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CHARTER REVIEW COMMISSION

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DATE: \_\_\_\_\_

**CHARTER REVIEW COMMISSION  
MINUTES OF MEETING  
May 13, 2010**

A meeting of the Charter Review Commission (CRC) was held at the Administration Complex, Room 106-B, Port Charlotte, Florida

Roll Call

The following members were present:

*Ken Doherty (Chairman), Joseph Goggin, John Hitzel, Thomas Rice, Julie Mathis, Paula Hess, Michael Grant, Frank Weikel, Kevin Russell (ViceChairman), Andy Dodd, Bill Folchi, Johnny Vernon*

The following members were absent:

*Bill Dryburgh, Suzanne Graham, Maureen Garrard*

The following alternates were present:

*Bill Weller*

The following alternates were absent:

*Connie Kantor, Patricia Kelly*

In addition to membership, the meeting was attended by *Robert Berntsson, Esq.*, counsel for the CRC

Call to Order

The meeting was called to order at 4:01 p.m. EDT by *Chairman Ken Doherty*

Agenda Items:

**1. Approval of Minutes** of meeting held on April 15, 2010: *Chairman Doherty* confirmed that all of the members present had previously reviewed these Minutes. There being no additions nor deletions the motion to approve these Minutes was made and seconded and the Minutes were approved unanimously.

**2. Presentation of Final Reports from sub-Committees:**

*Julie Mathis*, Chairman of the Administration Staff sub-Committee, presented her sub-Committee's Final Report, a copy of which is attached to these Minutes as Attachment "A". The recommendations of this sub-Committee were:

- 1) To participate in the Joint Focus sub-Committee to move forward in researching a proposed change to an elected Executive branch of government, specifically the elected County Mayor/appointed Administrator structure.

- 2) To establish a Financial Advisory Committee to serve as a budget task force that would enhance and add credibility as to how the County should focus funds with respect to the budget process. This task force could also review and consult on the quality of the debt and reserve policies as well as economic impact statements.
- 3) Two readings of an ordinance or other measure to facilitate the ability of the BCC and the public to study and understand a proposal prior to the vote.

*Chairman Doherty* asked if the recommendation for two readings would include Resolutions as well as Ordinances, and *Ms. Mathis* indicated that she thought it would, adding that the concern was to allow additional time for the public to become informed and present their feelings prior to the vote. *John Hitzel* commented that the Statute refers to Ordinances, Resolutions and Motions. Robert Berntsson, Esq. replied that under municipal law there are always two readings of Ordinances, and that applies only to Ordinances. He pointed out that there are often Resolutions for matters such as employee recognition, etc., which would not benefit from two readings. *Chairman Doherty* then said that the framework for voting would probably be worded specifically towards Ordinances. *Mr. Doherty* acknowledged that there have been concerns raised in the community about the lack of time between posting an Agenda and voting on an issue. He said that as a separate item he would like to see the CRC recommend in their Report (or as a Charter Amendment) that Agenda materials be prepared and available at least a week in advance of the vote.

Discussion regarding the Financial Advisory Committee included a comment from *Paula Hess* that it was discussed that this should be an appointed citizens Advisory Committee and *Julie Mathis* mentioned that they had reviewed relevant material from the Sarasota Budget Task Force. Mr. Berntsson said that he would mirror that, and *Chairman Doherty* added that the oversight Committee would most likely also be charged with examining the economic impact statements as well as debt and reserve policies. *Bill Folchi* expressed concern about the preparation of Amendment language in time for the membership to review. Mr. Berntsson indicated that he had already completed drafts from voting results at the previous meeting and that voting at the meeting on May 20, 2010 would be on the concepts discussed today.

*Johnny Vernon*, Chairman of the Board of County Commissioners sub-Committee, presented his sub-Committee's Final Report, a copy of which is attached to these Minutes as Attachment "B". The recommendations of this sub-Committee had been previously voted on by the full Charter Review Commission. The Final Report also included a recommendation to participate in the Joint Focus sub-Committee, as stated similarly in the report from Administration Staff.

*Andy Dodd*, acting Chairman of the Constitutional Officers sub-Committee, presented the Final Report on behalf of his sub-Committee, a copy of which is attached to these Minutes as Attachment "C". The recommendations of this sub-Committee were:

- 1) The Charter should not be changed to impose term limits on the Constitutional Officers
- 2) The Charter should be changed to make the Supervisor of Elections a non-partisan office.
- 3) The Charter should not be changed to convert Constitutional Officers to Charter Officers appointed by the BCC.

*Mr. Dodd* indicated that the suggested change to a non-partisan Supervisor of Elections was not so much from the standpoint of the election itself but with regard to his or her service in that position. In discussion, reference was made to a bill pending in Tallahassee (House Bill 131) which if passed may have the potential of prohibiting a change to non-partisan elections. Robert Berntsson said he would research that further but believed it was intended to make State election rules apply to all counties. *Michael Grant* indicated that he did not think that applied to Charter counties but *Vice Chairman Russell* said that he had pulled the Bill to examine it and he did not agree. *Frank Weikel* asked what the position of the Supervisor of Elections had been on non-partisanship, and *Mr. Dodd* responded that he had been non-committal.

*Bill Folchi*, Chairman of the Other Boards and Agencies sub-Committee, presented the Final Report on behalf of his sub-Committee, a copy of which is attached to these Minutes as Attachment "D". The recommendations of this sub-Committee were:

- 1) The Economic Development Office be organized under the Board of County Commissioners instead of reporting through the County Administrator.
- 2) Extending the term of the Charter Review Commission to provide for appointment at least eighteen (18) months before the general election occurring every six years.

