

**2021-2022  
CHARTER REVIEW COMMISSION**

**April 13, 2022**

A Charter Review Commission (CRC) Meeting was held at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida at 3:00 p.m. on April 13, 2022.

**Call to Order**

The Meeting was called to order at 3:00 p.m. by Chairman William J. Dryburgh.

**Roll Call**

**The following CRC members were present:**

William Abbatematteo	Theresa H. Murtha
Patricia W. Aho	Donna C. Peterman
Jeffrey K. Anlauf	Richard J. Pitz
Donna Barrett	William B. Schafer
William J. Dryburgh	Cyril F. Schrage
Donald McCormick	Bob White

**Alternates**

James Coalwell, 3<sup>rd</sup> Alternate

The following members were absent: Members Cherie Burnett, Steve Drake, and Adam Riley and Alternates Rob Humpel and Suzanne Graham.

**Others present:** Robert H. Berntsson, Attorney.

**Citizen's present:** David Kesselring and Daniel Sutphin (Charlotte Sun Newspaper).

**I. Approval of Minutes:**

**MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY DONNA BARRETT TO APPROVE THE MINUTES FROM THE MEETING OF MARCH 23, 2022.**

**MOTION CARRIED: 11:0**

**II. Citizen Input on Agenda Items:**

Citizen David Kesselring referenced listening to the audio recording of the meeting of March 23, 2022 and commented on the proposed change of the Charter Review Commission meeting to every ten years rather than every six years. Based on the comments he heard on the recording from the Commission members, he did not feel that reasons such as: More time for some of the changes to take effect; It is a lot of work to come forward; It would be easier on the community; Others on the Board don't want

to question the wisdom of the subcommittee; and because the subcommittee did their homework and research; were not valid points and asked that the Commission members reconsider their position as he will be promoting a no vote on the proposal.

### **III. Old Business:**

#### a. Review and Approval of Proposed Ballet Questions:

At the last meeting the CR Commission tasked Attorney Berntsson to draft Charter Amendment Ballot language for the four questions/amendments being proposed. Attorney Berntsson reviewed each of the Ballot Questions for comments by the CR Commission and they are as follows:

### **Charter Amendment No. 1**

#### **County Commission Review of Operations**

*Shall Article II, Section 2.2.D of the Charlotte County Charter be amended to provide for the County Commission to conduct a review of all operations of the County in conjunction with the budget process?*

*YES for Approval*

*NO for Rejection*

The third sentence of Section 2.2.D is amended to read: "in addition to its other powers and duties, the board of county commissioners shall conduct an ~~annual~~ review of all operations of the county in conjunction with the budget process, including all programs and services provided, with input from the public, ~~prior to April first of each year~~, and take action as a result of this review for improvement of the county and the welfare of its residents."

Commission Comments: Member Donna Barrett inquired if the paragraph showing the changes to the Charter would appear on the ballot? Attorney Berntsson replied that it would not. Chairman Dryburgh added that it would be up to the County to provide supplemental information.

### **Charter Amendment No. 2**

#### **Charter Review Commission to be convened every 10 years.**

*Shall Article IV, Section 4.2.C.(1) of the Charlotte County Charter be amended to provide for the Charter Review Commission to be appointed every 10 years rather than every 6 years?*

YES for Approval

NO for Rejection

The first sentence of Section 4.2.C.(1). Is amended to read: "A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eighteen (18) months before the general election occurring in 2016~~32~~ and at least eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for the placement on the general election ballot.

Commission Comments: None

## **Charter Amendment No. 3**

### **Personnel policies for County Attorney and Director of Economic Development**

*Shall Article II, Sections 2.3.D. and F. of the Charlotte County Charter be amended to apply the same Charter personnel policies applicable to the County Administrator to the County Attorney and Director of Economic Development?*

*YES for Approval*

*NO for Rejection*

Section 2.3.D. and F. are amended as follows:

Section 2.3.D. is amended by renumbering existing section 2.3.D. to 2.3.D.(1) and adding new section D.(2) through D.(4) to read as follows:

(2) The county attorney shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of legal ability and qualifications, pursuant to requirements specified by ordinance, and shall reside in the county while so employed.

