

**CHARTER REVIEW COMMISSION  
CONSTITUTIONAL OFFICERS SUB-COMMITTEE  
Minutes of Meeting  
April 29, 2010**

A meeting of the Constitutional Officers sub-Committee of the Charter Review Commission (CRC) was held at the Administration Complex, Room 106-B, Port Charlotte, Florida.

Roll Call:

The following members were present:

*Andy Dodd, Joseph Goggin, Suzanne Graham*

The following were not present:

*Maureen Garrard, Patricia Kelly*

Call to Order:

The meeting was called to order at 4: 01 p.m. EDT by *Acting Chairman Andy Dodd*

Agenda Items:

1. **Approval of Minutes** of April 15 , 2010 Meeting: *Mr. Dodd* confirmed that all of the members present had previously reviewed a copy of these Minutes. There being no additions nor deletions the motion to approve these Minutes was made and seconded and the Minutes were accepted by unanimous vote. (Note: This approval took place at the conclusion of the interview with Ms. Barbara Scott).

2 **Interview with Barbara T. Scott, Clerk of Courts:** *Mr. Dodd* and the sub-Committee members welcomed Ms. Scott and thanked her for attending. Ms. Scott distributed some pamphlets to the members, as well as a copy of the 2009 Annual Report. This printed material is available in the Clerk's Office locations and contains supporting information as well as fee schedules, etc. Ms. Scott began her remarks by saying that she had been scheduled for interview as the last of the Constitutional Officers because of ongoing legislation and the potential effects on her office and budget. Ms. Scott indicated that the Clerks statewide were given a budget lower than the \$279 million that they needed, resulting in no raises nor additional staff. She elaborated that this particular budget is for the function of the Courts, indicating that she has three budgets (Courts, Official Records and Board of County Commissioners). She added that it was thought the Legislature was also going to take away the ten (10%) percent of fees that Clerks receive from all the criminal areas (traffic, misdemeanors, etc.) but that was retained. Ms. Scott added that the Legislature wanted the Clerks to get extra hearings for foreclosures and they had put money into the budget for additional magistrates and staff. She indicated that money was also supposed to have been taken out but thus far it had not. Ms. Scott said that seventeen (17%) percent of her budget was cut last year, adding that ninety five (95%) percent of her expenses are personnel and that makes it difficult to

provide the services. Also, money is now disbursed to them at the end of the month rather than the beginning. Ms. Scott explained that two fiscal years have been created, the County budget year which is October 1 through September 30, and the State (Courts budget) which runs from July 1 through June 31. She indicated the difficulty of this, adding that the State likes them to project a two year budget. Ms. Scott said that they work on a zero based budget and any excess goes back to the CCOC which sends it to the General fund. Ms. Scott said that mostly as a result of foreclosure fees last year the Clerks took in \$138 million extra which went to the Courts' Trust fund, a portion of which went back to the General fund. *Andy Dodd* observed that most of the problems appear to be at the State level, and Ms. Scott confirmed that was true.

What is your opinion of non-partisan elections for Constitutional Officers? Ms. Scott replied that she does not like the idea of non-partisan, adding that she likes the platform as well as the organization associated with party affiliation. She added that it was easier for both the candidates and the general public if elections are partisan.

What is your opinion on setting term limits for Constitutional Officers? Ms. Scott replied that term limits are decided every four years by the voters.

What is your opinion on changing the Constitutional Officers to an appointed position rather than elected? Ms. Scott replied that she is absolutely opposed, referring to the system of checks and balances. *Andy Dodd* asked Ms. Scott if her office audited the books for Charlotte County and she replied that it does an internal audit, and also outside auditors come in. She mentioned that there are numerous different functions for audit. Ms. Scott added that her office keeps the books for the County and the Supervisor of Elections.