*Chairman Doherty* said that in research he had found that the original Charter Commission had been empanelled for a full eighteen months and it is apparent at least during this session that eleven months is not enough time to properly examine the proposed issues.

*Ken Doherty* then reported on behalf of the Joint Focus sub-Committee (Administration Staff/BCC) , a copy of which is attached to these Minutes as Attachment "E". The recommendation of this sub-Committee was:

- 1) Request voter approval for reconstituting the present Charter Review Commission for a period of two years, for the purpose of studying a change of government structure, including all related considerations.

*Paula Hess* commented that when putting the proposed structural change on the ballot it must be a fully fleshed-out plan, not just a concept. *Tom Rice* emphasized that the reconstituted CRC should specifically be empowered to appoint new members, if necessary. *Michael Grant* asked if the reconstituted CRC would have sub-Committees and *Chairman Doherty* said that would most likely be determined by the reconstituted body at that time. *Chairman Doherty* further indicated that this was an important concept to deliver to the voters and he acknowledged the commitment required by membership.

Robert Berntsson, Esq. then summarized the recommendations he had heard today from the sub-Committees. Mr. Berntsson also indicated that he had met with a Charter Review attorney for Pinellas County, and said that he would be using the language, etc. of Pinellas as a model in preparing the Amendment for reconstitution.

*Chairman Doherty* referred to the recommendation of the Other Boards and Agencies sub-Committee regarding the Economic Development Office, and suggested that those interested read the Minutes of that meeting (March 30, 2010) to get a sense of the situation. *Michael Grant* suggested the possibility of putting Permitting under the EDO and Mr. Berntsson said that they could possibly organize that way through Administration. *Chairman Doherty* indicated that the result of the voting at next week's general membership meeting would determine what is presented at the Public Hearings, adding that there is still flexibility as far as wording, etc. In addition, *Chairman Doherty* and Mr. Berntsson indicated that the Public Hearing Notices will be very specific as to all the issues, to preclude any possible challenges that they are insufficient. *Bill Folchi* asked if the previously voted- on recommendations of the BCC Sub-Committee were final. *Chairman Doherty* replied that had been a preliminary vote to determine which issues would move forward and most others had been "housekeeping". Robert Berntsson indicated that he had already prepared a draft of proposed ballot language and administrative support was directed to forward this to the membership. Mr. Berntsson read these proposals for the membership. He added that final voting would not take place until the conclusion of the Public Hearing process. However there was discussion specifically about the BCC sub-Committee proposal regarding term limits, and it was agreed that issue needed to be revisited. *Frank Weikel* said that more discussion was required and *Vice Chairman Russell* indicated that the actual ballot language of all proposals needed to be reviewed before final approval.

**3. Public Input:** *Chairman Doherty* welcomed those in attendance and thanked them for their interest. He requested that comments be kept to three or four minutes per speaker.

*Joe Blais* of Englewood said that he was glad to hear about the proposed action with regard to the Economic Development Office. He inquired where funding comes from for that Office and *Chairman Doherty* replied that a better source for that answer would be the Budget office or Assistant County Administrator Ray Sandrock. Mr. Blais indicated his understanding of the economic development process but observed that people get upset with public funds being used in a risk taking environment. *Paula Hess* observed that there has been discussion in the past about whether the government should be involved at all with EDO.

*Park Pellikian* spoke on his concern about the lack of communication with taxpayers. He indicated that owners of vacant property do not get the same voice as owners of residential property, adding that roads and other improvements were better around the more populated areas. He said that only serves to make the unpopulated areas look less desirable. He added that Commissioners elected by the entire County do not give those areas any attention. Mr. Pellikian also commented that at Board meetings the Commissioners never respond to citizens' comments.

*Charles Brown* asked about the cost of the proposed change in the EDO and *Chairman Doherty* replied that there was already a Director and a person was not being added.

*Robin Stublen* asked why three (3) term limits were being proposed. He indicated that the President and the Governor had two term limits and that should be sufficient for the Commissioners as well. Mr. Stublen also suggested a longer residency requirement for individuals running for Commission seats. With regard to single member Districts, Mr. Stublen acknowledged that those campaigns would be cheaper and easier, but he had a concern about possible deals between Commissioners which could result. He asked if the CRC was presenting a "super Mayor" proposal for the upcoming election and *Chairman Doherty* said that at this time they are recommending study. Mr. Stublen expressed his concern over this possible structure. Mr. Stublen referred to the education policy offered to County employees, saying that he did not find it suitable for the Commissioners to avail themselves of that. *Paula Hess* asked if this Commission could research the possibility of imposing longer residency requirements on candidates. *Ms. Hess* also agreed with Mr. Stublen about the educational benefits.

*Amy Watson* said that she did not like the mayoral proposal, saying that the County does not have a need for that at this time. *Paula Hess* asked her objection and *Ms. Watson* said she favored an elected official. *Ms. Hess* pointed out that the mayor would

be elected. *Chairman Doherty* replied that there is a lot of mis-information on the proposed structure and that is why there is a need for further study and education.

Dave Hackett agreed with the two previous speakers, saying that he objected to a proposal that puts more power in the hands of one individual. Mr. Hackett also said that the two readings issue should include, in addition to ordinances, budget impacts of a certain dollar number and any land use changes. Mr. Hackett also proposed having the CRC appointed every four years instead of every six years.

