

BOARD OF COUNTY COMMISSIONERS

April 22, 2009

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Loftus, Commissioner Starr, Commissioner Cummings, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, and Deputy Clerk Manley. The following members were absent: None

The workshop was called to order at **1:30 PM**, followed by the Pledge of Allegiance.

1. Review Performance Budgets - Kelly Shoemaker and Ray Sandrock

Ms. Shoemaker explained the purpose of today's workshop; and indicated that hereafter when time allows questions from earlier sessions would be answered.

a. County Attorney

Ms. Shoemaker reviewed Reduction Update for General Revenues and Other Funds on slide #3 and read the County Attorney Mission Statement on slide #4 into the record; and indicated the four core services are shown on slide 5. Ms. Shoemaker provided detail related to Core Service #1 - Liability and Risk Mitigation description and linkage to strategic goals, gave FTE information, and described the three (3) results shown on slides 6 through 8. Attorney Knowlton explained procedure and calculation methods by the County Attorney's office which resulted in how time allocation percentages were developed; commented on savings of an estimated \$2.25M realized through settlement of negotiated claims and litigation; indicated there were 135 litigation matters in 2008, which is an 86% increase from 2007; that to date this year there has been 72 new additional litigation matters; that for FY07/08 there were 94 foreclosures and the trend for this year shows that number will be far exceeded; pointed out that on the foreclosure cases they are looking at CCU liens, CEB liens, and SHIP liens to recover for the County; and that a conservative estimate they are

seeking to recoup on behalf of the County on the SHIP liens is \$1M. Ms. Shoemaker reviewed the graph depicting the Liability and Risk Mitigation percent of time by results shown on slide 9; and pointed out that the greatest time allocation is for legal representation.

Mr. Sandrock provided detail related to Core Service #2 - Legal Review, description and linkage to strategic goals, gave FTE information, described the three (3) results, and reviewed the graph depicting Legal Review percent of time by results shown on slides 10 through 13.

Mr. Sandrock provided detail related to Core Service #3 - Legal Advice and Guidance, description and linkage to strategic goals, gave FTE information, described the two (2) results, and reviewed the graph depicting Legal Advice and Guidance percent of time allocation by results shown on slides 14 through 17. Mr. Sandrock explained the graph shown on page 18 provided by the County Attorney's office shows time allocation into the different funds of the County, with the General Fund reflecting the greatest percentage. Attorney Knowlton noted that the majority of time spent under the General Fund was on Purchasing and HR and the most significant time involvement under Public Safety was Zoning; and pointed out that for FY07/08 there were 812 legal requests, an increase of 11.5% from the previous year.

Commissioner Skidmore inquired if Public Safety included only Fire/EMS or the Sheriff's Office as well. Attorney Knowlton advised that Public Safety is Zoning, Licensing, Natural Resources, Growth and Land Development, Code Compliance and Enforcement, and Building Construction Services. **Commissioner Skidmore** inquired if the advisory board Sunshine training was charged under the BCC fund. Attorney Knowlton explained they have been put on video tape now as a cost savings measure; and stated that the majority of the 16.9% charge under BCC is for litigation.

Ms. Shoemaker provided detail related to Core Service #4 - Legal Document Preparation, description and linkage to strategic goals, gave FTE information, described the three (3) results, and reviewed the graphs depicting Legal Document Preparation percent of time allocation by results and the allocation of FY07-08 Legal Requests shown on slides 19 through 23. Attorney

Knowlton pointed out this is an overall increase of 9.5% on drafting these documents than the year prior; and provided elaboration of "attend, conduct meeting or conferences related to document drafting" referenced on slide 22, at **Chairman Duffy's** request.

Mr. Sandrock advised there are 13 employees in the organizational structure as shown on slide 25. **Commissioner Skidmore** asked if we were still the number two largest law firm in Charlotte County and if there is a better comparison to look at other than population. **Chairman Duffy** asked how Charlotte County's Attorney Office compared to nearby counties. Attorney Knowlton explained Charlotte County is unusual in that it only has one municipality and a lot of rural areas; and commented on comparisons of work load between private firms and the Charlotte County Attorney's Office and counties that outsource work versus work done in-house as Charlotte County does. **Chairman Duffy** asked what specialized areas Charlotte County has. Attorney Knowlton said her office handles areas of utilities, land use, labor, litigation, general public, governmental, purchasing, and code enforcement.

Commissioner Loftus asked if work done by the County Attorney's Office on foreclosures was billed to the department of the person the foreclosure was on. Mr. Sandrock explained time allocation received from the County Attorney's Office drives costs and allocation to the different departments. **Commissioner Loftus** asked if there is a means in which to charge the legal fees incurred in recouping liens to the foreclosed property owner/customer. Attorney Knowlton indicated she did not know how that could be done but would look into it.

