

**CHARTER REVIEW COMMISSION
OTHER BOARDS AND AGENCIES SUB-COMMITTEE
Minutes of Meeting
March 18, 2010**

A meeting of the Other Boards and Agencies sub-Committee of the Charter Review Commission was held at the Administration Complex, Room 106B, Port Charlotte, Florida.

Roll Call

The following members were present:

Bill Folchi (Chairman), Ken Doherty, John Hitzel

Absent Members:

Connie Kantor (alternate)

Call to Order

The meeting was called to order at 1:01 p.m. EST by *Chairman Folchi*

Agenda Items

(1) Approval of Minutes of meeting March 2, 2010. *Chairman Folchi* proceeded immediately with the interview portion of the meeting. The Minutes of the meeting held on March 2, 2010 will be brought up for approval at the next scheduled meeting.

(2) Interviews had been scheduled with representatives from the City of Punta Gorda as well as a representative from the Englewood Water District.

CITY OF PUNTA GORDA INTERVIEW

Mayor Harvey Goldberg and City Manager Howard Kunik had been invited to this meeting representing the City of Punta Gorda. *Chairman Folchi* began the meeting by welcoming these gentlemen and thanking them for giving their time. *Mr. Folchi* provided a brief outline of the focus of the various sub-Committees formed under the current Charter Review Commission. *Chairman Folchi* confirmed with the invitees that they had previously received a list of proposed questions, and indicated that they were welcome to present their own thoughts and issues in addition.

Has the Event Center or other county facilities within the City caused any issues between the County and City that might be addressed by Home Rule Charter? Mayor Goldberg asked *Chairman Folchi* to confirm that he was referring to the Charlotte County Charter document and *Mr. Folchi* responded affirmatively. *Chairman Folchi* briefly described

the components of the Home Rule Charter, indicating the three (3) ways that it can be changed, ie., citizens' initiative, ordinance of the Board of County Commissioners, or Amendment proposed by the Charter Review Commission. *Chairman Folchi* further indicated that the Charter applies to everything outside of the City of Punta Gorda. He said that the only interaction seen in the past was the issue of impact fees and a ruling that the County supercedes the City in this regard. *Mr. Folchi* said that the last Charter Review Commission had asked the City if they had noticed any changes in their operations due to that change, and indicated that the City had responded that they had not. City Manager Howard Kunik said that he did not think that the County Charter had any influence whatsoever in how the City and the County deal with each other on various projects. Mayor Goldberg indicated that he was of the same opinion, mentioning the old Courthouse and the Events Center, which are inside the City limits. Mayor Goldberg said that he could not think of any issues that could not be addressed between the applicable Departments and the Boards of County Commissioners. Mayor Goldberg said that he thought it was an advantage to have the Events Center in the City, as well as other Constitutional offices such as the Tax Collector, etc., in order for the residents of South County to avail themselves of those services.

Does the City of Punta Gorda have any geographic growth issues that might be improved by the consideration of changes, deletions or additions to the Home Rule Charter? City Manager Howard Kunik replied that the City has a voluntary annexation program in place, saying that it would not be called aggressive. Mayor Goldberg said that it was a very broad program. Mr. Kunik asked if the Home Rule Charter addressed annexation and *Ken Doherty* indicated that it did not. *Chairman Folchi* explained that even if no proposals were submitted to the Charter Review Commission, the public would be made aware of the issues and responses in this sub-Committee's report. *Ken Doherty* supported this by saying that as Chairman of the CRC he would be reporting to the Board of County Commissioners at the end of this session. *Mr. Doherty* said that along with any proposed Amendments he would be submitting a report that would include issues that did not rise to the level of Amendment but nevertheless were matters for consideration that came out in the interview process. Mayor Goldberg said that the City has a number of inter-local agreements with County departments that help out when they get in a cross jurisdictional situation. He used the example of maintenance, emergency services, etc. involving certain streets that are partly in the City and partly in the County. Mayor Goldberg said that all of the issues are pretty well addressed and resolved by discussion and he did not feel they needed to be legislated. *Chairman Folchi* agreed in this observation of cooperation, which led to the next question.

