

CHARTER REVIEW COMMISSION
BOARD OF COUNTY COMMISSIONERS SUB-COMMITTEE
Minutes of Meeting
February 17, 2010

A meeting of the Board of County Commissioners sub-Committee of the Charter Review Commission was held at the Administration Complex, Room 106-B, Port Charlotte, Florida.

Roll Call

The following members were present: *William Dryburgh, Michael Grant, Tom Rice, Frank Weikel*

Johnny Vernon, Chairman, arrived at 9:17 a.m.

Call to Order

The meeting was called to order at 9:04 a.m. by Acting Chairman *Tom Rice*

Agenda Items

1. **Approval of Minutes:** Acting Chairman *Tom Rice* confirmed that the members had previously reviewed the Minutes of the meeting held on January 28, 2010. Upon confirmation that administrative support had made revisions previously suggested, and there being no further additions nor deletions, a motion was made and seconded and the Minutes were approved by unanimous vote.

Prior to beginning discussion, *Michael Grant* inquired about the Report that was generated from a non-quorum meeting on 2/4/2010. *Mr. Rice* noted for the record that this report was not official and therefore did not require approval.

2. **Review of Commissioner's responses.** *Tom Rice* then stated that the purpose of this meeting was to develop a preliminary report to present to the full CRC membership on the following day. *Michael Grant* began discussion by giving his comments derived from the Board of County Commissioner interviews. He noted that at least two Commissioners had indicated that they felt that the system of government in Charlotte County right now is dysfunctional. *Mr. Grant* also referred to statements made by Ken Doherty concerning a city's structure for providing government services to its citizens. *Mr. Grant* stated that as a result he began to look at the discrepancy between what Charlotte County does and a city like Orlando or even Punta Gorda, and he said in

his opinion it all came down to having an elected County Administrator. *Mr. Grant* said that even prior to these discussions he had conversations with numerous individuals in the community who did not feel they were getting Government services in the most efficient way. He would like to look into the issue of an elected Administrator that would have the budget for the Board to approve and the ability to hire with Board approval the individuals for day to day operations as well as the staff working under him. *Mr. Grant* said that he would like to have further discussion on this and see if it is something that this sub-Committee would like to recommend to the full Commission. *William Dryburgh* commented that it was his recollection from *Mr. Doherty's* comments that in two previous sessions of the Charter Review Commission this issue was brought up but there was reluctance to pursue it. *Frank Weikel* responded that he had sat on a previous committee and the issue simply had no support. *Mr. Weikel* then referred to his comments that he thinks change is in order but the Commission may be ahead of it's time in acting now. *Mr. Weikel* said that he, in agreement with *Johnny Vernon*, would recommend to the Board that between now and the next session of the Charter Review Commission a Blue Ribbon panel be appointed to study the effects of change of government structure. *Mr. Weikel* agreed that changes are necessary but he would not support anything at this time without further examination. *Tom Rice* referred to a comment found in the Minutes of January 28, 2010. *Mr. Rice* did not recall the specifics but said it referred to a committee recommendation that was not approved, but at least it got on the table for discussion. This led *Mr. Rice* to ask if this sub-Committee's purpose was to report back to the full Commission (a) what was heard from the individual Commissioners during interview or (b) what the sub-Committee concludes whether or not that is in agreement with what the Commissioners said. *Frank Weikel* responded that he thought both would be appropriate. *Mr. Rice* said that it how this sub-Committee will structure it's report to the full Charter Review Commission.

Tom Rice then suggested that the Committee go through each question given to the Commissioners and formulate their recommendations. *William Dryburgh* agreed that he thought that was what they were doing now on the issue changing to an elected Administrator and/ or mayoral form of government. *Mr. Dryburgh* said that he had great respect for *Frank Weikel's* opinion but that he personally thought that six years was too long to wait, and if nothing else this sub-Committee should take the question to the full Commission and obtain feedback from the diverse group. In response, *Mr. Weikel* indicated that he would not object to a two year study, but reiterated that he is not ready at this time to support the change. *Mr. Weikel* referred to the cautionary responses (in the Minutes of January 28, 2010) of the Commissioners in reference to the question of an elected Administrator. *Tom Rice* observed that these changes would definitely represent a power shift to the BCC and the majority were opposed.

The members began to examine each interview question asked to the Commissioners.

Question (1) was "Should the Board of County Commissioners be structured any differently"? *Tom Rice* said he thought that was addressed in the second question and did not feel there was any comment to be made on Question (1) at this time.

