

Charter Review Commission Meeting

March 16, 2016

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

The meeting was called to order at 3:00 p.m.

Roll Call

The following Commission Members were present:

William C. Abbatematteo	John Hitzel	W. Kevin Russell
Jim M. Brown	Julie Mathis	Thomas J. Thornberry
Thomas (Skip) P. Conroy III	Donald McCormick, Vice Chairman	Stephen J. Vieira
William Dryburgh, Chairman	Jerry J. O'Halloran	Frank C. Weikel
Paula Hess	Thomas J. Rice	

Alternate John M. Davidson was present.

Attorney Robert Berntsson was also present.

Member Katherine D. Ariens was not present.

Alternate Raymond A. Corcoran was also not present.

Citizens:

Michael Zarzarno
David Kesselring

I. Citizens Input

Michael Zarzarno - American Freedom Farm, I represent a citizen's activist organization and we seek to offer oversight to the citizens of Charlotte County, regarding the government. I spoke to you before about the county congress or the zip code congress. This would facilitate your jobs, if you were to have a group of citizens that were self-appointed and self-sustained offering their expertise and knowledge to you for free. They could be appointed or selected by their peers within their zip code. There are many people in this county that have knowledge and understanding that could be of great value to the government. If they could help you in an organized, systematic and parallel fashion in relation to zip codes, I think it would be of great benefit. We would be happy to help create a website that would foster this activity and promote it, free of charge. Our organization is dedicated to creating virtue in government. This is something that has been lost due to the growth of the population and the size of government. This would be a revolutionary idea. We targeted Charlotte and Sarasota County for specific reasons. We felt this was an ideal area of the country to start a county zip code congress. Eventually, we hope to take this model throughout the state of Florida and the Nation. There are many areas of government where the people are not being served; the veterans are number one. If you remember the United States County Congress flyer I passed out at a previous meeting, you will see we are dedicated first and foremost to the United States veterans and we hope to take the idea to other parts of the community. We hope you will consider this idea, if not now maybe the next time. No one has contacted me about this idea as of yet. We will keep trying and I wish you the best.

II. Approval of the February 17, 2016 meeting minutes.

Chairman Dryburgh – The minutes were emailed to everyone, are there any additions or corrections? Paula Hess motioned for approval and Frank C. Weikel seconded. Any discussion? All in favor say I. Everyone said I. Opposed (None)

III. Approval of Expenses

Chairman Dryburgh – You were given a copy of our expense report. W. Kevin Russell motioned for approval and Thomas J. Rice seconded. Any discussion? All in favor say I. Opposed (None)

Question as to whether the CRC will be charged for administration services?

Chairman Dryburgh - Are you (Beth Scott) aware if you will be paid by administration or the CRC?

Beth Scott-I believe my time will be divided and charged between administration and the CRC accordingly.

IV. Old Business

a. Research regarding the exemption of churches or non-profits from taxation.

Chairman Dryburgh – Regarding the exemption of churches, what did you find out?

Robert Berntsson - I did find a section in Sarasota County that had an exemption of churches from 1972 and it has not changed since that time. I remain of the opinion that you could not simply bring out churches, you would have to go with all non for profit organizations.

Paula Hess – Mr. Berntsson, is there any way that within an individual taxing district that has an Advisory Board that it can be left up to the Advisory Board and the people in that District whether or not they want to tax non-profits?

Robert Berntsson - Ultimately, it is the Board of County Commissioners acting as the board for that district but they could certainly make a recommendation as to that and they could see what the benefits are. In looking at Sarasota and their various Special Districts, the one from 1972 said all lands within the district owned by any church or church denomination that is used for holding services would not be assessed. Another district assessed all non-governmental real property, one was based on all taxable, real and tangible personal property and some were set up to exclude certain types of properties depending on whether it was a Lighting District, Street and Drainage District or a Sanitation District, each being unique as it was set up. There is nothing that would prohibit Charlotte County currently from doing the same thing here in the future.

Paula Hess - In some taxing units there may not be a church or 501C3; in others there may be several so it would have a great impact on the income from that District. You're saying, it could be left up to the individual district?

Robert Berntsson - Yes, as each District is established it will be determined at that time.

Question asked as to church was defined.

Robert Berntsson - Not in this particular one from 1972; I am not sure if it is an active district anymore.

Stephen J. Vieira - Was there anything related to 501C3's?

Robert Berntsson - I did not come across that specifically but taxable properties were mentioned in one. If a property was not taxable a 501C3 or church would be excluded; they are unique to each district that is set up. There are hundreds of different districts and I thought I found a fair representation in Sarasota County. I did find churches specifically and also excluded lands owned and under the jurisdiction of any Community Associations and any Condominium or Subdivision that was recorded. It was a pretty wide exclusion. That was my research.