Mr. Sandrock provided detail related to County Attorney Recommended Reduction Scenario, slide 26. Attorney Knowlton indicated that the \$130,000 in item #1 for legal service - phosphate is the amount remaining since legal action was stopped on phosphate; and explained circumstances which led a prior Board to approve setting aside \$250,000 for two consecutive years for a regional phosphate Environmental Impact Study (EIS), which she recommends be removed. **Commissioner Skidmore** asked if items #1 and #2 were just unspent money. **Commissioner Cummings** said item #2 is a carry-forward, but #1 is approximately what was being budgeted annually to expend on that. Attorney Knowlton

stated the \$250,000 shown is for this year but it is a two-year thing because the Board approved a total of \$500,000.

(Discussion ensued with further clarification on allocation of the \$500,000.)

Commissioner Starr stated we asked for reductions, there is \$423,933 in savings in this budget, and recommended independent discussion be had with Mr. Sandrock for further clarification on the \$250,000 being questioned.

Commissioner Skidmore stated that the current Board already voted early this year not to spend anymore on outside legal counsel and further matters related to phosphate, and questioned the items as being actual cuts versus money moved around. Ms. Shoemaker explained that we have brought to the Board items that have not been spent in this current year given the direction of the Board; and that it is in line with every review that Budget has done until this point. Mr. Sandrock said this adds to the target we are trying to get to and they are reductions.

Attorney Knowlton stated that on item 8 those in the County Attorney's Office that make over \$100,000 decided to give back 5% of their salaries rather than cut further into the level of service provided. Attorney Knowlton advised that another change made since the presentation was put together, which will be brought back by Board action, is reclassification of the Deputy County Attorney position to an Assistant County Attorney position, and an additional savings.

Commissioner Starr inquired if numbers for outside legal counsel would show up in the County Attorney's budget or billed to the department that needs them. Mr. Sandrock explained it would mostly go into the County Attorney's budget; that there may be some rare instances where outside counsel had to be hired and funded first from self insurance; but that eventually it would always end up back with the department involved and not in the County Attorney's budget. **Commissioner Starr** stated one of the first discussions he had with the County Attorney was the need to curtail use of outside legal counsel.

Mr. Sandrock explained that legal expenses for Murdock Village would have gone into the CIP project rather than through the

County Attorney's budget. **Commissioner Starr** recalled seeing other large numbers when reviewing past budgets and opined there would be considerable savings handling those items in house rather than through outside counsel.

Commissioner Skidmore inquired if there would be a cost savings if the initial framework for ordinances are crafted by the department and reviewed by the County Attorney's Office. Attorney Knowlton commented on previous difficulties and why her department is involved at the beginning. **Commissioner Skidmore** asked if Attorney Knowlton had an approximate savings from the reclassification of Deputy County Attorney and if it would change the FRS requirement. Attorney Knowlton stated the FRS classification would go from senior management to regular; and indicated she did not have numbers that were verified by Budget.

Mr. Sandrock reviewed revenue opportunities listed on slide 27; indicated revenues are coming in higher than budgeted; and that the second item listed is the result of a rate increase that is charged to the Housing Finance Authority. Attorney Knowlton advised an attorney in the County Attorney's Office has acted as the attorney for the Housing Finance Authority (HFA); that over the last couple years approximately 50-100 hours per year has been spent on HFA matters; that it is proposed the hourly rate be increased from \$90 to \$120 per hour; and that the HFA is in agreement to the increase. **Chairman Duffy** expressed concern on creating a burden on the HFA due to the amount of administrative cost HFA can incur.

Chairman Duffy expressed concern of creating a burden on the HFA due to the percentage of administrative cost HFA can incur. **Commissioner Cummings** opined we are not close to the cap on administrative fees for that agency. Attorney Knowlton agreed; and responded to **Commissioner Starr's** inquiry that the private sector would charge about \$250 per hour, or \$200 per hour minimum. **Commissioner Skidmore** asked if there was opportunity to increase revenue obtained from the Code Enforcement Board. Attorney Knowlton stated she did not have an immediate answer, but thought it was currently under review. **Commissioner Skidmore** commented on the County Attorney's Office use of the Florida Association of Counties and their senior counselor to cut down on research time. Attorney Knowlton advised that her office already takes advantage of that agency.

