

**2021-2022
CHARTER REVIEW COMMISSION**

PUBLIC HEARING

Wednesday, May 25, 2022 @ 3:00 p.m.

A Charter Review Commission (CRC) "Public Hearing" Meeting was held at the Administration Center 18500 Murdock Circle, Room #B-106, Port Charlotte, Florida 33948, at 3:00 p.m. on May 25, 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:

Patricia W. Aho	Theresa A. Murtha	<u>Alternates</u>
Jeffrey K. Anlauf	Donna C. Peterman	None
Donna Barrett	Richard J. Pitz	
William Dryburgh	Cyril F. Schrage	
Donald McCormick		

The following members were absent: Members William Abbatematteo, Cherie Burnett, Rob Humpel, Adam James Riley, William B. Schafer, Bob White and Alternates Suzanne Graham and James Coalwell.

Others present: Robert H. Berntsson, Attorney and Charlotte County Attorney Janette S. Knowlton.

Citizen's present: None.

I. Approval of Minutes:

MOTION WAS MADE BY CYRIL SCHRAGE AND SECONDED BY DONNA BARRETT TO APPROVE THE MINUTES FROM THE MEETING OF MAY 11, 2022.

MOTION CARRIED: 9:0

II. Old Business: Review and approve the recommendation to the County Commissioners "that they have staff formulate a strategy to be used to enforce the Charter provisions, especially candidate qualifications required by the Charter".

Chairman Dryburgh informed the members about his conversation with Supervisor of Elections Hon. Paul A. Stamoulis regarding the past issues of Charter enforcement by a candidate for office who did not live in Charlotte Office and what this commission could do. Mr. Stamoulis suggested language such as "the Board of County Commissioners shall enforce the residency requirement of the Charter." This information was given to Attorney Berntsson. Chairman Dryburgh then introduced Charlotte County Attorney Janette Knowlton who wished to speak to the Commission regarding this issue.

Attorney Knowlton informed the commission that she too had brought forward the issue of enforcement, especially concerning non-interference in her interview with the Administration/Staff subcommittee. Roger Eaton, Clerk of the Court, spoke about enforcement in his interview as well as Paul Stamoulis in his interview with the Constitutional Officers subcommittee. She conveyed that the non-interference clause is unenforceable as it would be difficult for her to bring an injunction against a sitting commissioner. This enforcement language is problematic. She presented information from the Lee County Charter (which is similar to ours) which has good language regarding enforcement of "violation of noninterference". Their charter states, "violation of this provision in the charter constitutes malfeasance". However, whoever's rights are violated still needs to step forward to file the complaint. The Supervisor of Elections role is ministerial, but who else would be the most qualified to "qualify" someone as a candidate? Why don't we get a legislative fix? Saying "the Supervisor of Elections has the duty to qualify candidates, including residency". How would he handle it if someone is running against his position? In that event, there should be an exception in the Legislature that someone else would investigate the matter, maybe the Division of Elections or Ethics. In the language suggested by Chairman Dryburgh that the county would enforce, that would then mean that the county attorney's office would have to investigate. We are not investigators; we do not deal with election law. Attorney Knowlton referred to previous comments made to this commission that the person to file the complaint to be investigated would be the person with "standing" in the matter. Member Schrage asked who would one then file a complaint with? Attorney Knowlton replied, maybe the Division of Elections or the Commission on Ethics.

Member Aho thanked Attorney Knowlton and reported that she was the one who raised this issue at the last CRC meeting asking it to be a notation in our Final Report to the Commissioners that this Charter Review Commission did spend considerable time discussing "enforcement of the charter". I did not ask for any Ballot question, simply that I wanted this noted in our final report. The vote in our minutes was 9 to 1 in favor of having it placed on our Agenda today for discussion. Through our work in the Constitutional Officers subcommittee, listening to the officers, we determined that we have no mechanism to enforce our charter.

Member Barrett reported that she has also done research on this issue and feels the best recommendation is to ask the county to speak with their lobbyists or our legislators at the state level about seeing if we can get this loophole closed. Even as a charter county, we cannot supersede state law.

Attorney Berntsson reported that after the last CRC meeting, he drafted the new language before you, "that they (Board of County Commissioners) have staff formulate a strategy to be used to enforce the

Charter provisions, especially candidate qualifications required by the Charter.” If this recommendation goes into the Final Report, this allows Attorney Knowlton to do what she is setting forth. It is not the solution that some people may or may not want, but this commission did a lot of work on this topic, and if it is reflected in the Final Report, it allows the Board of County Commissioners to do what they feel is appropriate. If it is still an issue when the next Charter Review Commission convenes, maybe then it becomes a priority issue for the commission at that time.

Member Schrage asked who controls the duties of the Supervisor of Elections, State Election Law, or our Charter? Attorney Berntsson answered, State Election Law. Member Schrage followed with the question why then can't he just say you are not living in the county? Attorney Berntsson replied while it was surprising to find this out, the Supervisor of Election's job is only ministerial. He does not review the form for accuracy or qualifications.

Member McCormick conveyed he also was present at Mr. Stamoulis' interview where he read the State Statute that he cannot review the document – he is in fact barred by statute.

Member Barrett commented on the “gray area” of the law which states that one must live in the area at the time of election (not filing for election). The candidate files 6 months before the election and if the candidate wins, they will need to move into the county. If the candidate does not live in the county, that is when the county officials get involved.

Chairman Dryburgh commented that he agrees with adding this recommendation to the Final Report which then gives the county the mechanism to go to the state legislature to change the language which would then bring the duty back to the Supervisor of Elections.

MOTION WAS MADE BY PATRICIA AHO AND SECONDED BY DONNA BARRETT TO ADD THE LANGUAGE RECOMMENDING “THAT THEY HAVE STAFF FORMULATE A STRATEGY TO BE USED TO ENFORCE THE CHARTER PROVISIONS, ESPECIALLY CANDIDATE QUALIFICATIONS REQUIRED BY THE CHARTER” TO THE BOARD OF COUNTY COMMISSIONERS IN THE FINAL REPORT.

MOTION CARRIED: 9:0

III. New Business: None.

Public Hearing

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

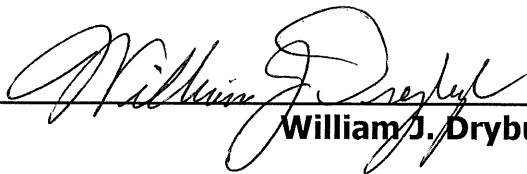
There being no attendees from the Public this portion of the meeting was waived.

V. ADJOURNMENT:

The Chair thanked the Commission for their excellent work and asked that everyone try to make the last meeting on Thursday, June 2nd for the final voting on the Amendments.

THE MEETING WAS ADJORNED BY CONSENSUS AT 3:16 P.M.

The final meeting of the Charter Review Commission will convene on Thursday, June 2, 2022, at 3 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 6/2/2022