Paula Hess - Our Committee asked for research because the question came from a citizen and I see that it's on the citizen's agenda to discuss. We now have the information on which to base our decision.

Chairman Dryburgh - I asked Tammy to list everything that we have received from citizens and the CRC, with my input and from Rob. This information has been provided today for discussion. I would ask that if we get eight (8) votes, half plus one then we will take that item up; if not then we would move on, if this is okay with everyone.

Paula Hess- Mr. Chairman, I was going to suggest in keeping with our charter that we may adopt rules in the proceedings as we deem desirable; I offer that for efficiency and order that in the committee recommendations that we could adopt Robert's Rules. In which the committee recommendation is actually a motion, it doesn't need a second because it comes from a committee, then the committee presents it's rationale about why they decided to make that recommendation; followed by discussion, debate in the body and then an up and down vote. Which is the same thing you are speaking of.

Chairman Dryburgh - Is everyone okay with that?

Paula Hess-Therefore, I make the motion that we adopt Robert's Rule of Order only for the hearing of the Subcommittee Recommendations not from the Citizens Recommendations because they aren't motions, these will be motions.

Chairman Dryburgh - Any discussion? All in favor say I. Everyone said I. Opposed (None) Motion passed unanimously.

Thomas Rice - Let's go through the timeline. We will go through the recommendations today. Does this body have opportunities to make any changes to those recommendations after the public hearing?

Chairman Dryburgh - Absolutely, I was hoping to go over the list today and we would have our next meeting to finalize. There will be three public hearings in May, located in Punta Gorda, Port Charlotte and Englewood. We'll meet back again in June, look at the list and make any changes we feel necessary. The residents may inform us that there is something we may have missed and in July we will finalize the report and give it to the Commission in July or August.

Robert Berntsson – The County Commission does not meet in August. We need to have the final report and ballot questions to the County Commission by the second meeting in July.

Paula Hess - It could happen opposite in the public hearings, in the past we had a ballot question that the residents told us they didn't like it so we withdrew it.

Chairman Dryburgh - Sure, that's what that meeting would be in June. Tammy did a lot of research for us and put together portions of that final document.

Robert Berntsson – In this meeting and next if we get the list of those we are going to propose for amendment then I will draft the ballot language, so they will be available for the public hearings for the public to give input on. After those public hearings you would vote to either ratify that entire slate or remove something.

V. New Business

a. Proposed Subcommittee Recommendations - Board of County Commissioners

Paula Hess - Mr. Chairman, I was the secretary for the group that drew the report for the chairman to sign and explain the substance of our first recommendation by the BCC Subcommittee. There was only one recommendation, the others were to examine, discuss and to explore to get more information. The first and only recommendation to discuss is the continuation of the present form of government as prescribed in the Charter.

Item 1-The five (5) Commissioners, one from each District elected countywide at-large.

Paula Hess-Each of the five (5) Commissioners are currently elected from a District they know intimately and are responsible to all citizens in Charlotte County as a whole. This form of government appears to have worked in Charlotte

County for forty years to my knowledge and the Commissioners "big picture" view as to what benefits the entire County, leads to a fair use of tax payer's money; whereas, Elections by District can lead to a Bring Home the Bacon type of attitude, polarizing and leverage bargaining among the Commissioners. None of the Committees suggested any changes be made to the current form of government. After interviewing individuals from government, those working closely with government and other Boards and Agencies, there were no suggested changes from those interviewed. We received some proposed changes in person or by email from individuals not representing any organized groups opinion. It seems the conclusion drawn is that the vast majority of the Charlotte County population is satisfied with the present form of government and we found no compelling reason for a change.

Item 2-Terms of four (4) years, no limits or number of terms.

Paula Hess-The Commissioners and the Committee felt we should leave it to the citizens to limit the terms or the Commissioners themselves by choosing not to run. Few Commissioners have served more than two terms.

Item 3-The County Administrator appointed by the Board of County Commissioners as opposed to elected.

Paula Hess-The Commissioners are in the best position to measure qualifications and efficiencies. The separation of legislative and administrative as we have now is working well here and works well elsewhere.

Item 4-All Constitutional Officers remain as elected.

Paula Hess-By elections the people decide, Appointing gives too much power to the BCC.

The conclusion of the Board, as can be seen by those rationales, is that the form of government remain as it is prescribed in our Charter. Open to discussion and debate now.

Chairman Dryburgh – Are we addressing the first four points on the list?

Paula Hess-The first four are all part of a continuation of the form of government as prescribed in the Charter.

Chairman Dryburgh – Are we all in agreement that we leave the first four points as is?

William C. Abbatematteo - For the one issue of districts versus at-large, I think we should ask the people to decide.

Chairman Dryburgh - Is there a second as to the Motion that the first four items remain the same? Seconded by Jerry J. O'Halloran. The first three points passed unanimously.

