

Charlotte County Charter Review Commission

Public Hearing

May 11, 2016

The Charter Review Commission Public Hearing was held at the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida.

The Charter Review Commission Public Hearing was called to order at 5:00 p.m.

Roll Call:

The following Commission Members were present:

William C. Abbatematteo	Paula Hess	Thomas J. Rice
Katherine D. Ariens	John Hitzel	Thomas J. Thornberry
Jim M. Brown	Julie Mathis	Stephen J. Vieira
William Dryburgh, Chairman	Donald McCormick, Vice Chairman	Frank Weikel

Attorney Robert Berntsson was also present.

Members Thomas P. Conroy III, Jerry J. O'Halloran and W. Kevin Russell were not present.

Alternates Raymond A. Corcoran and John M. Davidson were not present.

Citizens:

Bucky McQueen

Andy Wing

I. Introduction and overview of proposed Amendments under consideration, as attached:

Chairman Dryburgh – I will have our attorney go over the proposed amendments and the suggested change to proposed amendment number two (2).

Robert Berntsson – Charter Amendment No. 1, "Reduction of percentage of electors needed to initiate county ordinances." The ballot question would read, "Shall Article II, Section 2.2.G. (1) of the Charlotte County Charter be amended to reduce the number of electors needed to initiate county ordinances in order to establish new ordinances or amend or repeal existing ordinances upon petition, from ten (10) percent to seven (7) percent of the number of electors qualified to vote as a whole in the last preceding general election?" Yes for Approval, No for Rejection. Section 2.2.G. (1) would be amended by changing ten (10) to seven (7).

The second Charter Amendment question has a proposed change; I suggest we discuss and decide on that after we take public input today. The question as it was originally proposed reads, "Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to abolish the two (2) year period prohibiting consideration of a petition for the creation of a Municipal Service Taxing or Benefit Unit (MSTU/MSBU) board of advisors upon abolition of a previous board of advisors?" Yes for Approval and No for Rejection. Section 2.2.H. if approved would be amended by deleting the language that reads, "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."

The third proposed Charter Amendment is requiring an "Annual report of MSTU/MSBU advisory boards." The ballot question would read, " Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to require Municipal

Service Taxing or Benefit Unit (MSTU/MSBU) advisory boards to provide an annual report on the unit's activities, objectives, work programs and funding requests to the Board of County Commissioners by March 1st of each year?" Yes for Approval and No for Rejection. If that is approved, existing Section 2.2.H. would be renumbered to 2.2.H. (1) and adding a new Section 2.2.H.(2) to read, "Each MSTU or MSBU advisory board shall submit an annual report to the board of county commissioners on the MSTU's or MSBU's activities, objectives, work programs and funding requests by March 1st of each year."

The fourth proposed Charter Amendment, "Creating term limits for Charter Review Commission members." The ballot question would read, "Shall Article IV, Section 4.2.C. (1) of the Charlotte County Charter be amended to limit the number of terms a Charter review Commission member may serve to three (3) full terms as a voting member?" Yes for Approval and No for Rejection. If approved the existing 4.2.C. (1) is amended by amending the second sentence to read: "No elected officer shall be a member of the charter review commission, and no member may be appointed who has served three (3) full terms as a voting member of the charter review commission."

Chairman Dryburgh – Are there any questions for the attorney? (None)

II. Citizens Input:

Chairman Dryburgh – Is there anyone who would like to address this Commission?

Bucky McQueen – There are two issues that I would like the Charter Review Commission to address. One is the lack of an appeal process for a property owner in regards to MSTU/MSBU's. After the hurricane, I had a barn that blew down. I was told the barn would have to be hauled to the landfill before it would be removed from special assessment; I had the same problem with a garage apartment that was damaged beyond repair. The Property Appraiser said the value for both was zero and yet the special assessment still had to be paid. There is no appeal in this process. The second item I would like this commission to address is the sale of real property. I think, if it is over a certain amount a referendum should be required. Hillsboro County requires a referendum, over a certain amount. I have seen mistakes the city and county have made and feel they should not be in the real estate business. If it's over a certain amount, it should definitely require a referendum. Those are my two concerns. As a property owner, my non ad valorem assessments are greater than my ad valorem and I have no say in the process, there is no appeal.

