

**2021-2022
CHARTER REVIEW COMMISSION**

PUBLIC HEARING

**Ann & Chuck Dever Regional Park
6961 San Casa Drive
Englewood, FL 34224**

May 11, 2022

A Charter Review Commission (CRC) "Public Hearing" Meeting was held at the Ann & Chuck Dever Regional Park, 6961 San Casa Drive, Englewood, Florida at 3:00 p.m. on May 11, 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	Rob Humpel	<u>Alternates</u>
Patricia W. Aho	Richard J. Pitz	None
Donna Barrett	Adam James Riley	
Cherie Burnett	William B. Schafer	
William Dryburgh	Cyril Schrage	

The following members were absent: Members Jeffrey K. Anlauf, Donald McCormick, Theresa H. Murtha, Donna C. Peterman, and Bob White and Alternates Suzanne Graham and James Coalwell.

Others present: Robert H. Berntsson, Attorney.

Effective May 4, 2022 Charter Review Commission member Steve Drake resigned from the Charter Review Commission due to a move to another county. First Alternate Rob Humpel was made a full voting member of the Commission effective that date.

Citizen's present: David Kesselring.

I. Approval of Minutes:

MOTION WAS MADE BY RICHARD PITZ AND SECONDED BY ADAM RILEY TO APPROVE THE MINUTES FROM THE MEETING OF APRIL 27, 2022.

MOTION CARRIED: 10:0

II. Old Business:

a. Citizen Proposal: Citizen David Kesselring's proposal from the April 27th meeting regarding a proposed Charter Amendment concerning Public Input was presented for discussion. The proposed change was that during Citizen Input at public meetings, each citizen be given three minutes to speak "per topic". **The Proposal failed to be discussed further as a possible Charter Amendment due to lack of a Motion.**

III. New Business:

a. Approval of Big W Law Firm Statement for Services rendered – May 1, 2022:

MOTION WAS MADE BY PATRICIA AHO AND SECONDED BY DONNA BARRETT TO APPROVE THE BIG W LAW FIRM STATEMENT FOR SERVICES RENDERED – MAY 1, 2022 IN THE AMOUNT OF \$618.75.

MOTION CARRIED: 10:0

b. Approval of Sun Newspaper's invoice for Public Hearing Notice:

MOTION WAS MADE BY CHERIE BURNETT AND SECONDED BY ROB HUMPEL TO APPROVED THE INVOICE FROM THE SUN NEWSPAPER FOR THE PUBLIC HEARING NOTICE IN THE NEWSPAPER IN THE AMOUNT OF \$488.30.

MOTION CARRIED: 10:0

IV. Introduction and overview of proposed Charter Amendments under consideration:

- 1. County Commission Review of Operations**
- 2. Charter Review Commission to be convened every 10 years**
- 3. Personnel policies for County Attorney and Director of Economic Development**
- 4. Casino Gambling – require referendum approval**

Attorney Robert Berntsson opened the Citizen Input portion of the Public Hearing. By consensus of those in attendance (Commission members and Citizen), he did not again read the Charter proposals which are provided here for continuity for the following CRC and public comments.

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 ~~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."

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 20~~16~~32 and at least eighteen (18) months before the general election occurring every ten (610) 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.

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.

Charter Amendment No. 4

Casino Gambling:

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.

Public Hearing:

V. Citizen Input: Citizen David Kesselring made the following comments regarding the proposed Charter Amendments:

- Regarding his proposal of citizen input of 3 minutes per topic, Mr. Kesselring conveyed his doubt that any citizen would wish to speak on all Agenda items. If the Commissioners have the right to speak on all items, why shouldn't citizens have the right also?
- Regarding changing the review of the Charter to every ten years: There were basically two arguments for this; 1) Hard on the citizens – no one that he knew of ever complained indicating that it was not a hardship at all; 2) Hard on the Commission Members – this is a volunteer commission, if one is not willing and able to perform the duties and attend the meetings, do not volunteer. Sarasota County reviews their Charter every 4 years and he would recommend the same for Charlotte County and would ask that someone amend this proposed Amendment to reflect the same.
- Casino Gambling: Mr. Kesselring stated he did not believe that this is part of the structure of government and should not be included in the Charter. He previously heard the statement that our Charter is thin, and it should stay that way in this regard. What the Charter needs is more citizen protections and their voice. Please vote this Amendment down.

VI. Commission Comments:

Attorney Robert Berntsson commented that there will be one more Public Hearing in Murdock followed by a CRC meeting on June 2nd to vote again on all four proposed Amendments by the Commission members.

Chairman Dryburgh extended an invitation to anyone wishing to come to the July 12th Board of County Commissioners meeting to witness the presentation of this report. The Commissioners must accept the report without any changes. The Chair also expressed his thanks to everyone for traveling out to Englewood for this meeting, which demonstrates the level of commitment in following the direction of the Charter for these Public Hearings. Unfortunately, with all the notices in the paper and other media only one citizen is in attendance. The City of Punta Gorda's Charter Review Commission also had no public comments on their recent proposals.

Member William Schafer commented that the gambling amendment allows the citizens to decide on gambling in the county. Attorney Berntsson cautioned that while the State of Florida does not allow casino gambling at this time, this could change in the future. However, we do not know what form this might take, and it might override whatever is put into the Charter.

Member William Abbatematteo reflected on the 3-minute comment time and how it limits a person and their involvement in government. While not in favor of a Charter Amendment he would not be against a new recommendation to the County Commission. He would suggest retaining the 3-minute rule but if there is more than 1 topic, then increase the time limit to 5 minutes. This rule seems stacked against the citizen, and this would show we have an interest in their input. Member Donna Barrett commented

that there has been an evolution over time in that citizens can email their comments directly to commissioners (or other public officials) in advance of a meeting, there is no need to wait until the meeting to present comments. Member Cyril Schrage stated we should not be making rules for the County Commission.

Member Patricia Aho raised the concern which the Constitutional Officers subcommittee grappled with regarding enforcing residency, especially for candidates for elected office under the Charter. The committee could not develop a Charter question, but this violation may occur again in this election cycle for an elected official covered by our Charter. Is there anything we can do in the form of a recommendation to encourage the County Commissioners to find a way to enforce the residency requirement in our Charter for candidates? Attorney Berntsson replied that this came before the County Commission before, and they decided they did not have standing in the matter. The candidate running for office would have the standing to challenge the violation. Anyone can raise an issue regarding enforcement. Member Aho wondered why the Charter is silent on enforcement and felt that the Charter Review Commission needs to make a statement on the enforcement of our Charter. Upon various other member comments and further discussion, the Commission made the following motion:

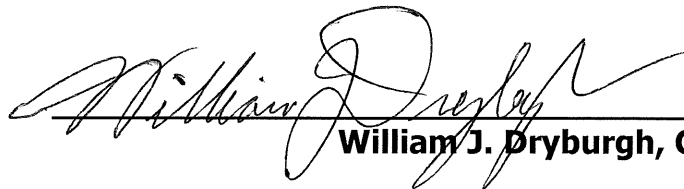
MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY CHERIE BURNETTE TO ADD TO THE AGENDA FOR THE NEXT MEETING AN ITEM TO CONSIDER A RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS TO INVESTIGATE WAYS TO ENFORCE THE COUNTY CHARTER FOR POSSIBLE INCLUSION IN THE CRC FINAL REPORT.

MOTION CARRIED: 9:1

VII. ADJOURNMENT:

THE MEETING WAS ADJORNED BY CONSENSUS AT 3:35 P.M.

The next Public Hearing meeting will convene on May 25, 2022, at 3 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 5/25/2022