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UNTIL ADOPTED BY THE
Board of County Commissioners sub-Committee

BOOK _____ PAGE _____

**CHARTER REVIEW COMMISSION
BOARD OF COUNTY COMMISSIONERS SUB-COMMITTEE
Minutes of Meeting
March 3, 2010**

A meeting of the Board of County Commissioners sub-Committee of the Charter Review Commission was held at the Murdock Administration Complex, Room 106B.

Roll Call

The following members were present: *Johnny Vernon (Chairman), Michael Grant, Tom Rice*
The following members were absent: *Frank Weikel, Bill Dryburgh*

This meeting was also attended by Robert Berntsson, Esq. , counsel for the Charter Review Commission ; *Kenneth Doherty*, Chairman of the Charter Review Commission; Commissioner Bob Starr as a member of the public.

Call to Order

The meeting was called to order at 11:05 a.m. EST by *Chairman Vernon*

Agenda Items

1. **Approval of Minutes** of meeting on February 17, 2010. *Chairman Vernon* confirmed with those present that they had received a copy of these Minutes for review, and there being no additions nor deletions a motion was made and seconded and the Minutes were approved unanimously.
2. The **discussion of the issue of elected vs. appointed County Administrator** began by *Chairman Vernon* thanking *Ken Doherty* for attending. *Mr. Doherty* referred to the scope of the various sub-Committees, observing that the office of the County Administrator will be examined by the Administration Staff sub-Committee, adding that it is such a big issue that both branches of government (Legislative and Executive) are affected. *Mr. Doherty* expressed his approval of the work done by this BCC sub-Committee and said that effective study of the issue will require the work of both Administration Staff and Board of County Commissioners committee members. *Mr. Doherty* continued by saying that he wanted to make sure that there is no duplication of effort or overlap of work between the two. *Chairman Vernon* agreed. *Mr. Doherty* acknowledged that there seems to be a lot of interest in this issue. He said that in a meeting of the Other Boards and Agencies on the previous day (March 2, 2010) the three local Chambers of Commerce had been interviewed and particularly the Charlotte County Chamber and Englewood-Cape Haze indicated that they feel there is a lack of accountability under the present system where staff is concerned. *Mr. Doherty* said their opinions were similar to those of some Commissioners during interview, who had indicated that the current system is not functioning well. *Mr. Doherty* also observed that is seen by those in the industry. *Mr. Doherty* stated

that this issue of a possible elected Executive (whether it is a County president/governor type position or something closer to the County mayor concept) needs to be studied with vigor to see if realistically there is enough time for it to be effectively handled by this Charter Review session. *Mr. Doherty* considered it might be beneficial to combine the two sub-Committees on this issue. *Chairman Vernon* agreed that it is a big enough issue that this merging could be considered, emphasizing the questions of (a) how much power to give an official, (b) the effect on the Commissioners and (c) is it even something that the sub-Committees and the CRC want to propose. *Tom Rice* said that he thought the position of this BCC sub-Committee was that this issue at least merited further discussion, and that whatever consensus is reached after more research will be submitted to the full Charter Review Commission. *Mr. Rice* said that based on the response of the full membership it would be determined if this merited perhaps the formation of a new sub-Committee. *Ken Doherty* responded that after the Administration Staff sub-Committee meeting on the coming Tuesday, March 9th, he will be able to see if that sub-Committee concurs with this. *Mr. Doherty* stated again that he is looking to that sub-Committee to take the lead on this issue and also said that in concept at least he is thinking that the two sub-Committees be merged because of overlaps. *Mr. Doherty* said that today he would like to hear the ideas that this BCC sub-Committee members planned to research, and he would take that information to the Administration Staff sub-Committee at their meeting. He recapped that Administration Staff would conduct their interviews and review the existing conditions, just as BCC sub-Committee had done with the Commissioners, and both sub-Committees would report their findings to the full Commission. *Michael Grant* offered the suggestion that it might be appropriate to divide up the studies of a strong elected County Administrator and the less powerful County Mayor type system. *Mr. Grant* indicated that he personally prefers the less strong form of government because there are alternatives to consider with that which may give the Board of County Commissioners more strength and input. *Chairman Vernon* added that there is a third consideration also, which is that there are people who do not want any change at all and that needs to be looked at also. *Mr. Grant* replied that would be reflected at the polls. He said that he thought it was the function of the sub-Committees to propose a change or not, and the resulting determination would be presented to the full Commission for a vote at the end of all the sub-Committee meetings. *Mr. Doherty* agreed with *Tom Rice* that he thought this BCC sub-Committee would make their final report to the CRC that this issue of an elected Executive is worthy of significant effort to ascertain its feasibility in looking at the two forms of Charter government that are allowed. *Mr. Doherty* also indicated that he would let the Administration Staff sub-Committee know that they (BCC sub-Committee) had completed their work and were ready to assist in pursuing this issue. *Mr. Doherty* again stated his concern about overlapping into the work of the Administration Staff sub-Committee. He said there may not be a need to formally appoint a new sub-Committee and indicated that as the research of both sub-Committees unfolds there would be issues that specifically target the Board of County Commissioners and this BCC sub-Committee. *Michael Grant* agreed that if the decision was to propose the County mayor concept there would be a need for a structural change in

