

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

O.R. BOOK _____ PAGE _____
DATE: _____

**CHARTER REVIEW COMMISSION
MINUTES OF MEETING
March 18, 2010**

A meeting 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:

Ken Doherty (Chairman), William Dryburgh, Maureen Garrard, Joseph Goggin, Suzanne Graham, John Hitzel, Thomas Rice, Julie Mathis, Paula Hess, Michael Grant, Frank Weikel, Kevin Russell (ViceChairman), Andy Dodd, Bill Folchi

The following members were absent:

Johnny Vernon

The following alternates were present:

Bill Weller

The following alternates absent:

Connie Kantor, Patricia Kelly

In addition to membership, the meeting was attended by *Robert Berntsson, Esq.*, counsel for the CRC

Call to Order

The meeting was called to order at 4:01 p.m. EST by *Chairman Ken Doherty*

Agenda Items:

1. Approval of Minutes of meeting held on February 18, 2010: *Chairman Doherty* confirmed that all of the members present had previously reviewed these Minutes. There being no additions nor deletions the motion to approve these Minutes was made and seconded and the Minutes were approved unanimously.

2. Approval of CRC Expenses to Date: *Chairman Doherty* referred to the invoice from Robert Berntsson, Esq. for services rendered the CRC during February. This invoice had been previously distributed to membership for their review and a copy of this invoice is attached to these Minutes as Attachment "A". A motion was made and seconded to approve payment of the invoice. *Chairman Doherty* then reviewed an updated list of expenses from the last meeting, also previously distributed to membership, a copy of which is attached to these Minutes as Attachment "B".

3. Discussion of possible “housekeeping” Amendment topics: *Chairman Doherty* referred to several lists of suggestions prepared by himself as well as several of the members, noting that these had been distributed to membership for their review. (Copies of these are attached to these Minutes as Attachments “C -1, C-2 and C-3 respectively). He suggested going through these for discussion, with the intent of having any resulting Amendments drafted by Robert Berntsson, Esq. for voting on at the next general membership meeting on April 15, 2010. *Mr. Doherty* also invited the membership to bring up any additional issues not contained in these lists.

Chairman Doherty began discussion of Article II, Section 2.2, (Attachment C-1) with reference to the Economic Impact Estimate, an issue passed as a result of a previous Charter Review Session.. *Mr. Doherty* noted that in his opinion the statements being produced were not as inclusive as the CRC originally intended, and he proposed that Mr. Berntsson look at this section of the Charter to see if it can be strengthened. *Paula Hess* observed that in her experience none of the Economic Impact Statements she has seen have ever indicated that there is an economic impact. *Ms. Hess* asked Mr. Berntsson if that had been his conclusion in reviewing them, and Mr. Berntsson agreed. Mr. Berntsson referred to wording in subsection 5 (“inadequacy or inaccuracy of the economic impact estimate shall not be grounds for invalidation of the County ordinance...”) which concerned him. *Michael Grant* asked if there was staff in the various departments who were capable of producing an accurate Economic Impact Estimate and wondered about the cost of same. *Chairman Doherty* agreed that it in some cases it could be costly to ascertain long range impact, but that would be money well spent. *Paula Hess* suggested that the Finance Department might be the proper entity to measure the impact. Mr. Berntsson used a current example of an amendment to the Excavation ordinance requiring more plantings. He said that indicates there will be no cost, and that is not sufficient. *Michael Grant* said that he thought the Board of County Commissioners should be enforcing this by going back to the respective Departments that submit insufficient reports. *Maureen Garrard* said that at the State and Federal level the fiscal analysis is done by an independent body. *Ms. Garrard* observed that a group of qualified volunteers could be formed to accomplish this. *Paula Hess* referred to item 4 dealing with accountability, observing that a citizen’s review Board could also be established to review the enforcement of Charter Amendments and this group could handle the Economic Impact Statements as well. *Ms. Hess* stressed the need for enforcement. *Maureen Garrard* emphasized that the elected Officials should receive independent information. *Chairman Doherty* asked if it would be acceptable to those present for him to work with Mr. Berntsson over the next month and bring the issues back for a decision. *Frank Weikel* said he would be interested in knowing the cost of implementation, indicating that it would be ideal if these recommendations involved volunteers. *Andy Dodd* asked for confirmation that any change in current wording to the Economic Impact Estimate in the Charter would require voting on by the people, and this

