

Charter Review Commission Meeting

October 14, 2015

The Charter Review Commission Meeting was held at Charlotte County Administration Building at 18500 Murdock Circle, Room B-106, Port Charlotte, Florida

The meeting was called to order at 3:30 p.m.

Chairman Dryburgh announced Frank C. Weikel would not be with us today.

Roll Call

The following Commission Members were present

William C. Abbatematteo
Katherine D. Ariens
Thomas (Skip) P. Conroy III
William Dryburgh, Chair
Paula Hess
John Hitzel

Julie Mathis
Donald McCormick, Vice Chair
Thomas J. Rice
W. Kevin Russell
Thomas J. Thornberry
Stephen J. Vieira

Alternates Present

Raymond A. Corcoran
John M. Davidson

Attorney Robert Berntsson was also present.

Members Jim M. Brown, Jerry J. O'Halloran and Frank C. Weikel were not present.

Citizens present: David Kesselring

- I. Chairman Dryburgh stated at this time we waive the Citizens Input.

Rob Berntsson – We have invited Janette Knowlton, County Attorney as a subcommittee was looking into the issue of MSBU's/TU's sun-setting and the County Attorney's office and staff are working on some issues related to MSBU's, so we thought it would be beneficial for the County Attorney to address the full commission because she would not have come under their committee's purview of who they were interviewing. That is why we invited her here, she has another appointment at 4:00 p.m., so we were asked to let her start first. She can make some comments and then if there are any questions.

Janette Knowlton – Rob and I had a discussion quickly before the meeting about some of you considering possibly sun-setting some of the MSBU's or putting a provision in the Charter to sun-set MSBU's/TU's at some certain point. I have some concerns about how you would do that or why you are looking at that, I hesitate because I do not normally express personal opinions, but my personal opinion, not a legal opinion, is that may be a little premature and let me tell you why, it certainly is up to your discretion but if you would give this board the opportunity, I think this board more than any board is really trying to tackle some tough issues and if you watched the proceeding over the last year we are having an on-going review of the whole MSBU/MSTU process. We started out looking at the number of MSBU's which do not have advisory boards and this board decided they were going to do what they probably should be doing and that is to look at the work programs for each one of those MSBU's that do not have an advisory board and scrutinize it and say yes or no on specific projects, which they have done. We started that back in December and then we went forward and looked at several MSBU's that have advisory boards that are inactive, I think there were nine (9) of them, so every month we are bringing forth something else related to MSBU's and MSTU's. Just yesterday we took away the MSBU's that were inactive for several years where we had one advisory board member and nobody else was stepping up to the plate to sit on those, so we did away with them. You will see at the next meeting we are bringing forth an ordinance for the board's consideration to make it more uniform for

how the MSBU advisory boards operate, who sits on them, the term limits, all kinds of procedural matters and we will move on from there. I cannot say too much because I have not discussed much of this with the board nor have we concluded our legal research, but we are going to be looking at assessment methodologies, how we characterize projects, is it a capital project or is it Maintenance and Operations, because there are different rules depending on how you characterize the project and through that process we are hoping that we can start addressing some of the MSBU's that the capital project is concluded, then that MSBU should go away. I am struggling because I do not know the answer yet, as to how you all would do that, but I am curious what are you thinking after five (5) or six (6) years doing away with the MSBU, I do not know if you can do that. I just think it is premature that you have to have something else in place and we have to make sure we have all the answers to those questions before we go and craft something to do away with a MSBU.

Paula Hess – Janette if I may please. We have not had a general open discussion about this at a meeting it must be coming out of a subcommittee meeting and as I understand the Charter it only gives the commission the right to establish MSBU's, it does not concern the management of them at all. So taking that out would remove a power from them, I am just expressing my opinion now, which makes it possible to assess people who are benefitting instead of the entire County if it is just in one district. I do not see any reason to remove the right to establish it, but we should have a general open discussion about it if somebody has in mind that it should be removed.

Janette Knowlton – I think the way it was presented to me was sun-setting them and coming up with crafting a provision that.....

Chairman Dryburgh – Let us talk to the Chairman of that committee, Tom Rice.

Thomas J. Rice – Our subcommittee was the one that brought this issue up and we did get support from some of the groups that we interviewed, the perception was that a MSBU or MSTU once it is established it kind of goes its own way and because there is a reference in the Charter in doing something with a MSTU or MSBU seemed like fair game. Our subcommittee certainly does not want to get in the way of what the County is doing so maybe we should turn the question around, Is there something that this Charter can do on this topic that would help what you are trying to accomplish to put better framework around MSBU's and MSTU's.