the Board of County Commissioners. *Johnny Vernon* agreed. *Chairman Vernon* also said there have been some suggestions that there is not sufficient time to research this, indicating it has been a debated issue in this sub-Committee. In discussing this point, *Tom Rice* said it would be nice to think that the decision made by the electorate was based on an informed choice and not just making a change for the sake of change. *Mr. Rice* continued that he thought that the CRC would not be doing its job if it did not respond in some way to the sentiment it had been hearing that things are not functioning well as they currently exist. *Mr. Doherty* agreed, with the caveat that he did not know what the solution is. *Chairman Vernon* referred to a Builder's Association meeting he had attended the night before, where there had been comment that the Charter Review Commission never made any changes. *Tom Rice* observed that it probably did not help that the debt and reserve policies passed as a result of the previous CRC session were not acted upon until recently. Once again *Ken Doherty* asked the members present where they are heading as a sub-Committee, so that he can report back to Administration Staff sub-Committee. *Chairman Vernon* said that they had talked about researching the issue more, but also indicated that it was the intent of this sub-Committee to take it to the entire membership for input. *Tom Rice* said the sub-Committee members need to educate themselves, and he would like to hear the result of Robert Berntsson's research and also hear Mr. Berntsson's personal opinion if he was willing to share that. *Mr. Rice* said that there might be additional alternatives to the ones already discussed. *Ken Doherty* said he was glad that had been brought up, because it reinforced his earlier statements that there be no duplication of effort, ie., Administration Staff sub-Committee asking Mr. Berntsson for the same research. *Chairman Vernon* said that he agreed with *Michael Grant's* earlier suggestion of splitting up areas of study. *Ken Doherty* again mentioned a joint meeting and *Chairman Vernon* said they had discussed inviting the public and may expand to include the City of Punta Gorda and perhaps invite the Commissioners back. At this time *Michael Grant* said that he felt that option 1, the elected County Executive, may be too radical a change and he would opt to study more intently the different forms available under option 3 (County chair/County mayor concept). *Ken Doherty* said that he was leaning in that direction also. *Tom Rice* asked Robert Berntsson, Esq. to talk about his research and give the sub-Committee his perspective. Mr. Berntsson said that he took his direction from the general membership meeting on February 18, 2010, at which time he heard that the Commission was looking at option 1, an elected County executive. Mr. Berntsson said that he had limited his research to that and it was not until recently that he realized that option 3 (county chair/county mayor format) was also to be considered. Mr. Berntsson said that this undertaking had been difficult because it was primarily fact-finding and much of what he did was internet research. Mr. Berntsson indicated that there are a lot of strong County Administrator associations that have a lot of information posted. Mr. Berntsson referred to the ICMA website (NOTE: This is a professional and educational association for appointed local government Administrators) and said that many of these sites had very strong opinions in favor of appointed executives because that is the position which they are furthering. He said there was a lack of information supporting other forms of government, which presented the challenge. Mr. Berntsson said that is why he had forwarded a list of links for distribution to the members, so that everyone could read them and form their own opinions. (NOTE: The list prepared by Mr. Berntsson is attached to these Minutes as Attachment "A"). He explained that basically he had gone through the information from the