was confirmed. *Tom Rice* referred to an issue brought up by John Hitzel in his list of proposed Amendments (Attachment "C-3") dealing with more time between the creation of an Agenda and the meeting at which a final vote is taken. *Mr. Rice* mentioned that extra time would allow the citizens to more thoroughly review an issue and voice their concerns. *Chairman Doherty* said that some areas require two readings on an ordinance.

Chairman Doherty proceeded to items 2 and 3 under Article II (Attachment "C-1"), dealing with the debt and reserve policies, indicating that he proposed a specific date for implementation and that date or an alternate one would be discussed during an interview meeting of the Administration Staff sub-Committee on the following day. *Mr. Doherty* asked if it was the consensus of the membership to put a timeline in the Charter. *John Hitzel* agreed and added that it should be more specific what the annual review should entail. *Mr. Hitzel* referred to a schedule of Reserves in the County, which is attached to these Minutes as Attachment "D -1", indicating that the figures had to be compiled and would not appear in the budget. *Mr. Hitzel* referred to an additional document (attached to these Minutes as Attachment "D-2"), the CCU Sinking Fund, which served as an illustration of debt. *Chairman Doherty* asked *Mr. Hitzel* to confirm that his intention was that the language for deliverables be more specific, and *Mr. Hitzel* confirmed that. *Chairman Doherty* asked for a consensus on the issue of setting specific dates to the Amendment, indicating that additional language regarding a re-write of the debt and reserve policies would be addressed at a later meeting. *Chairman Doherty* asked *Mr. Hitzel* to be thinking of any specific language he would like to see in that regard.

Chairman Doherty proceeded to item 4 under Article II (Attachment "C-1) addressing BCC accountability on implementation of Amendments. *Paula Hess* agreed that something needed to be designed as far as Charter enforcement was concerned. *Michael Grant* said that he felt it was implicit that when an Amendment was made to the Charter it was enforceable. *Ms. Hess* agreed, observing that no one ever followed up. *Michael Grant* said that he thought an individual County Commissioner could not be held responsible and the only option would be filing suit. *Chairman Doherty* agreed that the question was to find out the options available when there is inaction by a body like the County Commission. *Rob Berntsson* referred to the language in the Charter about non-interference with employees, saying that some Charters specify that a violation of that is malfeasance under the Constitution and the Governor can remove an officer. *Mr. Berntsson* observed that similar language could be considered in the Charlotte County Charter, but the question remained of whether or not the Governor is going to remove the entire Commission. *Mr. Berntsson* continued that another option would be to make the County Administrator responsible so if any enforcement was called for the Board could be notified that the Administrator had not performed his or her duties. *Michael Grant*