Chairman Dryburgh - Motion made on the fourth item that all Constitutional Officers remain the same as elected only. Jerry J. O'Halloran motioned for approval, seconded by Paula Hess. Motion passed unanimously.

Robert Berntsson – The other three (3) items do not need a vote from your Committee, as those were recommendations.

Chairman Dryburgh - There is nothing from the Constitutional Officers, we will now hear from other Boards and Agencies.

Item 1-Amend Article II; Section 2.2 G. (1) as follows: "The people of Charlotte County have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors equal to 7 percent of the number of electors qualified to vote in the county as a whole in the last preceding general election."

Thomas J. Rice - I'll go through these one at a time. The first one was an idea that came up from citizen comment from one of the first meetings and the question was why 10% of the population was required as per the Charter to change an ordinance. As a result, we put that into our interview questions which produced responses for both an increase and a decrease in the percentage. In 1986, ten percent (10%) represented a required vote of 5,279 signatures and today we're at 12,003. In looking for a consensus we looked at the history of Charter Review Committees in the state

of Florida, for the sixteen counties. The highest percentage required in any of the counties is thirty percent (30%) and the second highest is ten percent (10%), which Charlotte County requires. The largest number of counties require even percent (7 %). If Charlotte County adopts seven percent (7%), voting will require 8,400 signatures.

Paula Hess - I think, we have to find out from the Supervisor of Elections how many Citizens initiatives have failed, in order to determine if the bar is too high.

W. Kevin Russell – I can answer that question; there has been one attempt and they were not able to place it on the ballot.

Jerry J. O’Halloran - I would be concerned about making the percentage too small. If we have only had one attempt and it hasn’t been a problem, why are we changing the percentage?

W. Kevin Russell – Because, it’s become impossible with requiring 12, 000 signatures.

Julie Mathis – I think that 8,400 signatures will be difficult to obtain but it is certainly more reasonable than 12, 000.

W. Kevin Russell – I would just add that this is just to get it on the ballot, I trust the people to vote on it. The bar can’t be set too high so as to discourage trying.

Chairman Dryburgh - This is a recommendation that came out of the Committee, not requiring a second. Any discussion? All in favor say I. Everyone said I. Opposed (None). Motion carries.

Item 2-Amend Article II; Section 2.2 H. to include the following sentence”The ordinance shall provide the terms of the board of advisors and for the responsibilities of the board of advisors to request such services and facilities as deemed necessary to serve the residents of the MSTU or MSBU. Each Advisory Board shall submit an annual report to the board of County Commissioners on the MSTU’s or MSBU’s activities, objectives and funding requests.

Thomas J. Rice - We heard from county and county staff representatives; they recognize there is a problem and need to get control on MSTU’s and MSBU’s. They are currently working on the process. We heard from Rotunda, members of City Council in Punta Gorda and South County that MSTU’s and MSBU’s work. It seem, the difference is, if there is an active Advisory Board then there is an investment on the part of the local citizens to make them work. If there is not a local Advisory Board than the decisions are being made by county staff, going directly to the BCC. The economics are difficult because some of these are sparsely populated areas. We initially asked the question as to whether all of the MSTU’s and MSBU’s should be subject to sunset. The Advisory Boards that are currently working did not want that. Our recommendation is that each Advisory Board shall submit an annual report to the BCC on activities, objectives and funding requests. The idea is to force the county in some way, to do away with MSTU’s and MSBU’s, merge them with one that is working or find an active Advisory Board if there is not an Advisory Board . I don’t know if this language will accomplish that fact.

Robert Berntsson – Couple of different things, I read section H of the current Charter that deals with the Municipal Service Taxing or Benefit Units as an additional method for a group of citizens to have an Advisory Board created. The BCC when they set up an MSBU or MSTU can set up an Advisory Board. This section to me as I read it, allows an MSBU or MSTU that doesn’t have one to petition the Board, that they have one created. My understanding from some of the testimony we had that the current Commission is trying desperately in certain circumstances to get an MSBU Advisory Board and they just can’t get participation, although whatever that MSBU or MSTU is doing is a needed service. I would be concerned if you would abolish an MSTU if it didn’t have an Advisory Board. If you want to add something about an annual report I would say you add another section to H, just a number two (2) that every existing MSBU or MSTU Advisory Board shall submit an annual report. I read section H, as it exists today, just as an additional way for an Advisory Board to be created.

Paula Hess - When we interviewed the Commissioners they said they were doing an annual report presently but it was the first one done in a long time. I think calling for an Annual report to the Commissioners and the individual taxing

units is a good one because a report must be reviewed. The Attorney also stated that they are looking at them. There is a feeling among the populous that there is little attention paid to this. I think if we could develop language that requires an annual report from the ones that have an Advisory Board and that the Commissioners and Attorney's Office review the reports.

