

**CHARTER REVIEW COMMISSION
MINUTES OF MEETING
MAY 20, 2010**

A meeting of the Charter Review Commission was held at the Murdock Administration Center, Room 106B, on May 20, 2010.

Roll Call

The following members were present:

Ken Doherty (Chairman), Kevin Russell (ViceChairman), John Hitzel, Bill Folchi, Paula Hess, Tom Rice, Michael Grant, Suzanne Graham, Johnny Vernon, Frank Weikel, Andy Dodd, Joseph Goggin, Bill Dryburgh

The following members were absent:

Maureen Garrard

The following alternates were present:

Bill Weller, Connie Kantor

The following alternates were absent:

Patricia Kelly

Call to Order

The meeting was called to order by *Chairman Ken Doherty* at 4:00 p.m. EDT

Agenda Item

1. **Public Input:** *Chairman Doherty* welcomed those present and thanked them for attending.

Mr. Doherty explained that at this meeting the Charter Review Commission would be voting on proposed Charter Amendments to be placed on the ballot, per discussion in previous meetings and as enumerated on the posted Agendas. *Chairman Doherty* pointed out that this did not represent the final vote but would determine what went forward to the Public Hearings on June 3rd, June 17th and July 1st. He explained that results of the final vote in July would be presented to the Board of County Commissioners for forwarding to the Supervisor of Elections. *Mr. Doherty* asked the citizens wishing to speak to limit their comments to three minutes.

Julie Cotton said that she was not in favor of adding two Commissioners, adding that five is a good balance which has worked effectively so far.

Bruce Waldt said that he was not in favor of term limits. He also said that he was not in favor of adding two Commissioners, adding that in view of cost considerations he would prefer there be only three (3).

Joan Fischer said that she also was not in favor of seven Commissioners, saying that five is the right number based on the population of the County.

Chairman Doherty pointed out that there was considerable mis-information, as this CRC was not proposing adding any Commissioners. He explained that it had been discussed but was not being proposed.

Gene Halichek spoke against the proposal regarding the Economic Development Office. *Chairman Doherty* explained that this proposal did not involve adding an employee but was to have the EDO work directly with the Board. Mr. Halichek stated that his objection still stood.

Mike Brown spoke in opposition of the proposal to make the Supervisor of Elections be non-partisan. Mr. Brown also opposed the proposal of a reconstituted Charter Review Commission. Mr. Brown also opposed a change to single member Districts. Mr. Brown suggested that a Commissioner not be paid if he or she does not attend a meeting.

Gene Geronimi said he was opposed to single member Districts. Mr. Geronimi also said he would be in favor of going to three Commissioners.

Janet Bell said that she was in favor of a proposal for single member Districts. She said the current Charter undermines the principal of representation by allowing the electorate to vote on the representatives from every district. She said this denies the people of District 2 their right of representation if the vote of the whole electorate overrides their selection for District 2. Ms. Bell recognized the efforts of the CRC and urged them to consider amending Section 2.2A to allow for single member Districts.

Judy Schnable agreed with Janet Bell, stating she was in favor of single-member Districts.

Bill Figuerido said that he was against single member Districts, adding that "if it is not broken don't fix it" but concentrate on what needs to be fixed. Mr. Figuerido also opposed term limits and changing the election of the Supervisor of Elections to non-partisan.

Paula Hess asked Mr. Figuerido what he thought was broken that they could address and Mr. Figuerido did not have any suggestions.

Frank Sturges said that he opposed single member Districts, saying it is a privilege to be able to vote for Commissioners county-wide. Mr. Sturges also said he would like to see a reduction to three Commissioners. Mr. Sturges opposed the proposal regarding a non-partisan Supervisor of Elections.

Mary Ellen Taylor from the League of Women Voters spoke in favor of the issue of single member Districts being placed on the 2010 ballot for the voters to decide. She said that if passed, the League would seek a recommendation that the Board obtain citizen input in establishing new District boundaries.

Joyce Thompson said that she had comments as a result of her attendance at the previous CRC meeting. Ms. Thompson read an article from the April 24, 2010 edition of the Gainesville Sun, concluding that a change to single member Districts would negatively impact the County and diminish voters rights. Ms. Thompson then referred to an article from the May 1, 2010 St. Petersburg Times concerning the County mayor issue, saying also that "if it isn't broken it doesn't need to be fixed". Ms. Thompson referred to the issue raised at the last meeting regarding the cost of Commissioners running at large, saying that forces the candidates to make themselves known in the community. She added that the job of Commissioner should not be handed to them and they should get out and work. Ms. Thompson said that a move to single member Districts would take that away. Ms. Thompson also spoke against the proposal of an elected Administrator and the amount of power that position would hold. Ms. Thompson then alluded that there was corruption involved as she had heard that two of the Charter Review Commission members were seeking the position of elected Administrator.

Don McCormick, an elected official from the City of Punta Gorda, spoke against single member Districts.

