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THE CHARTER REVIEW COMMISSION

BOOK _____ PAGE _____
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**CHARTER REVIEW COMMISSION
SPECIAL MEETING
February 24, 2010
MINUTES OF MEETING**

A special meeting of the **volunteer speakers** for the Charter Review Commission was held on February 24, 2010 in Room 106B, Building B, Murdock Administration Complex, Port Charlotte, Florida

ROLL CALL

The following members were present:

Ken Doherty (Chairman); Kevin Russell (ViceChairman); Michael Grant; Bill Folchi

The following member was absent:

Bill Dryburgh

CALL TO ORDER

The meeting was called to order at 9:04 a.m. EST by *Chairman Doherty*

AGENDA ITEMS

1. Review PowerPoint™ presentations and coordinate formats for speaking engagements. *Chairman Doherty* stated for the record that this was a special meeting of the designated volunteer speakers for the Charter Review Commission. *Mr. Doherty* said that it was his intent to make sure that all of the speakers were coordinated as far as substance, but not style. *Mr. Doherty* referred to a projector that had been loaned by IT Services, Charlotte County. He said that could be made available if desired for individual speaking engagements, but that it will be necessary in June and July when the Charter Review Commission holds its Public Hearings. *Mr. Doherty* then referred to a PowerPoint™ presentation that he had conducted at the CRC meeting on January 21, 2010, stating that he had updated that presentation and made a few modifications. (Note: Copies of the slides are attached to these Minutes as Attachment “A”). *Chairman Doherty* also stated that *Bill Folchi* had condensed *Mr. Doherty’s* presentation and added some material showing population figures. (Note: Copies of the slides and presentation from *Mr. Folchi* are attached to these Minutes as Attachment “B”). Administrative support was instructed to make copies and distribute the presentations with several slides to a page, to be used as handouts by *Vice Chairman Russell* who was scheduled to speak the following week at a meeting of the Charlotte-DeSoto Builders Association. *Chairman Doherty* indicated that the slides provided a basic guideline for content and that everyone could edit or use in a way that would incorporate their own speaking style. He said that the “topics” slide was still appropriate, and noted that the topic of term limits

had been added. *Chairman Doherty* said that he had used his presentation when he recently spoke in west County; *Bill Folchi* indicated that he would be speaking at a Chamber meeting later that day; *Michael Grant* remarked that when he had spoken earlier in the session to the Republican Women his outline was very much like the material in the slide presentations. *Vice Chairman Russell* observed that the PowerPoint™ presentations were all background information, and asked about speaking on the issues which the Charter Review Commission is currently examining. *Chairman Doherty* cautioned that the speakers should emphasize that what they are saying is their own personal opinion, and they should indicate that they are not speaking on behalf of Commission. *Mr. Doherty* said he had been careful to do that both when he was on the Curmudgeon Club radio broadcast as well as at the recent speaking engagement in west County. He noted that the latter had resulted in speaking requests from similar organizations. *Michael Grant* commented that he liked the coverage provided by the Charlotte Sun reporter at the last general membership meeting on February 18, 2010. In referring to that article, *Vice Chairman Russell* said he had concern over the reporter's use of the word "dysfunctional" when quoting Commissioners' responses from the BCC sub-Committee interview meeting. *Michael Grant* disagreed with that concern because he had been in that meeting. *Chairman Doherty* observed that he had attended that meeting also and was involved in discussion at the end of each interview. He remarked that responses had been very predictable at the beginning but upon continued questioning some of the Commissioners had revealed that they thought there were significant problems with the current system. *Mr. Grant* and *Chairman Doherty* also referred to a statement from Commissioner Starr about he and the County Administrator answering e-mails at midnight. *Michael Grant* and *Chairman Doherty* observed that they thought that statement did not indicate an efficiently run organization. (NOTE: the complete text of the referenced BCC interview meeting of January 28, 2010 can be found in the posted Minutes). *Chairman Doherty* again mentioned that many questions are likely to come up during speaking engagements and the speakers are free to give their personal opinions as long as they indicate that they do not reflect the opinion of the Charter Review Commission.