Question (2) was "What are your thoughts concerning single member districts, plus two at large (not to exceed five total)"? *Michael Grant* recalled that most of the Commissioners were opposed to single member districts. *Frank Weikel* referred to each Commissioner's response (from the Minutes of January 28, 2010). *Michael Grant* commented that a lot of the possible re-structuring would depend on what is decided on elected vs. appointed Administrator. *Frank Weikel* was interested in one comment he heard, which suggested one (1) Commissioner be elected from South County, one (1) from West County, two (2) from mid-County and then a strong mayor who would run county-wide. *Mr. Weikel* said that was almost an alternative to the elected Administrator idea, and was one of the things that made him realize that more study needs to take place. *William Dryburgh* agreed that would be a radical change that the Board of County Commissioners may resist. *Mr. Weikel* referred to an earlier comment from *Michael Grant* that the position this sub-Committee will adopt on many of these questions depends on the issue of an elected Administrator. Accordingly, the members moved on to the next question.

Question (3) was "Should the Board of County Commissioners' elections be non-partisan"? All agreed that the Board should be partisan except *Tom Rice*. This sub-committee will recommend that the elections remain partisan.

Question (4) was "Should the Board of County Commissioners be subject to term limits"? *Frank Weikel* recounted each of the Commissioners' responses from the Minutes of January 28, 2010. *William Dryburgh* felt that a twelve year (3 term) limit was a good idea, referring to the National level where incumbents have remained twenty years or more. *Michael Grant* referred to the Florida Legislature and indicated that he felt that eight years (2 terms) was not long enough but because of the ease of raising funds if one is an incumbent it is difficult for new candidates to successfully run. *Mr. Grant* also felt that twelve years was a good idea, saying that after a certain period of time an individual becomes stale. He did reiterate that because of the learning curve at least two terms are necessary, particularly in Charlotte County with the number of services it provides. *Frank Weikel* said that he would support twelve years. *Tom Rice* brought up the issue of term limits for an elected Administrator, as a possible counteraction to the concern of that person becoming too powerful. *Michael Grant* replied that he would favor a term limit of eight years on an elected Administrator

and twelve years for the County Commissioners. For clarification in the report, *Tom Rice* then asked if it would be the recommendation of this sub-Committee to impose BCC term limits of twelve years. *Johnny Vernon* indicated that he would go along with twelve years. *Michael Grant* explained his reasoning that setting an eight year term limit on an elected Administrator and giving twelve year limits to the Commissioners would shift the balance in favor of the Commissioners. *Tom Rice* asked if the twelve year limit would include time served if finishing out the term of a vacated position, ie., is the sub-Committee recommending twelve years total or three (3) elected terms. In discussion it was determined that this sub-Committee would recommend setting a limit of three elected terms, assuming that an appointed term would not count against the total.

Question (5) was “What are your thoughts concerning BCC election ballot rotation of names”? The sub-committee members found no reason to examine this issue.

Question (6) was “ Is there a need to regulate BCC election financing in the Charter”? *Frank Weikel* referred to the responses of the Commissioners from the Minutes of January 28, 2010, all of which were “no”. This sub-committee found no reason to regulate Board of County Commissioners election financing in the County Charter.

Question (7) was “ Would you like the CRC to recommend any Charter amendments relative to the Board of County Commissioners”? Mr. *Weikel* referred to the responses of the Commissioners from the Minutes of January 28, 2010. One such comment concerned the Sunshine Laws, which the sub-committee members agreed is a State issue and not within the purview of the Charter Review Commission. Another Commissioner comment urged that residency requirements be imposed upon Directors and above. The members of this sub-Committee were in agreement with that idea, and in discussion determined that it should be handled through an ordinance of the BCC and not through Charter amendment. This was the recommendation the sub-Committee will submit in their final report.

Question (8) was put aside to be handled last. The discussion went forward to Question (9).