COMMISSIONER SKIDMORE MOVED TO ACCEPT THE COST SAVING MEASURES PROVIDED BY THE COUNTY ATTORNEY'S OFFICE, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

Commissioner Skidmore noted that although it was not included in the motion, Attorney Knowlton is to bring back to the BOCC savings from the reclassification of the Deputy County Attorney position to an Assistant County Attorney position.

Commissioner Loftus requested further clarification of what the County Attorney Current Year Savings, slide 28, item #1, Phosphate, of \$269,116 consisted of. Mr. Sandrock indicated that item should be reduced a little and that he would get back with the Board. (**Further discussion ensued on the \$500,000 allocation for the EIS study.**) Attorney Knowlton assured the Board that no monies were spent on a phosphate EIS.

b. BCC Control Budgets

Mr. Sandrock provided detail related to BCC Control Budgets and FY08/09 Adopted BCC Control Budgets shown on slides 31 and 32; indicated what is budgeted this year would be shown because in many cases the new request for next year is not known; reviewed the chart format; and stated each category would be reviewed independently, with direction from the Board requested.

Mr. Sandrock provided detail related to item 1; indicated State Statute requires that certain audits be done; that there are two firms we generally use, one being a local firm that does the audits for the constitutional officers, and a larger firm for the BCC audit; that the larger firm has been in place with the County for four years and we have exercised the fifth optional year; and that after next year we will go out to bid again.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 1, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Ms. Shoemaker provided detail related to item 2; indicated another way to handle this would be to let the department requesting the item be sold handle the costs from the proceeds of sale; and stated that is staff's recommendation. **Commissioner Cummings** pointed out it would not take it out of the budget, just change where it shows up. Ms. Shoemaker replied affirmatively. **Commissioner Skidmore** clarified that the amount collected far exceeds expenditures. Ms. Shoemaker replied affirmatively.

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM 2, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Ms. Shoemaker provided detail related to item 3. **Commissioner Skidmore** inquired if first class or bulk postage is used. Mr. Sandrock opined it would be bulk. **Chairman Duffy** asked that staff be certain the highest cost savings method be used.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 3, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Ms. Shoemaker provided detail related to item 4. **Commissioner Skidmore** asked if this number is proposed to decrease this year. Finance Director Ann Larravee stated the number would decrease this year; indicated the Clerk's budget submittal actually includes the cost for the checks; that the \$3,000 listed is for some type banking charge but is not for checks that get printed; and stated that the Clerk's office is checking into what that amount represents. **Commissioner Skidmore** expressed concern approving the item if we do not know what it is. **Chairman Duffy** requested that this item be postponed. **(Consensus)**

Ms. Shoemaker provided detail related to item 5. **Chairman Duffy** asked if all counties were required to do this through United States mail; and opined there would be cost savings if it could be done electronically. Attorney Knowlton said she did not know at this time but would look into it.

COMMISSIONER STARR MOVED TO APPROVE ITEM 5, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Mr. Sandrock indicated item 6 needs to be changed from "Discretionary" to "Mandated"; and indicated this is the crossing guard program which is administered by the Sheriff's office and by State Statute funded by the BOCC. Mr. Sandrock provided detail on an option within the Florida Statutes that allows additional funding to be obtained through a surcharge on parking fines for the sole purpose of funding school crossing guard programs. **Commissioner Skidmore** asked what the local option would be. Mr. Sandrock stated he did not know, but more research could be done and it brought back for the Board to consider. **Commissioner Loftus** said he would like more information.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 6, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Mr. Sandrock provided detail related to item 7; indicated items #8 and 9 are related to loans; that item #8 is principal and interest on phosphate loans made from the landfill of \$145,000 per year; that this year is the last payment of a \$650,000 internal loan and would not be re-budgeted next year. Mr. Sandrock provided detail related to item #9; indicated this item is related to principal and interest on a \$1.3M pool commercial paper loan of approximately \$260,000 for five years for the Family Services Center; and that this current year payment and one more payment for next year would complete the loan. **Chairman Duffy** clarified that the payment being voted on would be the final payment. Mr. Sandrock replied affirmatively.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 7, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 8, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 9, SECONDED BY
COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Mr. Sandrock provided detail related to item 10. **Commissioner Starr** asked if Charlotte County's new juvenile facility addition at the jail would reduce this charge. **Chairman Duffy** explained this is a longer term juvenile detention facility and Charlotte County's is a short-tem facility. **Commissioner Starr** inquired if Charlotte County receives payment if it houses juveniles from other counties. **Chairman Duffy** said she believes so. **Commissioner Skidmore** asked if this is mandated by the State. Mr. Sandrock replied affirmatively. **Commissioner Skidmore** inquired if there is a revenue source from fines and collections from court trials for these juveniles to offset this cost. Mr. White explained that there are fees and fines related to the court system but under Article V all court revenues go to the State and the State redistributes to fund the courts. **Commissioner Skidmore** stated he would discuss this issue with our legislative delegates. Ms. Shoemaker clarified that Article V is new within the last couple years. Mr. White replied affirmatively.