ICMA website and tried to put a flip-side argument on all of the pros presented there. Mr. Berntsson said that although he expended considerable time in this research, he did not know if he had produced what the sub-Committee members were looking for as this issue of elected vs. appointed is more of a personal feeling rather than a list of factual information. Mr. Berntsson said that he did not begin this research with an opinion one way or another. He referred to a quote which he had placed in his Memorandum which said "When a community is considering a change in structure or charter, it's a mistake for citizens to assume that a charter change is a solution ... ask whether problems in the community are due to the individuals who are being elected or appointed or are due to the system itself." (Note: A copy of Mr. Berntsson's Memorandum is attached to these Minutes as Attachment "B"). Mr. Berntsson indicated again that this was not an issue where one could make a determination of right and wrong by citing Statute. He said that his feeling after he concluded his research was that there would still be a professional staff under an elected County Administrator and that the cost to this community would be difficult to overcome. *Ken Doherty* said for clarification that Mr. Berntsson's research had been limited to option 1 and Mr. Berntsson affirmed this. *Tom Rice* asked Mr. Berntsson about option 3 ("the County chair/Administrator plan shall provide for governments by an elected Board of Commissioners presided over by an elected Chair") and how this would affect the number of Commissioners. He asked if there would be a sixth Commissioner elected who would serve as County Chair. Mr. Berntsson replied that the structure could be selected. *Ken Doherty* said that it had been his understanding that option 3 would keep the Legislative branch composed of five or seven Commissioners and that the County Chair is like a Mayor who presides over the meetings as the Chair and only votes in the event of a tie. *Mr. Doherty* said that the thing which makes this different from the elected Executive (which is more like a President or Governor position) is the mandate that the Chair appoints an Administrator and they work together. Mr. Berntsson pointed out that the language specifies that the County Administrator is appointed by and serves at the pleasure of the Chair, which would mean that the rest of the Board may not necessarily approve that person. *Michael Grant* said that he had seen Charters which were worded to specify that the County Administrator is appointed by the Chair with the approval of the Board. *Mr. Grant* and *Mr. Doherty* spoke briefly about the number of Commissioners and how that would affect a tie vote, and Mr. Berntsson pointed out that the Chair only votes in the event of a tie. *Michael Grant* said that these were all things to be looked at. *Ken Doherty* referred to *Chairman Vernon's* earlier comment about whether or not this would be a solution, depending on if there is currently a problem with the system or the people. *Chairman Vernon* agreed that he would be wary of creating new problems and that is why he urges more study.

3. **Public Input.** Charlotte County Commissioner Bob Starr was in attendance and said that he was interested in the process as it affects how things will go forward. Mr. Starr acknowledged the dissatisfaction in the business community and said that is one of the reasons he ran for office. Mr. Starr agreed that there are problems within the system, saying that is how the County ended up with a \$ 1.2 billion budget. Mr. Starr said that the current Administrator is very cost conscious and the efforts are working, the current budget is down to \$800,000 million. He referred to the fact that the size of government has been reduced. Mr. Starr said that the County is changing because the Commission has changed, bringing with it a new direction, intensity and focus. He agreed that in past history the system was "broken" and he is amazed at the situations that the County got into. Mr. Starr said that he did not think that would have been any different even with an elected Administrator. Mr. Starr cautioned that an Amendment to the Charter would probably pass, but may not be the answer. He said that a suggestion might be to re-structure the Board, making them more like Constitutional Officers and increasing the salaries to attract better qualified people who would serve as a full time job. Mr. Starr again acknowledged that there have been problems in the system but he felt improvements are being made and strides are being taken in the right direction. He attributed that to the current Board and County Administrator. Mr. Starr referred to problems in the various Departments and said that they too are being corrected. He then brought up the issue of the debts and reserve policies which were passed but not implemented, and stated that he knew with the current Board and Administrator this would not happen again. Mr. Starr said that the CRC should be careful not to add cost if any proposals are made. He once again suggested that changes would be better made to the Board by re-defining their jobs and making them full time employees, accountable for their time. Mr. Starr then said that two issues he would like to have looked are that of an appointed Sheriff and an appointed School Superintendent, saying that he thought those two positions need immediately accountability to the taxpayer. He referred to the size of the public service budget. Mr. Starr said that he thought the way to select those positions would be to appoint a Blue Ribbon panel from the community to interview applicants and submit a recommendation to the Board to either accept or reject. He thinks this offers more recourse for replacement and gives the citizens more control over finances. Mr. Starr stated that if there is going to be a committee going forward with the possible proposal of an elected executive he thought the Commissioners should be again asked for their opinion and the County Administrator interviewed. *Ken Doherty* said that those interviews with Administration have already been arranged. He agreed that since the CRC is hearing comments that the system is not working well, it is their duty to examine everything and make a recommendation to the public. *Mr. Doherty* said that Mr. Starr is in a good position to try and make things better, referring to complaints about a disconnection which has occurred as a result of the separation of powers clause in the Charter. *Mr. Doherty* referred to public perception that the Board is in charge, but in reality they are only in charge of the Administrator whom they appoint. *Mr. Doherty* acknowledged that this may not be as much of a problem now with the