*Chairman Doherty* said that during Commission Comments he would like to examine further some of the points that are being raised. *Paula Hess* responded to Mr. Hackett by saying that technically land use issues have two hearings, ie., Planning and Zoning and the BCC. Mr. Hackett said that the public often does not examine an issue until after the vote, and he emphasized his support of two readings for understanding and public input.

Louis Macri suggested that hand-outs of all recommendations be made available and *Chairman Doherty* said that this will be available at all of the Public Hearings as well as on the website. Mr. Macri also urged the CRC not to look at other counties but to make up their own minds.

Joyce Thompson said that it was the job of the CRC to eliminate the possibility of fraud and conflict of interest in County government as much as possible. She said that she was opposed to having a County Administrator appointed by an elected Mayor, indicating that the public would not know these individuals unless they were part of a special interest group, and it was the job of the CRC to prevent this type of situation. Ms. Thompson also indicated that she had no problem with the current structure of the Board of County Commissioners, and that she was in favor of a two (2) term limit.

Kathryn Thoma asked why the CRC felt there were deficiencies in the current Charter. *Chairman Doherty* advised Ms. Thoma it was the responsibility of the CRC to examine the Charter every six years. *Mr. Doherty* suggested Ms. Thoma to go to the website to view the entire Charter as well as the Minutes of previous meetings.

Jacqueline Dalenberg indicated that she was against too much power in the hands of too few people for too long a time. Ms. Dalenberg said that she was in favor of two term limits and that she did not agree with the County Mayor proposal, saying this placed too much power in the hands of that official.

Dale Watson said that he has been urging people to attend the CRC meetings.

Theresa Jenkins of the League of Women Voters indicated that the League would like the 2010 ballot to include a proposal for single member Districts. She said that

although the League has not taken a position the League would like it on the ballot for the voters to decide. Ms. Jenkins said that the League could argue both sides of the issue. She listed the advantages as: making the Commissioners more accountable to the voters; reducing campaigning costs; promoting representation for residents of the District; providing an equitable system for candidates; potential for better representation for under-represented groups such as political parties or ethnic groups. She listed disadvantages as: Commissioners looking at only the small picture; voter rights might be diminished because of casting ballots in only one race; could lead to pork barrel politics; depending on structure could lead to less representation of the community as a whole. Ms. Jenkins said that campaign financing under the current system is prohibitive to many candidates. She said that the League questions if the at-large concept is a better means of representing all voters, and if the five Republican Commissioners are representative of the true face of the County when fifty (50%) percent of the voters are registered as no-party affiliation or Democrats. Ms. Jenkins also indicated that the Board should obtain public assistance in setting new District boundaries if the single member concept is approved.

Judy Angus said that she supports a proposal for single member Districts to be on the ballot.

Mary Ellen Taylor said that she supports single member Districts. She said she would also consider the addition of at-large candidates for a total of seven. Ms. Taylor also said that she supports the idea of an elected County Executive.

Hugh Havlick Said that he would like to see a proposal for single member Districts put on the ballot. He said that he also favors two (2) readings and recommended that the issues be published at least one week ahead of time, saying that the short notice that currently occurs prevents people from being able to be involved in the process.

Freda Mattesich said that she supports single member Districts being placed on the ballot.

Rom Mattesich, Chairman of the Charlotte County Democrats, said that he supports the position of the League of Women Voters on single member Districts. He supported the idea of study on additional proposals raised today but said that he would like to see the issue of single member districts handled separately.

#### **4) Commission Comments:**

*Frank Weikel* agreed with Mr. Stublen about Commissioners taking advantage of the education program, adding that Commissioners' salaries are set by Statute and if an ethics complaint had been filed those Commissioners would have had to reimburse. *Mr. Weikel* agreed with Mr. Hackett about setting a dollar amount on issues creating a budget impact,

but added that he thought there needed to be an emergency clause in place. *Mr. Weikel* explained that the CRC had evaluated the expense of adding two at-large Commissioners, saying that would cost almost \$250,000 when salary, benefits and staff are taken into consideration. *Mr. Weikel* also said that if the CRC is reconstituted the proposed change to a County Mayor will most likely be seen on the ballot in two years.

*Johnny Vernon* thanked the members of the public for attending and asked them to help extend the Commission to allow sufficient time for research and education.

*Michael Grant* said that although he agreed with Mr. Stublen about extending residency requirements for candidates, he thought the U.S. and Fla. Constitutions would prohibit putting any undue restrictions beyond six months on individual taxpayers running for office. *Mr. Grant* also agreed with Mr. Hackett with regard to two readings on land use issues. *Mr. Grant* acknowledged the pros and cons of single member Districts but said he disagreed, adding that unless there were candidates running at-large there is too much concern about Commissioners focusing only on their Districts. *Mr. Grant* said that his sub-Committee had examined this extensively and decided not to go in that direction because of the cost involved in adding the at-large Commissioners. *Ms. Jenkins* responded to this by saying that they were going to look at Brevard County which has five single member Districts since 1986.

*Vice Chairman Russell* commented on Mr. Hackett's suggestion of the CRC convening more often than every six years, saying that should be examined. *Vice Chairman Russell* also remarked on his history serving on previous CRC sessions, observing that this was the best citizen participation at a meeting. He asked those present to allow the CRC to go forward as this will give them the time to study all aspects of the issues presented in a responsible manner.