Lindsey Harrington spoke against single member Districts. Mr. Harrington also opposed term limits on the Board. Mr. Harrington was opposed to a reconstituted Charter Review Commission being able to appoint its own members. He also opposed a change to non-partisan for the Supervisor of Elections. Mr. Harrington said that he did not support the proposal requiring two readings of an ordinance, saying that was not necessary. Mr. Harrington said he was opposed to adding two Commissioners, adding that five is a good number, it should not be reduced to three. Mr. Harrington supported an appointed County Administrator, suggesting a system where that person is evaluated annually and a stipend is put aside based on those evaluations. This stipend would not be paid to that Administrator if he or she did not leave the position in good standing.

Deborah Harrington spoke against term limits. Ms. Harrington opposed a non-partisan Supervisor of Elections and also opposed single member Districts. Ms. Harrington added that five Commissioners is a good number.

Jerry O'Hallaran acknowledged the differences of opinions he had heard, saying that he was a former CRC member and at that time they had examined the issue of single member Districts. He used the example of Commissioner Cummings, who in some elections has not been elected by his own District but is the longest sitting Commissioner. Mr. O'Hallaran said that single member Districts are something to consider when a County is fractured and not easily managed by all officials. Mr. O'Hallaran also said there was something to be said for term limits, referring to the number of years that Mr. Kennedy held office in Massachusetts and could not be unseated. Mr. O'Hallaran did acknowledge that term limits might not allow enough time for corporate memory. Mr. O'Hallaran thanked the Commission for their time and efforts.

Harold Bowers from west County agreed with Lindsay Harrington that single member Districts would fracture the County. Mr. Bowers opposed a change to a non-partisan Supervisor of Elections. Mr. Bowers repeated the concern that "if it is not broken don't fix it". He said that he does not see anything that is broken.

Susan Bowers said that changing the Supervisor of Elections to non-partisan would limit the election pool. *Ken Doherty* explained that this would make the election non-partisan but the candidates could still belong to a party. Ms. Bowers was opposed to single member Districts, saying that all Commissioners have an influence over what takes place in this County and she should have a voice in electing all of them. Ms. Bowers was also opposed to extending the term of the Charter Review Commission to eighteen (18) months.

Peter Watson of Rotonda West agreed with Mr. Harrington and Mr. and Mrs. Bowers. He thought there was no reason to break with precedent and make the Supervisor of Elections non-partisan. Mr. Watson opposed the proposed reconstitution of the CRC. Mr. Watson also opposed single member Districts. Mr. Watson said he would promote the idea of reducing the number of Commissioners to three and eliminating Districts entirely. He suggested going to six year terms with elections staggered every two years, concurrent with the U.S. Senate elections. Mr. Watson said this would promote unity and equal representation.

Bob Starr, County Commissioner, indicated that he wished to address these issues as a matter of record. Commissioner Starr said that he had no problem with the formation of a Financial Advisory Committee, acknowledging that may productive. Mr. Starr said that the establishment of this Committee could be done internally however, outside of the Charter. Regarding the proposal for two readings of an ordinance, Mr. Starr stated that he did not feel that was necessary, adding that with most issues there is ample time for consideration and there is communication with interested stakeholders. Mr. Starr opposed a change to non-partisan for the Supervisor of Elections saying that party affiliation indicates the candidates' philosophies. Regarding the proposal to reorganize the Economic Development Office under the Board, Commissioner Starr stated that he did not know the reason for this proposal, saying that nothing can get done in the EDO by the Administrator except personnel issues. Mr. Starr said that recently a staff member had been added to EDO at the direction of the Board. Mr. Starr opposed the proposition to extend the term of future Charter Review Commissions to eighteen months. Commissioner Starr also opposed the proposal for a reconstituted CRC, adding that in his opinion that could not legally be done. Also in reference to that proposal for reconstitution, Mr. Starr indicated that the body should not be able to appoint its own replacement members and alternates. Commissioner Starr said that in his opinion no term limits need to be imposed on the Board. Mr. Starr also indicated his opposition to single member Districts. Commissioner Starr thanked the CRC members for their time and service.

Dave Hackett observed that the Charter Review Commission will not be making the decisions but the voters will, adding that it is the purpose of the Commission to put reasonable proposals before the voter. Mr. Hackett said that two readings of an ordinance are imperative. Mr. Hackett said that he supports the idea of single member Districts and would like the issue put on the ballot. Mr. Hackett also addressed the issue of adding two Commissioners at large, indicating that there is sufficient money in the General Funds to support this.