current Administrator as it has been in the past, but the problem remains of an Executive position which is not accountable to the people. Mr. Starr replied that the disconnection which everyone is perceiving does not exist. Mr. Starr stated that as a Commissioner the only thing that he cannot handle are personnel matters. He said that he can and does deal with Departments and he does not have to do that through the Administrator. Mr. Starr stated that therein may be the problem, which is that the Commissioners may not actually know their responsibilities and the things which they are allowed to do. *Mr. Doherty* remarked that was a very important point, asking if there was an opinion from the County Attorney or any other source that gives the Commissioners the framework of their position. *Chairman Vernon* agreed. Mr. Starr said that he had never been told anything more than he could not handle personnel matters. Mr. Starr said that he knows he cannot set policy but he is free to interact with Department heads and he does so regularly while keeping the County Administrator apprised. He said that in doing so any input that he receives has to go through the Administrator and that he also needs the agreement of the other Commissioners. Mr. Starr said that maybe the Commissioners' responsibilities and allowable actions should be defined. *Chairman Vernon* asked Robert Berntsson if there was anything in writing that outlines the job of the Commissioners and Mr. Berntsson said there was nothing current. Mr. Berntsson said this might be a good thing to review and update annually. *Mr. Rice* observed that the only stipulation in the Charter was the non-interference clause, which basically says that a Commissioner cannot dictate to a Department head what should be done but does not prohibit interaction. Mr. Starr said that he is the only Commissioner who has visited every Department, and this creates a partnership and aids communication. Mr. Starr agreed there is a lot of misunderstanding among the Commissioners as to what they can and cannot do. *Tom Rice* asked Mr. Starr if he thought there would be any benefit to have a requirement, either by ordinance or in the Charter, of an annual review or workshop with each Department to show if there had been the responsiveness that the public had requested. Mr. Starr replied that he thought this could be done administratively and that it is done through performance-based budgeting. Mr. Starr referred to his outreach to the builders in the community, saying that he had asked them what was wrong and how it could be corrected. Mr. Starr said he believed that if you talked to the people involved they will say that things are getting better, and *Chairman Vernon* agreed. Mr. Starr said an indication to him that overall satisfaction was improving in the County was the fact that the recent Budget was approved in only a forty-five minute hearing. He mentioned that there were only five citizens who came forward, and they each had single-issue concerns. Mr. Starr said that he wants to empower the builders and other stakeholders to give their input so that their concerns can be addressed, and he thinks the other Commissioners feel that way also. *Chairman Vernon* observed that now the BIA meets weekly with the Building Department and that probably five to ten major problems have been resolved. Mr. Starr added that he thought that now the builders know where to go to make things happen. In concluding his response to *Mr. Rice*, Mr. Starr said he thought it was a good idea but that they were headed in the right direction. Robert Berntsson then responded to Mr. Starr's earlier suggestion of an appointed School Board Superintendent, saying that by Statute the Charter Review Commission has no authority in that area. *Chairman Vernon* mentioned to Mr. Starr that the County could take over the jail from the Sheriff if they wanted to. Mr. Starr said he was excited with the direction that Charlotte County was heading. *Tom Rice* acknowledged Mr. Starr's accomplishments but said that the Charter and/or ordinances should stand on their own and not be at the mercy of a good or bad Commissioner.

In reply, Mr. Starr said that maybe the Charter should look at spelling out the responsibilities of the Commissioners, mentioning the enormous scope of the job. *Chairman Vernon* asked *Ken Doherty* if he thought the CRC should look at these issues. *Mr. Doherty* responded that this added another task for the BCC sub-Committee. He said that through conversation with Mr. Starr this morning it has been discovered that the Commissioners may come into office with or without the necessary background skills and information. *Mr. Doherty* said that it is necessary to take the current system and see if that can be tweaked to perform better. Mr. Starr left the meeting at this time due to another appointment.