*Tom Rice* asked Mr. Berntsson to find out what he could about extending the residency requirement of running for a Commission seat. *Mr. Rice* also mentioned to Mr. Berntsson the need to specify and expand upon what would be included in the two readings proposal. He encouraged those present to attend the Public Hearings, indicating those hearings were not just to develop ballot language but to educate the voting public.

*Julie Mathis* thanked the members of the public in attendance and suggested that at the future meetings the "Public Input" portion be at the beginning of the Agenda (with limitation to Agenda items only and two or three minutes per speaker). *Chairman Doherty* replied that he had been planning to propose that also.

*Paula Hess* referred to the discussion on term limits indicating that in her opinion two terms is enough. She agreed with two readings for anything involving major expenditures. *Ms. Hess* also suggested that the issue of longer residency requirements be examined. *Ms. Hess* referred to one of Mr. Pellikian's concerns and said that the CRC Final Report should bring attention to the fact that public input at BCC meetings should



include an actual dialog with the Commissioners. *Ms. Hess* added that Report should also suggest restricting the Commissioners from taking advantage of the educational program. She explained to those present that not everything can be put on the ballot, some issues are communicated in the Final Report.

*Bill Folchi* said that he thought higher criteria for qualification of Commissioners was more important than either term limits or districting.

*John Hitzel* supported the two readings concept, saying that should be expanded to include any land use proposals as well as significant budget items. *Mr. Hitzel* indicated that he does not like term limits but if imposed he thought they should be for two terms.

*Andy Dodd* asked for clarification on the two readings issue, asking if that meant two opportunities for consideration or two votes by the Commission. *Mr. Berntsson* said that in municipal application there is one reading at the public hearing and a vote is taken as to whether it should move on to a second hearing. *Mr. Berntsson* added that the second hearing does not require a public hearing, it is just the vote. *Mr. Hackett* said that he wanted the Commission to have to vote twice. *Andy Dodd* expressed a concern that a "no" vote to continue an item for the second hearing was the worst vote, preventing an issue from going further. There was discussion that there are provisions in the rules of the BCC for bringing an issue back for another vote.

*Chairman Doherty* indicated that they had heard a lot of support today in favor of single member Districts. He also said that in his opinion he favored a mixture of single and at-large, adding that twelve out of twenty Charter counties have either single member Districts or a mixture. He added that Columbia and Clay counties have five single member Districts. He observed that the issue is packaged into the focus of the reconstituted body, but it might also need to be considered separately. *Mr. Doherty* recommended that the CRC examine at the next meeting the possibility of putting the single member proposal to the voters. *Paula Hess* observed that if single member Districts were adopted a two term limit would be imperative. *Frank Weikel* said that the single member District issue could not be split separately from the whole discussion on a proposed change of structure. *Bill Folchi* remarked that Charlotte County is the seventeenth smallest in the State as far as population, and *Chairman Doherty* replied that was why he mentioned the comparable counties of Clay and Columbia.

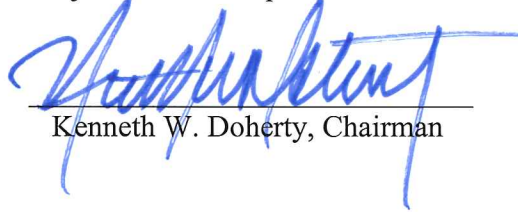
*Robert Berntsson* addressed the members of the public saying that an enormous amount of work and research had been put forth to date by this Charter Review Commission and they had made every effort to obtain public input from the outset. *Mr. Berntsson* said that now the sub-Committees have finished their work and submitted their Reports they are starting to receive public comment. He further explained that the CRC had reached their

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conclusions and recommendations based on their considerable efforts since the first Public meeting. *Mr. Weikel* added that at an earlier meeting the public had spoken in opposition to single member Districts.

**5 Adjournment:** The meeting was adjourned at 5:45 p.m. EDT



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Kenneth W. Doherty, Chairman

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ATTACHMENT "A"

**CHARTER REVIEW COMMISSION**



**CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948**

**Charter Review Commission  
Administration Staff sub-Committee  
FINAL COMMITTEE REPORT  
May 13, 2010**

**Committee Members:**  
Julie Mathis, Chairman  
Ken Doherty  
Paula Hess  
Kevin Russell  
Bill Weller (alternate)

**I. Introduction.** The Administration Staff sub-Committee was charged by the full Charter Review Commission to review that portion of the County Charter as it relates to the Administration Staff. Accordingly, this sub-Committee met three (3) times as follows:

December 17, 2009 - Organizational meeting  
March 9, 2010 - Discuss officials to be interviewed and develop interview questions  
March 19, 2010 - Conduct interviews with Charlotte County Administration staff -  
Ms. Janette Knowlton, County Attorney  
Ms. Kelly Shoemaker, Assistant County Administrator  
Mr. Ray Sandrock, Assistant County Administrator  
Mr. Roger Baltz, County Administrator  
Mr. Gordon Burger, Budget Director  
Mr. Robert Halfhill, Public Works Director  
Mr. Jeff Ruggieri, Growth Management Director  
Ms. Terri Kesner, Charlotte County Utilities

Each interview took approximately one-half hour, with the exception of the County Attorney and County Administrator which had been scheduled for one hour. The interviewees were asked to begin discussion by describing their duties and functions. In addition to some entity specific questions, each official responded to a general set of questions and a brief summary of responses follows. As the interview format was informal, questions were not asked or responded to in any particular order. Full interview responses can be obtained by reading the posted Minutes of the interview meeting and this Report is intended for summary purposes only.