The City and County have initiated quarterly joint meetings and these have been successful in improving relations between the two groups. There have been attempts in the past to formalize these meetings. Would such a measure be helpful to future City Councils and the Board of County Commissioners. Mayor Goldberg inquired about the extent of formalization and the ability of the Charter to address that. *Ken Doherty* said that the Charter has that flexibility if it would be valuable to consider. Mayor Goldberg replied that he did not think such formalization would be necessary, as both sides already see the benefit of collaborative efforts. Mayor Goldberg further said that even when the Agenda is light the meetings are held anyway because it is as much a public service as it is a benefit to both Government bodies and their staffs. He also gave credit to both administrations and respective staffs for providing advance documentation that allows the meetings to flow efficiently. Mr. Kunik concurred that he saw no need to put it in the Charter.

Should the organization of the Community Redevelopment Agency be changed to include a County Commissioner? *Chairman Folchi* confirmed that he was referring to the CRA in which the City of Punta Gorda is involved. Mayor Goldberg indicated that he did not think that would be necessary. Mr. Kunik added that the Commissioners are involved in the sense that they select the two at-large members and thus could select one of their own to sit if they so desired. Mayor Goldberg said that to his knowledge the Charlotte Harbor CRA currently has no Commissioners seated, nor does Murdock Village. He further stated that the City of Punta Gorda CRA has the five council members seated as well as two at-large. Mr. Kunik stated again that they are selected by the County Commissioners.

Are there any issues such as Charlotte County geographic jurisdiction for water resources that might be addressed by the CRC? City Manager replied that there are issues, but he did not know how the Charter would be involved in addressing those. He indicated that the City gets occasional requests for water or sewer outside of their service area, and in order to serve the properties the City has to ask the County if they mind them providing service. Mr. Kunik further indicated that these incidents are handled administratively and/or through the elected bodies. Mayor Goldberg said for the purpose of clarification that their current water service area is twice the size of the City limits, with roughly forty (40%) percent in the un-incorporated County area. Mr. Kunik again indicated there are issues, asking how the Charter might propose to handle them. *Chairman Folchi* explained that the Charter could define the limits or jurisdictions, and *Ken Doherty* added that could apply to the resolution of issues between the jurisdictions. *Mr. Doherty* explained that the perspective is determine whether or not the structure of Charlotte County's government is working effectively or if a change would help eliminate such issues. Mr. Kunik brought up an example of a property owner who owns fifty acres in the County, served by the County, but the County cannot get to them for whatever reason. Mr. Kunik indicated that this property owner might be close to the City service area and

thus request service from the City. The City would have to ask permission from the County to do this. In response to a question from *Ken Doherty*, Mr. Kunik said that the process would be County Administration taking it to the Board of County Commissioners. *Mr. Doherty* affirmed a previous statement that the Charter is examining whether or not that process is as effective as it can be, asking if the County timeline in arriving at an answer for the property owner is as fast and efficient as the City's process. Mr. Kunik indicated that the process in the City is going to be quicker as the City is smaller and has less bureaucracy. He said that in the example just presented it took a couple of months because of the size of the property involved, saying that they evaluated it, took it to an Advisory board and then to Council who agreed that the City would provide the requested service. In reply to another question from *Ken Doherty* both Mayor Goldberg and Mr. Kunik indicated that the County process was considerably longer, although less than a year, and it was denied. Mr. Kunik said that the property was Tucker's Grade, and observed that the reason for denial might also have been that the developer may have pulled out because of economic issues and the downturn in the real estate market. Mayor Goldberg said that as the economy recovers this project may return, and Mr. Kunik added that if that happens the hydrological study has been done. Mayor Goldberg said that there is no statute of limitations, elaborating that although details may change the original agreement was that the developer would do the inground plant work which would ultimately be turned over to the City. Mr. Kunik added that they would voluntarily annex, and they were going to put in a re-use system. Mayor Goldberg added that a more contemporary matter could be that as they get closer to annexing the Loop that property could also include a re-use system, not requiring a line extension from the City's standpoint.

How does the Punta Gorda Utility Department interact with the Charlotte County Board of County Commissioners? Mr. Kunik replied that the respective staffs interact on technical matters and projects, referring to a current re-use project in Charlotte Harbor which the City has requested be extended past the bridge to the downtown area. *Chairman Folchi* observed that the Punta Gorda Utility Department is an enterprise and *John Hitzel* confirmed that CCU is also.

Chairman Folchi explained that the next group of questions concerned County government and were being asked of all interviewees to obtain their opinions.