4. Commission Comments. In response to a comment by *Chairman Vernon* about the idea of full time Commissioners, *Ken Doherty* said the interesting thing to look at would be to see if there is a hybrid structure to better define how they overlap from a Legislative individual to a quasi-Executive individual. *Mr. Doherty* said that might be an argument in favor of going to an elected Executive, as it would restore the Board to a completely legislative function. *Mr. Doherty* once again said that it is his opinion that the County is in transition but he does not know which direction should be taken. He said that for the County to function as a large municipality the branches of government should be more clearly defined. *Michael Grant* said that he thought that fact had been recognized in Duval County and in Miami, which is why they decided to have an elected official to oversee the bureaucracy. *Mr. Grant* agreed there is no perfect system, and that over the years everyone in Charlotte County has seen Commissioners and Administrators come and go yet the people still end up with huge water bills and Murdock Village. *Mr. Grant* said that action clearly rests with this Charter Review Commission. *Mr. Grant* also said that he had talked to some former County Commissioners and two had indicated that everything is fine and two had indicated they thought it was time to take a look at an elected County Executive. *Ken Doherty* acknowledged that there is a good possibility that the full Charter Review Commission will not vote in favor of an Amendment to elect the County Administrator. He continued that this is why it is important for this sub-Committee to research other ways of improving upon the current structure so that there are specific suggestions to submit to the public. *Tom Rice* asked Robert Berntsson how it would be implemented if it was decided to study this issue for several more years, as the current Charter Review Commission would no longer be in existence. Mr. Berntsson replied that one method would be to have the Board of County Commissioners appoint a panel, observing that would be unlikely to occur. Mr. Berntsson said another way would be to amend the Charter to allow for this study. *Michael Grant* observed that practically speaking it would be necessary to continue the members who are on the CRC now for the next two years, because the BCC is not going to appoint a new boards to look at this issue. Mr. Berntsson said that he would like to comment as a citizen. Mr. Berntsson said that it seems like discontent often comes as a result of a single individual, not necessarily an administrator or a department head, who comes in and starts doing things in a radically different way. He observed that often this individual is allowed to continue unchallenged

for a long period of time, after which time enough people have been affected that they go to the Commissioners. Mr. Berntsson said that often it is a problem that is very far removed from the Commissioners and yet they are blamed. Mr. Doherty said that he agreed, adding that he thought most of the people in Charlotte County were not even aware of the frustrations, that it is only certain facets of the community that interface regularly with the County that see the problems. Mr. Doherty said that in that light it may not even be worthy of a complete system change, because it is magnified only to those industries that are affected. Mr. Rice said that this whole issue came up during a discussion of responsiveness and accountability, and asked if there were other options to hold the administrative branch more accountable. Mr. Doherty responded that this came up in the Other Boards and Agencies sub-Committee meeting the day before, March 2, 2010, and he said that some counties have assigned project managers for significant projects coming into the county. On an additional note, Mr. Doherty pointed out that it is a concern to hear that Charlotte County is not perceived favorably by the business industry in comparison to other counties, specifically recalling statements that the County is unpredictable and unfriendly to new business. Mr. Berntsson commented on the project manager or ombudsman concept, noting that promoted quite a different result to reward someone for the successful completion of a project rather than for finding some reason the project could not go forward. Mr. Berntsson said that something could certainly be put in the Charter, but most often it is the people that are the issue. Michael Grant said that it is this perception of difficulty by the outside business community that is particularly frustrating. He said one of the cases he would make in favor of an elected Mayor would be that person could run on a platform that would set a direction and if expectations were not met in four years that person would be voted out. Mr. Grant agreed that this County is very frugal, but it is the direction of where the County wants to go that seems to be so undefined. He said the lower echelons in the bureaucracy have their agendas of what they want to do and for some reason it is difficult to get rid of them. Ken Doherty agreed that is an excellent point, mentioning again the testimony heard in a sub-Committee the previous day that there is no single person or leader that someone coming into the County can go to for answers or action. Mr. Grant said that is why Duval and Orange County went to a stronger Executive. Johnny Vernon asked if the sub-Committee needed a motion on how to proceed. Ken Doherty said that he thought the members, on the short term, should look at improvements to the existing structure, not just continuing the status quo of the BCC. This would be as a safety net because of the possibility that the CRC will not approve a proposal to change the appointed executive. Tom Rice said it would seem that BCC sub-Committee should take no action at this point pending that outcome. Ken Doherty mentioned the possibility of a joint meeting between the respective Chairs before the general meeting. Robert Berntsson said that something which came to mind when he was doing his research was that it would be helpful to have interviews with select people from communities or counties which have implemented the forms of government which are being looked at. Michael Grant said that it would be more helpful to look at municipal charters (such as St. Petersburg or Tampa) than counties such as Duval or Orange who are composed of multiple municipalities. Ken Doherty said that was the threshold decision, will there be more municipalities forming in Charlotte County or does Charlotte County continue to function as a

