

**CHARTER REVIEW COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
June 17, 2010**

The Charter Review Commission held a Public Hearing/ General membership meeting on June 17, 2010 at the Murdock Administration Center in Room 119.

Roll Call

The following members were present:

Ken Doherty (Chairman); Kevin Russell (Vice Chairman); John Hitzel; Bill Dryburgh, Tom Rice, Maureen Garrard, Johnny Vernon; Joseph Goggin

The following members were absent:

Paula Hess; Suzanne Graham, Frank Weikel; Mike Grant; Julie Mathis; Bill Folchi; Andy Dodd

The following alternates were absent:

Connie Kantor; Bill Weller; Patricia Kelly

Also in attendance was Robert Berntsson, Esq., counsel for the CRC

Call to Order

The meeting was called to order at 4:00 p.m. EDT by *Chairman Ken Doherty*

Agenda Items

1. Introduction and overview of Charter Review Commission and amendments under consideration. *Chairman Doherty* thanked the members of the public for attending, explaining that his was the second of three required Public Hearings. *Chairman Doherty* narrated a PowerPoint® presentation which gave an overview of the Charter Review Commission. (Note: a copy of this presentation was previously appended to the Minutes of June 3, 2010). At the conclusion of this presentation, Robert Berntsson, Esq. made reference to the fact that the Charter Review Commission is a completely voluntary board, and *Chairman Doherty* added that seven of the members have never served in this capacity in the past. *Chairman Doherty* then asked Mr. Berntsson to outline for those present the ten proposed Amendments under consideration. (Note: a copy of these Amendments was previously appended to the Minutes of June 3, 2010).

2. **Public Input.** *Chairman Doherty* invited any citizen wishing to address the meeting to come forward to the dais, asking them to sign in before speaking.

Bob Starr, Charlotte County Commissioner, thanked the members of the Charter Review Commission for their service. Commissioner Starr addressed the Amendments under consideration. He said that proposed Amendment 1 was good, adding that he would like to see a time- certain stated. Regarding proposed Amendment 2, Commissioner Starr suggested that this be handled administratively, having it be a policy rather than a Charter change. Commissioner Starr said that the debt and reserve policies referred to in proposed Amendment 3 will be part of the budget reviews and do not need to be re-stated separately. Commissioner Starr had no issue with proposed Amendments 4 and 5. Regarding proposed Amendment 6, he said that this could also be done administratively, adding that there is a new budget process in the County involving every Department and there are also the budget hearings. In addressing proposed Amendment 7, Commissioner Starr said this could also be handled as a matter of policy, pointing out that items appearing on the BCC Agenda have usually been in the works for a long time. He acknowledged that there is sometimes a problem with a new item, but otherwise there is a good lead time. Regarding proposed Amendment 8, Commissioner Starr did not have a problem either way but said that he could foresee problems with the Sunshine laws if this change took place. Commissioner Starr indicated that he did not have any strong opposition to proposed Amendment 9 if the Charter Review Commission needs a longer session. Commissioner Starr was opposed to proposed Amendment 10, saying that it would result in the CRC debating issues that did not pass in the original session. Commissioner Starr mentioned that there have been significant changes and progress in the County and there are inherent dangers in any restructuring that might be proposed.

At the conclusion of Commissioner Starr's comments, *Bill Dryburgh* asked permission and questioned Commissioner Starr if the Economic Development Office could go to each Commissioner individually. Commissioner Starr mentioned that the Economic Development working group is developing ways to streamline operations with the County Commission so that they can work more independently. Commissioner Starr again mentioned his concern of "daisy chaining" and Sunshine violations with the proposed change.

Ray Corcoran thanked the members of the Charter Review Commission for their time and efforts. Mr. Corcoran said that he was opposed to both single member districts and term limits. *Chairman Doherty* replied that these were not being proposed for the ballot, and Robert Berntsson added that they had been considered but not moved forward by the CRC.

Joan Fischer said that she was opposed to having ten Amendment proposals for the ballot. Regarding proposed Amendment 1, Ms. Fischer said that as written it does not offer anything better than already exists, adding that a definite time should be stated. Ms. Fischer felt that proposed Amendments 2 and 3 could be handled by ordinance, saying that the Board looks at these issues anyway in the course of their work. Ms. Fischer was not opposed to proposed Amendments 4 and 5. Regarding proposed Amendment 6, Ms. Fischer said she hoped that the right people were already in the Budget office and this additional committee was not necessary. Ms. Fischer said that proposed Amendment 7 might help, but she opposed it. Ms. Fischer said that she though Amendment 8 involved Sunshine law. Referring to Amendment 9, Ms. Fischer said that the CRC should do its job in the time already allotted, and she opposed that proposed Amendment. Ms. Fischer also opposed Amendment 10, saying that it should not be put on the ballot and instead the citizens should voice their desire for change if they want another form of government.

