

**CHARTER REVIEW COMMISSION
SPECIAL MEETING
MINUTES OF MEETING
JUNE 25, 2010**

A special meeting of the sub-Committee chairpersons was held in Room 106B, Administration Complex, 18500 Murdock Circle, Port Charlotte, Florida .

Roll Call

The following members were present:

Ken Doherty (Chairman), Julie Mathis, Bill Folchi, Maureen Garrard , Tom Rice. Also present were *Michael Grant* and *John Hitzel*.

In addition, the meeting was attended by *Robert Bertsson, Esq. ,* counsel for the CRC.

Call to Order

The meeting was called to order at 1:00 p.m. EDT by *Chairman Ken Doherty*

Agenda Items

1. This meeting was called to **discuss and finalize the explanatory language for the presentation of the proposed Amendments** at Public Hearing and beyond. *Chairman Doherty* began by summarizing the previous meeting held on June 14, 2010 and indicated that this group was convening today to go through the language proposed by several of the members and finalize the presentation. This was accomplished through discussion and the ten proposed Amendments with the resulting explanatory language for each is attached to these Minutes as Attachment "A".

In addition to Amendment specific matters, there was discussion about the issues of term limits and single member districts, neither of which had passed the Charter Review Commission vote as a proposed Amendment. *Chairman Doherty* and *Maureen Garrard* observed that the public needs to be made aware of the reason that these were not being presented, and *Michael Grant* referred to the fact that HB-131 may be challenged or repealed in the future. *Bill Folchi* added that there are additional methods available for the voters to have Amendments placed on the ballot and the CRC vote was not limiting public ability to pursue any issue.

2. Public Input. None

3. Commission Comments.

Julie Mathis mentioned an upcoming Chamber of Commerce event on July 21, 2010 and issued an invitation for members of the Charter Review Commission to attend and set up a table with presentation materials.

Tom Rice and *Maureen Garrard* commented on public reception at the Public Hearings.

Chairman Doherty indicated that he would distribute a draft of the proposed Final Report for member review prior to discussion at the meeting on July 1, 2010. *Chairman Doherty* asked those present to submit any input through administrative support.

4. Adjournment. The meeting was adjourned at 1:50 p.m. EDT

Kenneth W. Doherty, Chairman

ATTACHMENT "A"

Charter Amendment No. 1

Removal of Residency from Commission District by County Commissioner.

Shall Article II, Section 2.2.A of the Charlotte County Charter be amended to allow for a county commissioner's temporary removal from their elected commission district by reason of calamity or natural disaster and except for such temporary removal or redistricting, disqualification and vacancy of office when otherwise removing their residency out of said district?

YES for Approval

No for Rejection

Section 2.2.A. is amended by amending the last sentence to read: "Each candidate for the office of commissioner shall reside within the district from which such candidate seeks election for at least six (6) months immediately prior to the time of qualifying to run for that office, and during the term of office for each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from the district by redistricting may continue to serve during the balance of the term of office, and providing further that any such commissioner who shall be temporarily removed from the district from which such commissioner ran for office by reason of calamity or natural disaster shall be deemed to be residing in such district, provided such commissioner demonstrates their intention to return to said district. However, any commissioner who shall remove his or her residency from the district for which he or she is elected other than by reason of redistricting, or temporarily by reason of calamity or natural disaster without the intent to return, shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant."

SYNOPSIS: This proposed amendment came out of the CRC discussions as a "housekeeping" change. The current language in the Charter requires members of the Board of County Commissioners to reside in their district for at least six months immediately prior to the time of qualifying to run for that office, and during the term of office except for redistricting. The proposal clarifies the obligation for commissioners to remain in their district during their term of office unless there is redistricting or a natural disaster, such as a hurricane forces them to relocate temporarily. If a commissioner moves out of their district for any other reason, they are deemed disqualified to hold the office and the office will be considered vacant.

PRO: The revised language makes clear the intent of the Charter that members of the BOCC must remain residents in their district throughout their term of office with only two exceptions – redistricting or natural disaster.