(3) The county attorney's salary shall be set by the board of county commissioners.

(4) The county attorney may be removed with or without cause upon the affirmative vote of four (4) members of the board of county commissioners, or upon the affirmative vote of three (3) members at two (2) separate board meetings held at least two (2) weeks apart. Grounds for removal for cause shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.

Section 2.3.F. is amended by renumbering existing section 2.3.F. to 2.3.F.(1) and adding new sections F.(2) through F. (4) to read as follows:

(2) The director of economic development shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of legal ability and qualifications, pursuant to requirements specified by ordinance, and shall reside in the county while so employed.

(3) The director of economic development's salary shall be set by the board of county commissioners.

(4) The director of economic development may be removed with or without cause upon the affirmative vote of four (4) members of the board of county commissioners, or upon the affirmative vote of three (3) members at two (2) separate board meetings held at least two (2) weeks apart. Grounds for removal for cause shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.

Commission Comments: None.



## Charter Amendment No. 4

*Shall the Charlotte County Charter be amended to require-referendum approval to allow Casino Gambling in Charlotte County?*

*YES for Approval*

*NO for Rejection*

Section 1.6 is added to the Charter to read:

### 1.6 Casino Gambling

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 a referendum on allowing casino gambling in the County is approved by a majority of the voters voting on the question at an election.

Commission Comments: Member Cyril Schrage questioned that if the State allows gambling, can the home charter counties challenge it? Attorney Berntsson replied that this proposal may be challenged as invalid even though other counties have adopted it into their Charters, and we don't know what law would be allowing it in the first place, so it's hard to say that it's contrary to that general law. Attorney Berntsson added that it is a level of protection that can be put into place, but it may not withstand judicial challenge. Member William Abbatematteo mentioned that he sits on the Zoning Appeals Board and that a new State Law regarding home occupations/businesses has preempted some of their rights even though we are Home Ruled, however it is not guaranteed, and this language could stand. Member Schrage added there are probably laws on the books that are not legal, but as long as people obey them its fine, its when someone challenges it that they get overturned.

#### b. Review and Approval of Recommendations to BCC (non-Charter Amendments):

- Better Advertisement of Charter Review Meetings.
- Change Memo procedure:
  1. The County Attorney and County Administrator approve these changes in advance.
  2. County Administrator to review with Economic Development their change memo procedures.
  3. For County Administration to outline and define the procedures for Economic Development projects to be vetted through various relevant county departments prior to Board of County Commissioner meetings where actions would be taken.

- Review procedure for oversight of County funds given to other government and non-governmental entities.
- Create a policy on the use of County offices and staff for non-county entities, including NGOs, civic groups, 501c(3), 501c (6), etc.
- One Percent Sales Tax: Review selection process of projects for one percent sales tax dollars and consider auditing of sales tax funds provided to other entities.
- MSBU Costs – request formal review process to provide options and suggestions (exemptions) to reduce burden.

Recommendations to Future Charter Review Commissions: None.

Commission Comments: Member Donna Barrett suggested changing the wording in the first bullet point item of "Better Advertisement" of Charter Review Meetings. Several suggestions were made with Member Donna Peterman suggesting "Better Communication" to which the Commission agreed favorably.

**MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY RICHARD PITZ TO CHANGE THE WORDING TO BETTER COMMUNICATION OF CHARTER REVIEW MEETINGS.**

**MOTION CARRIED: 11:0**

Publication of Public Hearing Notice: Attorney Berntsson raised the issue of how many times to publish the three Public Hearings and sought the CR Commission's direction. The Charter is silent on the topic of advertising and only requires the three Public Hearings on the proposed Ballot Questions. He offered that the CR Commission could advertise all three in one notice or could advertise each one separately.

Member William Shafer suggested a mailing be sent to the citizens, but Attorney Berntsson advised that the timing was too late to consider this method.

Member Donna Peterman suggested that the CR Commission advertise all three meetings at one time so the public could see that they have three options in dates and locations in which to attend meetings.

**MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY CYRIL SCHRAGE TO ADVERTISE ALL THREE MEETINGS IN A NEWSPAPER PUBLICATION ONE TIME AND REQUEST SOCIAL MEDIA SUPPORT FROM THE COUNTY.**

**Discussion:** Members discussed various methods of advertisement and the importance of the County assisting with social media avenues, as different methods (beside the newspaper) need to be used now and into the future. The Commission members asked that a request for assistance be conveyed to County Administration.

**MOTION CARRIED: 11:0**

**IV. New Business:**

- a. Change of June Meeting Date requested by Attorney Berntsson due to a conflict in his schedule.

**MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY DONNA PETERMAN TO CHANGE THE JUNE MEETING DATE FROM WEDNESDAY, JUNE 8 TO THURSDAY, JUNE 2, 2022 TO BE HELD IN MURDOCK IN MEETING ROOM B-106.**

**MOTION CARRIED: 11:0**

- b. Approval of Big W. Law Firm Statement for Services – April 1, 2022.

**MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY CYRIL SCHRAGE TO APPROVE THE BIG W. LAW FIRM APRIL STATEMENT FOR SERVICES IN THE AMOUNT OF \$1,968.75.**

**Discussion:** Member Donna Barrett asked if these attorney hours are checked and if there is backup documentation? Chairman Dryburgh affirmed that it is his job to verify those hours presented in the statement produced for payment.

**MOTION CARRIED: 11:0**

- c. Approval of CRC 2022 First Quarter Expense Report:

**MOTION WAS MADE BY DONALD MCCORMICK AND SECONDED BY WILLIAM SCHAFER TO APPROVE THE CRC 2022 FIRST QUARTER EXPENSE REPORT.**

**Discussion:** Member Donna Barrett queried if these expenses were in-line with previous commission expenditures? Chairman Dryburgh confirmed that the expenses were right on point.

**MOTION CARRIED: 11:0**

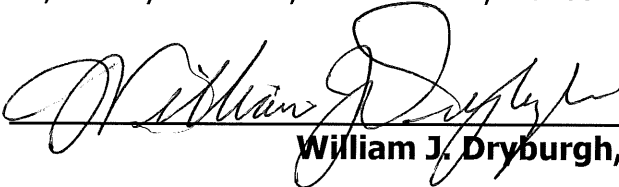
**V. Discussion:** Chairman Dryburgh commended the CR Commission members for all their efforts and hard work these past months in getting to this point in their work, especially the discussion and voting on all the topics that were raised by the public and the commission/subcommittees. The first Public Hearing on the proposed Amendments is April 27<sup>th</sup> at the Charlotte Harbor Event and Conference Center in Punta Gorda. The second hearing is at the Ann and Chuck Dever Park in Englewood and the last hearing is back here in Murdock in Room B-106. The last meeting of the Commission is June 2<sup>nd</sup> at which point the 2021-2022 Charter Review Commission will be finished with their responsibilities.

Member William Abbatematteo asked what is the procedure for the public input? Can they ask us to reconsider the proposals? Chairman Dryburgh agreed that the public could but that also new proposals may arise. Member Theresa Murtha inquired what is the process for the meeting? The Chairman replied the same as most meetings – call to order, minutes, etc. Attorney Berntsson followed up with more information such as there will not be a “Question and Answer” period and there will be no discussion with the Public. After the hearing portion, the Commission can decide at that meeting if a member wants to discuss an issue that was raised by the Public, and/or it could also be done at the following public hearings and then finally at the last meeting in June. If the Commission finds a new ballot question raised during these hearings, it is in the Commission’s purview to adopt a new question. The Public Hearing meetings are just for the proposed ballot questions themselves. Member Donna Peterman verified that the Commission would have to vote for any new ballot questions. “Yes”. Member Richard Pitz asked if the meetings could be conducted via Zoom? No, Attorney Berntsson replied this is not permitted.

**VI. ADJOURNMENT:**

**THE MEETING WAS ADJORNED BY CONSENSUS AT 3:31 P.M.**

The next meeting will convene on April 27, 2022, at 3:00 p.m. at the Charlotte Harbor Event and Conference Center, Myakka River Room AB, 75 Taylor Street, Punta Gorda, Florida.

  
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**William J. Dryburgh, Chair**

**DATE ADOPTED:** 4/27/2022