again said that he thought if suit was filed against the Board of County Commissioners they would certainly make an effort to perform. Mr. Berntsson pointed out that there would be considerable cost involved. *Vice Chairman Russell* agreed with *Mr. Grant* and asked Mr. Berntsson about the possibility of filing a Writ of Mandamus and Mr. Berntsson replied that was certainly possible, although adding that no one noticed the omission of the debt and reserve policies implementation for five years. *Maureen Garrard* said that if a citizens' oversight Committee were to be formed as suggested earlier by *Paula Hess*, that group could be a watchdog. *Paula Hess* referred to one Charter she had read that has a citizens' Committee to oversee the Sheriff and she indicated that Committee has actual legal powers. *Ms. Hess* said that she did not think that extreme would be necessary, noting that the local Curmudgeon Club is very involved and is able to get the attention of the Commissioners. Mr. Berntsson added that a citizens' Committee could be given powers if that was specified in the Charter. *Michael Grant* said that he thought the problem was that the CRC had not specified an implementation date in their Amendment. *Paula Hess* asked if the CRC should also insert language specifying the content of the economic impact estimates. *Tom Rice* said that maybe publicity would aid in enforcement, recommending that a paragraph be added to the Charter requiring the BCC to issue a report regarding action taken on all Amendments within six months after an election. *Chairman Doherty* asked if there was an interest in adding language for enforcement and *Paula Hess* said this would be brought up in the Administration Staff sub-Committee interviews the following day. *Ms. Hess* again stated that she favors the idea of a citizens' review Committee and *Michael Grant* suggested that the Charter could be changed to have the CRC meet every three months until the next session in six years, as is the case in Sarasota. *Ms. Hess* also referred to the Administration Staff sub-Committee possibly exploring the issue of a change in the structure of the Executive branch, requiring the continuation of at least a small nucleus of the Charter Review Commission. *Chairman Doherty* indicated the issue of possibly pursuing a change in government structure would be discussed later in the meeting, saying that this results in an overlap of the Administration Staff and BCC sub-Committees. *Andy Dodd* asked if this Commission is disbanded after the work is completed and asked if it could be continued. *Michael Grant* replied that could happen through Charter Amendment. Robert Berntsson referred to Section 2.3 (e) and the Administrative Code, observing that he has not seen any Amendments to keep the code current. *Paula Hess* indicated that would be asked during the Administration Staff sub-Committee interviews the following day. *Chairman Doherty* then indicated that the accountability issue would be deferred until the May meeting.

Regarding Article IV, Section 4.2 (C) Item 1 (Attachment "C-1"): *Chairman Doherty* asked those present if there should be residency requirements for CRC members. *Paula Hess* responded that in her opinion there definitely should be, suggesting that requirement be a minimum of six months. *Vice Chairman Russell* asked if they should also be

registered voters, and *William Dryburgh* inquired about legal counsel also being a resident, referring to discussion in an earlier meeting concerning the selection of an attorney for the CRC. *Paula Hess* said that as far as the Commission is concerned, members should be registered voters who have been residents for at least six months prior. *Michael Grant* disagreed that they do not have to be registered voters as any taxpayer is affected and *Ms. Hess* conceded that. *Maureen Garrard* asked about the requirement of being an American citizen. *Vice Chairman Russell* inquired how residency could be proved and *Ms. Garrard* replied that could be done by Driver's License. *Chairman Doherty* asked Mr. Berntsson to draft language regarding residency requirements for the CRC to vote on at the next meeting.

Discussion ensued to Article IV- Section 4.2(C) – Item 2 (Attachment “C-1”): - *Michael Grant* suggested there be something the Charter saying that each Charter Review Commission, as it is formed, will develop its own set of rules. *Mr. Grant* said that did not mean he would not be in favor of having a continuing CRC, especially if that becomes an option in further discussion of a change of government structure. *Paula Hess* pointed out that most By-Laws for boards contain language about attendance, and she and *Chairman Doherty* agreed that the best way to specify requirements would be at the organizational meeting(s) for the Charter Review Commission sessions.

Article IV – Section 4.2(C) – Item 3 (Attachment “C-1”): The consensus was for Mr. Berntsson to draft language formally excluding the approval of administration expenses by the CRC.

Paula Hess brought up another issue about the wording concerning alternates, suggesting this be changed to say “an alternate shall have a voice but not vote”. *Ms. Hess* and others agreed this change would more clearly define the role of an alternate. *Michael Grant* suggested that rather than doing this by referendum it could be spelled out when each CRC session defines its policy about attendance.

Frank Weikel referred to an issue submitted by *John Hitzel* regarding objections to the same individuals always being appointed to the Charter Review Commission (see Attachment “E”). *Mr. Weikel* indicated he had made some notes as follows: “No more than two appointees can have served on two or more previous Commissions and no more than four others, excluding the two mentioned above, can have served on previous Commissions more than once”. *Mr. Weikel* said that would give six members some seniority and allow for nine others. *Mr. Weikel* said he mentions this only to address that concern, he likes it the way it now exists. *Paula Hess* established that there are currently only six veteran members and there was discussion that the BCC had difficulty finding volunteers. *William Dryburgh* observed that there is an advantage to having previous experience. Discussion followed that the CRC is independent and its decisions are not influenced nor dictated by the Board of County Commissioners.