Should the County Administrator be elected rather than appointed? City Manager Kunik indicated that he could not comment, but emphasized that in his professional opinion he felt that a County Administrator or City Manager should be appointed. Mayor Goldberg observed that given the scope of responsibilities of a County Administrator, it would be fraught with problems if an Administrator were elected. *Ken Doherty* described the three options allowed in Charter County structure, i.e., an elected Executive similar to the Governor or President, an appointed Administrator such as now exists, and a third option which is an elected County Mayor/appointed Administrator team. Neither Mayor

Goldberg nor Mr. Kunik were familiar with the latter. *Mr. Doherty* said this is an option that is being examined by some of the sub-Committees to determine if Charlotte County could better deliver municipal services if structured like a City. He observed that there are no initiatives by any areas of the County to incorporate. *Mr. Doherty* asked if this third option would be beneficial in the City's relationship with the County, and Mayor Goldberg replied that it was an interesting option to consider if additional communities were to incorporate, thus making the un-incorporated County area smaller, more manageable and less diverse. Mayor Goldberg observed that in his opinion it would not be workable in the present day environment, but under the previously discussed scenario (more areas incorporating) it could be considered. *Chairman Folchi* restated that there were currently no plans for incorporation within any areas of the County. Brief discussion followed about this issue and possible areas of incorporation.

Should the County Commissioners be elected from single Commissioner districts or at-large? Mayor replied that it was his opinion that Commissioners should be elected as single members, citing the size of the County itself and diversity within the County.

Should there be more or less Commissioners? Mayor Goldberg replied that this also related to size and geographic boundaries, and said that in his opinion five Commissioners is a good number for Charlotte County. *Ken Doherty* mentioned an option available under the Charter which would be a mixture. He described the possibility of dividing the County into four districts (South, West and two Mid), each having a single Commissioner and then having one elected at-large. Mayor Goldberg responded that could be a workable scenario.

How much land should the County continue to acquire? Should there be some ratio or limit that contains the amount of land that goes off the tax rolls? Mr. Kunik indicated that he thought that should be left out of the Charter and established instead by the policy makers.

What is your opinion on term limits? Mayor Goldberg said that he thought there should be term limits at all levels of government. *Chairman Folchi* asked him what he thought those limits should be and Mayor Goldberg replied that at least at the City level he preferred two to three terms of three years each. *Chairman Folchi* observed that it can be a double edged sword because with shorter term limits the administrators actually run the show. *Mr. Folchi* further observed that he thought an absence of a large number of qualified candidates at the local level contributes to the continuing re-election of incumbents. Mayor Goldberg said that term limits could bring out more candidates, but acknowledged it is hard to overturn an incumbent. Mayor Goldberg said that he thought the community is loaded with knowledgeable and skilled people who could run for office if they chose. Mayor Goldberg also mentioned that term limits could help control any

coalitions that might form. *Chairman Folchi* mentioned the learning curve that is inherent for any newly elected candidate.

Chairman Folchi indicated that all of the proposed questions had been answered and invited Mayor Goldberg and City Manager Kunik to make any comments. Mayor Goldberg asked if the recommendations from the Charter Review Commission would go on the ballot or if portions had to be approved by the BCC. *Chairman Folchi* replied that anything the CRC votes to approve can be placed on the ballot. *Ken Doherty* explained that he will go before the Board of County Commissioners with his report on July 27, 2010, at which time they will have to pass a Resolution and it is sent to the Supervisor of Elections. *Chairman Folchi* added that the CRC is theoretically completely autonomous with their own budget, administrative support, etc. Mayor Goldberg observed that the City just seated their Charter Review. In response to a question from *Ken Doherty*, Mayor Goldberg replied that they had flexibility as to the number, it depended on what the Council decides. He indicated that there were significant changes made in the last session, both in policy as well as verbiage.

This concluded the conversations with Mayor Goldberg and City Manager Kunik. *Chairman Folchi* and the sub-Committee members thanked them for their time and input.

