. LEEN: Yes. Our Charter doesn't  
22 prevent that, in my opinion.

23 MR. DEWITT: Okay.

24 MR. LEEN: And that would often be done  
25 through Collective Bargaining, too, and

1 Collective Bargaining must take precedence.

2 MR. DEWITT: I know it's a Collective  
3 Bargaining issue, but, yeah.

4 CHAIRMAN VALDES-FAULI: All right. Other  
5 comments on the Charter re-write?

6 MR. MORALES: First of all, I read through  
7 them. I thought it was more easily read and a  
8 little updated, and I think eliminating the  
9 sections that were blank or whatever makes it  
10 easier to read.

11 The one thing I think is potentially  
12 confusing, and I'm not sure if we need to  
13 continue it, all of these "Formally Article  
14 29." Number One, it begs the question, if I'm  
15 reading it, what happened to Article 21-28,  
16 and, you know --

17 MS. THORNTON: To be honest, those were  
18 just kind of --

19 MR. MORALES: To help us?

20 MS. THORNTON: -- so we would all know, and  
21 then I just wanted to ease your confusion as  
22 to, you know, where did that come from.

23 MR. MORALES: That was my question. So  
24 that's just there for our purposes?

25 MS. THORNTON: Right. That's just for your

1 purposes, and we can delete that.

2 CHAIRMAN VALDES-FAULI: Please. Yeah, make  
3 it --

4 MS. THORNTON: Okay.

5 MR. MORALES: No, I think it was good help  
6 for me to read it that way, but they should  
7 come out when it's finally the final clean  
8 Charter.

9 MS. THORNTON: Right. And to be honest, so  
10 that I would know.

11 CHAIRMAN VALDES-FAULI: When in doubt, keep  
12 in mind Mr. Thomson's comment.

13 MS. THORNTON: Right. That's not a problem  
14 at all.

15 CHAIRMAN VALDES-FAULI: Okay.

16 MS. THORNTON: And that was also so that I  
17 can keep track of where things came from,  
18 because it all kind of starts to run together  
19 after a while.

20 CHAIRMAN VALDES-FAULI: All right.  
21 Anything else?

22 MR. LEEN: So, Mr. Chair, there will be one  
23 more meeting, which you need to set. Are there  
24 any other provisions you want to look at in the  
25 Charter? Is there anything else you want to

1 recommend to the Commission or is it just  
2 coming back to you with the final package?

3 CHAIRMAN VALDES-FAULI: As far as I'm  
4 concerned, it's the final package, unless you  
5 have other --

6 MR. MORALES: No. I had mentioned at the  
7 last meeting I wanted to talk about this  
8 concept of a Commission Auditor. I think it's  
9 probably too big -- I think the City probably  
10 isn't large enough.

11 CHAIRMAN VALDES-FAULI: The City isn't big  
12 enough for that.

13 MR. MORALES: But I just wanted to pass  
14 out, for those who haven't -- because, you  
15 know, the County has one that actually I  
16 drafted years ago, modeling the Jacksonville  
17 one, just for information purposes, so that,  
18 for the record, the concept of what I meant by  
19 Commission Auditor is different than the  
20 independent auditor.

21 Sort of a financial audit, it really is a  
22 Charter Officer, working for the City,  
23 reporting directly to the Commission, that  
24 helps the Commission interpret and interact  
25 with the management staff and the financial

1 information.

2 It's sort of their aide, at a different  
3 level, than just sort of a Chief of Staff or  
4 something like that.

5 CHAIRMAN VALDES-FAULI: We had an issue  
6 similar to this. We had a Commissioner in the  
7 '80s, who was retired, I will not mention his  
8 name, who insisted in having full, absolute,  
9 and complete information as to what was  
10 happening in the City, and he insisted on a  
11 Commissioner Auditor, and he said, "I will act  
12 as a Commission Auditor for" -- he didn't have  
13 anything to do after the third day. I mean, it  
14 was just --