## II. Responses.

What are your specific duties and in the performance of those duties what, if any, local government restructuring could be proposed for the Charter that would improve your ability to deliver services?

As far as duties, all of the answers were specific to the positions of the respective interviewees. None could see an urgent need to change the Charter, most indicating that the current structure is sufficient to meet the needs and delivery of services. One respondent commented on the autonomy of the elected officials, mentioning a possible duplication of effort. Two said that the addition of two at-large Commissioners would be beneficial.

In the performance of your duties are you affected by the Charter?

All acknowledged that the Charter was the overriding document, but none had any issues in the performance of daily operations.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government?

None of the interviewees had ever worked under an elected Administrator. All of the interviewees indicated that they would probably prefer the appointed Administrator structure, citing among other reasons the "de-politicizing" of the position as well as the ability to obtain an individual with the requisite qualifications.

Should there be a residency requirement for Department Heads?

Five of the interviewees were in favor, but stressed the need for flexibility on the issue. Two were not in favor, indicating that requirement limited the selection pool, and one had no opinion. In addition, it was pointed out by several that there are residency requirements already in place in the Administrative Code.

Should there be a limit set on Federal and State grants that create a continuing obligation? Of those interviewees that were asked this question, all responded that grants were evaluated carefully, including long term operational expenditures, and the Board was very attuned to the issue.

In your experience is the non-interference clause observed? Is the method of enforcement adequate? The majority of responses indicated that the non-interference

clause is being observed and any problems which may arise usually result from an individual not being familiar with the process. These issues are addressed by either the County Administrator or the County Attorney and the correct channels are then followed. Only one response indicated that several infractions had taken place in the past but had been referred to Legal.

Is the Administrative Code current?

Yes.

Are economic impact statements faithfully prepared in accordance with requirements?

Of the respondents who were asked that question all responded that they thought they were adequate. It was confirmed that all such statements are reviewed by Legal, Budget and Administration.

The debts and reserve policy Amendments from the last Charter Review Commission were only recently implemented. Were you aware of this? The response from those interviewees who were associated with this implementation pointed out that Hurricane Charley was the main reason for this delay.

Are there any changes you could suggest for the Charter to improve your ability to deliver services? One response mentioned the possible need for bonding and audit requirements. Two interviewees mentioned that some counties have an elected Charter Review Commission, but did not specifically recommend this change. One respondent indicated that it might be more efficient to have a Hearing Examiner in place of Planning and Zoning. There was a suggestion for a two-year Budget. There was also a recommendation for a citizens Budget Task Force. In addition two respondents indicated that the addition of two at large Commissioners would be beneficial (as above mentioned).

**III. Findings.**

Other than some specific suggestions which have been brought out in the above summary, this sub-Committee did not receive any input from the Administration Staff/Department Heads which would indicate their desire for change. Public input, submitted through email, indicates there may be a need to require two readings of a proposed ordinance, allowing sufficient time for public research and response. With regard to the issue of adding Commissioners, this and other structural changes are deferred to the actions of the Jt. Focus Sub-Committee.



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**IV. Recommendations.**

Participate in the Joint Focus sub-Committee to move forward in researching a proposed change to an elected Executive branch of government, specifically the elected County Mayor/ appointed Administrator structure.

Establishment of a Financial Advisory Committee to serve as a budget task force which would enhance and add credibility as to how the County should focus funds with respect to the budget process. This task force could also review and consult on the quality of the debt and reserve policies as well as economic impact statements.

Recommend two readings of an ordinance or other measure to facilitate the ability of the BCC and the public to study and understand a proposal prior to the vote.

Submitted by

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Julie Mathis, Chairman

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ATTACHMENT 'B'

**CHARTER REVIEW COMMISSION**



**CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948**

**Charter Review Commission  
Board of County Commissioners sub-Committee  
FINAL COMMITTEE REPORT  
May 13, 2010**

**Committee Members:**

Johnny Vernon (Chairman)  
William Dryburgh  
Michael Grant  
Tom Rice  
Frank Weikel

**I. Introduction.** The Board of County Commissioners sub-Committee was charged by the full Charter Review Commission to review that portion of the County Charter as it relates to the Board of County Commissioners. Accordingly, this sub-Committee met four (4) times, as follows:

December 17, 2009 - Organizational meeting to establish dates and develop interview questions  
January 28, 2010 - Conduct interviews with each of the County Commissioners  
February 17, 2010 - Develop preliminary Report  
March 3, 2010 - Discuss further research and possible action on the issue of an elected Administrator.

(Note: The details of the meetings are reflected in the respective Minutes).

**II. Summary.** This sub-Committee presented a Preliminary Report to the Charter Review Commission at the general membership meeting held on February 18, 2010. That Preliminary Report is expressly incorporated herein by reference, and the full content including recommendations can be seen in an examination of the Minutes of the meeting held on February 18, 2010.

Several of the recommendations were voted on by the Charter Review Commission at the general membership meeting held on April 15, 2010. The voting

results and accompanying discussion can be seen in an examination of the Minutes of the meeting held on April 15, 2010, but are summarized as follows for the purpose of presentation in this Final Report:

A. It is the recommendation of this sub-Committee to keep the Board of County Commissioner elections partisan. This recommendation was approved by majority vote.

