

**Charter Review Commission  
Board of County Commissioners  
Subcommittee Meeting  
August 18, 2021**

A meeting of the Charter Review Commission Board of County Commissioners Subcommittee was held at Charlotte County Administration Center, 18500 Murdock Circle, Room B-106, Port Charlotte, Florida at 11:30 A.M. on August 18, 2021.

**Roll Call:**

**The following members were present:**

William Abbatematteo, Chair  
Richard Pitz  
Donna Peterman

**Absent Members:**

Jeff Anlauf

**Citizens Present:**

None

**Call to Order:**

The meeting was called to order at 11:30 a.m. by Chairman William Abbatematteo.

**Agenda Items:**

**I. Citizens Input** – None

**MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY RICHARD PITZ TO CLOSE CITIZEN INPUT.**

**MOTION CARRIED: 2:0**

**Communication:** Chair Abbatematteo read the following email sent to all Charter Review Commission Members into the record for possible discussion at the end of the meeting.

“Members of the Charter Review Commission it is not imperative that you get your interviews completed for your different committees right away. You can take as much time as you want, just keep in mind that we need to wrap it up by the latest the end of January or 1st of February.

Andrea's time to do the other work that's needs to be completed (minutes, emails, setting up interview, prep for meetings, etc.) is being taken up by all the different committees trying to meet resulting in her going over her part-time hours. I am asking you to please space your meeting dates within your different committees to give her more time to accomplish what needs to be done outside of your meetings. I do not want to overwhelm her with too much work. Thank you. Bill Dryburgh, Chairman.”

## **II. Old Business:**

### **a. Report on Chairman’s discussion with Attorney Robert Berntsson re: Charter changes we can consider:**

- 1) Jurisdiction over the School Board – None through our Charter based upon the State Constitution – **Article Nine, Section 4 School Districts and School Boards** - They have the responsibility for operational control and supervising all the Public Schools within the District, determining rate of school taxes, etc.
- 2) County Oversight over the School Budget: In each District there shall be a School Board composed of 5 or more Board Members voted upon by the Voters, in a nonpartisan election for staggered terms of 4 years. This answers the questions regarding County oversight/approval over the School Budget and partisan versus nonpartisan election – we cannot change. However, some Counties restrict term limits and impose them upon the School Board because it is silent under the Constitution.
- 3) Monies that go to the School Board outside of taxes: The 1% Sales Tax: The Advisory Committee reviews the long list of requests from the County and other organizations and makes recommendations to the BCC Board. When it comes to money allocated to the School Board, we questioned oversight as the money comes to the County first and then is given to the School Board. Our Attorney agreed that there should be oversight over those funds. The School Board would have to account for that money (1 % Sale Tax).

Member Pitz commented that the money was only to be used for Capital Improvements? Yes. The School Board received 5 million for security, but we do not know where it was spent. It could have been put into the general fund and used for salaries or other non-capital expenditures.

Member Peterman commented – couldn’t we ask them to disclose it? Member Pitz stated, “I don’t mind giving them the money, I just don’t know what we are getting for the money.”

Member Peterman: Why is this School Board such a topic of interest? Isn’t this about the County Commission, their terms, how they are elected? Maybe we could talk about the 1 % sales tax and how projects are selected as the BCC do not seem to listen to the Advisory Board when they make recommendations.

Member Pitz: What the Supervisor does is in the constitution listing obligations and restrictions. Are they exceeding their mandate, making outside contracts their purview? Did the County ask if they needed money or did the School Board request it?

Chair Abbatematteo stated most of this is beyond our purview but may be potential questions for the Commissioners. Member Pitz stated it was good to discuss these issues in committee now before the interviewing begins.

Chair Abbatematteo reported that Attorney Berntsson said it may even be the Clerk of the Court, (who acts as Comptroller) who is the one to audit those funds.

**4. Municipalities:** Like the State has control over the counties...we are the parent over municipalities. Do we have any control over them via the Charter? - Not in the sense of the things we were exploring. Chair Abbatematteo reported his research and how Hillsborough County went through this issue that if they changed their Charter would it impact the cities and towns under them. It was ruled by the Attorney General who issued an opinion that they did not have control or jurisdiction over these municipalities.

Attorney Berntsson said that if we raise issues on certain topics, he would be happy to research a specific topic.

**b. Review of Final Issues to Consider – See Attached.**

Chair Abbatematteo reviewed the list of issues with the committee that he prepared comparing what is currently done and what could be proposed changes.

Some issues (Others) that were raised that do not fall under the purview of the 4 subcommittees of the Charter Review. Chair Dryburgh said to list them as a recommendation in our Final Report.

- 1) Casinos and a referendum in the Charter
- 2) Establish Ethics Board/Citizen Bill of Rights, (half of the counties have this item)
- 3) Procedures for review and oversight of County Funds given to other government entities (NGO's, non-profits, civic groups, etc.)
- 4) Prohibition on use of county offices and staff for non-County entities, including NGO's civic groups, 501c(3), 501c(6), etc.

Chair Abbatematteo inquired if we comfortable with all 10 issues or were there more?