15 MR. MORALES: Yeah.

16 CHAIRMAN VALDES-FAULI: He also followed  
17 police cars around and wanted to go to fires  
18 and whatever.

19 MR. MORALES: As I mentioned, one of the  
20 Commissioners initially was interested in this,  
21 and I think this was the idea, but I think  
22 given now, you know, the language in the  
23 Independent Auditor -- so I just wanted folks  
24 to know, for the record, what I was talking  
25 about, different than the Independent Auditor,

1 but I think it works for a County with 30,000  
2 employees, more importantly, and a seven  
3 million dollar budget, per se, than the  
4 situation here, I think, but something that as  
5 the City grows, it's an interesting concept.

6 CHAIRMAN VALDES-FAULI: No, it's good that  
7 you brought it up. It's very, very good that  
8 you brought it up and we considered it, yeah.

9 All right. Anything else? Shall we set  
10 the next meeting?

11 MR. LEEN: Yes, Mr. Chair.

12 CHAIRMAN VALDES-FAULI: Before Christmas or  
13 after the New Year?

14 MR. LEEN: We'll be able to have everything  
15 done in a few weeks, because we have  
16 everything. There wasn't a lot of changes, so  
17 we'll be able to put together a packet for you.  
18 We'll make the -- I'll have the opinions issued  
19 in the next week.

20 Special Counsel will work with the Deputy  
21 City Attorney to have everything put into this  
22 gender neutral, revised, easy to read Charter,  
23 which you'll have. You'll have each of the  
24 provisions that you amended. I think there's a  
25 couple that are going to come back to you for a

1 final vote. And then we'll also have the --  
2 we'll make sure that we record who voted what  
3 on which one, so the Commission has all of  
4 that. That should be the last meeting.

5 CHAIRMAN VALDES-FAULI: You would rather we  
6 meet after New Years?

7 MR. LEEN: It's up to the Board. We can do  
8 either way, whatever you think is best.

9 CHAIRMAN VALDES-FAULI: But can you do it  
10 before New Years -- before Christmas? Do you  
11 have enough time to, you know, draft whatever  
12 you have to draft?

13 She says, "Yes."

14 MS. THORNTON: Yes, I can do it.

15 CHAIRMAN VALDES-FAULI: Shall we try for  
16 the week of the 14th, towards the end of that  
17 week, like the 17th or --

18 MR. DEWITT: The only day -- are you  
19 talking about December?

20 CHAIRMAN VALDES-FAULI: Yeah.

21 MR. DEWITT: I've got the 16th.

22 CHAIRMAN VALDES-FAULI: You've got, what?

23 MR. DEWITT: The 16th.

24 CHAIRMAN VALDES-FAULI: Available?

25 MR. BONN: I'm free on the 14th. That

1 week, unfortunately, I have a procedure up in  
2 Boston. I'm leaving on the 15th.

3 MR. DEWITT: You're leaving on the 15th?

4 CHAIRMAN VALDES-FAULI: Can you do it on  
5 the 14th? Can we do it on the 14th?

6 MR. DEWITT: I can do the 15th. You're  
7 leaving on the 15th?

8 CHAIRMAN VALDES-FAULI: We can do it on the  
9 15th, if you would like.

10 MR. DEWITT: He's leaving on the 15th.

11 MR. BONN: Yeah. Unfortunately, I fly out  
12 on the 15th for a procedure.

13 CHAIRMAN VALDES-FAULI: I'm sorry, you said  
14 you couldn't do it on Monday?

15 MR. BONN: I'm leaving on the 15th. I'm  
16 sorry.

17 MR. THOMSON: The 15th and 16th are bad for  
18 me.

19 MR. DEWITT: How about the 29th or 28th?

20 MR. MORALES: Of December?

21 MR. LEEN: I might avoid that week.

22 MR. MORALES: No, I'm away that week.

23 MR. DEWITT: All right. Let's go to  
24 January.

25 MR. BONN: Yeah, to the Chairman's point,



1 probably after the first of the year.