B. It is the recommendation of this sub-Committee to set a limit of three elected terms for Commissioners, assuming that an appointed term cannot count against the total. This recommendation received eight votes in favor and seven against. This vote was taken to obtain an indication of member opinion and the question will be revisited and if necessary ballot language will be refined.

C. It is the recommendation of this sub-Committee to make no change concerning the rotation of names on the BCC election ballot. This recommendation was approved by all present.

D. It is the recommendation of this sub-Committee to make no changes regulating election financing. This recommendation was approved by all present.

Additionally, the issue of residency requirements for County Commissioners was handled by a proposed "housekeeping" amendment and approved unanimously. A proposed amendment to require the BCC to do an annual review of all operations in the County was also approved unanimously.

### III. Recommendations.

It is the recommendation of this sub-Committee to participate in the Joint Focus sub-Committee and move forward in researching a proposed change to an elected Executive branch of government, specifically the elected County Mayor/appointed Administrator structure. Among other things, this action will overlap into the following issues and specific recommendations are thus deferred on : (a) single member Commission districts (b) addition of two at-large Commissioners (c) any other matter relative to the structure of the Board of County Commissioners.

Submitted by:

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Johnny Vernon, Chairperson



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Attachment "C"

CHARTER REVIEW COMMISSION



CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948

**Charter Review Commission  
Constitutional Officers sub-Committee  
Final Committee Report  
May 13, 2010**

**Committee Members:**

Maureen Garrard (Chairperson)  
Andy Dodd  
Joseph Goggin  
Suzanne Graham  
Patricia Kelly

**I. Introduction.** The Constitutional Officers sub-Committee was charged by the full Charter Review Commission to review that portion of the County Charter as it relates to the Constitutional Officers. Accordingly, this sub-Committee met seven (7) times, as follows:

December 17, 2009 - Organizational Meeting to establish future meeting dates  
January 28, 2010 - Organizational Meeting to develop interview questions  
February 18, 2010 - Interview Ms. Vickie Potts, Charlotte County Tax Collector  
March 4, 2010 - Interview Hon. Paul Stamoulis, Charlotte County Supervisor of Elections  
March 18, 2010 - Interview Mr. Frank Desguin, Charlotte County Property Appraiser  
April 15, 2010 - Interview Sheriff Bill Cameron, Charlotte County Sheriff  
April 29, 2010 - Interview Ms. Barbara Scott, Charlotte County Clerk of Courts; Committee discussion following meeting to develop Final Report

Each interview took approximately one hour. The Constitutional Officers were asked to begin discussion by describing their duties and functions. In addition to some entity specific questions, each Constitutional Officer also responded to a set of general questions and a description of their opinions follows. The full interview responses can be obtained by reading the posted Minutes of the respective meetings.

**II. Summary.** Overall the Constitutional Officers were against changes in their status as Constitutional Officers as checks and balances would be stronger with the current system. All but one were strongly against term limits as their offices provide a professional administrative function as opposed to legislative. They were of split opinion about the ability to make their offices truly non-partisan. The Supervisor of Elections would be most logical to consider for non-partisan status.

**III. Questions.**

A. What is your opinion on non-partisan elections for Constitutional Officers? Opinion

was divided. One response said that there was really no such thing as non-partisan, that was just a way for the candidate to avoid identifying with a specific set of values or political beliefs; two responses were strongly in favor of partisan elections, indicating that partisanship is a way for the voter to identify the candidate as far as values and political beliefs; one opinion remained neutral but added that true non-partisanship would be hard to achieve; one opinion was that partisanship should be removed as the Constitutional officers are professions.

**B. What is your opinion on term limits for Constitutional Officers?** Four opinions were that term limits are not necessary. The reasons for this included the opinions that the voters determine the limit and also that the Constitutional Officers are not lawmakers, they are carrying out a function. One opinion was in favor of a two (2) term limit.

**C. What is your opinion on changing the Constitutional Officers to an appointed rather than elected position?** Four respondents were not in favor, all citing the system of checks and balances among other reasons. One respondent acknowledged arguments in favor of both.

**D. What are your observations regarding the relationship of the Constitutional Officers and the Board of County Commissioners?** All respondents indicated a good relationship exists, both among themselves and with the Board.

#### **IV. Final Recommendations.**

**A.** By majority vote this sub-Committee recommends the Charter should not be changed to impose term limits on the Constitutional Officers.

**B.** By majority vote this sub-Committee recommends the Charter should be changed to make the Supervisor of Elections a non-partisan office.

**C.** By majority vote this sub-Committee recommends the Charter should not be changed to convert Constitutional Officers to Charter Officers appointed by the Board of County Commissioners.

#### **V. Highlight Comments from Interviews.**

Ms. Potts, Charlotte County Tax Collector, described her office as being responsible to the citizens of Charlotte County and the Governor; her Office enforces the laws of the State of Florida independently from any other local government; they enforce State laws locally and independently of any other influence other than any State agency for which they are an agent

Ms. Potts responded that she did not feel there was such a thing as non-partisan. She feels the public is misled as that implies a candidate does not want to share their true thoughts and political values.

She replied that an elected official creates a public trust, and that having elected Constitutional officers has created a sense of balance in local government. She feels it also has created a system of checks and balances that make it harder for corruption. Ms. Potts asked that the Charter Review Commission do no harm. She indicated that Constitutional Officers are very important and the checks and balances that have been put into place in the Constitution are essential to the separation of powers.