William Dryburgh asked if there were any issues that would require a Charter Review Commission to be seated sooner than six years after the current one dissolves. *Chairman Doherty* responded that may come up in subsequent discussion. *Michael Grant* added that there is nothing to prevent the BCC passing an ordinance to seat a CRC session if there is something that they would like to have reviewed. *Chairman Doherty* also said that it appears at this point the consensus is to leave the Charter Review Commission under its current structure and it is not currently on the task list for Mr. Berntsson. Mr. Berntsson then made two observations: (1) the current language says "the three alternates shall be non-voting participants on the Charter Review Commission" and to him that says that the alternates do participate and have a voice; and (2) "the Commission may adopt such other rules for its operation and proceedings as it deems desirable" indicates to him that the CRC has the ability to adopt its own By-Laws.

Chairman Doherty referred to the housekeeping Amendment suggestions submitted by *Tom Rice* (Attachment "C-2"). *Mr. Rice* said there appears to be language lacking in the discussion of residency requirements for a Commissioner and the consequences if a Commissioner leaves the District during a term. *Paula Hess* asked if there were any State regulations on that matter and Robert Berntsson replied that several Charters have specific language but that the general rule is that leaving your District is grounds for removal. *Paula Hess* asked *Mr. Rice* if he thought new language should be proposed and *Mr. Rice* referred to the Charter for Orange County which says "any Commissioner who changes residence from the District in which the Commissioner was required to reside shall be deemed to have vacated such Office." *Mr. Rice* observed that this makes it automatic. *Mr. Rice* said that extenuating circumstances could be spelled out, but at this time there is no satisfactory provision in the Charter. *Chairman Doherty* obtained a consensus from the members that Mr. Berntsson should draft appropriate language to Article II, Section 2.2 to specify the circumstances that would require the removal of a Commissioner no longer living in District. *Mr. Rice* then referred to Article III, saying that the same issue is found regarding Constitutional Officers. It was the consensus of the membership that Mr. Berntsson similarly draft language on this. *Mr. Rice* then referred to Article II, Sec. 2.2, Paragraph C, , dealing with wording about the position of a Commissioner being "full time". *Mr. Rice* withdrew this proposal upon the suggestion of *Ms. Garrard* and *Paula Hess*, who pointed out that might be interpreted to mean that business owners who serve as Commissioners would have to sell their business interest. *Mr. Rice* proposed language revision to Article II, Section 2.2, Paragraph D, which can be seen on Attachment "C-2". Membership was in favor of this language, but *Paula Hess* cautioned that it might be construed as a violation of the non-interference clause, observing that Departments are composed of employees. *Chairman Doherty* suggested that Mr. Berntsson could craft the wording accordingly and it was the consensus that Mr. Berntsson draft the suggested Amendment.

Before concluding the discussion of proposed housekeeping Amendments, *John Hitzel* referred to the time frame between Agenda and the meeting at which the BCC votes on a proposal (Attachment "C-3"). After brief discussion, *Chairman Doherty* indicated this might best be an issue addressed among other accountability issues that are being reviewed. *John Hitzel* responded that this is something that is important to the general public and *Chairman Doherty* agreed, mentioning also the possibility of the BCC holding meetings in different areas of the County. *Mr. Doherty* said that all of these may be addressed by different vehicles (in the Commission Report, by BCC Ordinance, etc) a determination to be made later in the process. *John Hitzel* agreed. *Michael Grant* mentioned that he thought the second-reading issue should be handled by Charter. *Chairman Doherty* then asked Mr. Berntsson and administrative support to compare a list of what has been discussed today and asked Mr. Berntsson to begin drafting any housekeeping Amendments.