2 MR. LEEN: What we'll do is, we'll send  
3 each of you a packet, because it's the last  
4 meeting. We'll try to get it to you at least a  
5 week in advance, a packet, so you could review  
6 it.

7 MR. MORALES: January 5th?

8 MR. LEEN: Is that okay? Could we do that?

9 MR. DEWITT: January 5th is good for me.

10 MR. BONN: Perfect.

11 MR. DEWITT: January 5 is good.

12 MR. MORALES: Mr. Chairman?

13 CHAIRMAN VALDES-FAULI: Yeah, that works.  
14 Does that work?

15 MR. DEWITT: There's a small chance I may  
16 be going to Seattle. I don't need to be here  
17 at the last meeting, though.

18 CHAIRMAN VALDES-FAULI: Yes, you do.

19 MR. LEEN: Yes, sir, but I don't know yet,  
20 because I have to schedule it around my dad's  
21 schedule.

22 CHAIRMAN VALDES-FAULI: Okay. Shall we try  
23 the 5th? When will you know if you can --

24 MR. LEEN: Well, you know, it's far enough  
25 in advance that if I can't do that, we can

1 agree on another date. Do you have an  
2 alternate date that I could have, just in case,  
3 the next week?

4 CHAIRMAN VALDES-FAULI: The 4th, 6th.

5 MR. LEEN: No, the week after. Do you have  
6 an alternate date, the 11th to the 15th?

7 CHAIRMAN VALDES-FAULI: Oh, the week after.

8 MR. DEWITT: The 12th.

9 MR. KORGE: The 12th, Tuesday. That's the  
10 date that's been working.

11 MR. LEEN: There's a Commission meeting.

12 MR. THOMSON: Number 12 is a Saturday.

13 MR. MORALES: Well, was the idea to report  
14 to Commission on the 12th?

15 MR. BONN: January.

16 MR. LEEN: No. We haven't talked about  
17 when this would go on the ballot. I assume  
18 we'll need a couple of months. I'll have to  
19 get that date from the -- but we don't have an  
20 April election, though, so we would probably  
21 have to set a special election anyway. So that  
22 doesn't matter.

23 And we can do by mail ballot, which I know  
24 the Commission has talked about maybe doing it  
25 by mail ballot.

1 CHAIRMAN VALDES-FAULI: What, the  
2 ratification or the adoption?

3 MR. LEEN: Yeah. Our Code allows that.

4 MR. MORALES: The 19th? Tuesday, the 19th?

5 CHAIRMAN VALDES-FAULI: What happened to  
6 the 12th?

7 MR. MORALES: Commission meeting.

8 CHAIRMAN VALDES-FAULI: Oh, okay.

9 MR. MORALES: The 19th is the backup date?

10 MR. LEEN: Okay. So I have the 5th and the  
11 19th. Is that okay with everybody?

12 MR. DEWITT: Sounds good to me.

13 CHAIRMAN VALDES-FAULI: Okay. Thank you.

14 MR. LEEN: At 7:00 p.m., the same time? Is  
15 that good for everybody?

16 CHAIRMAN VALDES-FAULI: Why not?

17 MR. LEEN: Okay.

18 MR. DEWITT: Seven o'clock?

19 MS. ORTEGA-FRIDMAN: The 5th --

20 MR. LEEN: -- and 19th. It will be one of  
21 those two. Right now it's set as the 5th.

22 MR. MORALES: Motion to adjourn.

23 CHAIRMAN VALDES-FAULI: So the 5th or the  
24 19th, all right.

25 I'm going to miss you guys.

1 MR. BONN: You're going to Alaska.

2 CHAIRMAN VALDES-FAULI: No, I'm not. I  
3 decided to postpone that.

4 Okay.

5 MR. MORALES: Motion to adjourn.

6 CHAIRMAN VALDES-FAULI: Meeting adjourned.

7 (Thereupon, the meeting was adjourned at  
8 8:08 p.m.)

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STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 15th day of December, 2015.



NIEVES SANCHEZ