Mr. Desguin, Charlotte County Property Appraiser, indicated this structure was good as far as the system of checks and balances. He said that his office performs annual reevaluations as of January 1st of every year, and his preliminary rolls have to be in Tallahassee by July 1st. Mr. Desguin stated that although the Office of the Property Appraiser is independent and elected, everything they do is dictated by State law and the budget is overseen by the State.

Mr. Desguin replied that he thought these officers should be non-partisan, because it is a profession.



Mr. Desguin said that his number of positions have decreased a little over time. Mr. Desguin said he made a conscious decision after the Hurricane not to add any permanent staff.

Hon. Paul Stamoulis, Charlotte County Supervisor of Elections, said that office hours had been cut due to budget considerations. He indicated that his office had voluntarily cut their budget this year by fifteen (15%) percent, going from fifteen employees (fourteen full time, one part time) to eleven employees. Mr. Stamoulis stated that there has been a lot of cross training and he gave a lot of credit to his staff.

Mr. Stamoulis said that he believed in two (2) terms, saying that it is personal feeling. Mr. Stamoulis said it seems like people are clamoring for less professional politicians. He sees no reason why someone cannot do a job in two terms and then turn it over to someone else.

He then referred to an issue in Sarasota in 2006. Mr. Stamoulis related that before a thorough investigation was made the Legislature passed a law getting rid of the machines and helping them buy new paper trail machines. Mr. Stamoulis indicated that the current machines can only be used until 2012 and then all new ADA compliant machines must be bought.

Mr. Stamoulis said that counties have asked for an extension until 2016 in the hope that technology will produce something better during that additional time. He said that if that extension is not granted he is going to have to go to the Board of County Commissioners in 2012 to ask for \$200,000 to \$300,000 in order to put the new machines into the sites.

Mr. Stamoulis replied that the precincts in Charlotte County had been consolidated nicely. Mr. Stamoulis indicated that he reviewed the scheme in Charlotte County and found that some criteria for consolidating were not met and that the situation occurred as a result of Hurricane Charlie. He further indicated that no one had ever challenged it, but he knew that it needed to be handled as an election could be challenged if it were not. Mr. Stamoulis said that there would be changes in election sites this year to bring it into compliance with the law.

With regards to vote by mail, Mr. Stamoulis replied that it depends on the type of election. He said that in the primary it was forty six percent, in the general it was thirty four percent and in the Presidential preference primary it was ten percent.

Sheriff Cameron, Charlotte County Sheriff, said that training has always been strong in Charlotte County, and indicated that now instead of losing candidates to other counties they have a waiting list. Sheriff Cameron added that Charlotte County is now regarded around the State as an industry leader.

He pointed out that the Constitutional Officers are carrying out a function and are not lawmakers, adding that there could be an argument in favor of term limits for the Board as they are legislators.

He referred to the purposeful system of checks and balances in County government. Mr. Cameron continued by saying that he especially would not be in favor of an appointed Sheriff, indicating that the Sheriff is the only protector of the Constitution at the local level just as the Attorney General is at the State level.

Mr. Cameron indicated that there have been no raises in three years, they are holding insurance costs and retirement costs, and he cut 20 positions last year.

Mr. Cameron also mentioned utilizing skills among the inmate population, giving as an example a painting project that was done whereby the County bought the paint and some inmates with painting experience did the job.

Ms. Barbara Scott, Charlotte County Clerk of Courts, indicated that her budgets have decreased and her Office utilizes volunteer workers in some capacities.

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Ms. Scott spoke in favor of partisan elections for the Constitutional Officers, and was opposed to changing the Constitutionals to an appointed position. Ms. Scott indicated that she would favor a period of research in any proposals to change the structure of County government.

Ms. Scott expressed her concern about the interpretation of the non-interference language in the County Charter, specifically referring to the fact that it was not meant to prevent Commissioners from speaking with Department heads.

All of the Constitutional Officers spoke about Budget cuts and the difficulties these imposed on their respective offices. All of them indicated that they had been able to continue to deliver services effectively with less money and less staff.

Submitted by

\_\_\_\_\_  
Andy Dodd, Acting Chairman

Attachment "D"

CHARLOTTE COUNTY  
CHARTER REVIEW COMMISSION  
18500 Murdock Circle  
Port Charlotte, Florida 33948



Charlotte County Charter Review Commission  
Other Boards and Committees Subcommittee

Final Report  
May 13, 2010

- I. **Introduction.** The Other Boards and Committees (OBAC) Subcommittee was chartered to interact with government and civic entities that are not explicitly mentioned in the Charlotte County Home Rule Charter but are nevertheless involved in public policy and might be effected by changes proposed. The group met 7 times during the period from February 18, 2010 to April 6, 2010 and met with 9 different groups. In our first organizational meetings we developed a list of agencies to meet with and a list of topics for discussion for each meeting. In addition to the agency specific topics, we decided to include some of the general questions being covered by the overall Charter Review Commission (CRC). This report presents a concise summary of the operation and findings of the Subcommittee. It includes our impressions from the meetings with the subject organizations as well as general opinions gleaned from discussions with various civic groups. The details of each meeting were captured in the minutes and are not repeated herein.
- II. **Subject Organizations.** The organizations we met with include:
- a. Punta Gorda Chamber of Commerce, Charlotte County Chamber of Commerce, Englewood Chamber of Commerce.
  - b. Charlotte County Public School Board
  - c. City of Punta Gorda
  - d. Englewood Water District
  - e. Enterprise Charlotte Economic Development Council
  - f. Babcock Ranch
  - g. Charlotte County Airport Authority

We met with each group for approximately an hour. The discussion topics were provided in advance. In general the focus of the discussion with each group was economics and



operations. We were looking for ideas that would improve the economic outlook of Charlotte County and enable County Government to operate more efficiently.