W. Kevin Russell – What we were told was that staff was doing the work for the ones that didn't have Advisory Boards, possibly they could do a summation.

Robert Berntsson – Every year the MSBU budget goes through separate Budget Hearings and the presentation is typically backed by needed information. There is a report per say, I think the Advisory Boards would produce something. I think staff would provide something similar to an Economic Impact Statement that all ordinances get. If this is something the Committee wants I would suggest we add a new subsection two (2) to existing H which reads something along the lines of, each MSTU, MSBU Advisory Board shall submit an Annual Report to the BCC on that MSTU or MSBU's activities, objectives and funding requests.

Julie Mathis-As part of that, do you want to include Item 3 that says the County Commission can abolish an Advisory Board at a public hearing. **(Item 3-The last sentence of Article II: Section 2.2 H. shall be amended as follows ".....The Board of County Commissioners may abolish a board of advisors after a public hearing (.) and, upon abolition of the board of advisors, no new petition for the creation of a board of advisors, shall be considered for a period of two (2) years."**)

Robert Berntsson – They are two separate items, one is to do the annual report and the second is to amend the language of H that would become H1 of the existing language. You can vote them as a combination if you want. Each item you say you want to move forward with, I will prepare language on. We are voting on concepts today and we will bring specific language back to you that you can go through the public hearing process with.

Chairman Dryburgh - This is a motion that came out of the Committee, not requiring a second. Any discussion? All in favor say I. Everyone said I. Opposed (None). Motion carries.

Robert Berntsson – Is that for the second and third items?

Chairman Dryburgh - Second and third, true.

Item four- Add a section under Article III, to be Section 3.3 as follows: "Election for the office of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections shall be non-partisan."

Thomas Rice-The one area we received different feedback for was on the level of constitutional officers, they felt the BCC should run by party and questioned why constitutional officers need to be voted on as partisan. As an example, the members of the City Council in Punta Gorda run as nonpartisan. We looked at what other Charter Counties in the State of Florida are doing currently. In Broward County the Tax Collector is not a constitutional officer but is part of the department of finance, in Lee County the Supervisor of Elections is not partisan as is Leon County. In Miami Dade the Sheriff Division was abolished and now appoints a Chief of Police. We would ask the group to discuss if Constitutional Officers should be voted on as non-partisan positions? On Elections that are primary only, less than half of the voting population is currently participating.

Frank C. Weikel - You'll see in our report that there was a clear definition of all Elected Officials. It's important that the voter knows the party affiliation; all the constitutional officers agreed with that.

Paula Hess - I had a chance to have a discussion with a constitutional officer and that person felt that the party label gives the voter a concept of the philosophical views held by a candidate. I have no decision in my mind but I did take the time to discuss it with a constitutional officer.

Thomas Rice - There are still 70,000 citizens that cannot vote in some of the Primaries which disenfranchises many.

Paula Hess - That's true.

Donald McCormick –The Party affiliation is selected by the candidate. Those running for Sheriff have the option of affiliating or not. I don't see where that is something we should take away.

Paula Hess - I ask a question of the Attorney, as it is not stated in the Charter that it shall be non-partisan or partisan. It just says it's under general law. Is general law that everyone is partisan?

Robert Berntsson – Unless it's designated as non-partisan.

William C. Abbatematteo - Having been a Police Chief, I would like to know if that person is a conservative or not because it does affect the department's overall philosophy on the enforcement of the laws. Are they going to be a department that leans liberal? I think partisanship is important. It seems this is something being tried by the minority. My opinion is to leave it alone.

Jerry J. O'Halloran - A lot of people do not attend the debates. I think party affiliation is important for all the things being said here because that is the mind set as to how things will be run for that particular entity in the government; people will look at the ballot.

W. Kevin Russell - They do fine with the school board which is non-partisan by state statute. Everyone seems to determine the values of the candidates; I think that is applicable to this as well. Maybe we could just make the supervisor of elections non-partisan as a beginning point.

Chairman Dryburgh - We are going to vote on the motion put forth by the Other Boards and Agencies' Chairman Tom Rice and that motion is that the Elections for the offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall be non-partisan. All in favor of that recommendation raise your hand. Five (5) hands raised. All opposed? Eight (8) hands raised. Motion fails 8 to 5.

Thomas Rice - The last one is not a Charter change, in past reports there have been suggestions to the BCC as to typographical errors in the Charter that need correcting.

Robert Berntsson – If it is not something we are putting ballot language on we can skip over it for now and consider that for our report.

Chairman Dryburgh - How would you correct the typographical errors?

Robert Berntsson – I think the grammatical errors can be corrected with a Resolution by the Board. I will double check that.