Member Peterman stated that the 1% Sales Tax is a big issue with the choosing of projects and allocating funds. Chair Abbatematteo reported his firsthand experience serving on the Advisory Committee: The County and other groups bring forward projects for review to the Advisory Committee who make recommendations to the Board of County Commissioners. The projects are separated into two Tiers.

First Tier – projects from projected income

Second Tier – projects using left over funds

Issues:           Prioritizing seems to change – need to address with Commissioners.  
                      Advisory committee not being listened to.  
                      Could the County Charter have some control over the funding?

Member Peterman suggested: Ask Commissioners what is their philosophy behind this program? What is their philosophy regarding the School Board? We should be open-end with questions and elicit some feedback. The 1 % Sales Tax has been a significant source of funding. Is there a way to make it better or more effective?

Member Pitz raised the issue of Vacancies when a Commissioner needs to be replaced. Member Peterman suggested placing this item under term limits – how to fill when a seat is vacated. How do we manage vacancies? We want to keep local control rather than having the Governor appoint. Chair Abbatematteo read that “In our Charter it states that vacancies are defined and filled as provided by General law and the Florida Constitution.” There may be something we can do. We need to look at the other Charters and see how they address the issue. Let’s do some research.

Chair Abbatematteo raised the issue of County Ordinances: Citizen initiatives are in all but two Charters – Charlotte County has 10%/6 months signatures/30 days to verify. 10 % is the highest – some other charters have 5% or 7%. Have not seen anyone reach this threshold in all the years I’ve been here. What is the threshold needed to get on the Ballet? Lots of input previously to lower the percentage.

Chair Abbatematteo reviewed the Board of County Commissioners subcommittee prior recommendations from 2016:

Continuation of the present form of government as prescribed in the Charter:

- 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 BCC. All Constitutional Officers remain as elected.
- Examine merits and drawbacks of the Economic Development Director responsible to the BCC instead of the County Administrator as prior to 2010.
- Discuss addition of language regarding MSBU/TU to expand requirements of BCC.
- 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 BCC and Administrator more responsive and accountable to the public.

Interestingly, the only action on term limits was placed on the Charter Review Commission members, to only serve 3 terms – no other elected officials have term limits. This is the only Board (which only meets every six years) that has term limits in Charlotte County.

### **Recap: Issues to Add to Items to Discuss**

1. 1 % Sales Tax
2. Vacancies
3. Citizen Initiatives

### **III. New Business:**

a. **Questions to Ask** – Chair Abbatematteo stated our questions will coincide with the issues. (See previous 2016 report for prior questions.) He felt we do not need to create specific questions to ask as the issues can be addressed in the form of a question.

Member Pitz brought up the issue of the Mayor in Punta Gorda being elected, not appointed. The Mayor would then have some power over the Council. The Mayor would need to get by-in by the people living there. Discussed what the role would be as in Policy perspective. City Manager now carries out the direction of the Council. City Manager would then report to the Mayor, making them the CEO. Chair Abbatematteo stated we have no jurisdiction in this area.

Chair Abbatematteo asked the Committee to read the Board of County Commissioners subcommittee Final Report and look at the other Charters for more ideas. There is good information and ideas in the various Charters regarding possible issues like Casino Gambling, Citizen Rights and Codes of Ethics.

### **b. Choosing whom to Interview from the County, i.e., groups and organizations**

- Five Commissioners –(interview last)
- Economic Development Director – Dave Gammon
- County Administrator – Hector Flores
- Clerk of Court – Roger Eaton – Fiscal Questions

Member Peterman: I feel that the most important items are Term Limitations and Voting At Large or in Districts as half of them run unopposed which is a problem – an accountability problem.

Chair Abbatematteo: The Charter is silent on when to increase number of

Commissioners. We need to research formula for Commissioner expansion due to population in other Charters.

#### **IV. Discussion – Agenda Items and Meeting Dates**

##### **a. Meeting Dates** - Proposed

9/22 – 11:00; 10/6 12:30; 10/20- 11:00- based on availability of room and interviewees.

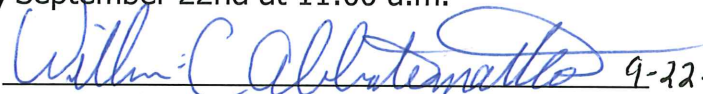
#### **V. Approval of Minutes:**

Minutes of August 4, 2021 were approved by consensus.

#### **VI. Adjournment:**

Meeting adjourned by consensus at 12:38 p.m.

Next meeting is scheduled for Wednesday, September 22nd at 11:00 a.m.

  
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William Abbate Matteo, Chairman Date  
Board of County Commissioners Sub-committee

# **Charlotte County Charter Review Commission 2021**

## **Board of County Commissioners Sub-Committee**

### **Possible Items to Consider**

- Term Limits for all County Elected Officials and Boards (Excludes Constitutional Officers)
- Number of County Commissioners
- How Elected? At Large vs. By District or a Combination
- County Administrator: Appointed vs. Elected
- Economic Development Office: Return to Executive Branch of Govt.
- Partisan Elections
- Casino Referendum needed for Casino Gambling
- Establish Ethics Board/Citizen Bill of Rights
- Procedures for review and oversight of County Funds given to other govt. entities, NGOs, Non-Profits, civic groups, etc.
- Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.
- 1% Sales Tax
- Citizen's Initiatives
- Vacancies