2. Commission Comments . As the meeting was in the Sunshine and there were members present representing both sub-Committees, *Chairman Doherty* presented a concern that he had regarding the possible overlap in scope of the Board of County Commissioners sub-Committee and the Administration Staff sub-Committee. He wanted to prevent a duplication of effort and this concern referred specifically to the issue of an elected County Administrator. *Chairman Doherty* acknowledged that the BCC sub-Committee had completed its interviews and formulated a preliminary report, and based on those findings the sub-Committee was interested in examining further the issue of an elected Administrator. *Chairman Doherty* pointed out that the scope of the Board of County Commissioners sub-Committee was technically the Legislative branch, and the office of County Administrator was part of the Executive branch. This Executive branch is the focus of the Administration Staff sub-Committee. *Mr. Doherty* brought up the possible need for the formation of a new sub-Committee, merging BCC and

Administration Staff, saying that both branches of County government would be involved if there was such a drastic change of governmental structure. He pointed out that the respective sub-Committees would handle the issues that apply to their purviews. *ViceChairman Russell* said that he would be opposed to both sub-Committees interviewing the Administrators and *Mr. Doherty* indicated that would not happen. *Mr. Doherty* said he planned to present his concerns to the BCC sub-Committee at their meeting on March 3, 2010 and again to the Administration Staff sub-Committee meeting on March 9, 2010. He observed that this might result in a joint recommendation of both sub-Committees. Discussion then followed that the issue entails a lot of work and research. The members recognized that the question was whether or not to leave things as is, or examine either a County Executive or Mayor form of government. *Michael Grant* said that he will get in touch with former Commissioners DeBoer, D'April and Moore to obtain their comments. *ViceChairman Russell* observed that there will be difficulty in writing the ordinance, and questioned exactly what the citizens would be voting on. *Vice Chairman Russell* referred to the seventy (75) word limit in ballot language for an Amendment and *Michael Grant* questioned that if this involves multiple changes in the Charter would there be a vote on one Amendment or would there be a proposed Amendment for each change. *Chairman Doherty* agreed that great attention will be required to examine each and every facet of the Charter that may be affected. *Chairman Doherty* said that it was necessary to set up the CRC vote in such a way that it progresses properly. *Michael Grant* said that publicity will be crucial so that voters understand ahead of time what is taking place. *ViceChairman Russell* expressed his concern that there is not sufficient time during this Charter Review session to effectively review and present this issue. *Mr. Russell* said that although he does not support the concept of the perpetual existence of the CRC, it would be useful in this instance. *Bill Folchi* emphasized the need for implementation strategies, both in this effort and any other Charter Review Commission results. *Ken Doherty* urged the importance of effectively pulling together all of the necessary information, again voicing his concern that there not be a duplication of effort between the two sub-Committees. It was agreed among the members present that there would be no sense in taking this issue to the voters if implementation was not possible, resulting in discussion of the importance of Robert Berntsson's research and ballot language. *ViceChairman Russell* asked *Michael Grant* if he thought it could be done, and *Mr. Grant* affirmed that he did. *Chairman Doherty* said he thought it would depend on what option is selected. *Mr. Grant* elaborated that he thought this Commission could work this issue up one way or another. *Mr. Grant* further stated that he thought that Robert Berntsson in conjunction with others could craft the language and that there would be time to get it on the ballot with sufficient coverage before November. *Mr. Grant* reinforced this by saying that a lot of people already have this issue on their minds and are looking to this Commission for action. *Mr. Grant* further pointed out that once it is voted on there are two years to implement it, and it will be seamless just as when the Home Rule Charter was enacted in 1984. *Vice Chairman Russell* expressed that he still had concerns. *Chairman Doherty* stated that he would like to stay focused on what the sub-Committees have as a task to get this issue defined and voted on by the Commission as a whole. *Mr. Doherty* indicated

that depending on that they would have to get something crafted that is legally sufficient and then it would be up to the voters. *Vice Chairman Russell* inquired how the process took place when the Home Rule Charter was adopted, as he was not a part of the Charter Review Commission at that time. *Mr. Grant* and *Chairman Doherty* responded that the process is outlined in the information binder that was given to all members at the beginning of the session. *Chairman Doherty* explained that the Board of County Commissioners adopts the resolution with the ballot language that goes to the Supervisor of Elections, and stated that the attorney for the Charter Review Commission had to write the actual manner it would be worded in the Charter. *Mr. Doherty* further said that there might be other issues that the CRC submits as Amendments, but that this issue of an elected Executive appears to be foremost and that is why it is imperative to work with Robert Berntsson so that it can be voted on properly. He again referred to the fact that such a change of government structure could also impact the Legislative as well as other branches and it might create the need for other Amendments, all of which might be dependent on one another when it comes to acceptance by the voters. *Michael Grant* commented that Hillsborough County has gone through this and the results were challenged because of ballot language, recommending the Mr. Berntsson research that incident. *Mr. Grant* said that issue had been brought to the vote as a result of a citizens' initiative. *Vice Chairman Russell* asked *Mr. Grant* how long ago that was, and *Michael Grant* responded that it had been in the last two to three years. In returning to the original discussion, *Chairman Doherty* remarked that all of the input that people are hearing will help when determining support and implementing strategy. *Vice Chairman Russell* referred to the issue of the debt policy and the reserve policy, stating that he had served on the Committee where that was brought up during interview. *Vice Chairman Russell* further said that if the Administration interviews are handled correctly and there is sufficient time there will not be the predictable response that "everything is fine". *Michael Grant* related that as the same thing that happened during the BCC sub-Committee interviews. *Vice Chairman Russell* asked him how long each interview took and *Mr. Grant* responded that each Commissioner was allotted one hour. There was discussion of the proposed scheduling of the Administration Staff sub-Committee interviews and administrative support was instructed to make some revisions.