CON: The Charter's intent is clear enough without further explanation.

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Charter Amendment No. 2
Annual review of operations by county commission.

Shall Article II, Sec. 2.2.D. of the Charlotte County Charter be amended to require the County Commissioners to conduct an annual review of all operations of the County, with input from the public, by April first of each year, and thereafter take action upon said review for improvement of the county and the welfare of its residents?

YES for Approval

NO for Rejection

Section 2.2.D. is amended by amending the last sentence to read: "In addition to its other powers and duties, the board of county commissioners shall conduct **an annual review of all operations of the county, including all programs and services provided, with input from the public, prior to April first of each year, and take action as a result of this review** for improvement of the county and the welfare of its residents."

SYNOPSIS: The current Charter requires an annual review, but has not implementation date. The April 1st date is added for consistency with the larger annual review language.

PRO: The Amendment also adds public input into the review process and the date certain will allow the public and media to annually monitor the annual review of operations.

CON: The County is already doing this. Adding a date is micromanagement.

Charter Amendment No. 3

Debt and Reserve policies reviewed annually by April first.

Shall Article II, Sec. 2.2.J. and 2.2.K. of the Charlotte County Charter be amended to require the annual review of the debt policy and reserve policy to be done prior to April first of each year?

YES for Approval

NO for Rejection

Section 2.2.J. is amended by amending the first sentence to read: "*Debt Policy*. The county commission shall adopt and review annually, prior to April first of each year, a debt policy to guide the issuance and management of debt."

Section 2.2.K. shall be amended by amending the first sentence to read: "*Reserve Policy*. The county commission shall adopt and review annually, prior to April first of each year, a reserve (stabilization funds) policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one (1) time expenditures and cost shifts."

SYNOPSIS: Voters approved a Charter Review Commission proposal to require the County to conduct an annual review of its debts and reserve policies. However, the required review was not conducted until 2009. The addition of a date certain for completion of the review (April 1st) is intended to ensure staff prepares for this Charter requirement.

PRO: The date certain will allow the public and media to annually monitor the debt and reserve policies.

CON: The County is now doing this. Adding a date is micromanagement.

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Charter Amendment No. 4

Maintaining residency requirements during term of office of Constitutional offices.

Shall Article III, Sec. 3.2. of the Charlotte County Charter be amended to require the sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections to maintain residency in Charlotte County during their terms of office?

YES for Approval

NO for Rejection

Section 3.2. is amended by adding a sentence to the end of the existing section to read: "Any person holding the office of sheriff, property appraiser, tax collector, clerk of the circuit court, or supervisor of elections who shall remove his or her residency from Charlotte County shall thereupon become disqualified to hold said office and the office of any such person shall be deemed vacant."

SYNOPSIS: Constitutional Officers are elected County wide for terms of four years and must be a resident of the County upon election. However, there is no requirement for them to maintain that residency throughout their term. Language is added to provide that if the elected official removes their residency from the County, their office is deemed vacant and they will be replaced.

PRO: Constitutional Officers have a duty to the people of the County and should reside where they serve so that they are subject to the same ordinances and regulations as their constituents.

CON: This Amendment is not necessary, it fixes a problem that has never occurred.

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Charter Amendment No. 5

Six month residency and registered voter requirement for Charter Review Commission

Shall Article IV, Sec. 4.2.C.(1) of the Charlotte County Charter be amended to require Charter review commission members and alternates to be registered voters of Charlotte County and reside for at least six months in the County prior to and during their term of appointment?

YES for Approval

NO for Rejection

Section 4.2.C.(1) is amended by adding a sentence to the end of the section to read: "Members and alternates of the charter review commission shall be a registered voter of Charlotte County and reside within the county for at least six (6) months immediately prior to the time of appointment and during the term of the appointment. Any member or alternate who shall remove his or her residency from Charlotte County shall be deemed to have resigned from the charter review commission."

SYNOPSIS: The current Charter language has no qualifications for members of the Charter Review Commission. This language places a requirement for a minimum residency of six months in the County and for being a registered voter.