Robert Skidmore, County Commissioner, asked that the Charter Review Commission do nothing that would harm the system. Commissioner Skidmore said that in the past he supported single member

Districts but he no longer does. Mr. Skidmore also indicated that he was opposed to term limits, citing among other reasons the empowerment of the bureaucrats if term limits were adopted. Mr. Skidmore supported the proposal for residency requirements. Commissioner Skidmore urged caution on the issue of two readings of an Ordinance, saying that when issues need to be handled quickly they are presented openly. Commissioner Skidmore supported the proposal to restructure the EDO under the Board, emphasizing the importance of that organization in these economic times. Mr. Skidmore observed that the whole system does not need to be changed if someone does not like just one part of it. Commissioner Skidmore thanked the CRC as well as the public in attendance.

Rufus Lazzell said that he supported the comments made by Commissioner Starr. Mr. Lazelle added that he opposed single member Districts because of the size of the County. He said the citizens should be able to vote for all Commissioners. Mr. Lazelle also opposed term limits.

Don Rodriguez said the he opposed single member Districts. Mr. Rodriguez also mentioned a reduction to three Commissioners.

Betty Gissendanner asked that the issue of single member Districts be placed on the ballot so that the citizens could have the final decision.

The Public Input portion of the Agenda was closed at 4:55 P.M. EDT.

2. **Approval of Minutes** of the meeting May 13, 2010. *Chairman Doherty* confirmed that the membership had received copies of these Minutes and there being no deletions nor additions these Minutes were approved unanimously upon motion made and seconded.

3. **Approval of Expenses:** *Chairman Doherty* confirmed that the membership had received copies of the most recent statement of Robert Berntsson, Esq. as well as an updated spreadsheet of CRC expenses to date. The members approved these items upon motion made and seconded. (NOTE: These items are attached to these Minutes as Attachment "A" and Attachment "B", respectively).

4. **Voting on sub-Committee recommendations and Proposed Amendments:** *Frank Weikel* made a motion that the votes today be recorded by name. *Chairman Doherty* said that administrative support would record and indicate the individual votes when hands were raised. The membership agreed to have their votes recorded in that manner. *Tom Rice* mentioned pending House Bill 131 and its potential impact on some CRC issues. Robert Berntsson, Esq. responded that this Bill provides that the Legislature has determined that all State elections issues are preemptive to the Legislature, the clear meaning appearing to be that Charter counties cannot amend those issues. Mr. Berntsson said that the proposals currently under consideration should move forward and added that if HB 131 becomes law there will be considerable discussion and interpretation of it. After determining that the full membership was in agreement that certain items had been handled by the voting at the meeting on

April 15, 2010, they moved forward to the additional Amendment items to be considered:

County commission term limit .

Shall Article II, Section 2.2.A of the Charlotte County Charter be amended by providing for 3 term/twelve year term limits for the board of county commissioners?

YES for Approval

No for Rejection

Section 2.2.A. is amended by adding a new sentence to the end of the section to read:

Alternate 1

"No person may appear on the ballot for re-election as a county commissioner if by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for twelve consecutive years."

Alternate 2

"A county commissioner who has held (or, but for resignation, would have held) the same commission district office for the preceding three full terms is prohibited from appearing on the ballot for re-election to that office."

Discussion: Mr. Berntsson read the above draft. *Paula Hess* asked for clarification on an issue and Mr. Berntsson pointed out that if a serving Commissioner sat out for one term he or she could then run again. *Chairman Doherty* observed that there was a difference of opinion on this Commission on this as well as other issues, but the ultimate purpose of the CRC was to decide whether or not to put an issue forward to the voters. At this time Mr. Berntsson read a section of the current Charter relating to the Charter Review appointment, to-wit: ... " , to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot." *Paula Hess* said that in thirty three years in the County and in thirty years of service with the League of Women Voters, she has found that what is put on the ballot by this Commission is regarded by the voters as a recommendation of the Charter Review Commission. *Frank Weikel* moved that the CRC reject the recommendation to impose term limits and this motion was seconded.

Vote: The Charter Review Commission voted to remove the issue of term limits from consideration with a vote of thirteen (13) approving removal and one (1) dissenting vote. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "C").

Creation of Citizens Financial Advisory Committee.

Shall Article II, Section 2.2. of the Charlotte County Charter be amended to provide for a Citizens Financial Advisory Committee, consisting of five (5) members to be appointed by the board of county commissioners to advise the commission on matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county?

YES for Approval

No for Rejection

Section 2.2.L is created to read: "L. Citizens Financial Advisory Committee. The board of county commissioners shall establish by ordinance an appointed board of advisors to consist of 5 qualified resident electors to advise the commission of matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county. The ordinance shall provide that each commissioner appoint one (1) member of the committee, whose term shall run concurrent with the appointing commissioner's term of office.

Discussion: Mr. Berntsson read the above draft. *John Hitzel* thought that as written the proposal was vague as far as the mission or qualifications for appointment. *Paula Hess* also asked how qualifications could be determined, and Mr. Berntsson said that implementation could be handled without specifically being in the Charter or it could be spelled out in the Charter. *Chairman Doherty* said that could be similar to other Advisory committees. *Frank Weikel* asked if this issue could be brought out as a recommendation in the Final Report rather than presented as a proposed Amendment, and *Chairman Doherty* affirmed that. *Paula Hess* said that this recommendation came from staff during interviews, referring to the Sarasota Budget Task Force. *Vice Chairman Russell* made a motion for approval of this recommendation as drafted and this motion was seconded.