Commissioner Starr opined this should have been prioritized in the new juvenile jail section to get some payback; and indicated he would also address the issue with our legislative delegates. **Commissioner Cummings** explained this was a direct response to the Article V referendum approved by the public and provided additional detail; indicated this is through the State court system and even if we had a state facility we have no control over sentencing or where these juveniles go; that the State just sends us a bill. **Commissioner Skidmore** asked what the consequence would be if we said we could not afford it. Mr. Sandrock said they would likely withhold our State revenue shares.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 10, SECONDED BY
COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Mr. Sandrock provided detail related to item 11.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 11, SECONDED BY CHAIRMAN DUFFY

Commissioner Skidmore requested clarification of what the fee is for. **Commissioner Loftus** said it is for management operational costs. **Commissioner Cummings** said administration and planning. **Commissioner Starr** explained that the dues must be paid in order to vote; and that he would vote against it because of his feeling toward the Authority. **Commissioner Cummings** commented on the Authority budgets and where the allocation comes in. **Commissioner Skidmore** asked what happens if this does not pass. **Commissioner Cummings** said we would pay somewhere; and pointed out we have contractual obligations.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Ms. Shoemaker provided detail related to the Tax Increment Payments (TIPs) that are made for the Punta Gorda and Charlotte Harbor Community Redevelopment Agencies (CRA's), items 12 and 13. **Commissioner Cummings** inquired if the City of Punta Gorda did the additional borrowing that would extend this. Ms. Shoemaker said she was not certain. **Commissioner Starr** stated he understands the initial need for this, but questioned the need for continuance; and opined we need to examine what remains to be done and consider moving back or eliminating. **Commissioner Cummings** opined the Punta Gorda CRA is close to termination but that the Charlotte Harbor CRA is relatively new. **Commissioner Loftus** agreed; and advised the Punta Gorda CRA started in 1989; and that the Charlotte Harbor CRA began in 1992, but did not get funding until 2003. Attorney Knowlton stated that the Punta Gorda CRA amended its plan, believes there is another ten years remaining, and that the County has contractual obligations.

Commissioner Skidmore asked if the County was able to stop TIP funding to the Punta Gorda CRA. Mr. Baltz said he has been asked that question from other Commissioners and it is being researched; but opined the extension may have pre-empted the BOCC from stopping the funding. Attorney Knowlton agreed. **Commissioner Skidmore** commented on where TIP funds come from; indicated he has received emails from citizens commenting about

how much better the City looks than the County; and pointed out that Punta Gorda has made so much more progress largely due to the County's efforts to beautify a blighted area. Mr. Baltz stated that TIP revenues are generated from properties within the boundary of the CRA, not property tax money generated from other parts of the County. **Commissioner Starr** asked if the CRA was not in effect and TIP money not given, would the revenues come to the County. Mr. Baltz replied affirmatively.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 12, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 13, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Ms. Shoemaker provided detail related to item 14. **Commissioner Starr** indicated there seems to be overlap with many agencies doing the same thing. **Chairman Duffy** explained this is a residential, inpatient/outpatient, facility that performs a critical need for the community. **Commissioner Loftus** agreed; and indicated there is no duplication of service. Jay Glynn commented on services performed by Charlotte Behavioral versus that done by Drug Free; and indicated that Charlotte Behavioral has a contract where it receives some State funds that it gives to Drug Free for doing prevention work such as education for children in an effort to keep children out of the Juvenile Justice Program. **Commissioner Starr** suggested looking at the feasibility of joining the various services to save taxpayers some money. Mr. Glynn advised that Charlotte County is unique from surrounding counties in that all the social service agencies work closely together and are not in competition for the dollars.

Commissioner Starr expressed concern with the overall costs; indicated the services are necessary but we need to be as effective as possible; and asked why the County is giving an overmatch of \$421,197. Mr. Glynn explained that the match is a State requirement; that this is a result of State mandates on

the counties and telling them if the services are wanted the communities must pay for them based upon the match formula; indicated that the agency has seen 18% more people this year over last even with the cuts; that the agency has become as efficient as possible; but it is difficult to keep up with the economy.