Do you have any other forms of funding? *Andy Dodd* confirmed that the Clerk's Office has three budgets, ie., the previously discussed Courts budget which is handled through the State and funded through fees; the Official Records budget from which she uses fees to support that portion of her Office and the unused fees are returned to the Board; and the BCC budget. Ms. Scott said that she used to be able to turn a lot of money back to the general fund, but in recent years she has not because of budget shortfalls. *Mr. Dodd* observed that in a way the State has caused local government to pick up more of the expenses. Ms. Scott explained Article V, Revision VII was created in an attempt to help with that as far as the Courts. Ms. Scott added that her budget has gone down fourteen (14%) percent since 2004. She indicated that they work with a lot of volunteer groups who work temporarily in the Office. Ms. Scott said that she had contacted a recently retired employee to come back and work in a volunteer capacity.

What are your observations regarding the relationship of the Constitutional Officers and the Board of County Commissioners? Ms. Scott said that she has not had any problems. She acknowledged the difficult job of the Commissioners. Ms. Scott said that she also works well with the current County Administrator. *Mr. Dodd* observed that with the exception of the Sheriff, the elections for Constitutional Officers were never hotly contested and usually resulted in re-election.

In concluding her comments, Ms. Scott said that she would be opposed to the idea of an elected County Administrator. *Andy Dodd* replied that he thought the Charter Review Commission had eliminated that from discussion, and he and the other members described the proposed elected County Mayor/appointed Administrator structure that is being discussed. Ms. Scott acknowledged that this was similar to Volusia and Orange counties. *Mr. Dodd* said that some members are in favor of putting this on the ballot right away and others favor a possible extension of the term of this CRC to allow further study. Ms. Scott agreed that further study would be beneficial and added that the person filling the position is the most important consideration. She mentioned a concern about making changes simply for the sake of change.

*Mr. Dodd* told Ms. Scott that the CRC expected to have quite a few questions on the ballot this year, although many of them may be "housekeeping" issues. He specifically mentioned the implementation of the debt and reserve policies, indicating that it may be helpful for Ms. Scott's office to audit those along with the economic impact statements.

Ms. Scott mentioned a second concern, which is the Charter language about non-interference. She said that it should not mean that the Board is not able to talk to Department heads. *Joseph Goggin* observed that part of the reasoning behind the strong Mayor concept is that he or she would have the ability to work directly with the Department heads. *Andy Dodd* asked Ms. Scott if her concern was the interpretation of the language in the Charter and there was discussion that the Commissioners can certainly communicate with Department heads but are limited as far as specific interference, personnel issues, etc.

There was also some brief discussion about possibly going to single member Districts under the proposed change, which might also make non-partisan Commission elections more feasible. Ms. Scott indicated that she had called some contacts in Duval and Orange counties regarding the proposal. *Suzanne Graham* and *Andy Dodd* acknowledged that it is an interesting concept and perhaps only a matter of time until this change is needed. *Joseph Goggin* added that he thought proceeding without enough study would defeat the proposal. Ms. Scott reiterated her feeling that the way a person handles their job is important, referring to the capable way that County Administrator Baltz works with the Commissioners and adding that the Department heads could work in the same way.

The members thanked Ms. Scott for her time and courtesy.

3. **Public Input:** None

4. **Committee Comments:** None

5. **Develop Final Report for this sub-Committee:** The members reviewed an outline that had been prepared for this sub-Committee as well as the Final Report from 2004. Through discussion they added their comments. *Andy Dodd* felt that it would be beneficial to have the office of the Supervisor of Elections become non-partisan, not so much from the standpoint of the election itself but during his or her service in that position. This was the only area in which the sub-Committee intended to suggest the Charter be changed. *Joseph Goggin* pointed out that there was no need to address residency

requirements for the Constitutional Officers as this issue was already being drafted from a previous CRC meeting. Likewise a previous vote of the full membership had decided there was no need to change the rotation of names on the ballot. There was no discussion of changing the office of Sheriff to an appointed position. The members were requested to review the Minutes from all of the interviews and compile a list of highlights that they wished to see included in the Final Report. That Report will be presented to the general membership during a meeting on May 13, 2010, and a copy will be appended to the Minutes of that meeting.

6. **Adjournment:** The meeting was adjourned at 4:55 p.m. EDT

---

Andy Dodd, Acting Chairman