Chairman Dryburgh - We will now move onto proposed citizen recommendations.

b. Proposed Citizen Recommendations

Chairman Dryburgh - **Item 1 - The County Charter should have a section requiring more transparency to the budget process for the public to readily access on the County website. The County Administration should be required to change how it presents to the public budgetary reports, providing the following enhancement: (a) comparison of the periodic current year Latest Budget Estimates to the Original Budget explaining any departmental budget showing a variance of plus or minus 10 percent; and (b) in development of the ensuing year's budget, an explanation of any proposed departmental budget where the new year budget is plus or minus 10 percent; (c) disclosure/explanation of money transfers exceeding \$5,000 between county government departments; and (d) explanation of all year-to-date cumulative transfers exceeding \$50,000 out of the Ad Valorem Reserve.**

Does anyone want to take this up for discussion? There were no hands raised for discussion.

Chairman Dryburgh - **Item 2-The Charlotte County Administrator position shall become an elected office of four (4) years duration. The Administrator would continue to report to the Board of County Commission, which will periodically set the compensation level and expected performance goals, of the Administrator. At least 180 days before an interested party for the County Administrator position must qualify as an election candidate, the Board**

of County Commissioners will place notices in widely read publications in Florida. If none of the Administrator candidates opting to enter the Republican or Democrat parties" primary election receive 50 percent or more of the votes cast in the primary election; then the candidates of each party with the top two (2) vote totals will be placed on the general election County Administrator candidate slate. In the general election, the candidates receiving the most votes will win the election.

Paula Hess - This item was taken care of with the vote of item 3 BCC Sub Committee motion.

Chairman Dryburgh - Item 3 - **If any primary election in Charlotte County, any candidates for a county office, member of the Board of County Commission , Clerk of the Courts, Supervisor of Election, Property Appraiser and County Tax Collector, does not receive over 50 percent of the primary votes cast, the two (2) candidates receiving the highest number of votes in such primary election will move to a runoff status in the General Election with the candidates receiving the most votes between the two (2) then vying against the other candidates on the ballot to determine the winner of the election.** Can I see a show of hands of those wanting to take this petition up? Show of hands four (4). Moving on to the next item.

Chairman Dryburgh - Item 4 – **Each County Commissioner will serve a maximum of eight (8) years, which limited tenure shall not be consecutive. For example, if a Commissioner is elected by county voters, for a four (4) year term in office, then loses a re-election bid or does not run for re-election, but in a subsequent election wins another four (4) year term, the two (2) non-consecutive; eight (8) years in office will represent the eight (8) year limit of tenure in office. If a Commissioner is appointed to fill a vacant seat on the Board of County Commission, then the term spent by the Commissioner, as an appointee, will be deemed a full term of four (4) years calculating the two (2) term limit of a Commissioner.**

Paula Hess - This item was handled with the vote of Item 2 BCC Sub Committee motion.

Chairman Dryburgh - **Item5– Election of Commissioners by District; five (5) Commissioners.**

Chairman Dryburgh - **Item 6 – Election of Commissioners by District; five (5) Commissioners, with two (2) additional Commissioners elected at-large.**

Paula Hess - Items five and six were handled with the vote of Item 1 BCC Sub Committee motion.

Chairman Dryburgh - **Item7-No registered church denomination will be required to pay taxes; exemption for all 501C3 organizations.** Is there anyone who would like to discuss this item?

Robert Berntsson – We already said this can't be done but you can discuss this item if you want as it refers to non-profits. They already don't pay the general taxes, it's really only an MSBU question.

Paula Hess - We could put this in recommendations to advise the Advisory Boards of the MSBU's that they can make the decision within their own district.

Stephen J. Vieira – If someone owns a registered 501C3 and Commercial Property and then deeds the property to the 501C3, would the property be assessed?

Robert Berntsson – I think, it has to be used for the purpose. We could put in our report a recommendation to the BCC that in establishment of MSBU's and MSTU's the Board consider which properties to exclude from assessment for that particular use whether it be non-governmental properties, not just 501C3.

Chairman Dryburgh - **Item 8-The Charter Review Commission be held every two (2) years instead of six (6) years.** Is there anyone who would like to discuss this item? Show of hands none (0). Moving on to the next item.

Chairman Dryburgh - **Item 9-Audio and video recording of the Charter Review Commission meetings; including holding meetings in main chambers.**

Robert Berntsson – Just for the record, we are currently recording these meetings.

Paula Hess-In the next six years who knows what progress will be made in information technology; we may have a television in this room. We could place a request in the advice column of our final report to the Board that if possible the Charter Review meetings be televised.

Chairman Dryburgh – **Item 10-Ensure every department head is in attendance at each Charter Review Commission meeting, so when certain topics and issues come up they can personally address the citizen’s questions.**

Paula Hess-That would cost too much, they could be called if necessary.

Chairman Dryburgh – Is there anyone who would like to discuss this item? Show of hands none (0). Moving on to the next item.