Commissioner Starr commended the facility but indicated he struggles with the County overmatch; and asked if the agency could still run an effective operation with the \$1.17M mandated match. Mr. Glynn explained that he is not certain of all the numbers at this time; but indicated the agency is at a point where if the \$421,197 is cut it would result in elimination of programs and staff. **Chairman Duffy** opined there are certain areas where the County needs to fund more and this is one of them. **Commissioner Loftus** agreed; and pointed out the organization is still handling people who have not recovered from hurricane Charley. Mr. Glynn opined if the County cuts the funds and the services are cut crime would go up, more people would be in the emergency rooms, and the County would pay for it in another manner.

COMMISSIONER STARR MOVED TO APPROVE ITEM 14 WITH THE EXCEPTION OF THE OVERMATCH OF \$421,197. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 14, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

RECESS: 3:25 PM - 3:35 PM

Mr. Sandrock provided detail related to item 15; indicated this enables the public to pay for transactions with a credit card or through Web Pay on the internet; and is the rental charge for the equipment and credit card fees. Mr. Sandrock stated that part of the methodology a few years ago was to build that cost within the charges; that this is done in private business as well; but unlike private business we have tried to build in a charge to recoup this. **Commissioner Skidmore** explained there is a competitive element here and hopes we piggyback on some of the competitiveness in an effort to reduce the cost. Mr. White said

he has done this for a long time, keeps a check on it carefully, assured the Board the rates are good, and indicated every effort is made to keep the County in a position to demand the highest leverage.

COMMISSIONER STARR MOVED TO APPROVE ITEM 15, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Mr. Sandrock explained that Mr. White would provide detail related to item 16. Mr. White advised the number reflected is an expenditure for that account, but is not the actual cost; and that the actual cost should be \$5,000 - \$10,000. Mr. White commented on the VAB process, fees and costs involved, distribution, and charges to the School Board and the Board of County Commissioners. **Commissioner Starr** suggested the Board pass on this item if an actual number is not known.

COMMISSIONER STARR MOVED TO APPROVE ITEM 16, SECONDED BY COMMISSIONER LOFTUS

Commissioner Cummings stated this is not a final vote on the budget, but a workshop looking at functions, uses, and a general guideline as to what can be anticipated. **Chairman Duffy** pointed out an exact amount will not be known because it would be based on next year's appeals. Mr. White provided additional detail to the process, which begins in March; and indicated he could advise the number in June that would be charged to the Board this year but is unable to say what would be charged to the Board next June. Mr. Sandrock stated it is not unusual in some categories for the true expenditure to come in higher or lower, but we are looking at not exceeding the overall budget. **Chairman Duffy** clarified that the VAB would not run into a problem by the Board authorizing only \$1,338. **Commissioner Cummings** said it would not create a problem because a different line item would be approved by the Board in September, to which Mr. Sandrock agreed.

MOTION CARRIED 5:0.

Mr. Sandrock provided detail related to item 17; indicated that the money was not spent this year; and that the recommendation

is not to re-budget next year. **Commissioner Skidmore** clarified the amount requested should be zero. Mr. Sandrock replied affirmatively. **Commissioner Starr** expressed concern with costs for upgrades and maintenance, commented on equipment purchased that no one in the department knew how to operate, and opined there should be someone on staff in IT for this. Ms. Shoemaker explained there is staff in Information Technology (IT) trained on the upgrades; that software packages are purchased to do specific things; and those companies provide the training to our staff. Ms. Shoemaker stated she cannot speak to what was done several years ago; but pointed out that our IT staff is more proactive on the front end with departments purchasing software in order to train department staff appropriately. **Commissioner Starr** indicated there would be more expense in future years as we become more technologically advanced; and opined we need to look at modernizing our IT department to eliminate some of the consultant costs. Mr. Sandrock clarified that it is staff's recommendation that the amount for re-budgeting on item 17 be zero.

COMMISSIONER STARR MOVED TO FUND A ZERO AMOUNT FOR ITEM 17, SECONDED BY COMMISSIONER SKIDMORE

Chairman Duffy clarified the motion is to deny the expenditure on item 17.

MOTION CARRIED 5:0.

Mr. Sandrock stated that item 18 is an impact fee that had to be paid which was not part of the original project cost of the Sports Park; and indicated the item was paid from BCC controlled with the intent that it would be paid back from Tourist Tax.

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM 18, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Mr. Sandrock provided detail related to item 19; and indicated this relates to bank fees earlier discussed by Mr. White.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 19, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Ms. Shoemaker informed the Board that she received clarification that Florida Statutes does require first class mailing on MSBU and TRIM notices as earlier discussed in items 3 and 5.