Vote: The Charter Review Commission voted to move forward with an Amendment proposal to establish a Citizens Advisory Financial Committee with a vote of eleven (11) voting in favor of moving forward and three (3) dissenting. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "D").

Two readings of Ordinances, commission agenda availability.

Shall Article I of the Charlotte County Charter be amended to provide for new procedures for adoption of ordinances and resolutions, including two (2) readings of ordinances and certain resolutions, and to require county commission agendas and supporting materials be available at least seven (7) days in advance of commission meetings?

YES for Approval

No for Rejection

Article I of the Charlotte County Charter is amended by adding a new subsection 1.5 to read as follows:

"1.5 Procedures for adoption of ordinances and resolutions, agenda.

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) "Ordinance" means an official legislative action of the county, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of the county concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matter properly connected therewith. The subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection. The enacting clause of every ordinance shall read: "Be it Ordained by the Board of County Commissioners of Charlotte County:"

(3)(a)(i) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days, at least 7 days apart, and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the county. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners.

(ii) Certified copies of ordinances or amendments thereto enacted under this regular enactment procedure shall be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by said board and shall take effect upon filing with the Department of State. However, any ordinance may prescribe a later effective date.

(b) The governing body of a county may enact an emergency ordinance in accordance with general law.

(c) Ordinances or resolutions, initiated by other than the county, that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (3). In cases in which the proposed ordinance or resolution is initiated by the county and proposes to change the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the board of county commissioners, in addition to following the general adoption and notice requirements of subsection (3), shall direct its clerk to notify by mail each real property owner whose land the governmental agency will redesignate by enactment of the ordinance or resolution and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance or resolution. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances or resolutions initiated by the county that change the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more shall be enacted pursuant to general law.

(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of the total membership of the board is necessary to enact any ordinance; except that four-fifths of the membership of

the board is required to enact an emergency ordinance. Resolutions other than passed pursuant to section (3)(c) above, may passed by an affirmative vote of a majority of a quorum present. Resolutions passed pursuant to section (3)(c) above, shall be passed by a majority of the total membership of the board. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The notice procedures required by this section are established as minimum notice procedures.

(7) The official agenda, and supporting documentation in the possession of the county, for every non-emergency meeting of the commission shall be made available seven days before the commission meeting. Items may be added to the agenda by four-fifths vote of the commission or when deemed necessary by the majority in emergency situations."

Discussion: Mr. Berntsson said that he could not find anything similar in other Charter counties so he prepared this based on the parameters used by municipalities and checked against the County Statute to make sure the minimal requirements for adoption of an Ordinance were met. *Johnny Vernon* made a motion that this proposed Amendment be withdrawn from consideration. *Paula Hess* said this recommendation came about as a suggestion from the public. *Tom Rice* had a question on the language as it was his understanding this was to be limited to important issues only. Mr. Berntsson replied that as written this would apply to formal Ordinances and Resolutions. Mr. Berntsson confirmed for *Mr. Grant* that he had not found a reference to two readings in any other Charter, adding that had been confirmed by the County Attorney's office. *Mr. Grant* said that he would agree to item (7) regarding having the Agenda available seven days before the Commission meeting, but that he thought the rest of the proposal said too much. *Bill Folchi* asked *Johnny Vernon* if his motion had been to withdraw the entire proposal and *Mr. Vernon* responded yes. Mr. Berntsson said that it was possible for the CRC to reject the entire proposal but to vote on accepting a portion of it. *Vice Chairman Russell* asked for clarification as far as expeditious action if, for instance, the Board needed to vote on repairing a bridge. Mr. Berntsson said that regardless of dollar amount they could approve a contract as contracts do not fall under this proposal. *Vice Chairman Russell* also received clarification from Mr. Berntsson that if section (7) was adopted the Board could still go with an emergency item not on the Agenda. Mr. Berntsson confirmed for *Ms. Hess* that two readings are required by Statute for cities but not for counties. *Andy Dodd* asked if the Board could make two readings a policy and Mr. Berntsson confirmed that they could. *Mr. Dodd* agreed that he would like to go forward with implementing section (7). *Chairman Doherty* said that there was a motion on the table to reject the entire proposal, and that needed to be voted on and then a subsequent motion could be made to consider an alternative.

Vote: The Charter Review Commission voted to reject in its entirety the proposed Subsection 1.5 by a vote of twelve (12) in favor of rejection and two (2) opposed. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "E-1").

