

Charlotte County Charter Review Commission
Public Hearing
June 15, 2016

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

The Charter Review Commission Public Hearing was called to order at 3:06 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

Alternate John M. Davidson was present

Attorney Robert Berntsson was also present.

Members Thomas P. Conroy III and W. Kevin Russell arrived late.

Member Jerry J. O'Halloran was not present.

Alternate Raymond A. Corcoran was not present.

Citizens: Peter Gerhardt

I. Continuation of the 3rd Public Hearing held May 25, 2016:

a. Introduction and overview of proposed Amendments under consideration:

Chairman Dryburgh – The first item today is the continuation of the third public hearing held May 25, 2016. We did not have a quorum for that meeting and therefore we were not able to take any action.

Rob Berntsson – Seeing as there is only one member of the public here today, who was at the last meeting; I will forego reading the entire document, unless you have an objection to that sir? We have the four amendments before us. We need to conclude the public hearing and then we can move on with the meeting to take further action.

The Public Hearing was concluded.

II. Citizens Input:

Chairman Dryburgh – Do we have any citizen input? There was none.

III. Approval of the May 11, 2016 and May 25, 2016 Charter Review Commission Public Hearing Minutes:

Chairman Dryburgh – Today we need to approve the May 11, 2016 and May 25, 2016 minutes. Paula Hess motioned for approval, seconded by John Hitzel. 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 Thomas J. Rice. Any discussion? All in favor say I. Everyone said I. Opposed (None)

V. Discussion and decision as to proposed Amendments:

Chairman Dryburgh – Is there any discussion on the proposed amendments?

Frank Weikel – Proposed Amendment No. one (1), going from ten to seven percent. I would move that we return to ten percent.

Chairman Dryburgh – Do we have a second? We do not have a second? Motion failed for lack of second. Any further discussion on the amendments?

Julie Mathis – I would like to make a motion for proposed Charter Amendment No. four (4). Instead of three full terms, we propose two full terms.

Chairman Dryburgh – We have a motion by Julie Mathis; seconded by Katherine D. Ariens on the motion to go from three to two terms.

Katherine D. Ariens – Julie, what is your thinking on this?

Julie Mathis – My recollection is that back in the day we had a difficult time finding people for this board. I think some of the public comment about three terms might be right, it may be too long.

Paula Hess – I'd like to note that, the public speaking about the three terms on the radio and in print has said that means eighteen years. It does not mean eighteen years. If this is your first term today; six years from now would be your second and your third would be six years from then. That is twelve years between your first and third, not eighteen. I just wanted to note that. I am not in favor, I think three terms is a good amount of time.

Chairman Dryburgh – If you don't mind the chair speaking, you can submit your name and always decline if asked to be a member of the CRC. There are some people who have been on this commission more than once and almost half are new members. We have a good balance.

Katherine D. Ariens – I think, twelve years sounds like a long time, eighteen even longer but I do see the benefit of having someone on the board who has been a member from the past. As an example, even though you are given guidelines when you first start doing this it gets a little bit confusing on exactly how this all works out. It was nice that there were people who had done it before. I think two terms would accomplish that, you'd have people from the past and new members. I kind of agree with you that two terms is not a bad idea because you will have the old and new. I'm fine with three years but I can see the pros and cons of both suggestions. It looks to the public to be too much and it is also helpful to have people from the past.

Donald McCormick – Another way of talking about this, instead of three terms over eighteen years, is that we've had approximately ten meetings; two terms would be a total of twenty meetings and three terms would be thirty meetings. That's not really an awful lot of experience. If you consider, most things you sign up for meet at least twelve times a year.

Chairman Dryburgh – We have a request to call the question.

Thomas J. Rice – If you look at this amendment, it is the first time in the Charter that there has been a limit on the number of terms members can serve. The Charter Review Commission did this last time with the Executive Director. Six years from now the group can decide if three terms is enough or too many and address it at that point. We are establishing a president here by proposing a limitation on terms. I think that is a major first step that shouldn't be overlooked.

Katherine D. Ariens – to add to his comment, this will go in the record that we are making these statement today. We too wonder if two terms is appropriate verses three. It is appropriate to bring it up and debate it so the next generation understands that we had questions about it too.

William C. Abbatematteo – I have a question as to the wording, three full terms. What does that mean?

Robert Berntsson – It is intended that, if you are an alternate you are not considered full term. If you resigned in the middle you would be eligible to seek another term.