ENGLEWOOD WATER DISTRICT INTERVIEW

Mr. Steve Samuels, Chairman of the Englewood Water District, was welcomed by *Chairman Folchi* at 1:59 p.m. EST. Mr. Samuels began the conversation by saying that he had attended a meeting recently in West County at which *Ken Doherty* was the speaker and said that as a result he was more familiar with the County Charter. Mr. Samuels said that the Englewood Water District annually gives access to the public to enter the grounds and tour the water treatment plant and the reclamation plant. In response to a question by *Chairman Folchi* about the size of the District, Mr. Samuels responded that they encompass about fifteen square miles, from Buck Creek north past Manasota Beach Road and the barrier islands to Winchester Boulevard. He indicated that there are over twenty thousand billed ERC's for water and approximately forty five thousand people are served at this time of year. *Chairman Folchi* asked Mr. Samuels if he knew how many gallons per day that represented and Mr. Samuels replied that he did not. *Ken Doherty* asked if they serviced any of the old General Development Corporation area in east Englewood and Mr. Samuels replied that in 1994 they purchased the rights to a section which includes most of east Englewood, for waste water treatment. Mr. Samuels said that the area was already being served by Charlotte County but Englewood Water District purchased the rights for waste water through a bankruptcy proceeding. He indicated that the only service they currently offer in east Englewood is to the businesses along the S.R. 776 corridor, but they do have the rights to roughly ten thousand parcels in that area. *John Hitzel* asked Mr. Samuels about the District's water sources. Mr.

Samuels responded that they have five different wells in the area, three of which are deep water wells that have brackish water and go down about four hundred feet. He said that they also have two shallow fresh water wells that go down about one hundred and fifty feet. Mr. Samuels explained that they combine the two in the treatment plant for a mixture that is roughly forty percent fresh water and sixty percent reverse osmosis treated water.

Chairman Folchi explained to Mr. Samuels why he had been asked to attend. Mr. Samuels inquired how many meetings this sub-Committee planned and *Chairman Folchi* listed the entities already interviewed and those scheduled for interview. He mentioned an outstanding invitation to the Southwest Florida Water Management District and the Peace River-Manasota Water Supply Authority. *John Hitzel* asked if they had a relationship with Peace River-Manasota and Mr. Samuels indicated that they work frequently with SWFWMD but do not have a lot of direct dealings with Peace River-Manasota.

How does the Englewood Water District interact with CCU and the Charlotte County Board of County Commissioner? Mr. Samuels said that about four years ago the Englewood Water District started discussion with CCU about an inter-connect in the event of an emergency situation. He said that during a previous drought the Peace River itself was not able to keep up and Englewood Water District was able to open the valve and send about one million gallons a day to CCU customers. *Chairman Folchi* asked if they had to get permission from SWFWMD to do that and Mr. Samuels said that since that time they have had the authorization from them to proceed and he believes that they now work through Peace River-Manasota if a need arises. Mr. Samuels indicated that this inter-connect agreement also works conversely if Englewood Water District were to need water. *Ken Doherty* asked if the inter-connect is literally just a single valve with a meter and Mr. Samuels replied that it is. He said that they exercise those valves quarterly and one such exercise was scheduled for this day or the next. *Chairman Folchi* asked about rates and Mr. Samuels said that the Englewood District rates are approximately forty six percent lower than Charlotte County Utilities, adding that a set Government rate applies when the inter-connect is active. *Chairman Folchi* asked if they buy and sell at the same price (as far as Charlotte County or Englewood District getting the water) and Mr. Samuels said he thought there was an agreed price. He indicated those negotiations took place several years ago and he was not a part of the discussion at that time. *Ken Doherty* asked if the Englewood Water District had ever needed the CCU water, and Mr. Samuels replied that they had not. *John Hitzel* asked for confirmation that they service both Sarasota and Charlotte counties, and then asked about the structure of the Board. Mr. Samuels indicated that it is the same as Charlotte County with all members elected at large, staggered terms, and an appointed Administrator. He indicated that two Board members reside in Charlotte and three in Sarasota county. *Ken Doherty* commented that it is interesting that the Englewood District rates are so much lower than Charlotte

County since sixty percent of the supply comes from reverse osmosis. Mr. Samuels said that they pride themselves on care and efficiency and he credited the exceptional staff.

John Hitzel asked who approves their rate structure and Mr. Samuels replied that they are an independent District therefore their Board makes those decisions. He indicated that they have to follow the rules and regulations of SWFWMD as well as EP, but being an independent district allows them a great deal of latitude as well as the ability for quick action. Mr. Samuels also said that through some re-organization by the new Administrator the Englewood Water District will be saving about a quarter of a million dollars in payroll but still be operating and delivering services as efficiently as before.