A Motion was then made by *Joseph Goggin* relative to the availability of the official Agenda and supporting documentation. This motion was seconded and a vote was taken on the following:

The official agenda, and supporting documentation in the possession of the county, for every non-emergency meeting of the commission shall be made available seven days before the commission meeting. Items may be added to the agenda by four-fifths vote of the commission or when deemed necessary by the majority in emergency situations.

Vote: The Charter Review Commission voted to move forward with an Amendment as worded above by a vote of thirteen (13) in favor and one (1) opposed. The dissenting vote said that he was concerned by the language for "four-fifths vote". (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "E-2").

In further reference to this issue of two readings of Ordinances and Agenda availability, *Chairman Doherty* observed that the concerns seem to be over the words "certain Resolutions". *Tom Rice* made a motion, which was seconded, that the language be modified and a vote then taken to reflect the position of the CRC on two readings. Mr. Berntsson pointed out that he had originally written the proposal for Ordinances only, adding that certain land use issues appear as Resolutions and he had heard in testimony specific concern over those issues. Mr. Berntsson added that specifying Ordinances only created the possibility of issues being submitted as Resolutions in order to circumvent the requirement. In response to a question by *Chairman Doherty*, Mr. Berntsson replied that theoretically the Amendment could be written for Ordinances only. *Paula Hess* said that she thought the problem of public information that was troubling to the citizens would be addressed by the seven day availability of the Agenda. *John Hitzel* proposed that the motion of *Mr. Rice* be changed to reflect "Ordinances and land-use Resolutions". *Paula Hess* observed that land use already has two public hearings, adding that they are heard extensively in Planning and Zoning. *Michael Grant* suggested that the 2016 Charter Review Commission session could revisit the issue of two readings if passing the proposal for seven day Agenda availability did not solve the problem. *Chairman Doherty* said that a Motion was on the floor to modify the language in the previously rejected Subsection 1.5 to specify Ordinances only.

Vote: The Charter Review Commission voted to oppose modifying the language in the previously rejected Subsection 1.5 by a vote of eleven (11) opposed to the modification and three (3) in favor. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "E-3").

Supervisor of elections to be non-partisan election.

Shall Article III, Section 3.1. of the Charlotte County Charter be amended to provided the office of supervisor of elections shall be elected in a non-partisan election?

Yes for Approval

No for Rejection

Section 3.1. is amended by adding a new sentence to the end of the existing section to read: "Provided, however, the office of supervisor of elections shall be non-partisan."

Discussion: *Chairman Doherty* observed this was another issue that could be affected by HB131. *Frank Weikel* moved for rejection of this proposal, which was seconded. *Vice Chairman Russell* indicated that he would abstain from voting on this matter as he represents the Office of the Supervisor of Elections. *Paula Hess* also made a comment in support of rejection, saying that in her years working with the County she has never seen anything that would indicate the office is tainted by partisanship. *Chairman Doherty* asked the Constitutional Officers sub-Committee the reason for this proposal, and *Andy Dodd* said that it was not for purpose of the election but that the office itself should be considered non-partisan. *Tom Rice* said he had thought he heard the sub-Committee members mention that this suggestion had come from the current Supervisor and this was confirmed. *Frank Weikel* said he had spoken with the Supervisor of Elections and that was not true.

Vote: The Charter Review Commission voted to remove the issue from consideration by a vote of nine (9) members in favor of removal and four (4) opposed. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "F").

Economic Development Office Director reports to Board of County Commissioners.

Shall the Charlotte County Charter be amended to provide for a director of the office of Economic Development selected by the board of county commissioners who shall serve at the pleasure of the board and that this director shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners?

YES for Approval

No for Rejection

Section 2.3. is amended by adding a new subsection F. to read as follows:

"F. Director of Economic Development. There shall be a director of the Economic Development Office selected by the board of county commissioners who shall serve at the pleasure of the board. The director of the Economic Development Office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners."

As part of this amendment, section 2.3.B (1) and (2) shall be amended to clarify the County attorney and director of Economic Development are not under the direction of the County administrator, as follows:

- (1) The county department heads, with the exception of the county attorney and the director of Economic Development, shall be appointed by the county administrator, with the advice and consent of the board of county commissioners, and shall be responsible to the county administrator.
- (2) The county administrator shall have the authority to suspend or discharge any department head, other than the county attorney and the director of Economic Development, with or without cause. Procedures for the suspension or discharge of department heads shall be as provided by ordinance.

Discussion: Mr. Berntsson said that this was self-explanatory. *Chairman Doherty* said that he had served on *Mr. Folchi's* Other Boards and Agencies sub-Committee and they had interviewed the EDO Director, Mr. Don Root. *Mr. Doherty* said that it seemed logical from listening to his testimony that this proposal would provide a more efficient avenue for the EDO. A motion was made and seconded to approve this proposal. *Mr. Rice* indicated that he served on the ECEC and *Julie Mathis* said she worked for the Chamber of Commerce, but Mr. Bernstsson said that this did not present a conflict as the issue did not inure to their personal benefit.