Question (9) was “Would you like the CRC to recommend any Charter amendments relative to any other portion of Charlotte County government”? *Frank Weikel* again referred to the responses of the Commissioners from the Minutes of January 28, 2010. The majority did not put forth any comments

although three issues were mentioned, two concerning the Sheriff's Department (appointed instead of elected; County take back the jail so that the Sheriff's Department is no longer the franchisee) and one suggestion to appoint the School Board. *Johnny Vernon* also mentioned that he thought there had been support of a Director of Corrections running the jail. *Frank Weikel* replied that could be done now by the BCC and they had tried pass it but it lost by a vote of 3 – 2. *Tom Rice* agreed that this sounded like an Ordinance more than a Charter Amendment. *Michael Grant* did not feel this Committee was qualified to make such a decision. *Johnny Vernon* said that he had been involved in that area extensively and cited that in every case where a Director of Corrections stepped in a considerable amount of money was saved. He mentioned that can be done through a private company or it can be controlled through the County. To recap, *Tom Rice* indicated that this sub-Committee that the jail franchise issue be handled by ordinance of the BCC if desired. It was agreed that the School Board is beyond the scope of the Charter Review Commission. Just as a point of discussion *Michael Grant* mentioned counties that have an elected School Administrator, *Tom Rice* said that was an issue that Robert Berntsson, Esq (counsel for the CRC) could research, but it was decided not to pursue that issue at all. Discussion ensued about the election or appointment of the Sheriff. *Frank Weikel* mentioned that another sub-Committee (Constitutional Officers) would be interviewing the Sheriff and this BCC sub-Committee could defer to their findings. *Johnny Vernon* said that he did not want to overlook the responsibility of his sub-Committee. *Michael Grant* said that this issue would be coupled with the decision of whether to elect a County Administrator, and would constitute a major change. He mentioned that at least with an elected official a citizen is able to expect accountability and it would be his preference to leave it the way it is. *Frank Weikel* and *Johnny Vernon* expressed their agreement. To recap, *Tom Rice* indicated that this sub-Committee will recommend that the office of Sheriff remain an elected position.

Mr. Rice then returned the discussion to the Questions which had been deferred earlier in the meeting. At this time *Frank Weikel* mentioned the comments he had made during a previous non-quorum meeting, referring to ideas put forth by Ken Doherty about possible alternate structures of Government. *Mr. Weikel* restated that he agreed with the suggestion of *Johnny Vernon* to put together a committee to study this over the next few years. He reminded *Mr. Vernon* that the original time frame had been six (6) years, but he agreed with *Michael Grant* that may be too long and two (2) years may be sufficient. *Mr. Vernon* had no objection to that. *Michael Grant* stated that there were examples in the State of cities that have populations comparable to Charlotte County that provide the same level of services, and their structures vary with elected administrators. *Mr. Grant* felt that there was ample time before submitting this sub-Committee's final Report to the full Commission to examine the charters of those cities. *William Dryburgh* agreed that an elected administration may stop some of the discord and would also give the citizens a person to go to for enforcement. *Mr. Dryburgh* observed that the mayoral form worked well in Orlando. *Frank Weikel* and *Mr. Rice* reviewed the Commissioners' responses during interview, noting that all had been opposed to an elected Administrator. However,

Michael Grant pointed out at this time that during discussion with Ken Doherty about their thoughts on his ideas, two of the Commissioners had acknowledged that there is dysfunction in the current system. (Note: Reference the Minutes of January 28, 2010 for complete Commissioner's comments). *Mr. Grant* stated that it was his opinion that for a County the size of Charlotte that delivers the number of municipal services that it does, it is essential to have a point person. *Mr. Grant* stated that when you have Sunshine Laws and an appointed Administrator there is no accountability. *Mr. Grant* said that frustration is at times also voiced by Staff. *Mr. Vernon* explained that the reason he urges further study on this issue is (a) a lot more information can be given to the public about the pros and cons and (b) he is concerned about the involvement of a political boss. *Michael Grant* agreed that there is no perfect form of government but if the BCC is voting on budgets and approving Director selections then they have a certain amount of power; he said that if the Commissioners had longer term limits than the elected administrator that would be a further balance of power. *Johnny Vernon* said that he agreed with him but was urging study in order to get the opinions of people who have experienced that form of government. *Frank Weikel* expressed his concern that an elected official would result in the selection of a capable politician who had no experience in administering a multi-million dollar budget. Acknowledging that this sub-Committee was not going to be unanimous on the subject, he suggested a vote on who wants to postpone the issue pending further information and who recommends to do it now. *William Dryburgh* commented that he had lived under the system of elected administrator and there was no hint of the political boss situation to which *Mr. Vernon* referred. *Mr. Dryburgh* suggested that this sub-Committee take the question to the full membership of the Charter Review Commission and see how they wish to proceed. *Mr. Weikel* mentioned that it would carry more weight if submitted with the unanimous backing of the sub-Committee. *Johnny Vernon* mentioned his experience in another State where the FBI had removed acting elected Administrators and restated his fear of this corruption. *Mr. Vernon* acknowledged that the situation in Florida is quite different. *Michael Grant* addressed *Mr. Vernon's* concerns by describing the extent of financial disclosure required of all political candidates in Florida. *Mr. Grant* also said that he thought an elected Administrator would surround themselves with the best staff to fulfill the jobs, rather than appointing friends. *Mr. Grant* said that he had not heard of this political power situation developing in the other Florida areas which have elected Administrators. *Mr. Grant* observed that having an elected Administrator might have prevented Murdock Village and the take-over of General Development Utilities, both of which have cost the County a great deal of money. *Mr. Grant* said that although caution is necessary, it may be time to