- III. Findings.** Listed below are concise statements which summarize the opinions gathered from the meetings we conducted. These issues are important to the future of Charlotte County and should be resolved. Changing the Charter may be the proper course of action in addressing these issue but they may also be resolvable by operational changes.
- a. Charlotte County uses the slogan "Open for Business" but does not present a consistent, easy to follow set of procedures that enable business people to make capital investments in a timely manner. The permit system should be streamlined and made more business friendly.
  - b. The Economic Development Office is organized as a function under the County Administrator at the same level as all other county functions and therefore operates at the same pace and is given the same level of importance.
  - c. The BCC meeting procedure is not Business Friendly. The schedule is too unpredictable and the lead time does not permit sufficient preparation. When a businessperson wants to address the BCC meeting he/she often wastes the best part of a day not knowing when the issue will come up for discussion. The agenda should be organized to be more respectful of citizens time..
  - d. The lack of qualification standards for elected office coupled with low compensation may not attract the most qualified candidates except for those who are financially independent..
- IV. General Questions.** The following are the consensus of opinions expressed by members of the subject groups on possible changes to the Charter of general interest.
- a. Single Member districts are not appropriate for Charlotte County
  - b. The present form of government is appropriate for Charlotte County.
  - c. Elected County Administrator is not appropriate for Charlotte County
  - d. Five county commissioners elected at large seems to be the right mix for Charlotte County.
  - e. Term limits for elected officials are not appropriate for Charlotte County Commissioners.
- V. Recommendations.** In our discussions we developed the following suggestions that should be moved forward to a change in the charter or a change in the operation of the County Government in some other form.
- a. **Economic Development Office (Don Root).** The future of business in Charlotte County is dependent upon the success of this organization. It is presently organized under the County Administrator. It's operation is sufficiently different from the other departments reporting to County Administrator to warrant a change in organization.

The time frames required to react to opportunities developed by the Economic Development Office are too short to be accommodated by the County Administrator. It is therefore our recommendation that the Don Root and his organization be organized to report directly to the BCC.

- b. **CRC Organization.** The operation of the CRC requires long and frequent evaluation and deliberations. It requires public input and education of the public into the details of plans for change of the charter. It is our impression that the timeframe of one year does not properly support the quality of result that should be derived from the CRC's operation. We therefore recommend that the home rule charter be modified as follows:

The Present wording of the first sentence of Sec. 4.2, C. (1) is:

"A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eleven (11) months before the general election occurring in 1998 and at least eleven (11) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot."

We propose the following wording:

"A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eleven (11) months before the general election occurring in 1998 and at least eighteen (18) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot."

Submitted by

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Bill Folchi, Chairman

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Attachment "E"



CHARTER REVIEW COMMISSION  
18500 Murdock Circle  
Port Charlotte, Florida 33948

CHARLOTTE COUNTY CHARTER REVIEW COMMISSION  
JT. FOCUS SUBCOMMITTEE  
Final Committee Report  
May 13, 2010

**Committee Members:**

Julie Mathis  
Kevin Russell  
Paula Hess  
Ken Doherty  
Bill Weller (alt)

Johnny Vernon  
Tom Rice  
Bill Dryburgh  
Frank Weikel  
Michael Grant

**I. Introduction:** The full membership of the Charter Review Commission authorized the Administration Staff sub-Committee and the Board of County Commissioners sub-Committee to meet jointly for the purpose of examining a possible change of governmental structure. Specifically, the form of government being examined was that of an elected County Mayor/ appointed Administrator. This and other available structures had been discussed at previous general membership and sub-Committee meetings and a full text can be obtained from a review of all posted Minutes. Since the Legislative and Executive branches are affected, this issue integrates the focus of both sub-Committees.

**II. Meeting Schedule:** The Joint Focus Sub-Committee met on the following dates:

April 7, 2010  
April 21, 2010

**III. Findings:**

In previously conducted interviews, the Administration Staff sub-Committee had asked each interviewee if he or she had experience working under an elected Administrator.



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All indicated that they had not. Likewise, in previously conducted interviews the Board of County Commissioners sub-Committee had asked each Commissioner their opinion of an elected Administrator and all but one had indicated that they would not be in favor of that.

Further, none of the interviewees had any previous knowledge of the elected County Mayor/ appointed Administrator form of government. This raised the concern that considerable time would be required to properly inform the electorate if this proposal were to be placed on the ballot.

Through research it was determined that two models warranted further study, to-wit: Orange County and Pinellas County. An examination of the data available from Pinellas County indicated that their Charter Review Commission had asked to be reconstituted for a period beyond their normal session, and had received voter approval. This request for reconstitution was presumably for the purpose of allowing time for further research and study into the question of a change of government structure. From an examination of the data available from Orange County, Robert Berntsson, Esq. prepared a timeline of the transition process.

**IV. Recommendation:**

By majority vote it is the recommendation of this combined focus sub-Committee to request voter approval of reconstituting the Charter Review Commission for a period of two years. This request will be for the purpose of studying the change of structure, including all related considerations.

Respectfully submitted,

\_\_\_\_\_  
Kenneth W. Doherty