3. Public Input: None

4. Adjournment: Upon motion made and seconded the meeting was adjourned at 9:50 a.m. EST.

Kenneth W. Doherty, Chairman

ATTACHMENT 'A'

Outline

- ◆ Brief Background on Home Rule Charter Government in Florida
- ◆ Overview of Charlotte's Home Rule Charter
- ◆ Typical Charter "Review" Topics

CHARLOTTE COUNTY HOME RULE CHARTER GOVERNMENT



SINCE JANUARY 1, 1986

Background on Home Rule Charter Government in Florida

- ◆ Authority to create a “Home Rule Charter” was provided for the first time in the [1968 revised Florida Constitution](#).
- ◆ A “Home Rule Charter” allows a county to enact municipal type laws, not specifically prohibited by state general law. Counties that do not have a “Home Rule Charter” must receive the State’s approval via a special act of the Legislature.
- ◆ A “Home Rule Charter” also allows a county to adopt the form of government as defined in Chapter 125.84, F.S.

Background (continued)

Currently, 20 of Florida’s 67 counties have Home Rule Charters:

- | | |
|-------------------------|------------------|
| 1) Alachua | 11) Miami – Dade |
| 2) Brevard | 12) Orange |
| 3) Broward | 13) Osceola |
| 4) <i>Charlotte *</i> | 14) Palm Beach |
| 5) Clay | 15) Pinellas |
| 6) Columbia | 16) Polk |
| 7) Duval / Jacksonville | 17) Sarasota |
| 8) Hillsborough | 18) Seminole |
| 9) Lee | 19) Volusia |
| 10) Leon | 20) Wakulla |

Overview of Charlotte's Home Rule Charter

Article I – Creation, **Powers**, and Ordinances of Home Rule Charter Government

- Section 1.1 – Creation and General Powers of Home Rule Charter Government
- Section 1.2 – Relation to State Laws
- Section 1.3 – Relation to Municipal Ordinances
- Section 1.4 – Relation to Independent Special Districts

Overview of Charlotte's Home Rule Charter

- ◆ Article I – Creation, Powers, and Ordinances of Home Rule Charter Government
- ◆ ***Article II – Organization of County Government***
- ◆ ***Article III – Elected County Constitutional Officers***
- ◆ Article IV – Home Rule Charter Transition, Amendments, Review, Effective Date

Overview of Charlotte's Home Rule Charter

Article II – Organization of County Government

- Section 2.1 – Elected Commission and Appointed County Administrator Form of Government
- Section 2.2 – Legislative Branch
- Section 2.3 – Executive Branch

Overview of Charlotte's Home Rule Charter

Article III – Elected County Constitutional Officers

- Section 3.1 – Relationship to Home Rule Charter
- Section 3.2 – Residency Requirements

Overview of Charlotte's Home Rule Charter

Article IV – Home Rule Charter Transition,
Amendments, Review, Effective Date

- Section 4.1 – Home Rule Charter Transition
- Section 4.2 – Home Rule Charter Amendments
- Section 4.3 – Home Rule Charter Effective Date

Section 4.2 – Home Rule Charter Amendments

- A. Amendments proposed by the board of county commissioners.***

Amendments to this home rule charter may be proposed by ordinance adopted by the board of county commissioners by an affirmative vote of a majority of the total membership of the board of county commissioners.....

Section 4.2 – Home Rule Charter Amendments

B. Amendments proposed by initiative.

(1) The home rule charter may also be amended by initiative upon petition by a number of electors equal to at least ten (10) percent of the number of electors qualified to vote in the county as a whole in the last preceding general election, provided that any such amendment shall embrace but one (1) subject and matter directly connected therewith. A charter amendment proposed by initiative shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures have been verified.

Section 4.2 – Home Rule Charter Amendments

C. Amendments and revisions by charter review commission.

(1) A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eleven (11) months before the general election occurring in 1998 and at least eleven (11) months before the general election occurring every six (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No elected officer shall be a member of the charter review commission. The three (3) alternates shall be non-voting participants on the charter review commission and shall, in the order of their original selection by the county commission, fill vacancies on the charter revision commission. Additional vacancies on the charter review commission shall be filled within thirty (30) days in the same manner as the original appointments.