Mr. Berntsson said that he had some concerns when drafting this because the BCC can only act in a public meeting and put in this position the EDO Director may go to several Commissioners and think that he has obtained permission to act, creating a potential Sunshine violation. Mr. Berntsson said that he had resolved this because the County Administrator and the County Attorney are in the same position. *Julie Mathis* pointed out that a lot of the dealings of the EDO are confidential and asked if they would remain so. Mr. Berntsson said that he did not feel that aspect was affected. Mr. Berntsson said that he mentioned this because the person or persons need to be cognizant so that no inadvertent violations occur.

Vote: The Charter Review Commission voted unanimously to propose this Amendment, as written. (NOTE: the actual vote of each member was recorded and is attached to these Minutes as Attachment "G").

Time to appoint Charter Review Commission.

Shall Section 4.2.C.(1) of the Charlotte County Charter be amended to require the Charter Review Commission be appointed eighteen (18) months rather than eleven (11) months prior to the General Election every six years?

Yes for Approval

No for Rejection

Section 4.2.C.(1) is amended by amending the first sentence of the section to read: "A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least **eighteen (18)** months before the general election occurring in **2016** 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. No elected officer shall be a member of the charter review commission."

Deleted: eleven (11)

Deleted: 1998

Deleted: eleven (11)

Discussion: *Chairman Doherty* explained that this proposal also came out of the Other Boards and Agencies sub-Committee, saying that it would simply allow more time for research and deliberations. *Mr. Doherty* pointed out that the original Charter commission had eighteen months. *Paula Hess* added that the first few meetings of the CRC are only organizational. A motion was made and seconded to propose the Amendment as written.

Vote: The Charter Review Commission voted unanimously to propose this Amendment as written. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "H").

Reconstitution of Charter Review Commission

Shall Article IV of the Charlotte County Charter be amended by reconstituting the 2009-2010 Charter Review Commission to allow further in-depth study of the Charlotte County Charter, including the current form of government? YES for Approval
No for Rejection

Section 4.2 is amended by adding a new section 4.2.D. to read as follows:

"D. Reconstitution of 2009-2010 Charter review commission.

- (1) The members of the charter review commission appointed to serve in 2009-2010 shall be deemed members of a reconstituted 2010-2012 charter review commission, which shall serve from November 3, 2010 through December 1, 2012. Vacancies shall be filled by the remaining members of the Charter Review commission, in the same manner as the original appointments.
- (2) Except as otherwise provided in this Section 4.2.D., the provisions of Section 4.2.C. of the Charter shall apply to the operation of the reconstituted 2010-2012 charter review commission.
- (3) This section 4.2.D. shall be repealed effective January 1, 2013."

Discussion: Mr. Berntsson said that this is modeled after Pinellas County, which was seeking the same result. Mr. Berntsson said that he did not limit the scope of the reconstituted CRC. *Chairman Doherty* explained for those present that this issue will be for the voters to decide. There was a motion and second for approval of this proposed Amendment. *Julie Mathis* asked Mr. Berntsson about the language concerning vacancies being filled in the same manner as the original appointments, observing that the original members were appointed by the Board. Mr. Berntsson said that referred to the thirty day time period and format. *Chairman Doherty* pointed out that this proposed Amendment referred to the reconstituted CRC only, and all future Charter Review Commissions would be appointed by the Board. *John Hitzel* said that he did not approve this proposal as written, indicating that he was concerned with too much government and adding that the previous proposal to extend the length of the CRC sessions would take care of it. *Bill Dryburgh* said that this proposal was made at the suggestion of *Frank Weikel*. *Frank Weikel* said that in his judgment there was an undue effort to put on the ballot this time a proposal that would adversely affect the citizens of Charlotte County, and he had only made the proposal to achieve consensus. *Mr. Weikel* said that he agreed with *John Hitzel* that the issue was handled by the suggested Amendment to extend the length of CRC sessions to eighteen months. *Paula Hess* said that it was her understanding that would fix it for future Commissions but that more time was needed for this Commission.

Vote: The Charter Review Commission voted in favor of a proposed Amendment to Reconstitute by a vote of ten (10) in favor of reconstitution and four (4) opposed. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "I").

Single member Commission Districts.

Shall Article II, Section 2.2.A. of the Charlotte County Charter be amended to provide that each county commissioner district shall elect one (1) commissioner rather than the current system whereby commissioners are elected on a county-wide basis?