William C. Abbatematteo – So, if someone served on this Commission till the last meeting today and resigned they would be eligible to continue doing that forever?

Robert Berntsson – Theoretically, but I think the BCC would look at that as not meeting the intent in considering someone for an appointment.

Chairman Dryburgh – The motion is to amend No. four (4) from three full terms to two (2). All in favor say I (None). Opposed (All opposed). Motion Fails. Any further discussion as to the proposed amendments? We need have a vote to move these four amendments forward.

Paula Hess – I make a motion that we adopt proposed Charter Amendment No. One (1) to be placed on the ballot for the vote in November. Seconded.

Chairman Dryburgh – We have a motion and a second to move Charter Amendment No. One (1) onto the County Commission. All in favor say I. Opposed (One opposed). Motion passes with one opposed.

Do we have a motion and a second to move Charter Amendment No. two (2) onto the County Commission? Motion made by Paula Hess and seconded by William C. Abbatematteo. Any discussion? All in favor say I. Opposed (None). Motion passes unanimously.

Do we have a motion and a second to move Charter Amendment No. three (3) onto the County Commission? Motion made by Julie Mathis and seconded by Stephen J. Vieira. Any discussion? All in favor say I. Opposed (None). Motion passes unanimously.

Do we have a motion and a second to move Charter Amendment No. four (4) onto the County Commission? Motion made by Donald McCormick and seconded by Jim M. Brown. Any discussion? All in favor say I. Opposed (One opposed). Motion passes with one opposed.

VI. Discussion and decision as to the content of the Charter Review Commission Final Report for presentation to the Board of County Commissioners:

Chairman Dryburgh – This was sent to you and a hard copy has been provided for you today. Is there anything you would like to go over?

Thomas J. Rice - Under introduction in the first paragraph the sentence reads, "The 2016 CRC reached this decision after holding three (3) formal public hearings. There were four (4) prospective Charter amendments considered during the public hearing process, with none rejected by the CRC after the public hearings and one public input meeting. After receiving testimony..." I think those two sentences are reversed and in the next paragraph the sentence beginning, "This report" is not a complete sentence.

Robert Berntsson – The one sentence you read first, where it starts "The 2016 CRC" I thought it would be better if it read, "The 2016 CRC reached this decision after receiving testimony from County officials, staff, constitutional officers,

representatives of community organizations, members of the public and other interested parties and holding three (3) formal public hearings.” I wasn’t sure about the one public input. We have public input at every meeting, so I just deleted that. If that’s okay with everyone, we’ll get Beth to make that change and we’ll fix the other sentence as well.

Paula Hess – I was going to ask the Attorney, remember when the Other Boards and Agencies Subcommittee picked up on all the scriveners errors? When will that be fixed?

Robert Berntsson – I spoke with the County Attorney and she is not comfortable making those changes without it going to the voters. It is her intension to leave those as they are.

Paula Hess- To leave it as it is, with all the grammatical mistakes and so forth, the Charter does not represent the County very well.

Robert Berntsson – I’ll have further discussion.

Paula Hess- As far as the organizational and procedural changes to the Board that did not rise to the level of proposed Charter Amendments, on page thirty (30). I think, we concluded that the BCC shall issue directive to those Boards as to the Annual Report that is called for in Amendment No. three (3); they shall decide who will write those reports. In other words, to leave it up to the Boards themselves. There was some discussion as to whether to add language saying the Board shall write it or someone’s secretary should write it. I think, we came to the conclusion to leave it up to the Boards themselves. The BCC needs to give some type of directive, so they are guided in that. Another item that came up in public discussion and I think it will probably be possible six years from now, is to make every effort to have future CRC meetings televised and taped, in which to get the community much more involved. Also explored was the scheduling of a Citizens Forum to make recommendations to the BCC and the County Administrator. That’s what the public was calling for, some other way to get involved without being restricted in appearance before the BCC, which is so limited. Additionally, research the possibility of exempting churches from the MSTU/MSBU. Those are the things that did not rise to the level of adding them to the Charter Amendments. As far as recommendations to future Charter Review Commissions, I didn’t come up with anything. I think, this has been pretty well run and organized. That’s all I have as far as things that should be forwarded to the Board and recommendations for the future.

Donald McCormick - Is that a motion?

Paula Hess – I don’t know how you want it addressed Rob?

Robert Berntsson – If there is consensus and not objection from anyone.