2010 CHARTER REVIEW COMMISSION

Dodd, Andy
Doherty, Ken (Chairman)
Dryburgh, William

Folchi, Bill – Other Boards/Agencies

Garrard, Maureen – Constitutional Officers

Graham, Suzanne

Grant, Michael

Goggin, Joseph

Hess, Paula

Hitzel, John

Mathis, Julie – Administration/Staff

Rice, Thomas
Russell, Kevin (Vice-Chairman)

Vernon, Johnny – County
Commissioners

Weikel, Frank

Weller, Bill (Alt.)

Kantor, Connie (Alt.)

Kelly, Patricia (Alt.)



Typical Charter "Review" Topics (for example ONLY)

- ◆ Is the current "Form" of Charter Government still appropriate? (i.e. appointed vs. elected executive branch of local government)
- ◆ Should B.C.C. elections remain "at large", or be "by district"; or a combination of both?
- ◆ Should local elections remain "partisan", or should all, or some of them, be "non-partisan"?
- ◆ Should "Constitutional" Officers remain "as is", or become "Charter" Officers?
- ◆ etc.

Forms of Charter Government

County Charters, per Chapter 125.84, F.S., have three (3) options:

- 1) County Executive Form
- 2) County Manager Form
- 3) County Chair – Administrator Plan

Forms (Continued)

- 1) County Executive Form

-- The county executive form shall provide governance by an *elected board of commissioners and an elected county executive* and such other officers as may be duly elected or appointed pursuant to the charter. The elected county executive shall exercise the executive responsibilities assigned by the charter and shall, in addition, *approve each ordinance by signing it or may veto any ordinance* by returning it to the clerk of the board...

Forms (Continued)

2) County Manager Form

-- The county manager form shall provide for governance by an *elected board of commissioners and an appointed county manager* and such officers as may be duly elected or appointed pursuant to the charter. The *county manager shall be appointed by, and serve at the pleasure of, the board* and shall exercise the executive responsibilities assigned by the charter.

Forms (Continued)

3) County Chair – Administrator Plan

-- The county chair-administrator plan shall provide for governance by an *elected board of commissioners, presided over by an elected chair* who shall vote only in case of tie, *and an appointed county administrator* and such other officers as may be duly elected or appointed pursuant to the charter. The *county administrator shall be appointed by, and serve at the pleasure of, the chair.* The chair shall exercise, in conjunction with the administrator, the executive responsibilities assigned by the charter.

Typical Charter "Review" Topics (for example ONLY)

- ◆ Is the current "Form" of Charter Government still appropriate? (i.e. appointed vs. elected executive branch of local government)
- ◆ Should B.C.C. elections remain "at large", or be "by district"; or a combination of both?
- ◆ Should local elections remain "partisan", or should all, or some of them, be "non-partisan"?
- ◆ Should "Constitutional" Officers remain "as is", or become "Charter" Officers?
- ◆ etc.

PUBLIC INPUT (ALTERNATIVES)

Regular Mail : 18500 Murdock Circle, Room 140
Port Charlotte, Florida 33948

E-Mail : ann.pinder@charlottefl.com

Future Public Hearings: West County, Mid County, South
County



ATTACHMENT "B"

Charter Outline

- ◆ Article I Creation, Powers, and Ordinances of Home Rule Charter Government
- ◆ Article II Organization of County Government
- ◆ Article III Elected County Constitutional Officers
- ◆ Article IV Home Rule Charter Transition, Amendments, Review, Effective Date

Permitted Forms of Government

- ◆ County Executive – Elected Commissioners, Elected Administrator with Veto Power
- ◆ County Manager – Elected Commissioners, Appointed Administrator
- ◆ County Chair – Elected Commissioner, Elected Chair, Appointed Administrator

Amendment Options

- ◆ *Amendments may be proposed by the board of county commissioners.*
- ◆ *Amendments may be proposed by initiative.*
Requires petition by 10% of the number of voters in the previous county wide election.
- ◆ *Amendments may be proposed by Charter Review Commission.*
- ◆ *Proposed Amendments must be approved in a general election of Charlotte County voters*

Charter Review Committee

- ◆ *Autonomous, Independent of B.C.C.*
- ◆ *Secretary Pan Pinder*
- ◆ *Lawyer Rob Bernissen*
- ◆ *Budget \$30,000*