YES for Approval

No for Rejection

Section 2.2.A. is amended by to read:

"A. *The county commission.* The governing body of the county shall be a board of county commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) county commissioner districts established pursuant to general law, and **each district shall elect one (1) commissioner**. Each candidate for the office of commissioner shall reside within the district from which such candidate seeks election for at least six (6) months immediately prior to the time of qualifying to run for that office, and during the term of office for each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

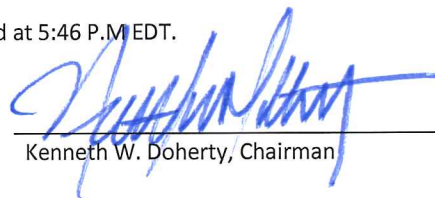
Deleted: they shall be elected on a county-wide basis by the electors of the county

Discussion: There was a motion and second to reject a proposal for single member Districts. *Paula Hess* says single member Districts encourage provincialism and she would like all Commissioners to be accountable to all voters. *Vice Chairman Russell* said that this issue had been raised numerous times and although he did not know how he personally would vote on it he thought it should be presented to the voters. *Vice Chairman Russell* emphasized that the issue had come up too many times to not allow the voters to decide. *Paula Hess* repeated an earlier reservation that it is a common perception that CRC proposals reflect the opinions of the CRC and putting this on the ballot would infer that the Commission was in favor. *Chairman Doherty* said that he agreed with *Vice Chairman Russell*. *Julie Mathis* said that she agreed with a comment by *Mike Grant* that single member Districts would be examined by the reconstituted CRC. *Mr. Grant* said that everything he has read indicates that single member is not advised for a County this size. He said it would not be appropriate to put it on the ballot as a stand alone issue but it could be considered in conjunction with other changes.

Vote: The Charter Review Commission voted to remove from consideration the proposal for single member Districts, by a vote of twelve (12) in favor of removal and two (2) opposed. (NOTE: The actual vote of each member was recorded and is attached to these Minutes as Attachment "J").

5. **Commission Comments:** None

6. **Adjournment:** The meeting was adjourned at 5:46 P.M EDT.



Kenneth W. Doherty, Chairman

ATTACHMENT 'A'

BERNTSSON, ITTERSAGEN, GUNDERSON, WAKSLER & WIDEIKIS, LLP

18401 MURDOCK CIRCLE, SUITE C
 PORT CHARLOTTE, FLORIDA 33948
 (941) 627-1000
 TAX ID#: 26-2501255

1861 PLACIDA ROAD, SUITE 204
 ENGLEWOOD, FLORIDA 34223-4949
 (941) 474-7713
 TAX ID#: 26-2501255

May 5, 2010

Ann Pinder
 Charter Review Commission
 18500 Murdock Circle
 Port Charlotte, FL 33948

Bill Number 5873
 Billed through 04/30/2010
 Reply to: Port Charlotte

General

017298 1729801 RHB

FOR PROFESSIONAL SERVICES RENDERED

04/01/10	RHB	Review e-mail message(s) to and from Mr. Folchi; Review e-mail message(s) to and from Ms. Knowlton; Review Case Law.	0.25 hrs	50.00
04/07/10	RHB	Prepare for and attend Joint Subcommittee meeting.	1.50 hrs	300.00
04/08/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Pinellas CRC Minutes; Review Charter	1.50 hrs	300.00
04/09/10	RHB	Review e-mail message(s) to and from Ms Pinder; Review Charter.	0.25 hrs	50.00
04/12/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Charter; Review e-mail message(s) to and from Mr. Doherty.	0.25 hrs	50.00
04/13/10	RHB	Review e-mail message(s) to and from Ms. Pinder.	0.25 hrs	50.00
04/15/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Telephone conference with Mr. Doherty; Prepare for and attend Regular Monthly meeting.	2.50 hrs	500.00
04/16/10	RHB	Telephone conference with Ms. Knowlton; Review Charter; Telephone conference with Mr. Doherty; Researching Law; Review Charter Amendment language; Review Orange County history; Review e-mail message(s) to and from Ms. Pinder.	4.50 hrs	900.00
04/19/10	RHB	Draft Ballot Questions.	3.75 hrs	750.00
04/20/10	RHB	Continue work on Charter Review Ballot Questions; Orange County transition facts; Review Orange County transition documents; Review 2004 Charter Review documents, Public Hearing Notices; Review e-mail message(s) to and from Ms. Knowlton; Review e-mail message(s) to and from Ms. Pinder.	3.25 hrs	650.00
04/21/10	RHB	Prepare for and attend Joint BCC Administrative Subcommittee meeting.	1.50 hrs	300.00
04/22/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Pinellas County Charter; Review Pinellas County Resolution.	0.50 hrs	100.00
04/23/10	RHB	Review e-mail message(s) to and from Ms. Garrard; Review Pinellas Charter Amendment; Review e-mail message(s) to and from Ms. Pinder; Review 2004 Pinellas CRC Final Report.	1.50 hrs	300.00
04/26/10	RHB	Review e-mail message(s) to and from Ms. Pinder.	0.25 hrs	50.00

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CHARTER REVIEW COMMISSION

BOOK _____ PAGE _____
DATE: _____

General		Bill No. 5873		Page 2
14/29/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Voting Requirement Statute; Review Draft Minutes; Telephone conference with Ms. Pinder.	1.25 hrs	250.00
Total fees for this matter				===== \$4,600.00

EXPENSES

=====

BILLING SUMMARY

Berntsson, Robert H. 23.00 hrs

TOTAL FEES	\$4,600.00
TOTAL EXPENSES	\$0.00
=====	
TOTAL CHARGES FOR THIS BILL	\$4,600.00
=====	
TOTAL BALANCE NOW DUE	\$4,600.00

Please make your check payable to Berntsson, Ittersagen, LLP
Please include your Bill Number on your check. Thank You.