PRO: Members of the Charter Review Commission should be permanent residents of the County and interested enough in their government to register to vote.

CON: All taxpayers should have the same right to serve regardless of whether they are here full time, are American citizens or voters.

**Charter Amendment No. 6
Creation of Citizens Financial Advisory Committee.**

Shall Article II, Section 2.2. of the Charlotte County Charter be amended to provide for a Citizens Financial Advisory Committee, consisting of five (5) members to be appointed by the board of county commissioners to advise the commission on matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county?

YES for Approval

No for Rejection

Section 2.2.L. is created to read: "L. *Citizens Financial Advisory Committee*. The board of county commissioners shall establish by ordinance an appointed board of advisors to consist of 5 qualified resident electors to advise the commission of matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county. The ordinance shall provide that each commissioner appoint one (1) member of the committee, whose term shall run concurrent with the appointing commissioner's term of office.

SYNOPSIS: County staff made the recommendation for this new Committee during interviews, as a valuable way to use the local expertise of citizens, and provide a sounding board for proposals with economic impact. The language is similar to the Sarasota County Charter which works well for them. Members would offer opinions on the budget, debt policies, economic impact of proposed ordinances, the reserve policy, and other fiscal matters affecting the county.

PRO: Our community has many citizens who have proven expertise in financial matters, and we should formally utilize them to better benefit from their advice. Creation of a formal Committee ensures their input is covered by the Sunshine Law.

CON: Citizens already provide private advice to Commissioners on issues of interest or concern to them. Committee is just another layer of government we do not need.

Charter Amendment No. 7
Commission agenda availability.

Shall Article I of the Charlotte County Charter be amended to require county commission agendas and supporting materials be available to the public at least seven (7) days in advance of commission meetings?

YES for Approval

No for Rejection

Article I of the Charlotte County Charter is amended by adding a new subsection 1.5 to read as follows:

"1.5 Commission agenda.

The official agenda, and supporting documentation in the possession of the county, for every non-emergency meeting of the commission shall be made available to the public at least seven days before the commission meeting. Items may be added to the agenda by four-fifths vote of the commission or when deemed necessary by the majority in emergency situations."

SYNOPSIS: The Charter currently has no requirement as to when the Commission Agenda must be published. The Charter Review Commission heard input that items were voted on by the County Commission without sufficient time for the public to be aware of and provide input before the vote. This Amendment requires the BCC Agenda to be available to the public at least seven days prior to the meeting.

PRO: The public has at least a week prior to the meeting to be aware of what the Commission will vote on and to provide input.

CON: There is ample time currently.

Charter Amendment No. 8
Economic Development Office Director reports to Board of County Commissioners.

Shall the Charlotte County Charter be amended to provide for a director of the office of Economic Development selected by the board of county commissioners who shall serve at the pleasure of the board and that this director shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners?

YES for Approval

No for Rejection

Section 2.3. is amended by adding a new subsection F. to read as follows:

“F. Director of Economic Development. There shall be a director of the Economic Development Office selected by the board of county commissioners who shall serve at the pleasure of the board. The director of the Economic Development Office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners.”

As part of this amendment, section 2.3.B. (1) and (2) shall be amended to clarify the County attorney and director of Economic Development are not under the direction of the County administrator, as follows:

(1) The county department heads, with the exception of the county attorney **and the director of Economic Development**, shall be appointed by the county administrator, with the advice and consent of the board of county commissioners, and shall be responsible to the county administrator.

(2) The county administrator shall have the authority to suspend or discharge any department head, **other than the county attorney and the director of Economic Development**, with or without cause. Procedures for the suspension or discharge of department heads shall be as provided by ordinance.

SYNOPSIS: The EDO reports to the County Administrator at present. This office frequently works on programs that are critically time dependent and involve decisions that are foreign to the normal operation of the County Administrator. This proposal eliminates one level of administration and enables the BCC to react quickly to developing opportunities. It also provides the BCC with the direct ability to replace the director of EDO for any reason including lack of results without approval of the County Administrator.

