

Charlotte County Charter Review Commission

Agenda

Wednesday, March 9, 2022 @ 3:00 p.m.

Administration Center

18500 Murdock Circle, Room #B-106

Port Charlotte, Florida 33948

Commission Members:

William C. Abbatematteo, V-Chair
Patricia W. Aho
Jeffrey K. Anlauf
Donna L. Barrett
Cherie A. Burnette
Steve A. Drake
William Dryburgh, Chair
Donald McCormick

Theresa A. Murtha
Donna C. Peterman
Richard J. Pitz
Adam James Riley
William B. Schafer
Cyril F. Schrage
Bob White

Alternates:

Rob Humpel, First Alternate
Suzanne Graham, Second Alternate
James Coalwell, Third Alternate

3:00 p.m. Call to Order and Roll Call

- I. Approval of Minutes from February 9, 2022
- II. Citizen Input on Agenda Items
- III. Presentation of the Board of County Commissioners Final Report
- IV. Presentation of the Other Boards and Agencies Final Report
- V. Old Business:
- VI. New Business:
 - a. Discuss and set times for the Public Hearing Meetings
 - April 27 – CHECC, Punta Gorda
 - May 11 – Ann & Chuck Dever, Englewood
 - May 25 – Administration Center, Murdock
 - b. Approval of Big W Law Firm Statement for Services – March 1, 2022.
 - c. Discuss and vote on Charter issues.
- VII. Discussion
- III. Adjournment

Board of County Commissioners Sub-committee

Charter Recommendations:

1. **Term Limits for all County Elected Officials and Boards (excludes Constitutional Officers):**

The subcommittee **does** recommend that the Board of County Commissioners be limited to three consecutive terms in office.

2. **Economic Development Office: Return to the Executive Branch of Government:**

The subcommittee agrees with the separation of powers between the Legislative and Executive functions of Charlotte County Government. The committee **does** recommend that the Economic Development Office return to the executive branch of government which affects the Charlotte County Charter, Article II, Section 2.3 B (1) *County Department Heads* and F *Director of Economic Development*.

The subcommittee also recommends either returning to the language of the 2004 Charter (for the above items) or adding a Division of Powers clause— see example from Brevard County:

“Section 1.5 Division of Powers. The County hereby establishes the separation between legislative and executive functions of Brevard County government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.”

3. **Casino Referendum needed for Casino Gambling:**

The subcommittee **does** recommend language regarding casino gambling be added to the Charter.

To be modeled upon language used in Clay, Orange, Osceola, and Seminole County Charters, which in part reads:

“ Reservation of Power by the Electorate: The citizens of Clay County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any State-wide or multi-County referendum on the question.”

(This excerpt is only one of four or so paragraphs that we are recommending.)

Non-Charter Recommendations:

1. Procedures for review and oversight of County Funds given to other government entities, NGOs, Non-Profits, civic groups, etc.:

The subcommittee **does make a recommendation** to the Board of County Commissioners and Administration that they review procedures for oversight of County Funds given to other government and non-governmental entities and make sure all mechanisms are in place and address it administratively as needed.

2. Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.:

The subcommittee **does make a recommendation** and the committee's preference is to handle this issue administratively in lieu of a charter revision.

"The subcommittee inquired about the previous use of county facilities and staff serving as the office, point of contact and record keeping for a 501(c)(6) for several years, and although the subcommittee was told that this practice has stopped after the hiring of a new department director, this arrangement is not officially prohibited by the County, as far as memorializing it in any written policy, code or resolution by the County Administration or Board of County Commissioners. To avoid a repeat of this practice, which we felt is not a legitimate use of public funds, personnel, and property, we prefer and that the Board of County Commissioners or Administration handle this internally by adopting and issuing a written county-wide prohibition of such uses by any county department or personnel, and that such policy is communicated to all county departments and personnel via the standard distribution process for such matters.

Furthermore, if this recommendation is adopted by the Charter Review Commission, we would like to submit this one particular matter to the Board of County Commissioners and the Administration contemporaneously upon such adoption to give the County an opportunity to respond to the Charter Review Commission regarding this recommendation, and upon assurances that the County has agreed to adopt such a prohibition administratively, we will forego any further discussions about addressing this as a Charter revision."

3. 1% Sales Tax:

The committee **does make a recommendation** to the Board of County Commissioners and Administration to review the process by which they make decisions (to select projects) regarding the allocation of the one percent sales tax dollars.

Other Boards and Agencies Sub-committee

Charter Recommendations:

1. Term limits for County Commissioners: Insert after 2.2. "staggered terms of four years" No county commissioner shall serve more than two consecutive terms.

2. Referendum on Casino Gambling: See Sample below of Potential Language:

Casino Gambling Provision Based on Osceola County, Florida

A. Reservation of Power by the Electorate. The citizens of Charlotte County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any Statewide or multi-County referendum on the question.

B. Definition. For purposes of this section, "casino gambling" means playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized, which game of skill or chance, when played for money or other thing of value, is unlawful under the Constitution or Laws of the State of Florida as of ...

C. Referendum. If and when casino gambling becomes lawful under the Constitution and Laws of Florida, the Board of County Commissioners may offer to the electorate at any primary, special, or general election, and upon petition from the governing body of a municipality in the County, the Board Charlotte County shall offer as soon as practicable to the electorate, the question of whether casino gambling shall be authorized in the County. Upon approval of the question at referendum, the County and any municipality may thereafter allow casino gambling to the extent lawful under the Constitution and Laws of the State of Florida, and at the option of the Board of County Commissioners, this section may then be deleted from this Charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of 24 months.

D. Enforcement. The restrictions of this section may be enforced by the County, by a municipality in the County, or by any person substantially affected by any violation thereof. E. Municipal Referenda Not Prohibited. Nothing in this section prohibits any municipality in the County, whether by Charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by Subsection A above.

3. Balancing of the Composition of the Charter Review Commission to ensure equal representation across Charlotte County.

Recommendations for Future Charter Review Commissions

- To make more efficient use of time and encourage participation, there is a need for the ability to conduct interviews using Zoom, Facetime, or other appropriate technology. All sub-committee members could be present at physical meeting and public able to witness interviews conducted on a screen.
- Improvement needed in public awareness of the Charter Review Commission and encouragement to attend meetings and voice opinions.
- Recommend consider making the Commission a Standing Commission between required time for changes to be submitted to the electorate. During the early part of the timeframe, meetings could be less frequent, but would encourage recommendations and study recommendations from the public for consideration. The Commission could also be available as an enforcement watchdog of the Charter.

Recommendations (Other)

- The County should work with a partner to establish a forum/conference for interaction and planning with the leadership of public and private entities in the County to discuss and plan for core issues facing the County, for instance, water quality and quantity.
- Given concerns regarding the one-percent tax administration, it is recommended that procedures be reviewed by a Citizens Committee prior to the next One-Percent Sales Tax Committee start-up and recommendations for changes be evaluated and voted on by the County Commissioners. It is also recommended that a table of future costs associated with each project be used in deciding on projects to select. In addition, we recommend that there be an effort to balance proposed expenditures on projects across the County.
- The Charter is silent on balancing of memberships on the various advisory committees and boards to be reflective of the County as a whole. It is recommended that the selection process for committees and boards consider balancing with members from different areas of the County.