Chairman Dryburgh – **Item 11 - Section 4.2.C.(1); be amended to; a Charter Review Commission consisting of fifteen (15) members and three (3) alternates shall be elected countywide by the voters of Charlotte County at the general election prior to the year of review and be limited to two (2) terms.**

Thomas J. Rice – I don’t think they should be elected but I think there is some merit to looking at a limitation of two terms.

John M. Davidson - I am an alternate and I would not be comfortable without having some veterans in the room.

Paula Hess - I think this Commission should be limited to three terms. It is very important that the Chair has served before. Having served before myself, you gather more and more information about the process and the actual contents of our constitution and its impact on the government. I studied the Charter from Sarasota County, provided by the Attorney and I don’t think committee members should be elected. There is a cost to be placed on the ballot. I think, the Commissioners are in the best position to have knowledge as to expertise in the areas that are needed for this particular board. I would be willing to discuss term limits, in the amount of three years.

Chairman Dryburgh – Motion made and Seconded that the Charter Review Commission shall be limited to three consecutive terms.

Julie Mathis - Do they have to be consecutive?

Paula Hess - No, they don’t have to be consecutive.

John Hitzel - I think we need to find a way to encourage the Commissioners to broaden their search for members of this committee. I agree with the term limits of three years.

Paula Hess - Should we make it at least half new members?

Robert Berntsson – You have to be careful because you may not get applicants. If you set a certain percentage, some people will be guaranteed placement on the Committee.

Robert Berntsson – I would like to share with the group, I am not a member but I did have a conversation with Commissioner Dougherty and he raised a point that I hadn’t thought about in this discussion. People who have been appointed multiple times have been appointed by multiple different Commissioners with different backgrounds and different philosophies, while other people have come. It’s not that those of you who have served multiple times have been appointed by the same Commission over and over again. It’s been widely different Commissions, each of the six years.

Thomas Rice - One thing to consider when we think of three terms, these would be as voting members. We could always increase the number of alternates from three to five, so alternates are learning but the term as an alternate would not affect their three terms as voting members; helping to increase their knowledge of the Charter.

Robert Berntsson – I think if you vote on the concept that you want to limit to three terms and expand to five alternates, if there is a motion that carries that then I can draft language.

A Motion was made to limit Charter Review Committee members to three terms and expand to five alternates and seconded. Discussion ensued.

Julie Mathis - What if you don't receive applications to fill five alternate positions? I think five alternates is too many.

Robert Berntsson – The County Attorney and I had a discussion as to whether as each alternate became a member did we had to fill that position and we agreed we did not have to do that.

Chairman Dryburgh – We have a motion and Rob would draft the language, this is just a concept.

Discussion ensued as to whether term limits should be retroactive and that alternate member term(s) would not be counted toward the three voting term limits.

Paula Hess-I think it has to be retroactive.

A Motion was made to limit Charter Review Committee members to three terms; leaving the alternates at three and seconded.

Robert Berntsson – Three voting terms and leaving the alternates at three.

Chairman Dryburgh – All in favor say I. Everyone said I. Opposed None (0). Motion passed.

Chairman Dryburgh – **Item 12 - Section 2.2.G. (1); states in part; the people of Charlotte County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition. Proposed to amend 10 percent to 5 percent with no cost to the people for petitions.**

Paula Hess - We compromised and made it 7 percent.

Chairman Dryburgh – **Item 13-Amend Section 2.2. (H) Municipal Service Taxing and Benefit Units as follows: The Board of County Commission shall be required to place on General Election ballots for approval by county voters the formation of any news MSBU's and /or any MSTU's not being proposed by a specific group of citizens for purposes of beautification or enhancement of a specific local area in the county. Additionally, all existing MSBU's or MSTU's will be placed on the next General Election Ballot for affirmation by the county voters.** Do I see any hands to take up this item? Is there anyone who would like to discuss this item? Show of hands none (0). Moving on to the next item.

Chairman Dryburgh – **Item 14-All new assessments should require approval of two-thirds of the tax payers concerned. All current assessments should be reviewed.** Is there anyone who would like to discuss this item? Show of hands none (0). Moving on to the next item.

Chairman Dryburgh – **Item15-Establish meaningful and adequate impact fees.**

Robert Berntsson –This is not a Charter issue.

Chairman Dryburgh – **Item 16-Adopt a revolutionary concept called Zip Code Congress; of unpaid citizen representatives in each zip code.** Is there anyone who would like to discuss this item? Show of hands none (0). Moving on to the next item.

Chairman Dryburgh – **Item 17-All elected officials should serve a two (2) year term with a mandatory two (2) term limit.** This item was previously decided.

Chairman Dryburgh – **Item 18-Non-partisan elections for Mayor or County Administrator (not both positions).**

Paula Hess - The government remains as it is.