PRO: Shortening the chain of command will reduce the time needed to make mission critical decisions on developing opportunities. Placing the Director of EDO under the direct control of the BCC will enable the Commissioners to operate in direct support to win commercial opportunities that benefit Charlotte county.

CON: The BCC has sufficient control over the EDO by operating through the County Administrator.

Charter Amendment No. 9
Time to appoint Charter Review Commission.

Shall Section 4.2.C.(1) of the Charlotte County Charter be amended to require the Charter Review Commission be appointed eighteen (18) months rather than eleven (11) months prior to the General Election every six years?

YES for Approval

No for Rejection

Section 4.2.C.(1) is amended by amending the first sentence of the section to read: "A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least **eighteen (18)** months before the general election occurring in **2016** and at least **eighteen (18)** months before the general election occurring every (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."

SYNOPSIS: The Charter presently requires the BCC to appoint the Charter Review Commission eleven months before the general election. This Amendment would require the BCC to appoint the CRC eighteen months before the general election. This change would enable the CRC to conduct the necessary organizational and information gathering procedures to present their findings to the public early enough for the public to provide feedback and enable stronger proposals to be presented.

PRO: The CRC currently meets for the first time approximately one year prior to the time in which its proposals will be voted upon by the public. At this time eighteen strangers have to organize, establish an administrative structure and develop a procedure for accomplishing the objectives of its mandate. All of the discussions of the Commission must take place in the Sunshine and must therefore be announced and advertised. The findings of the Commission must be presented in at least 3 public hearings, held over a period of at least one month, by early July of the year in which its proposals are voted upon by the public. This requires that the Commission complete an extensive number of meetings, all of which must be advertised in advance and held in a public place, in the space of approximately five months. The results of these meetings must be summarized, discussed and then condensed into a concise set of proposed amendments. The public would be better served if the operation of the Commission would provide more time for it to do its work.

CON: The past Commissions have gotten the job done in the required time and no change is required.

Charter Amendment No. 10
Reconstitution of Charter Review Commission

Shall Article IV of the Charlotte County Charter be amended by reconstituting the 2009 - 2010 Charter Review Commission to allow further in - depth study of the Charlotte County Charter, including the current form of government?

YES for Approval

No for Rejection

Section 4.2. is amended by adding a new section 4.2.D. to read as follows:

"D. Reconstitution of 2009-2010 Charter review commission.

(1) The members of the charter review commission appointed to serve in 2009-2010 shall be deemed members of a reconstituted 2010-2012 charter review commission, which shall serve from November 3, 2010 through December 1, 2012. Vacancies shall be filled by the remaining members of the Charter Review commission, in the same manner as the original appointments.

(2) Except as otherwise provided in this Section 4.2.D., the provisions of Section 4.2.C. of the Charter shall apply to the operation of the reconstituted 2010-2012 charter review commission.

(3) This section 4.2.D. shall be repealed effective January 1, 2013."

SYNOPSIS: During this term the Charter Review heard input that other County governing options should be explored and debated in the community. As a result, the CRC discussed the three (3) forms of government allowed for Florida's charter counties per Chapter 125.84, F.S. The CRC concluded that the work effort needed to thoroughly study and review all of the options available, and to be in a position to make a responsible recommendation to the voters, would take much more time than was available to the 2010 CRC. In an effort to salvage the work that has been completed to date on this subject, the 2010 CRC voted to propose this "reconstitution" amendment to the voters. The intent is to see if the voters desire the current CRC to continue with their study to determine if possible legislative and/or executive changes to our county government would actually improve the county's organizational efficiency; and if so, how would such a change be implemented.

PRO: The CRC has a responsibility to study the operation of county government and, if needed, to identify ways in which the conduct of county government might be improved or reorganized. With public input indicating that the current structure has organizational issues it appears logical that the best approach to resolve this matter would be to "reconstitute" the 2010 Charter Review Commission so as to review this matter in the most efficient manner possible.

CON: The Commission served its term and the next Commission can take up these issues.