Ms. Shoemaker provided detail and background related to item 20; commented on funding successes and outstanding funding authorizations; and stated that staff recommends continuing with this item. **Commissioner Cummings** inquired if this includes the time value of the over \$50M expedited FEMA reimbursements. Ms. Shoemaker said it does not. **Commissioner Starr** stated that unless the millions of dollars received could be tied to The Ferguson Group he would not be in favor of spending \$125,000 for a lobbyist; indicated that the Commissioners have a good relationship with their legislators; and opined the Commissioners could become their own lobbyists. Ms. Shoemaker explained that staff would not be knowledgeable in the process in how to go about getting the appropriations or the paperwork required in the funding process. **Commissioner Starr** stated he was pleased that we discontinued out lobbyist in Tallahassee; and opined we could also do without The Ferguson Group. **Commissioner Cummings** indicated it was our Congressman who pointed out the importance of The Ferguson Group. **Commissioner Loftus** stated The Ferguson Group is worth the money; and indicated their representatives keep in constant communication with us. **Commissioner Skidmore** asked if there is an opportunity to renegotiate with The Ferguson Group; and indicated other counties use a different group. Ms. Shoemaker explained the same amount has been paid since 2004; indicated she did not think we would get a better price; but that she has not checked into that. **Chairman Duffy** pointed out that Sarasota uses another company, which charges more; indicated The Ferguson Group has not raised their prices due to economy; and agreed The Ferguson Group is very important. **Commissioner Cummings** stated in speaking to one of the Lee County Commissioners who was a former federal employee he was advised that Lee County Commissioners they had selected The Ferguson Group. Ms. Shoemaker said she believes The Ferguson Group is also contracted with Collier County.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 20, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

Ms. Shoemaker provided detail related to item 21. **Commissioner Loftus** stated Charlotte County is a founding member of this consortium, which is a sub-consortium of The Ferguson Group; indicated they have made great advances with the stimulus package for energy; and opined it is worthwhile to continue support because the state and federal governments are moving toward energy and this group is working toward getting us energy stimulus funds.

COMMISSIONER STARR MOVED TO DENY ITEM 21, SECONDED BY COMMISSIONER SKIDMORE

MOTION FAILED 2:3.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 21, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

Ms. Shoemaker provided detail related to item 22. **Commissioner Skidmore** stated he would like to have staff check into the use of reserve deputies or Florida Highway Patrol (FHP) auxiliaries, who are fully certified law enforcement officers, required to do a certain number of community service hours, and would be free use to the County.

COMMISSIONER STARR MOVED TO DENY ITEM 22, AND DIRECT STAFF TO CHECK INTO THE USE OF RESERVE DEPUTIES OF FLORIDA HIGHWAY PATROL (FHP) AUXILIARIES, SECONDED BY COMMISSIONER SKIDMORE

(There was no call for a vote on this motion.)

Chairman Duffy disagreed. **Commissioner Skidmore** pointed out that auxiliary deputies are fully trained officers used at many other area functions. **Commissioner Loftus** commented on the abuse that has occurred at former MSBU hearings; and stated he is not certain this is the appropriate use for reserve officers. **Commissioner Starr** agreed the Commission needs protection; but finds nothing wrong with using auxiliary or reserve deputies.

Commissioner Cummings stated this is not only about protecting Board members but the public who attend; and opined the best way to do that is to contract through the Sheriff's Office. **Commissioner Skidmore** stated that he was only suggesting that staff investigate the possible use of reserve units which have been previously used as a cost cutting measure.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 22 WITH THE CONDITION THAT STAFF CHECK INTO THE USE OF RESERVE DEPUTIES OR FLORIDA HIGHWAY PATROL (FHP) AUXILIARIES AS RECOMMENDED BY COMMISSIONER SKIDMORE, SECONDED BY CHAIRMAN DUFFY

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Mr. Sandrock provided detail related to item 23; stated that about \$32,000 per year for the last few years has been paid out of BCC Control; but that for this year \$15,600 was charged to the air show committee and the remainder of the cost was through donated time and volunteers; that the cost to the BCC this year is zero; and that the recommendation for next year is zero as well.

COMMISSIONER SKIDMORE MOVED TO FUND A ZERO AMOUNT FOR ITEM 23, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Commissioner Skidmore thanked Chief Didio for his efforts in reducing the cost of Fire/EMS through reductions in man hours and limited or no overtime being paid.