large municipality. *Michael Grant* said it was his opinion that the County will continue as a large municipality forever, so that his thought process is how to best implement that. *Mr. Grant* then asked those present if they would be more comfortable going to Option 3, a more diluted form of elected Executive, so that Option 1 could be eliminated from study. *Mr. Rice* said that he would respond affirmatively to that based on what is now on the table adding that he needs more study before making any decision. *Mr. Rice* said that from the concerns he has heard from others, Option 1 could create someone too powerful and he would be comfortable ruling that out. *Mr. Doherty* said that if he were sitting on the sub-Committee he would concur. *Chairman Vernon* agreed. *Michael Grant* made a motion that if there is a change the sub-Committee eliminate Option 1 (elected President/Governor type of executive) from consideration and concentrate study on the alternatives available under Option 3 (elected Mayor/County chair format). *Ken Doherty* said that Options 2 (existing form) and 3 should be considered. *Johnny Vernon* said he would also like to focus on how to improve the existing structure if we can. He asked *Michael Grant* if he was amending his motion to include reviewing Option 2 and *Mr. Grant* said he already had. The motion was seconded and approved by vote. *Chairman Vernon* asked if he should attend the Administration Staff sub-Committee on Tuesday, March 9th and *Mr. Doherty* said he did not think that would be necessary, he would communicate to them in general. *Michael Grant* brought up a request to administrative support for further research on communities with a strong mayoral form of government, having a population of one hundred thousand or more. *Mr. Doherty* said that research aspect may be brought up during Committee Comments on the Administration Staff sub-Committee agenda. *Chairman Vernon* asked for confirmation from *Ken Doherty* that nothing more should be done until after the meeting on March 9th, and *Mr. Doherty* replied that the BCC sub-Committee could still be looking into existing improvements. *Michael Grant* asked if there could be four Commissioners and one mayor, to which *Mr. Berntsson* replied that he did not know anything that would prevent that but he could research it further. *Michael Grant* said he found the concept very interesting of the mayor casting the tie-breaking vote. *Chairman Vernon* asked when another meeting should be scheduled and it was decided this would be coordinated by administrative support after the meeting on March 9th. *Ken Doherty* expressed his thanks to this sub-Committee for their work.

4. **Adjournment.** Upon a motion made and seconded the meeting was adjourned by *Chairman Vernon* at 12:25 p.m. EST.



JOHNNY VERNON, Chairman

ATTACHMENT 'A'

Ann-

Below are links to various articles on elected versus appointed County Administrators that I reviewed in preparing my memo. I encouraged the readers of the memo to research these articles on their own, or find others. I will forward you the memo later today or tomorrow for distribution to the BCC subcommittee and Ken. Maybe you can include these links when you distribute the memo.

Thanks, ROB

http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/9/0/2/p269029_index.html

<http://www.citizenetmom.com/?p=555>

http://www.citynmb.com/index.asp?Type=B_BASIC&SEC=%7B732D6446-F03F-46B5-AA93-F0371DCFD0D4%7D

<http://www.melbourneflorida.org/Info/form.htm>

http://www.enviro.ie/en/GreenPaper/html/greenp_annex01.html

http://www.economiccouncilpbc.org/index.php?src=gendocs&link=Strong_Mayor_Research&category=News

<http://bookstore.icma.org/FreeDocs/Council-Manager%20FAQ%20Brochure.pdf>

<http://icma.org/pm/9201/public/feature2.cfm?author=James%20H.%20Svara&title=More%20Thoughts%20on%20Charter%20Reform>

<http://icma.org/upload/library/2008-01/%7B67D8448C-3BAB-49AC-ADD7-545013183DC3%7D.pdf>

http://www.cityofsacramento.org/charter/documents/Charter_Reform.pdf (This one is quoted in my memo)

<http://www.naco.org/Template.cfm?Section=Library&template=/ContentManagement/ContentDisplay.cfm&ContentID=32464>

http://www.mlgma.org/council_manager_plan/form.html

Robert H. Bertsson, Esq.