time for action. He cited Sunshine Laws, possible residency requirements, etc. as other deterrents to the political boss. *Mr. Vernon* stated that he would like this sub-Committee's recommendations to be unanimous. *Tom Rice* reflected that he had heard the varied opinions from membership and urge for further study and suggested that at the next meeting they focus on the question of single-member plus two and the question of an elected Administrator. At this time *Michael Grant* said that he is opposed to single member- plus two and *Frank Weikel* indicated that he would be opposed also. All members agreed to removed that from consideration and for confirmation *Tom Rice* stated that the sub-Committee recommendation would be to leave the current make-up of the Board of County Commissioners as it currently exists. *Johnny Vernon* asked to be reminded of the decision on district vs. county-wide elections, and *Mr. Weikel* informed him that the decision was to leave it as it currently exists. At this point the only remaining issue to be resolved was whether or not to take any action of the issue of an elected Administrator. *Mr. Weikel* stated again that he was not comfortable without more information and would not object to the Report saying that this sub-Committee could not come to a full agreement and before making a recommendation they would like to study it further. *Mr. Rice* raised the concern that if this decision is delayed for two (2) years of study this Charter Review Commission would no longer be in session and there would be no mechanism to take action. The other members agreed with him. *Frank Weikel* mentioned the possibility of putting out a Petition at that time, but the other members felt that would be ineffective. Further *Mr. Rice* pointed out that since the BCC is opposed to this concept, it might not be in the best interest of the CRC to have the Commissioners' appoint the blue ribbon Committee. *Mr. Weikel* said that suggestions could be made on whom to appoint. *Mr. Dryburgh* pointed out that all of this might be irrelevant if the full Charter Review Commission is opposed to the concept and votes not to pursue it. *Johnny Vernon* and *Michael Grant* suggested that this sub-Committee take another thirty to sixty days to study the issue. *Mr. Rice* then suggested that the Preliminary Report say that this sub-Committee remains unresolved on this issue and that this sub-Committee has addressed recommendations on every other question that was submitted to the BCC. *Mr. Rice* continued by saying that the Preliminary Report would ask that rest of the Charter Review Commission be invited to attend this sub-Committees next meeting to make their opinions known. It would also suggest that Robert Berntsson, Esq., counsel for the CRC, be invited to attend this meeting. *Johnny Vernon* suggested including other members of the business community and the rest of the members agreed. *Michael Grant* suggested that this sub-Committee take some time to review Charters from other localities and discuss them prior to the public meeting to have a clear understanding of available options. *Tom Rice* suggested that this sub-Committee have Robert Berntsson, Esq. prepare a list of pros and cons. *Mr. Rice* then briefly summarized the conclusion of this

meeting for purposes of structuring the Preliminary Report. *Mr. Vernon* asked the members if they would like him to construct a list of proposed invitees from the business community and *Mr. Rice* proposed that be given to the full Commission at the general membership meeting on the following day. *Frank Weikel* asked for confirmation that the ordinance is already in place as far as the jail franchise, and that was confirmed.

3. **Public Input:** None

4. **Commission Comments:** There were no further comments but after examining their respective schedules the members scheduled the next sub-Committee meeting scheduled for Wednesday, March 3, 2010 at 11:00 a.m. *Frank Weikel* asked if this is the meeting for which the invitations will be issued. *Tom Rice* said there had been discussion of the sub-Committee reviewing their options prior to a public meeting. *Michael Grant* presented some examples of government structure and variations on the Administrator concept. It was discussed that the meeting for March 3rd would go forward pending the response of the full CRC membership. *Tom Rice* instructed that administrative support send out copies of the Charters for the cities of St. Petersburg and Tampa to the general membership after the CRC meeting tomorrow, February 18, 2010.

5. **Adjournment:** There being no further business a motion was made and seconded and the meeting was adjourned at 10:00 a.m. EST

Johnny Vernon, Chairman