Robert Berntsson –Just to confirm back with the Board, as I see it there are four items that I will be drafting language for to bring back to the next meeting. The first three from the other Boards and Agencies and the last one is from

Proposed Citizens Recommendations, page two (2) Section 4.2.C. (1); to bring back language for three voting term members of the Charter Commission.

VI. Discussion

Chairman Dryburgh –Any other discussion?

VII. Citizens Input

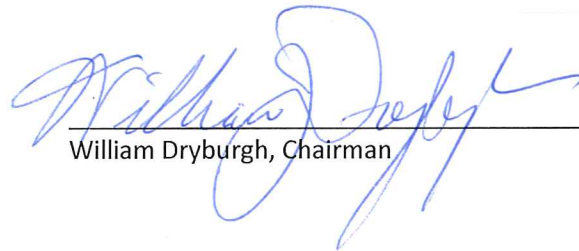
David Kesselring - I heard the statement that these meetings were taped. Months back, I asked the secretary and someone said she might be taping it; it appears that she wasn't taping the meeting or I couldn't have them. It really doesn't matter if you're taping them if no one can get access to them. Maybe someone can get me some information on that. I still would like to find out what actual statutes say that you cannot exempt churches. The first amendment of the Constitution says that the Government cannot hinder in any way. I know this is not a federal issue but maybe we can take advice from that constitution because it does hinder them by fining or taxing them. Another argument was we can't do this for all nonprofits. Why should we be taxing nonprofits anyway? Many are all volunteer, why should they be fined for helping the community.

Michael Zarzano - In regards to the recordings of these meetings, I too have not been able to obtain any form of an audio tape. Frankly, they should be video recorded, not just audio. For something as important as a Charter Review meeting, for the sake of history and review of these meetings it should recorded. Also in previous meetings it was admonished to you that you changed the times that these meetings are held. Most of us work and myself I am self-employed and am able to stop working to attend. Most people don't have that privilege. It would only be right that these meetings be held at a proper time that citizens can participate. It was stated earlier, that the County Congress concept does not belong in the Charter Review. I believe this is incorrect, this is exactly where you should initiate such a revolutionary idea. As to the issue of the churches being exempt, it is being done all over the country, in other counties where churches are being exempt from taxes of all forms. That really needs to be considered. There is a movement in this county that is outraged over the fact that you're taxing churches in some fashion. As far as appointments to this job, you need to be voted or elected by citizens and you do need to have a restriction on the number of terms you can serve. You're not politicians but you are in a position of some power; when you're talking about the constitution of a county, this is very important.

VIII. Adjournment

Chairman Dryburgh – Thank you all for coming. Our next meeting is on April 13, 2016 starting at 3:00 p.m. in this conference room. Motion to adjourn. Motion passed.

Committee adjourned at 4:31 p.m.



William Dryburgh, Chairman

ATTACHMENT #1

Proposed Subcommittee Recommendations and Proposed Citizen Recommendations.

Proposed Subcommittee Recommendations

Administration Staff

The Director of Economic Development report to the County Administrator instead of the Board of County Commissioners.
(Voted 11 to 4; not to change).

Board of County Commissioners

Five (5) Commissioners, one (1) from each District elected countywide at-large.

Terms of four (4) years, no limits on number of terms.

The County Administrator appointed by the Board of County Commissioners.

All Constitutional Officers remain as elected.

Addition of language regarding periodic review and sun setting MSBU's and MSTU's to expand requirements of the Board of County Commissioners.

Research ramifications of exempting churches from these assessments.

Explore adding scheduling of Citizens Forum; such as Charlotte Assembly to critique and make recommendations to hold Board of County Commissioners and Administrator more responsive and accountable to the public.

Constitutional Officers

No recommendations.

Other Boards and Agencies

Amend Article II; Section 2.2 G. (1) as follows: "The people of Charlotte County shall have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors equal to 7 percent of the number of electors qualified to vote in the county as a whole in the last preceding general election.

Amend Article II; Section 2.2 H. to include the following sentence "..... The ordinance shall provide the terms of the board of advisors and for the responsibilities of the board of advisors to request such services and facilities as deemed necessary to serve the residents of the MSTU or MSBU. Each advisory board shall submit an annual report to the board of county commissioners on the MSTU's or MSBU's activities, objectives and funding requests.

The last sentence of Article II; Section 2.2 H. shall be amended as follows "..... The Board of County Commissioners may abolish a board of advisors after a public hearing(.) ~~and, upon abolition of the board of advisors, no new petition for the creation of a board of advisors, shall be considered for a period of two (2) years."~~

Add a section under Article III, to be Section 3.3 as follows: "Elections for the offices of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections shall be non-partisan."