ATTACHMENT "B"

CHARTER REVIEW COMMISSION EXPENSES
 05/18/2010

CATEGORY	AMOUNT BUDGETED	AMOUNT SHOWN ON LAST MONTH'S SPREADSHEET	ADDITIONAL EXPENSES 04/12/2010 THROUGH 05/18/2010	BALANCE REMAINING
Administrative Support (paid through Snelling Services)	\$9,704.00	\$6,384.40	\$2,336.88	\$982.72
Rentals and Leases	\$664.00			\$664.00
Postage	\$55.00			\$55.00
Office supplies	\$140.00	\$149.40	\$66.40	(\$75.80)
Advertising (legal)	\$2,788.00			\$2,788.00
*Attorney fees submitted (R. Bemtsson Esq)	\$21,000.00	\$8,000.00	\$4,600.00	\$8,400.00
TOTALS	\$34,351.00	\$14,533.80	\$7,003.28	\$12,813.92

*NOTE: Attorney fees are not paid until approved by membership.

ATTACHMENT "C"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Do you support removing from consideration the question of term limits for Commissioners ?

Yes to approve removal
No to oppose removal

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell	x	
Ken Doherty		x
Suzanne Graham	x	
Johnny Vernon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "D"

Voting Results
Charter Review Commission
May 20, 2010

Issue: Are you in favor of proposing the Amendment to establish a Financial Advisory Committee?

Yes in favor
No against

	YES	NO
John Hitzel		x
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell	x	
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vernon		x
Frank Weikel		x
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "E-1"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Do you support removing from consideration, in its entirety, proposed Subsection 1.5 concerning two readings of an Ordinance and Agenda availability?

Yes to approve removal
No to oppose removal

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice		x
Mike Grant	x	
Kevin Russell	x	
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vemon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin		x
Bill Dryburgh	x	

"E-2"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Are you in favor of proposing an Amendment concerning the seven day availability of the BCC Agenda and supporting documentation?

Yes in favor
No opposed

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell		x
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vernon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "E-3"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Are you in favor of modifying the language in the previously rejected Subsection 1.5 to specify two readings of Ordinances?

Yes, in favor of modifying
No opposed to modifying

	YES	NO
John Hitzel	x	
Bill Folchi		x
Paula Hess		x
Julie Mathis		x
Tom Rice	x	
Mike Grant		x
Kevin Russell		x
Ken Doherty	x	
Suzanne Graham		x
Johnny Vernon		x
Frank Weikel		x
Andy Dodd		x
Joseph Goggin		x
Bill Dryburgh		x

ATTACHMENT "F"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Do you support removing from consideration the question of having the Supervisor of Elections be non-partisan?

Yes to approve removal
No to oppose removal

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell - abstaining		
Ken Doherty		x
Suzanne Graham		x
Johnny Vernon	x	
Frank Weikel	x	
Andy Dodd		x
Joseph Goggin		x
Bill Dryburgh	x	

ATTACHMENT "G"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Are you in favor of proposing the Amendment to re-organize the EDO to report directly to the Board?

Yes in favor
No opposed

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell	x	
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vemon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "H"

Voting Results
Charter Review Commission
May 20, 2010

Issue: Are you in favor of proposing the Amendment which would extend subsequent Charter Review Sessions to eighteen months?

Yes in favor
No opposed

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell	x	
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vemon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "1"

Voting Results
Charter Review Commission
May 20, 2010

Issue: Are you in favor of the proposed Amendment to reconstitute the present Charter Review Commission, as written?

Yes in favor
No opposed

	YES	NO
John Hitzel		x
Bill Folchi		x
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell	x	
Ken Doherty	x	
Suzanne Graham	x	
Johnny Vernon		x
Frank Weikel		x
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	

ATTACHMENT "J"

Voting Results
Charter Review Commission
May 20, 2010

Issue submitted for vote: Do you support removing from consideration the proposal for single member Districts?

Yes to approve removal
No to oppose removal

	YES	NO
John Hitzel	x	
Bill Folchi	x	
Paula Hess	x	
Julie Mathis	x	
Tom Rice	x	
Mike Grant	x	
Kevin Russell		x
Ken Doherty		x
Suzanne Graham	x	
Johnny Vernon	x	
Frank Weikel	x	
Andy Dodd	x	
Joseph Goggin	x	
Bill Dryburgh	x	