4. Sub-Committee Reports:

Bill Folchi, Chairman of the Other Boards and Agencies sub-Committee, reported that interviews were in process and his sub-Committee would have their final Report ready for the meeting on May 13, 2010. *Mr. Folchi* indicated that to date they have met with the three (3) Chambers of Commerce, the School Board and School Superintendent, the Mayor and City Manager of the City of Punta Gorda and the Englewood Water District. Meetings with the EDO, Kitson and the Airport Authority are scheduled.

Maureen Garrard, Chairman of the Constitutional Officers sub-Committee, reported that they have completed interviews with three of the Constitutional Officers, the remaining two are scheduled, and they will have their Report ready on time.

Julie Mathis, Chairman of the Administrative Staff sub-Committee, reported that her Committee will be conducting all of their interviews throughout the following day and will develop their Report thereafter.

Tom Rice reported as acting Chairman of the Board of County Commissioners sub-Committee, indicating that they had already delivered their Preliminary Report. *Chairman Doherty* added that he would like to go over each of those items in the Preliminary Report at the April meeting, indicating that some would be voted on at the time and others are bigger issues that require further discussion and study.

In the context of his last remark, *Mr. Doherty* described for the membership some features of a new structure that is being discussed, that of an elected Mayor/appointed County Chair form of government. *Mr. Doherty* outlined the three options allowed by law: Option 1 – an elected Executive similar to the Governor or President ; Option 2- the current appointed Administrator form; Option 3- the above described Mayor/Administrator team. *Mr. Doherty* said that not many people are aware of

Option 3, indicating that under that system the Mayor is elected and serves on the Board, voting only in the case of a tie. He said that Mayor appoints the County Administrator, a qualified professional. *Chairman Doherty* observed that in his opinion this option deserves further study, as it might be a good structure as the County transitions from a rural community to a more municipal entity. *Mr. Doherty* said that this city-like structure might be helpful in the more efficient delivery of municipal services. *Frank Weikel* said that there is no question in his mind that this will be necessary as the County grows, however he acknowledged that the public will need to be educated for any proposed change to pass successfully. *Mr. Weikel* referred to an earlier suggestion from *Mr. Dryburgh* for the continuation of this Commission for a longer period so that the proposal could be brought to the ballot in two years. *Chairman Doherty* referred to the enormity of the issue, and the overlap in the scopes of both the Administration Staff and Board of County Commissioners sub-Committees, elaborating that any change would affect both Legislative and Executive branches of County government. *Mr. Doherty* proposed the two Committees join on that issue. *Paula Hess* referred to other Charters she had read that were set up this way (Duval, Orange, City of Tampa) and asked about the advantages of the option over the current governmental structure. *Chairman Doherty* replied that he thought the main thing is the accountability issue, saying that during the Other Boards and Agencies sub-Committee interviews with the Chambers of Commerce it was evident that potential business opportunities have been lost. *Paula Hess* remarked that in reviewing the testimony of the Commissioners during interview (Note: refer to the posted Minutes of the meeting held January 28, 2010) it appeared that they shared frustration in dealing with staff and this option might help with that. *Ms. Hess* also noted that cost involved in paying an executive salary. *Michael Grant* responded that one of the permutations which had been discussed was to go to four Commission districts and then have the Mayor elected at large, serving with the understanding that he would not be paid any more than the other Commissioners. *Mr. Grant* indicated that the larger salary would go to the appointed Chair/Administrator. *Frank Weikel* pointed out to *Ms. Hess* that Commissioners currently make \$91,000 per year in salary and benefits. *Bill Weller* said this was like the strong Mayor position in St. Pete, saying that individual makes \$10,000 per year more than the Commissioners. *Bill Dryburgh* told the members that he was familiar with this new proposed form from his years in Orange County, and said that he has spoken with five influential colleagues from Orange. *Mr. Dryburgh* said that two of the five used the same analogy, describing the improvement as being similar to unclogging a log jam. *Chairman Doherty* observed that in his opinion this option would best deliver municipal services and it was his recommendation that the joint sub-Committees move forward with study. He said this joined sub-Committee could then report to the membership on May 13, 2010, with recommendations to be voted on at the meeting May 20, 2010. *Tom Rice* recounted that the BCC sub-Committee had removed the elected Administrator as an option, saying that they favored exploring the option