John Hitzel asked if they had any relationship with the Board of County Commissioners and Mr. Samuels replied that they really did not. He mentioned that shortly after her election Commissioner Duffy took a tour of the facility and attended their presentation. Mr. Samuels said that most of their dealings are with staff, referring to a current storm drainage project on Manasota Key and a project on S.R. 776. He said that he cannot recall any issues that they have had in the recent past and the interaction with staff is going very well. Mr. Samuels indicated that the same applies to dealings with Sarasota County. *John Hitzel* asked how many other water providers existed in Sarasota County and Mr. Samuels indicated there are at least five.

Does the Englewood Water District have any suggestions as to how the Charlotte County Home Rule Charter should be improved? Mr. Samuels said he brought that question up at his Board meeting this morning. Since the two entities are structured similarly and his organization is comfortable in the way they operate he did not get a sense that anything needed to be changed.

Chairman Folchi asked Mr. Samuels about annexation. Mr. Samuels replied that they are able to provide services outside of their District boundaries, giving east Englewood as an example. Mr. Samuels also indicated that there is a parcel to the north of the District that they service, although he said that they were not in a position to go out and solicit annexation. *Mr. Folchi* then inquired how the Englewood Water District came into existence. Mr. Samuels replied that they had observed their fifty year anniversary in 2009, and the District was formed because a group of businessmen saw the need. Mr. Samuels observed that at the time most people were using very poor quality well water. In response to a question from *Chairman Folchi*, Mr. Samuels indicated that the District was formed as an Agency of the State of Florida as a result of an enabling Act. Mr. Samuels also commented that Englewood has never pursued the issue of again becoming incorporated, offering the opinion that cost might be a factor in that decision. Mr. Samuels also indicated that the Englewood Fire District is set up in the same manner as the Water District.

Should the County Commissioners be elected at large or by single member districts? Mr. Samuels replied that he had brought that up at his Board meeting and the members

shared his opinion that Commissioners should be elected at large. He indicated that he has his own district from which he was elected to the Water District, saying that the districts are spread out geographically. Mr. Samuels also mentioned that the decisions made affect the whole District, similar to the Charlotte County Board of County Commissioners.

Should there be more or less County Commissioners? Mr. Samuels replied that he had no strong feelings one way or another. He felt there should be no fewer than five, and in terms of the area served there is probably no need for more.

Should the County Administrator be an elected rather than appointed position? Mr. Samuels replied that had also been discussed at his Board meeting and the consensus was that everything was fine as it currently exists. He indicated that his personal opinion is that the person doing the job is the important factor. Mr. Samuels acknowledged the different schools of thought as far as elected versus appointed and the resulting interaction with the Commissioners, but re-emphasized that the key issue is getting the right person for the job.

What is your opinion on setting term limits? Mr. Samuels replied that the opinion on his Board was that there is no need to set term limits. He indicated that they do not have term limits, and he mentioned the length of time it takes for a person to become familiar with their job. Mr. Samuels felt that if term limits were too short there would always be a learning curve with a portion of the people serving, saying that organizations work more effectively with experience.

This concluded the prepared questions and *Chairman Folchi* asked if there were any comments. *Ken Doherty* offered congratulations to Mr. Samuels with regard to such an efficient organization. Mr. Samuels said they are proud of their achievements and mentioned that they have the first permitted ASR (Aquifer Storage Recovery) well in the State. He described that the water coming out of their wastewater treatment plant is all used for irrigation and they are the only utility he knows of that does that. Mr. Samuels went on to describe that the system cannot operate on tanks alone, and the ASR is a well dug deep into the aquifer where there is no potable water. The water from the treatment plant is injected into the well and it forms its own bubble of about eight hundred million gallons. He said it is put there during periods of heavy rain when people are not irrigating, and it stays there until needed for irrigation. Mr. Samuels said that their utility was recognized among the top seven in the nation at a recent meeting in Seattle. *Chairman Folchi* asked if the water has to be re-processed when it comes out of the ASR and Mr. Samuels replied that it mainly does not because the bubble maintains water stability. He indicated that arsenic content has not been an issue. *Ken Doherty* mentioned that he thought Charlotte County was in the process of establishing two ASR wells. Mr. Samuels acknowledged this and indicated there is a lengthy process involved. Mr. Samuels then asked *Ken Doherty* about the Charter Review Commission and the recommendation process, and *Mr. Doherty* offered a brief explanation.

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Chairman Folchi thanked Mr. Samuels for his time and input.

(3) Public Input: None

(4) Committee Comments: None

(5) Adjournment: Upon motion made and seconded the meeting was adjourned at 2:40 p.m. EST.

Bill Folchi, Chairman

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