Janette Knowlton – I do not know without us having gone through and we are just now getting to the point where we are starting to address some of those issues, so again I am struggling with we have not finished our research, we are looking at it to see if we can improve the process, but I do not have the final answer to be able to tell you this would be our recommendation and we really have not discussed it with the board yet. I envision all of this coming forward within the next year, but it is too early for me to say anything one way or the other.

W. Kevin Russell – Janette I think the thought on a simple level, if you created a MSBU it sun-sets in ten (10) years or at least you have to review it and as the County grows efficiencies might be that you would want to combine at some point in time, certainly I agreed with everything you said. You could not just have a blanket rule that you would say well we are going to sun-set every MSBU in five (5) years, but we also thought that as we go forward there be consideration that when they are established they have a time frame conceivability and the ones that are out there now fifteen (15), twenty (20) years, but something that would help the board address the issue of their number and how they impact the community, so it is not very well defined but that is the concept. Could we impose some form of reconsideration on a regular basis that this is still functioning and some apparently are not and it is still serving the purpose that it was established for. How we get there as you pointed out is probably monumental.

Janette Knowlton – Yes it is and part of it is Ray Sandrock could add to this discussion also.

Paula Hess – Mr. Chairman and Janette please. Our subcommittee has not interviewed the Commissioners yet, we have them scheduled, we can add to our topics for discussion.

Thomas J. Rice – Our subcommittee does not want to inappropriately tie the hands of the County, but it looks like right now there is not a lot of framework in the Charter and there is a lot of discussion on the street.

Paula Hess – Yes, there is.

Thomas J. Rice – Something needs to be done, is that something that this group should tackle..... So whether it is from the Administration side or the Commissioners side, it would be helpful.

W. Kevin Russell – It would be a hindrance, the authority in this conversation I would image is the board, but if the commission sort of echoed that we need to periodically review and take a look at old MSBU/TU's, would that help or hinder what you are trying to do.

Janette Knowlton – I do not think it would hinder, but I would say they do review them at MSBU meetings, which is every budget, now what was not being reviewed before were the ones where there is not an advisory board and that as I said at the beginning was we have done that this year for the first time, that I know of in at least five (5) to eight (8) years. They were reviewed by staff and staff made recommendations, but the board was not reviewing it and they are doing that now.

Chairman Dryburgh – We have a question from Katherine.

Katherine D. Ariens – I just wanted to ask the committee, the sun-set came about because you had input from citizens that were coming in and addressing you or phone calls, how did this come about and why are you addressing this today.

Thomas J. Rice – It did not come up from individuals in citizens input, but it did come up in some of the groups we were interviewing.

Katherine D. Ariens – What groups in particular?

Thomas J. Rice – The Chambers of Commerce, Building Industry Association, Board of Realtors and the Enterprise Charlotte Economic Council and when interviewed they questioned if these units were being appropriately reviewed at the County level, so we are just bringing their concerns forth.

Katherine D. Ariens stated – So what you are addressing is the fact that for the first time this past year they are actually doing that, so maybe we are lacking in information because it sounds like we are starting to address that and did so last year which we have not done in seven (7) years.

Janette Knowlton – Let me clarify that you see in our budget hearings that come forth the board looks at the majority of them, most definitely that is done every year. There was maybe a half a dozen MSBU's that did not have advisory boards that staff was coming up with the recommendations and the board was not necessary confirming we like this work program or we do not like that work programs, that was done for that handful this year for the first time in recent history, that I am aware of.

Katherine D. Ariens – It kind of feels like this is such a general statement that they are looking for, it almost needs to be more questions asked specifically why is it they were looking for that, what benefit, I can come up with a conclusion myself, but what would they say.

W. Kevin Russell – I think it is good governance when you establish a taxing unit that it has a life span, it does not go on in perpetuity without supervision.

Katherine D. Ariens – Most of ours do?

W. Kevin Russell – They do not necessarily terminate unless the board terminates them and we have so many that sometimes some fall in between the cracks and it is a very simple concept that if you are going to create a taxing authority, it should have a life span.

Katherine D. Ariens – So you feel there was an oversight in this area and that is what you are asking.....