At the conclusion of Ms. Fischer's comments, *Chairman Doherty* remarked that a meeting of the sub-Committee chairpersons had taken place and additional information was being prepared for the next Public Hearing and for the website in order to fully explain why these proposals are worthy.

Bob Reichart asked the Charter Review Commission if any of the comments heard during Public input would have any impact. *Chairman Doherty* replied that all of the specifics would be debated by the full membership, and although he could not predict which would be incorporated by vote they would all be discussed. In reference to proposed Amendment 1, Mr. Reichart indicated that a specific time should be mentioned. Mr. Reichart opposed proposed Amendment 2, saying it should be part of the normal budge review process and was not needed. Mr. Reichart did not like proposed Amendment 6, saying that it created an ex-officio form of government

John Crawford indicated that he thought proposed Amendments 1, 4 and 5 were good. He said that he did not like proposed Amendments 9 and 10. He said that proposed Amendment 9 might be acceptable, but he definitely opposed 10 saying that if an issue is defeated by vote is should be left to the next CRC session.

Don McCormick thanked the members of the Charter Review Commission for their service. Mr. McCormick addressed proposed Amendments 9 and 10, saying that he would not oppose a fifteen month term under proposed Amendment 9. Mr. McCormick opposed proposed Amendment 10, describing it as well meaning but dangerous, saying that it would only bring back issues already put to rest during the normal CRC session.

Kathryn Thoma asked about the cost of putting each proposed Amendment on the ballot. Ms. Thoma said that she agreed with the amendments concerning residency proposals. Ms. Thoma asked if the Citizens Advisory Committee would be selected from the general public and *Chairman Doherty* replied affirmatively. Ms. Thoma also asked if the reason for proposed Amendment 10 was because this Commission had seen certain issues they wanted to develop and broaden. She indicated that she did not think that should be put on the ballot but should be by petition to the Board. Ms. Thoma said that she would be attending the next Public Hearing on July 1, 2010 to hear the explanations for each proposal.

This concluded the citizen comments, and the public input portion of the Agenda was closed at 4:45 p.m EDT.

3. Approval of Minutes of meeting May 20, 2010 and Public Hearing June 3, 2010. *Chairman Doherty* confirmed that the membership had received copies of each of these Minutes. There being no deletions nor additions to either set the Minutes of both May 20, 2010 and June 3, 2010, respectively, were approved unanimously on motions made and seconded.

4. Approval of Expenses. *Chairman Doherty* confirmed that the membership had received copies of the most recent statement of Robert Berntsson, Esq. Payment of this statement was approved unanimously on motion made and seconded. (Note: A copy of this item is attached to these Minutes as Attachment "A"). Likewise, the members acknowledged receipt of the updated spreadsheet of CRC expenses to date. *Chairman Doherty* said that both Mr. Berntsson and administrative support had tried to project their time through the end of July, and although the total budget dollars are reaching their limit he did not want to ask for additional funds. (Note: a copy of this spreadsheet is attached to these Minutes as Attachment "B").

5. Commission Comments.

John Folchi thanked the members of the public for their input, indicating that the comments received will be added to the ongoing debates of the Charter Review Commission.

Bill Dryburgh also thanked the members of the public for their comments. *Mr. Dryburgh* asked Mr. Berntsson if the proposed Amendment 9 could be changed to a term of fifteen months, as suggested by Mr. McCormick. Mr. Berntsson replied that this could be done as it would not be considered as a totally new Amendment.

Johnny Vernon thanked the members of the public for attending and assured them that their comments are taken very seriously by this Commission.

Maureen Garrard thanked all of the public for attending, mentioning that all meetings are in the Sunshine and open to the public. With reference to proposed Amendment 9 dealing with a longer CRC session, *Ms. Garrard* commented that the deadline of the end of July for submission of all material to the Supervisor of Elections is by State and Federal law and cannot be changed. *Ms. Garrard* also indicated that the Charter Review Commission will be providing more information on these proposals, which will be posted on the website. *Ms. Garrard* assured the members of the public that she was taking extensive notes on all that was said.

Chairman Doherty also thanked the public for attending and giving their input. *Mr. Doherty* reminded the membership that all material must be submitted for the BCC Agenda by 4:50 p.m. EDT on July 15, 2010. He said that in view of this deadline he suggests that final discussion begin at the conclusion of the Public Hearing on July 1, 2010 so that additional direction can be given to Mr. Berntsson at that time. *Chairman Doherty* also indicated that the members may be asked to vote on as many issues as possible at that meeting. *Mr. Doherty* also reminded the membership that a special meeting had been added for July 8, 2010 to conduct any remaining final votes and develop the Final Report.