Several recommendations came up during the interviews that may not merit inclusion in changes to the Charter, but merit consideration by the Board of County Commissioners and County staff:

In regards to Article II; Section 2.2 J. Debt policy and K. Reserve policy; The Board of County Commissioners should review the "best practices" issued by the Government Financial Officers Association when developing the County's budget, financial reserves and setting debt limits.

Several sections of the current Charter appear to contain typographical errors or require clarification. The sections in questions are:

Section 2.2 G. (2); "by the approval by the supervisor or elections".... should be of.

Section 2.2 G. (3); "it shall, be resolution," and "those registered electors voting the on the question" should these words be removed?

Section 2.2 I. (5); "Inadequacy or inaccuracy of an economic impact estimate shall not be grounds for invalidation of a county ordinance." The recommendation was to add the word "alone" after the word "grounds".

Section 4.2 A. and B. (1); "shall embrace but one (1) subject and matter".... is this correct or should it be "or" instead of "and"?

Section 4.2 C. (2); "shall elect a chairman and vice chairman form among".... should be from.

Proposed Citizen Recommendations

The County Charter should have a section requiring more transparency to the budget process for the public to readily access on the county website. The County Administration should be required to change how it presents to the public budgetary reports, providing the following enhancements: (a) comparison of the periodic current year Latest Budget Estimates to the Original Budget explaining any departmental budget showing a variance of plus or minus 10 percent; and (b) in development of the ensuing year's budget, an explanation of any proposed departmental budget where the new year budget is plus or minus 10 percent; (c) disclosure/explanation of money transfers exceeding \$5,000 between county government departments; and (d) explanation of all year-to-date cumulative transfers exceeding \$50,000 out of the Ad Valorem Reserve.

The Charlotte County Administrator position shall become an elected office of four (4) years duration. The Administrator would continue to report to the Board of County Commission, which will periodically set the compensation level and expected performance goals of the Administrator. At least 180 days before an interested party for the County Administrator position must qualify as an election candidate, the Board of County Commissioners will place notices in widely read publications in Florida. If none of the Administrator candidates opting to enter the Republican or Democrat parties' primary election receive 50 percent or more of the votes cast in the primary election; then the candidates of each party with the top two (2) vote totals will be placed on the general election County Administrator candidate slate. In the general election, the candidate receiving the most votes will win the election.

If in any primary election in Charlotte County, any candidate for a county office, member of the Board of County Commission, Clerk of the Courts, Supervisor of Election, Property Appraiser and County Tax Collector, does not receive over 50 percent of the primary votes cast, the two (2) candidates receiving the highest number of votes in such primary election will move to a "runoff" status in the General Election with the candidate receiving the most votes between the two (2) then vying against the other candidates on the ballot to determine the winner of the election.

Each County Commissioner will serve a maximum of eight (8) years, which limited tenure shall not be consecutive. For example, if a Commissioner is elected by county voters for a four (4) year term in office, then loses a re-election bid or does not run for re-election, but in a subsequent election wins another four (4) year term, the two (2) non-consecutive; eight (8) years in office will represent the eight (8) year limit of tenure in office. If a Commissioner is appointed to fill a vacant seat on the Board of County Commission, then the term spent by the Commissioner, as an appointee, will be deemed a full term of four (4) years for calculating the two (2) term limit of a Commissioner.

Election of Commissioners by District; five (5) Commissioners.

Election of Commissioners by District; five (5) Commissioners, with two (2) additional Commissioners elected at-large.

No registered church denomination will be required to pay taxes; exemption for all 501 (c) (3) organizations.

The Charter Review Commission be held every two (2) years instead of six (6) years.

Audio and video recording of Charter Review Commission meetings; including holding meetings in main chambers.

Ensure every department head is in attendance at each Charter Review Commission meeting, so when certain topics and issues come up they can personally address the citizen's questions.

Section 4.2 C. (1); be amended to; a Charter Review Commission consisting of fifteen (15) members and three (3) alternates shall be elected countywide by the voters of Charlotte County at the general election prior to the year of review and be limited to two (2) terms.

Section 2.2 G. (1); states in part; the people of Charlotte County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition. Proposal to amend 10 percent to 5 percent with no cost to the people for petitions.

Amend Section 2.2 (H) Municipal Service Taxing of Benefit Units as follows: The Board of County Commission shall be required to place on General Election ballots for approval by county voters the formation of any new M.S.B.U's and/or any M.S.T.U.'s not being proposed by a specific group of citizens for purposes of beautification or enhancement of a specific local area in the county. Additionally, all existing MSBU's or MSTU's will be placed on the next General Election Ballot for affirmation by the county voters.

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

Establish meaningful and adequate impact fees.

Adopt a revolutionary concept called Zip Code congress; of unpaid citizen representatives in each zip code.

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

Non-partisan elections for Mayor or County Administrator (not both positions).