W. Kevin Russell – It does seem the County is moving in that direction.

Janette Knowlton – Another example of that on yesterday's agenda we brought forth an ordinance doing away with the Charlotte Ambulance District which was formed back in 1978 and apparently failed referendum but it stayed on the County code, there are many things in code that need to be updated and we are slowly bringing them back, yes it is one of those projects we will get to when we get to it, they are not being assessed but we finally just took it out of the code so.....

Katherine D. Ariens – There is something else I guess I see within the board they are really working together cohesively and we are getting a whole lot more done than in the past.

Chairman Dryburgh – Paula you had something you wanted to say.

Paula Hess – For the record I want to state, so we do not have to have a subcommittee meeting later, that we will add that subject to our topics for discussion and we are meeting with them October 19th. It was decided to add this question: MSBU/TU's; do you favor adding periodic review and where appropriate, sun-setting language? It has come up in the public I have read it in the paper so I know there is some concern about it. I always think of the taxing district that we have in the City of Punta Gorda, which is just for the canal district and it has no sun-set because the sea walls are going to be there forever, we hope and I do not think there is a precedence that a taxing district has to have an end date, so we will discuss it with the Commissioners and see what input they have on it.

Janette Knowlton – I think that gets into how you categorize what the MSBU is doing, is it for maintenance which is on-going or is it a capital project, is it a bridge and for those most definitely they should go away and that is one of the things we are looking at now.

Paula Hess – We will ask the question and get their individual input, report back and maybe it will further the discussion in this commission.

Donald McCormick – Mr. Chairman this question was asked of Gordon Burger, Finance Director. in one of our meetings and I think his comment would be useful for the entire board to hear, it cast a whole different light on the function of a MSBU and MSTU, but I do not want to categorize it improperly, I would like him to be invited here to explain why he feels MSBU's and MSTU's are very important to Charlotte County.

Katherine D. Ariens – Do you need a motion?

Chairman Dryburgh – No, what happens here is that subcommittee will decide what they are going to bring forward and then we all discuss it and then we could bring in someone else to talk to us about it before we make some discussions and then Rob obviously has to get involved. That is why we pay him the big bucks and then he advises us if we are going down a good or bad road, that is how it works.

Rob Berntsson – This particular one there was some uniqueness to it because they had brought the issue up, I knew the board was working on some things, I had a conversation with the County Attorney, so we do not have these members having to go to so many different subcommittees I just thought it would be appropriate to bring the County Attorney to address the whole the board on this issue.

Chairman Dryburgh – Anything else for Janette? (Silence) Janette, Thank you so much, appreciate it.

Rob Berntsson – Just so the whole committee is aware, there is only one section in the Charter under 2.2 H. and basically it deals with MSTU's and MSBU's, but only for the purpose of setting up an advisory committee, so that is the only language in the Charter as it stands now is that if 30 or more electors within a MSBU petition to have an advisory board the County Commission will create that board and if they sun-set that advisory board then they have to wait two (2) years before they can come back, so that is the only language we currently have in the Charter.

II. Citizens Input

Chairman Dryburgh – We are back on the regular agenda do we have any Citizen Input? State your name for the record.

David Kesselring – I just found a couple of things, I did not have a lot of time today to do a lot of research but just for your information if you are going to be working on MSBU's, in Lee County it says when they want to create a MSBU they have to get 50 percent plus one majority of the property owners to sign an informal petition. This petition does not commit the property owners it is simply to gather information on how much the unit will cost, so before they even gather information they have to get a petition and then it says a little further on, after receiving 51 percent plus one, it might be a typo, the majority of the property owners must sign and have notarized the petition. This petition is a commitment by the property owners to pay the assessment after receiving the 50 percent plus one or more the notarized signatures on the formal petition is brought before the Lee County Commissioners, that is Lee and I found another one that was St. Lucie and the first paragraph says the County establishes a special district to allow a group of citizens to fund a desired improvement such as utilities or roads by majority censuses, 51 percent of the approval of the property owners contained in the assessment area. It sounds like they are leaning a lot more toward governing with the consent of the governed here. I think maybe you might want to look into something as far as taking more input from the citizens and actually seeing if you have their consent to have the MSBU's. Thank you.

Chairman Dryburgh – Thank you very much. Also, under Citizen Input we did received an email and I will read it into the record:

Thank you for the opportunity to make these comments via email, I had planned to attend but had to work. All tax payers like government to respond favorably to "the will of the people". Therefore I respectfully submit the following for the consideration of the honorable commission:

(1) All new assessments should require approval of two-thirds of the tax payers concerned. All current assessments should be reviewed.