Mr. Sandrock provided detail related to item 24; and indicated this is for BCC initiated projects where there was no CIP in place to charge the costs to. **Chairman Duffy** asked if this excluded Environmentally Sensitive Lands Oversight Committee (ESLOC). Mr. Sandrock replied affirmatively. **Commissioner Skidmore** asked if these could be brought up individually by Real Estate Services without a blanket approval such as is done with ESLOC. Mr. Sandrock replied affirmatively. Paul Payette stated these projects are not initiated by Real Estate Services; explained the process; and indicated it is actually done on a case-by-case basis. **Commissioner Starr** indicated Legal could handle some of the work; and that he is not in favor of

authorizing this built in contingency when the County probably would not buy anything next year. Mr. Payette clarified that the amount is based on historical numbers; that it is the Board's discretion to fund nothing; but that at some time money will be needed if the Board initiates a directive to take action on a property. **Commissioner Cummings** stated the Attorney's office cannot do the work because they are not property appraisers. **Commissioner Skidmore** stated he would rather fund it at zero and have a true, actual cost per project.

COMMISSIONER SKIDMORE MOVED TO FUND ITEM 24 AT ZERO, SECONDED BY COMMISSIONER STARR

Chairman Duffy clarified that if there is an occasion where services are needed that an estimate would be brought to the Board and he funds taken from reserves. Mr. Payette stated that typically an appraisal will kick off a project, which can be \$2,000-\$3000 and that he would look to Budget for the money. Mr. Sandrock suggested that as the Board approves Real Estate Services to go forward with a project that the ancillary costs for the project also be approved at that time. **Commissioner Skidmore** stated the Board could also authorize the County Administrator up to his limit. Mr. Baltz commented on general practice, challenges and timing issues. **Commissioner Cummings** indicated that relying on reserves and hitting them harder is not a good way to track money but forces the need for a larger reserve over the long term. **Commissioner Skidmore** opined that more budget transfers equal more transparency since they are placed on the agenda. **Commissioner Cummings** said the cumulative effect is not seen. **Commissioner Loftus** expressed concern that there would be times when action needs to take place immediately; and agreed he would have it in the budget line item rather than brought in front of the Board each and every time. **Chairman Duffy** clarified the motion is to deny item 24.

MOTION FAILED 2:3.

COMMISSIONER CUMMINGS MOVED TO APPROVE ITEM 24, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

Ms. Shoemaker provided detail related to item 25; and opined that the Florida Association of Counties (FAC) does a very good job providing updates and monitoring bills affecting county governments.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 25, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Starr expressed concern with overall amounts for County memberships and dues; and indicated he is opposed to this one. **Commissioner Skidmore** inquired if Mr. Baltz was able to verify the numbers reflected in the FAC benefit statement showing quantitative benefits from the enterprise program that far exceeded the dues. Mr. Baltz said he did not have an answer of the benefits we glean from being a part of the FAC at this time. **Commissioner Skidmore** said before adoption of the final budget he would like to see the quantitative effects of what FAC claims.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Commissioner Cummings opined the letter was referring to benefit we receive by their existence rather than our membership but the question becomes do we have an ethical obligation to pay a fair share for the benefit we receive.

Ms. Shoemaker provided detail related to item 26 as to the National Association of Counties (NACo).

COMMISSIONER SKIDMORE MOVED TO DENY ITEM 26, SECONDED BY COMMISSIONER STARR

Commissioner Skidmore advised that if the BCC is to fund The Ferguson Group he does not find NACo necessary, with the exception of the prescription drug card; indicated he has given direction to staff to look at obtaining another prescription drug program such as the one Sarasota County has, which would be equal to or better benefits, plus a net payment to Charlotte County; and clarified he is making the motion to deny but wants it on the record that it is subject to an alternative card being made available, in case it needs to be brought back before final adoption. **Chairman Duffy** asked what the residents are to do who currently use the card. Ms. Shoemaker explained they would

continue using their cards because this is for next year and staff would address **Commissioner Skidmore's** concerns before final adoption. **Commissioner Cummings** opined it is not a large investment for the benefits that the County receives; and opined it should be continued. **Chairman Duffy** said she would not vote in favor of keeping this, but if an equal or better prescription benefit card cannot be obtained in another manner she would vote to approve. **Commissioner Skidmore** agreed.

MOTION CARRIED 3:2. COMMISSIONER LOFTUS, COMMISSIONER CUMMINGS OPPOSING.