Bertsson, Ittersagen, Gunderson, Waksler & Wideikis, L.L.P

ATTACHMENT "B"

BERNTSSON, ITTERSAGEN, GUNDERSON
WAKSLER & WIDEIKIS, LLP
ATTORNEYS AT LAW

ROBERT C. BENEDICT
ROBERT H. BERNTSSON**
MIKO P. GUNDERSON
SCOTT D. ITTERSAGEN
GERI L. WAKSLER
JOHN I. WIDEIKIS

*also admitted in New York and Georgia
**Certified by the Florida Bar in City, County and
Local Government Law

18401 MURDOCK CIRCLE, SUITE C
PORT CHARLOTTE, FLORIDA 33948
(941) 627-1000
TELEFAX (941) 255-0684
E-MAIL: rberntsson@bigwlaw.com

1861 PLACIDA ROAD, SUITE 204
ENGLEWOOD, FLORIDA 34223
(941) 474-7713
TELEFAX (941) 474-8276

Reply To: Port Charlotte

Memorandum

To: Members of the BCC subcommittee of the 2009/2010 Charter Review Commission
From: Robert H. Berntsson, Charter Review Commission Attorney *RHB*
Date: February 22, 2010
Re: Elected versus appointed County Administrator

At the February 18, 2010 meeting of the Charter Review Commission, I was requested to provide a list of the "pros and cons" of the elected versus appointed County Administrator. I conducted research, primarily on-line, to see what information was available on this topic. Most of the materials I found were published by professional organizations, such as the International City/County Managers Association (ICMA), which support the appointed manager in a council-manager form of government. I am not aware of any organization that promotes or supports an elected manager form.

Florida Statutes provide:

"125.84 County charters; optional forms.--Any county desiring to adopt a county charter shall provide for one of the following optional forms of government:

(1) COUNTY EXECUTIVE FORM.--The county executive form shall provide for 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 allowing it to become approved without signature by failing to veto it or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his or her objections. If two-thirds of the members of the board present and voting and constituting a quorum shall, upon reconsideration, vote for the ordinance, the executive's veto shall be overridden and the ordinance shall become law in 10 days or at such other time as may be provided in the ordinance or by resolution of the board, without the executive's signature.

(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 other

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.

(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."

Charlotte County currently operates under subsection (2), above. Consideration is being given to move to option (1), above. Numerous articles debating the different forms of government are available. I have provided links to several that I have found to Ann Pinder that she should be able to make available to you upon request. However, I found one of the most interesting quotes on the matter to be:

"When a community is considering a change in structure or charter, it's a mistake for citizens to assume that a charter change is a solution. Ask whether problems in the community are due to the individuals who are being elected or appointed or are due to the system itself" (From "Charter Reform: Ways to Think About It" by Robert O'Neill and John Nalbandian, Public Management Magazine, November, 2009)

[note that this publication is put out by ICMA, but it would apply to any charter change, from any structure to another.

Based on the research I conducted, I have developed the following list of pros and cons, but I caution I am confident there are many more on each side.

Pros of the Elected County Administrator form of government include:

- Direct direction from electorate who have direct contact with elected administrator.
- Ineffective administrator can be voted out
- Concentration of power in one elected official.
- Strong personality can bring positive change
- Elected administrator must run on accomplishments, so there is an incentive to get things done
- Swift change is possible
- Elected administrator can hire people that can get the job done.

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- Can veto decisions of Commissioners
- Doesn't have to keep 3 Commissioners happy at all times

Cons of the Elected County Administrator form of government include:

- Cost and time of running an election for the job.
- Staff turnover at election of new Elected Administrator who brings in own team.
- Politician may not have necessary qualifications of a professional manager.
- Political favors to political supporters or Commissioners in same party.
- Less power in Commissioners.
- Politically motivated staff rather than professionally motivated
- Question whether voters are voting for best of county or more localized needs.
- Additional expense of another position as professional manager often hired which is the equivalent of current appointed Administrator.
- Weak elected administrator is in office for 4 years.

I am sure there are many other pros and cons, and I encourage you to bring them to the discussion.

cc: Ken Doherty, Chair, Charter Review Commission
Ann Pinder, Administrative Support- Charter Review Commission