(2) All elected officials should serve a two year term with a mandatory two term limit.

(3) Establish meaningful and adequate impact fees.

Thanks

Jim Hull

Port Charlotte

P.S. Please email me a copy of the minutes.

III. Approval of Minutes of September 9, 2015 Meeting

Chairman Dryburgh – The minutes were emailed to everyone, are there any corrections or additions to the minutes? John Hitzel motioned for approval and Donald McCormick seconded. Chairman Dryburgh stated any discussion? All in favor say I. Everyone said I. Opposed (Silence)

IV. Approval of Expenses

Chairman Dryburgh – Now to approval of our expense report, you picked it up when you came in. Paula Hess motioned for approval of the expense report and Thomas J. Rice seconded. Chairman Dryburgh stated any discussion? All in favor say I. Everyone said I. Opposed (Silence)

Katherine D. Ariens – Mr. Chairman is it appropriate at this time if we ask, I am not sure of what we have in our budget, but can we budget for more money towards our Secretary, seems like she is doing a lot of work or expand her amount of time that she has to work, is it 15 hours per week, that is not enough hours for all she has to do.

Chairman Dryburgh – If she needs more hours, all she has to do is send it to me and I will approve it.

Rob Berntsson – The Board of County Commissioners is responsible to pay the expenses of the Commission so as we get towards reaching limits that we have, we certainly can request additional funding from the Board of County Commissioners. I think what is responsible in view of this Commission you need the work done that you need done so if her time is getting to a point that we are reaching the budget amount, then we would request additional funding.

V. Old Business

Chairman Dryburgh – Of course we know one of the subcommittees is discussing MSBU's. Bill, any reports from your subcommittee?

William C. Abbatematteo – We are beginning our interviews next week on the 19th we are interviewing three (3) Commissioners and staff. On the 22nd we are interviewing another Commissioner and we cannot get an October date and are looking in November or December to interview the remaining Commissioner.

Chairman Dryburgh – Katherine?

Katherine D. Ariens – We did meet, I am sorry I was unable to attend due to being sick and we finalized our questions we are going to be asking and our next meeting is October 20th and are interviewing all Constitutional Officers, except the Sheriff and we have scheduled him for November 16th. The Sheriff had a scheduling conflict, but wanted to come in person and not send a representative, so he will be our first person on the agenda and then we will be finalizing everything, so we should be done by the end of November with everything.

Chairman Dryburgh – Fantastic, Julie?

Julie Mathis – We have done all of our interviews and we are done.

Chairman Dryburgh – Good job, Tom?

Thomas J. Rice – We have got meetings scheduled for the 23rd next week and that will be the end of our scheduled interviews. The School Board opted not to come to meet with us so that leaves an open date on the 30th of October and as a result our subcommittee decided we would reach out to a few other groups just to see if they wanted to participate so we are sending invitations out to the South County Alliance, League of Women Voters, Curmudgeon's Club, and Rotonda West. The Englewood Chamber of Commerce did not make their scheduled appointment so we are asking them again. So by the 30th we should be finished with our interviews and then we will be onto Final Report writing.

Chairman Dryburgh – Good job guys, I would hope then come January each subcommittee would be ready to start their pitch to the committee, we will see if it works out to do two (2) at a meeting, if not one each meeting. Rob said we had to be finished by June?

Rob Berntsson – Well we have to have our public hearings within the June time frame and have the language written, so we really need to know what direction we are going by April, at the latest.

Chairman Dryburgh – If it works out well at our meeting in December we might start making those reports in December, if that is all right with everybody. Anything else under Old Business? (Silence) Any New Business?

VI. New Business

William C. Abbatematteo – Mr. Chairman, I just have a procedural question, how do we incorporate, I know at some point we are going to be discussing what we recommend as a result of our interviews based on the questions that we have, but if we are given an idea or asked would you consider this, how do we or do we incorporate it into our questions, in our situation, with the Commissioners.

VII. Discussion

Paula Hess – It has to be a Charter issue though. A lot of people think inefficiencies in government can be addressed in the Charter and that is not a Charter issue.

William C. Abbatematteo – I understand, these are Charter issues.....

Paula Hess – Like what?

William C. Abbatematteo – For instance I had one person, who claims to represent a group, point to the section for citizen initiatives for ordinances requires 10 percent of the electorate. He said would you consider reducing it to 5 percent. I am not here to debate that, I am just saying these are examples.