Ms. Shoemaker provided detail related to item 27.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 27, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Skidmore clarified this is a statutory obligation. Attorney Knowlton replied affirmatively. **Commissioner Starr** asked what the annual payment amount is based on. **Chairman Duffy** explained it is based on county population. Ms. Shoemaker explained that we are not certain what next year's amount will be. **Commissioner Skidmore** advised the amount would not change. **Commissioner Cummings** stated there is no more effective forum for regionalism than the Southwest Florida Regional Planning Council (SWFRPC); indicated it is consistently considered the best RPC in the State; opined we would lose a great opportunity by not participating in it; and recommended the Commissioners become more involved with the sub-committees.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Ms. Shoemaker provided detail related to item 28; stated that Charlotte County Beaches and Shores Advisory Committee recommended Charlotte County join this advocacy group; and that we have been a member for only a couple years. **Commissioner Skidmore** asked if State funding from the Florida Legislature had occurred; and if some of the group's advocacy or spearheading programs overlap with groups we have. Ms. Shoemaker replied State funding had not occurred for any of our specific projects or beaches to her knowledge, but would find out more information; and stated that part of the reason the Beaches and Shores Advisory Committee recommended we be part of this group

is because it is a larger organization that speaks to the State at a different level than we are able to do. **Commissioner Starr** stated he would not have recommended it, does not believe this group will impact our beach re-nourishing, and is not in favor of this item because he believes it is duplication.

COMMISSIONER SKIDMORE MOVED TO DENY ITEM 28, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

Mr. Sandrock provided detail related to item 29.

COMMISSIONER STARR MOVED TO APPROVE ITEM 29, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Mr. Sandrock explained items 30-35 are requests the BCC gets every year for organizations that are non-human services related, do not go through the United Way process, and what has been funded in the past. Mr. Sandrock advised the requests have just been received; that the latest numbers are not provided; and recommends that the Board not make a decision at this time, but allow staff to update the numbers and bring the items back. **Commissioner Starr** asked if this would be the 15% number. Mr. Sandrock stated it would be the request each of the organizations, and perhaps one or two new ones, have submitted. **Chairman Duffy** indicated she does not recall Charlotte Harbor National Estuary Program (CHNEP), number 34, being one of the non-human service items, and asked if it was new. Mr. Sandrock advised it was approved in this year's budget. **Commissioner Cummings** stated that we are one of the organization founding members and that the BCC has contributed since its establishment; indicted this is a federal agency; and provided additional detail as to the purpose of the organization. Mr. Sandrock clarified that item 34 does not fall under the non-human service items. **Commissioner Cummings** opined it was under a different line item before; and that to a lesser extent similar arguments apply to Charlotte Harbor Environmental Center (CHEC), item 30. Mr. Sandrock recommended the Board make a decision on item 34 at this time, but bring back items 30,31,32,33, and 35.

Commissioner Loftus opined the Board should also make a decision on item 30 at this time.

COMMISSIONER CUMMINGS MOVED TO APPROVE ITEMS 30 AND 34, SECONDED BY COMMISSIONER LOFTUS

Chairman Duffy asked if staff was certain the amount listed is all CHEC is asking for. **Commissioner Cummings** stated if there is a great variation from what is presented it would be brought back to the Board.

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

Mr. Sandrock clarified that items 31,32,33, and 35 would be brought back with firm numbers. **(Consensus)**

Mr. Sandrock advised that item 36 is the United Way non-profit allocation; that Cecy Glenn gave the Board an update on the process at one of the workshops; that Ms. Glenn advised United Way has completed the process and has the recommendations; that she would meet with each of the Commissioners to go over the outcome; and that his recommendation is for the Board to hold off on this item until after the meeting with Ms. Glenn. **(Consensus)**

Mr. Sandrock provided detail related to item 37. **Commissioner Skidmore** clarified that there is no rental space charge and that this represents only Operations and Maintenance (O & M) costs. Mr. Sandrock replied affirmatively. **Chairman Duffy** asked if this also includes the Cultural Center. Mr. Sandrock replied affirmatively. **Commissioner Cummings** pointed out that the County is responsible for only for exterior maintenance, not interior maintenance, on the Cultural Center. Ms. Shoemaker stated that the only interior maintenance we do on the Cultural Center is for the Veterans Services part. **Commissioner Cummings** recalled that many of the larger items, such as roof and air conditioning were done as a capital project. Ms. Shoemaker replied affirmatively. **Commissioner Skidmore** asked if the sharing of operational costs had been discussed with the non-profits. **Chairman Duffy** opined these non-profits would not be able to help. **Commissioner Cummings** commented on creating more of these as part of our neighborhood plans.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 37, SECONDED BY
COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

2. Discussion

Mr. Sandrock advised that due to the lateness of the day follow-up questions would begin at the workshop on Friday, April 24, 2009. Ms. Shoemaker advised that Facilities and Commission Office would be reviewed on Friday, April 24, 2009.

ADJOURNED: 4:55 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

gm