Andy Wing – I am a resident of Manasota Key and the past chairman for the Manasota Key Streets and Drainage MSTU and I am applying tomorrow for the Marine Advisory Committee. One point I would like to make is that the MSTU/MSBU's are created under state statutes, not county. There is a new MSTU currently in formation for beach re-nourishment. There will be public input from the county and the state will have to come, before the MSTU can finally be created. Secondly, will the liaison from the county be responsible for creating the annual report or will the advisory board members be responsible?

Chairman Dryburgh – Is there anyone else who would like to address this Commission? Seeing none, Let us address the change suggested for amendment number two (2).

Robert Berntsson – The suggested change for amendment number two (2) came from the County Attorney, Janette Knowlton. I have been working with her and she is composing a Resolution that the Board of County Commissioners would pass to put the language on the ballot. In her reviewing the language, she made a suggestion that the word "abolish" might be a little strong and "delete" might be better. I have placed it here for discussion; we can leave "abolish" if we want and if someone has a different word they think is better that is fine as well.

Paula Hess – I don't find any problem with the word abolish. The word delete is not exactly appropriate there because delete just means to cross out a sentence or take out a word. It's not removing power like "abolish" is. There are other synonyms for abolish if you find that too harsh, such as annul, cancel, nullify or revoke but I have no objection to the word abolish.

Chairman Dryburgh – Have you made that as a motion?

Paula Hess – Yes, I move not to remove the word abolish.

Chairman Dryburgh – Seconded by Frank Weikel. Any discussion? All in favor say I. Everyone said I. Opposed (None). Motion passes.

Donald McCormick – We had some very interesting citizen input but I don't know if it pertains to the Charter. Could their objectives be reached through avenues other than the Charter Review process?

Robert Berntsson – I'm not sure if some of the suggestions would be appropriate in the Charter. The MSTU/MSBU program is created by the state. There is a limit as to how we can amend the MSTU/MSBU requirements. Those individual MSTU and MSBU's often have bonds they have issued and debt. Also, just so those in the audience understand. We have been taking public input through the entire process, to come up with the ballot questions and we are taking public input on those questions now. If there was another ballot question to be brought forward we would have to go through the three public hearing process for that particular ballot question. The charter language requires that the public hearings be at least ten (10) days and no more than twenty (20) days apart; it would take the better part of thirty (30) days to get through the public hearing process. Given that we need to have our questions to the Board of County Commissioners at their final meeting in July, we are running out of time to come up with new ballot language. We are focusing, at this point, on the four questions that are before us.

Donald McCormick – I want to encourage both gentlemen to take their very good suggestions to the Board of County Commissioners and seek relief through their action. Seems to me that what has been discussed here is not necessarily a charter amendment but it is procedural.

Stephen J. Vieira - Can this board make recommendations to the Board of County Commissioners outside the four amendments that we've proposed? In other words, as to the gentleman from Manasota Key who was questioning who was going to handle the annual report for the MSTU/MSBU and whether it was going to be a public employee. To me this is very valid, I sit on an MSBU committee and from my point of view I would want to be the one to prepare the document to ensure its accuracy was intact.

Robert Berntsson – I think, the charter language if it passes requires each MSTU/MSBU to do the annual report. How they choose to do it is up to that MSTU/MSBU. Whether the chairman does it or they delegate to staff persons, the charter would simply require that it be done.

Paula Hess – I have a theoretical question for the attorney. Is it possible for a citizen's initiative to place a referendum on the ballot that denies the Commission the ability to buy property?

Robert Berntsson – I don't think so. I think, the state legislation that gives authority to counties and what their powers and duties are, allows them to purchase property.

Paula Hess – and to create CRA's, you can't deny them of that ability?

Robert Berntsson – No, I don't believe you can.

III. Approval of the April 13, 2016 Charter Review Commission Meeting Minutes and the April 27, 2016 Charter Review Commission Public Hearing Minutes:

Chairman Dryburgh – The April 13, 2016 and April 27, 2016 minutes were emailed to everyone, are there any corrections or additions? Paula Hess motioned for approval, seconded by Jim M. Brown. Any discussion? All in favor say I. Everyone said I. Opposed (None)

IV. Approval of Expenses:

Chairman Dryburgh – You were given a copy of the expense report. Jim M. Brown motioned for approval, seconded by Paula Hess. Any discussion? All in favor say I. Everyone said I. Opposed (None)

V. Commission Comments:

Chairman Dryburgh – Are there any comments from the Commission? I appreciate our Counties effort to set this up in our behalf.

VI. Adjournment:

Chairman Dryburgh – Any further comments. We are adjourned.
Committee adjourned at 5:16 p.m.



William Dryburgh, Chairman