Donald McCormick - There is another item, I might like to note. Mr. McQueen’s comments as to his inability to appeal the value assessed by the MSTU. That was not clear to me, as to what was involved. It struck me that a citizen thought he had a right to appeal but it was not evident for us to take a look at this.

Paula Hess - He came up with it too late for us to really discuss and how it could be added.

Donald McCormick – To me it wasn’t a Charter Issue but something the BCC could correct on its own.

Stephen J. Vieira – Wasn’t his issue that a building had been blown down in the hurricane and he was still being assessed?

Donald McCormick – Yes, and there is an appeal process.

Robert Berntsson – I did have a brief discussion with the County Attorney on that question and her thought was the same as mine, that the only course of action would be through a court challenge.

Jim M. Brown – Some of the discussion from citizen input as to the MSBU/MSTU came from people that didn't have a lot of knowledge about how they run. We should orient people on this if they are going to come in to place something on the ballot. There is a lot of money involved in this and a lot fail because of lack of knowledge.

Paula Hess – Mr. Brown, in conjunction with what you are bringing up here, I noticed in the recommendations to future Charter Review Commissions from the last CRC that they had a recommendation that there should be some way for this Board to correct misconceptions and erroneous statements that are made by the public; whereas we just let them go. I remember a citizen who spoke of elections by districts when he moved here. There were never elections by district in Charlotte County. There was a recommendation by the last Commission that there be some way to correct misconceptions and erroneous statements as fact, that are not fact.

Robert Berntsson – To address that, you want to avoid getting into a discussion and debate with someone but make notes of it and at the conclusion of the public Input just set the record straight. On a couple of occasions, I have brought a few things up that I thought people have misstated. The committee as a whole, having an opportunity during commissioner comments.

Paula Hess – We might put something just prior to adjournment to have an opportunity to correct any misconceptions or misstatements that are either stated at the meeting or noted as published.

John Hitzel – Mr. Chairman, I have a comment about the timing. We found ourselves kind of in a box this year, in that, if there were any changes to these proposed amendments we didn't allow ourselves enough time to go back to the public. I think, in the future we have a time schedule that allows us to make changes if needed.

Donald McCormick – It can be difficult when you are interviewing employees to compress that time.

Chairman Dryburgh – Any other discussion?

Thomas J. Rice – In the Draft there was room under each amendment for synopsis, pro and con. Is that something Rob is going to do?

Robert Berntsson – I'll take direction from you.

Julie Mathis – I think, Pros and Cons would be hard to do. If you weren't in the discussions, it would be difficult to know how we got here. I think the amendments moving forward are pretty self-explanatory, if you look at what it currently is and what we are proposing. ~~I would agree with the synopsis at the same time.~~ I would suggest we not add Synopsis, Pros and Cons.

Robert Berntsson – So we can just delete that?

Katherine D. Ariens – Do we have to have a motion?

Robert Berntsson – No, again if it's just a consensus. This document is just a draft brought before us. The Chairman, I and Beth plan to get together next week to finalize it. If we can get general direction today, that would be appropriate.

Stephen J. Vieira – Can I get clarification on the MSBU's, were you suggesting that in the future that anybody who is appointed to an MSBU Committee have a higher level of qualification than just submitting an application; that they have specific attributes to serve on the committee.

Jim M. Brown – I would think so, yes. It helps a lot.

Katherine D. Ariens – Can I ask a question of the two of you? Who would be the person that would judge that qualification? For instance, I can learn quickly. I may not have the qualifications that you deem necessary at the time but I have the desire, the need and the want to learn. Who would be judging me as to being qualified or not qualified? How would you set that up?

Jim M. Brown – Actually, a lot of MSBU's have trouble getting members on their Board. Maybe, all you need is to have someone who is seasoned on the Board.

Katherine D. Ariens – Maybe, it would be more advantageous to say once you become a member that there will be a person provided for instruction and training, versus qualifications you have to meet before being placed on a Board? That's just a question.

Jim M. Brown – Yes, I’m just saying it helps. That’s just something the Boards themselves should be aware of.

John Hitzel – Just to follow up on your suggestions, it might be appropriate to suggest to the County to come with some type of orientation for MSBU/MSTU board members to attend once or twice a year.

Katherine D. Ariens – I think, that sounds more appropriate; to train someone versus saying they need those qualifications because I may not meet those prerequisites but I may have the desire.

Julie Mathis – You might get more people to participate.