Chairman Dryburgh – The most efficient way working through this committee would be send it to Tammy and myself. From there we will send it to the Chairman of whatever committee that it would come under and it would be something for them to look at and see if this is something we want to address, do we want to bring to the full body and go from there. We could have a lot to discuss come December or January, or we could have a little to discuss. It depends what comes out of each subcommittee.

Katherine D. Ariens – I hear people addressing issues and how much is your own personal opinion, I know we are citizens but we sit on this board so how much of it is our evaluation, our input. Are we just supposed to listen to what they say and do a summary on what is going on, are any of our feelings put into it?

Rob Berntsson – You are selected as individuals and bring your individuality to the table, one individual could go to five (5) different members of this board and say the same thing and each one of you probably hears something different from that and by having those work together is what you are here for. So you have to take the input that you get and mold it into what your opinion is.

Katherine D. Ariens – So in other words we can use some of what we feel.

Rob Berntsson – Absolutely.

Paula Hess – Your recommendations come out of the committee about what the general population of this commission should consider.

Katherine D. Ariens – Right, but what I am talking about is I have opinions to and how much does my opinion....

Paula Hess stated – You are a member of the committee.

John Hitzel – Katherine, Mr. Chairman, one of the reasons why some of us get appointed, I think, is because we belong to a number of organizations in town and I know in the past I have used organizations I belong to, to get me feedback of what they would like to see happen within the Charter, so that is one way we can reach out to diverse groups of people to get some input.

Katherine D. Ariens – I guess maybe ours is a little bit different because we are dealing with the Sheriff and his budget; therefore it is kind of cut and dry and then I hear you guys talking about other groups that are coming to you so I just wondered how much leniency to give because we are scrutinized by everything that we do of course and I agree we should be, but I just do not want to crossover any areas that I should not, that is the only reason I asked that question, I wanted to see how much latitude I had with my own personal opinion in the matter.

Rob Berntsson – I think it is also appropriate if somebody is contacted by a member of the public or a representative of a group and it is something you personally want to bring forward in old or new business or where ever it fits into at a meeting like this, it could just be brought up. It is sort of like what happened today because of the issue with MSBU's that committee said we could intertwine that into our questioning, so certainly when you have the meetings to share information because that is the only time you can share the information is at these meetings, that certainly is appropriate.

Chairman Dryburgh – If it is in between meetings the best way is to contact Tammy and myself and in turn I can send it to the Chairman of the subcommittee.

William C. Abbatematteo – Well this just happen the other day and my question really was if we wanted to add additional questions because we have not interviewed yet, what was the mechanics to do that, do we need to like we just did with the MSBU's, permission or approval of the whole body to say yes, you can ask the Commissioners that question.

Rob Berntsson – Your subcommittee has made those decisions.

Paula Hess – But these are circulated through the Commissioners themselves so they are prepared to answer our questions.

William C. Abbatematteo – I'm saying, additional questions besides the five (5) or six (6) that we have already drafted.

Chairman Dryburgh – There is nothing to prevent you from doing that in your subcommittee, Paula is exactly right to send them in advance to be nice, but if you have something else you want to ask you can.

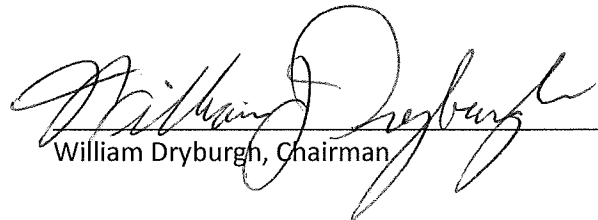
William C. Abbatematteo – My feeling is that although I may be personally opposed to something I am not adverse to bring something forward, we have 160,000 citizens I feel we are obligated at least to hear what they have to say, that is the purpose from my understanding of this review and then collectively we can discuss the merits of it after we get some feedback from the Commissioners.

Julie Mathis – When we interviewed people questions came up because of what we were asking and so they were not on our final questions and we were all fine with that.

Chairman Dryburgh – Any further discussion on anything..... Citizen Input? (Silence) Our next meeting will be on November the 6th at 3:30 p.m. in this conference room. Good job everybody. Therefore; we are adjourned.

VIII. Citizens Input – None at this time.

Adjourned at 4:11 pm



William Dryburgh, Chairman