Organization

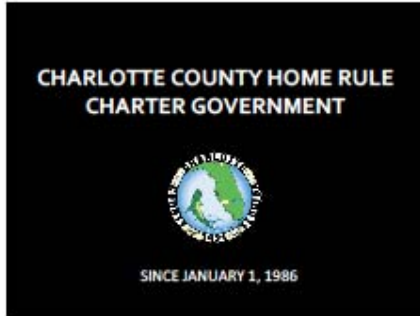
Doherty, Ken (Chairman)
Russell, Kevin (Vice-Chairman)

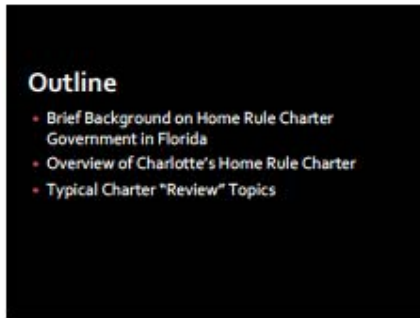
Sub Committees

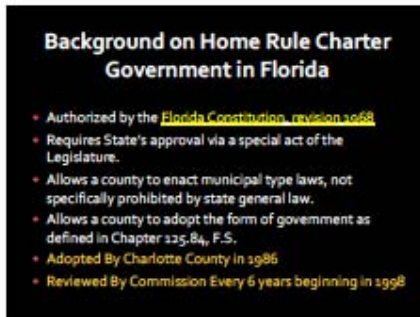
Garrard, Maureen – Constitutional Officers
Mathis, Julie – Administration/Staff
Vernon, Johnny – County Commissioners
Folchi, Bill – Other Boards/Agencies

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Charlotte County Perspective

Total Population* of Florida	18,328,340	
Total Voters	11,247,634	60%
Charlotte County Population	265,455	
Charlotte	117,250	72%
Counties in Florida	67	
Rank	28	
Charter Counties in Florida		
Voter Population	8,181,059	72%
Charter Counties	20	
Charlotte County Rank	17	

*Population and voter data are estimated from 2018 sources.

Charter Counties in Florida

11 Alachua	110 Miami - Dade
12 Brevard	111 Orange
13 Broward	112 Osceola
14 Charlotte *	113 Palm Beach
15 Clay	114 Pinellas
16 Columbia	115 Polk
17 Duval / Jacksonville	116 Sarasota
18 Hillsborough	117 Seminole
19 Lee	118 Volusia
20 Leon	119 Wakulla

Overview of Charlotte's Home Rule Charter

Article I	Creation, Powers , and Ordinances of Home Rule Charter Government
Article II	Organization of County Government
Article III	Elected County Constitutional Officers
Article IV	Home Rule Charter Transition, Amendments, Review, Effective Date

Forms of Charter Government
F.S. Regulations provide for 3 options:


- » **County Executive** – Elected Commissioners, Elected Administrator with Veto Power
- » **County Manager** – Elected Commissioners, Appointed Administrator
- » **County Chair** – Elected Commissioner, Elected Chair, Appointed Administrator

Section 4.2 – Home Rule Charter Amendments

- A. Amendments may be proposed by the board of county commissioners.
- B. Amendments may be proposed by initiative.
 - Requires petition by 10% of the number of voters in the previous county wide election.
- C. Amendments may be proposed by Charter Review Commission.
- D. Proposed Amendments must be approved in a general election of Charlotte County voters.

2010 CHARTER REVIEW COMMISSION

Dodd, Andy	Rice, Thomas
Doherty, Ken (Chairman)	Russell, Kevin (Vice-Chairman)
Dryburgh, William	Vernon, Johnny - County Commissioners
Folch, Bill - Interim Boarding Operator	Wetzel, Frank
Garrard, Maxime - Legislative Affairs	
Graham, Suzanne	Walker, BB (At-L)
Grane, Michael	Kantor, Corrie (At-L)
Goggin, Joseph	Kelly, Patricia (At-L)
Hess, Paula	
Hitzel, John	
Mathis, Julie - Administrative Support	



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Typical Charter "Review" Topics
(for example ONLY)

- Appointed vs. elected executive branch of local government.
- B.C.C. election "at large", or be "by district"; or a combination of both.
- Partisan, or non-partisan local election.
- Constitutional Officers vs. Charter Officers.
- Term Limits

PUBLIC INPUT
(Contact Info)

Regular Mail : 18500 Murdock Circle, Room 140
Port Charlotte, Florida 33948
Phone: (941) 623-1087
E-Mail : ann.nieder@charlottefl.com
Web Site: <http://www.charlottefl.com/CharterReviewCommission/>

Future Public Hearings:  Mid County, South County

Comments