Paula Hess – We can add that to our advice to the BCC. Along with direction as to who makes up the Final Report, we can suggest that the County has an orientation for new members. Is that what you meant John?

John Hitzel – Yes

William C. Abbate Matteo – For recommendations on page thirty (30), one of our subcommittee recommendations that didn’t rise to the level of a Charter Amendment was to have the Charlotte Assembly more frequently. That should be one of our formal recommendations. I initially had said less than four years because each Commissioner would see at least one assembly. One of the criticisms we had was that it coincided with the sales tax and we were just going through the motions. We didn’t address the sales tax issue this time. Being that it appears to be such a good opportunity for citizens who desire input, the County should probably consider doing them more often than six or seven years.

Paula Hess – My suggestion was to explore adding scheduling of a citizens forum. Did you want to add to that language, like the Charlotte Assembly?

William C. Abbate Matteo – The Charlotte Assembly not forum. I know we discussed who was going to prepare the Final Report, those details can be worked out. That exact forum, where we break up into five different subgroups after so many sessions. I don’t know how we change that to another citizen’s forum.

Paula Hess – There were some problems apparently with the last Charlotte Assembly, time and the availability of people for so many days. Our recommendation was to have some sort of a citizen’s forum where they could make recommendations and critique. If you want to call it Citizen’s Forum or Charlotte Assembly, that is fine with me. Rob can make up the language. Did you say every two years?

William C. Abbate Matteo – No more than every four years, so that the Commissioners who serve once will have the advantage of hearing from the citizens.

VII. Commission Comments:

Julie Mathis – Is this our last meeting?

Chairman Dryburgh – This is our last meeting.

Julie Mathis – It’s been a pleasure serving with all of you.

Paula Hess – Thank you to the Chair for accepting the burden. Thank you very much Mr. Dryburgh.

Thomas J. Rice – It’s been a pleasure serving with each of you. At times, we came under criticism and were supposed to just push forward. I’ve never seen myself as a rubber stamp or a funnel to just blindly put something in a report. We have looked at our subcommittee reports, our interviews, and a lot of information from other Charter Review Commissions as well as community input. We’ve tried to take all of that and make the best decisions that we could. If you look at the recommendations that are in the final report, there is citizens input, information as to what other Charter Counties are doing and subcommittee input. I think this group has done a very good and conscientious job. I certainly appreciate the ability to have served with you in this process, it’s been a pleasure and thank you Mr. Chairman.

Frank Weikel - I look at the amount of people who came through that door to address us. I know Julie asked why. I think, they are telling us that they are pretty happy with what we have going. They’re not unhappy, otherwise there would be a lot of them here. I think, we did the right thing.

I would like to thank the Chair and Rob for doing such a good job. This shows the advantage of having someone experienced sitting at this table.

Donald McCormick - We represent our constituents and I think everyone here was respectful of that. We conducted ourselves in an exceptional manner and I am proud to have been part of it.

Robert Berntsson – I would like to thank you all for the opportunity to serve again and I appreciated working with each and every one of you.

Chairman Dryburgh – I wear another hat, as some of you know I am the Exalted Ruler of the Punta Gorda Elks and yesterday was Flag Day at the Jacobson Nursing Home. While at this event the CRC's previous secretary Tammy expressed that she missed everyone and truly wished she could have stayed till the end.

Robert Berntsson – and thanks to Beth also.

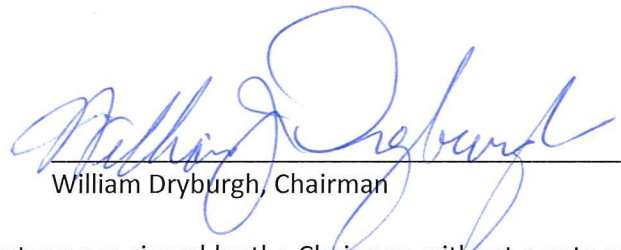
VIII. Citizens Input:

Peter Gerhardt – I would like to say the Commission did a great job. I know there were a lot of unruly constituents; I had an entire speech prepared just in case they showed up. I would simply like to say thank you all, exceptional work; really good job.

Paula Hess – Thank you. That was very nice of you to say.

Chairman Dryburgh – We are adjourned.

Committee adjourned at 3:45 p.m.



William Dryburgh, Chairman

Note: Because there were no further meetings, the minutes were signed by the Chairman without a vote of the full committee.