6. Adjournment. Upon motion made and seconded the meeting was adjourned at 4:55 p.m. EDT.

Kenneth W. Doherty, Chairman

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CHARTER REVIEW COMMISSION

BOOK _____ PAGE _____

ATTACHMENT 'A'

BERNTSSON, ITTERSAGEN, GUNDERSON, WAKSLER & WIDEIKIS, LLP

18401 MURDOCK CIRCLE, SUITE C
PORT CHARLOTTE, FLORIDA 33948
(941) 627-1000
TAX ID#: 26-2501255

1881 PLACIDA ROAD, SUITE 204
ENGLEWOOD, FLORIDA 34223-4949
(941) 474-7713
TAX ID#: 26-2501255

June 1, 2010

Ann Pinder
Charter Review Commission
18500 Murdock Circle
Port Charlotte, FL 33948

Bill Number: 6106
Billed through: 05/31/2010
Reply to: Port Charlotte

General

017296 1729801 RHB

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|----------|-----|---|----------|----------|
| 05/05/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review Public Input emails | 0.25 hrs | 50.00 |
| 05/06/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Conference with Ms. Church, Esq., Pinellas County Charter Review Attorney. | 0.50 hrs | 100.00 |
| 05/10/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review Public Input emails. | 0.25 hrs | 50.00 |
| 05/13/10 | RHB | Prepare for Special Meeting; Review Committee reports; Attend CRC Special Meeting. | 3.25 hrs | 650.00 |
| 05/14/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review Agenda; Review e-mail message(s) to and from Mr. Russell; Draft Ballot language; question language for amendments; Researching law regarding residency requirements | 9.00 hrs | 1,800.00 |
| 05/16/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review e-mail message(s) to and from Mr. Garrard; Review e-mail message(s) to and from Mr. Russell; Review e-mail message(s) to and from Mr. Doherty; Review e-mail message(s) to and from CRC membership. | 0.25 hrs | 50.00 |
| 05/17/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Research regarding HB 131 | 0.50 hrs | 100.00 |
| 05/19/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review Minutes; Review Sunshine Law Manual; Review e-mail message(s) to and from Ms. Sternal; Review Status of HB 131, researching law regarding preemption | 2.00 hrs | 400.00 |
| 05/20/10 | RHB | Prepare for and attend Charter Review Commission meeting | 3.25 hrs | 650.00 |
| 05/21/10 | RHB | Revise Draft Questions; Revise public notice; Review e-mail message(s) to and from Ms. Pinder; Telephone conference with Ms. Pinder; Review e-mail message(s) to and from Ms. Knowlton | 3.50 hrs | 700.00 |
| 05/24/10 | RHB | Telephone conference with Mr. Doherty; Review e-mail message(s) to and from Ms. Pinder; Review e-mail message(s) to and from Mr. Doherty | 0.25 hrs | 50.00 |
| 05/27/10 | RHB | Review e-mail message(s) to and from Ms. Pinder; Review Draft Minutes. | 0.25 hrs | 50.00 |

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BOOK _____ PAGE _____

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|------------------------------------|-------------------------------------|--|----------|--------------------------------|
| <small>General</small> 05/28/10 | <small>Bill No. 0100</small> RHB | Review e-mail message(s) to and from Ms. Pinder; Telephone conference with Mr. Doherty. | 0.25 hrs | <small>Page 4</small> 50.00 |
| | | | | ===== |
| Total fees for this matter | | | | \$4,700.00 |

EXPENSES

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BILLING SUMMARY

Berntsson, Robert H. 23.50 hrs

| | |
|------------------------------------|-------------------|
| TOTAL FEES | \$4,700.00 |
| TOTAL EXPENSES | \$0.00 |
| ===== | |
| TOTAL CHARGES FOR THIS BILL | \$4,700.00 |
| ===== | |
| TOTAL BALANCE NOW DUE | \$4,700.00 |

**Please make your check payable to Berntsson, Ittersagen, LLP
Please include your Bill Number on your check. Thank You.**

ATTACHMENT 'B'

CHARTER REVIEW COMMISSION EXPENSES
 06/15/2010

| CATEGORY | AMOUNT BUDGETED | AMOUNTS THROUGH 05/18/2010 | ADDITIONAL EXPENSES 05/19/2010 THROUGH 06/15/2010 | BALANCE REMAINING |
|---|--------------------|----------------------------|---|-------------------|
| Administrative Support (paid through Snelling Services) | \$9,704.00 | \$8,721.28 | \$776.72 | \$106.00 |
| Rentals and Leases | \$864.00 | | | \$864.00 |
| Postage | \$55.00 | | | \$55.00 |
| Office supplies | \$140.00 | \$215.80 | | (\$75.80) |
| Advertising (legal) | \$2,788.00 | | \$77.35 | \$2,710.65 |
| *Attorney fees submitted (R. Bertsson Esq) | \$21,000.00 | \$12,600.00 | \$4,700.00 | \$3,700.00 |
| TOTALS | \$34,351.00 | \$21,537.08 | \$5,554.07 | \$7,159.85 |

*NOTE: Attorney fees are not paid until approved by membership.

ADDITIONAL NOTE:
 Flexibility exists among the line items. As long as the original budget of \$34,351 is not exceeded, an anticipated surplus in one account can be applied to an account that is insufficient.