of a strong mayor. *Mr. Rice* further said that Mr. Berntsson had researched and prepared a list of pros and cons which were helpful. *Mr. Rice* also indicated that in his research the Charter for Orange County seems the most attractive. He suggested that population figures could be obtained and if deemed advisable Mr. Berntsson could contact the County Attorney in Orange County for discussion. *Chairman Doherty* supported that the County Executive form would be too dramatic but the County Mayor/appointed Administrator form was intriguing. *Maureen Garrard* asked for clarification that the Mayor is allowed to be involved in dealings with the Administrative branch but the rest of the Board remains purely legislative. *Tom Rice* replied that the Orange County Charter lists the mayor on the Legislative branch and also on the Executive branch. *Chairman Doherty* and *Michael Grant* said that was consistent with the law. *Paula Hess* asked for confirmation that Orange County is the model to be examined. *Michael Grant* said that this proposed form of government is probably more efficient for the delivery of municipal services. *Paula Hess* said that she has heard from people who circulate throughout the State that this proposed form is a more effective form of government, not just for outside interests looking to contract in the County but for everybody. In response to another comment made by *Ms. Hess*, *Michael Grant* said that it would need to be emphasized to the voter that cost would remain the same but accountability would be greatly improved. *Chairman Doherty* asked for and was given approval to have the Administration Staff and Board of County Commissioners sub-Committees join in further study. Robert Berntsson noted that Volusia had a similar form with five District council members, one at large, and the elected Mayor as well. Mr. Berntsson also noted that in Pinellas County they had a Charter amendment voted on that restored the Charter Review Commission for a period of two years, presumably to look at Charter issues and the form of government. Mr. Berntsson suggested this as an option for this Commission.

4. Public Input: Mr. William B. Schafer of Punta Gorda introduced himself as being a resident of Charlotte County for eight years and indicated that he has been observing how the BCC and government as a whole is functioning. Mr. Schafer said that the issue he hears most from neighbors and community members is that the voter does not have a representative. He said that the Commissioners all represent the County as a whole and under this system it is possible that a Commissioner from a particular District could do everything counter-productive to that District yet remain in office by being re-elected from the voters of the other four Districts. Mr. Schafer suggested that the BCC be elected more like the House of Representatives, outlining some approaches regarding term, Chairmanship, etc. He also proposed changes in voting, defining a "simple majority" and a "super majority". Mr. Schafer said that from his experiences he could never support the concept of an elected Administrator, saying that he would need assurances on the option discussed today by the CRC. Mr. Schafer said that he would never consider term limits. Mr. Schafer pointed out that under his plan former Commissioner Sara Devos would not have been required to resign. This concluded Mr. Schafer's comments and *Chairman Doherty* thanked him for his time.

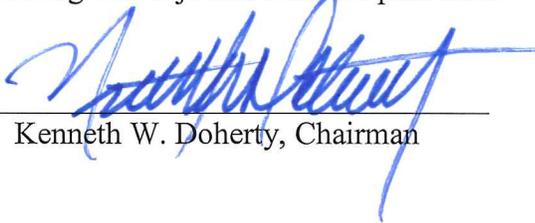
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Mr. Schafer had prepared a suggested Home Rule Charter which more completely outlines his proposals. This document is attached to these Minutes as Attachment "F".

5 Commission Comments: *Tom Rice* requested administrative support obtain a list containing population figures for the Districts in the County. *Frank Weikel* suggested the next meeting convene earlier but *Chairman Doherty* advised that there was a meeting already scheduled prior to the CRC.

6 Adjournment: The meeting was adjourned at 5:28 p.m. EST.



Kenneth W. Doherty, Chairman

ATTACHMENT "A"

BERNTSSON, ITTERSAGEN, GUNDERSON, WAKSLER & WIDEIKIS, LLP

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

1861 PLACIDA ROAD, SUITE 204
 ENGLEWOOD, FLORIDA 34223-4044
 (941) 474-7713
 TAX ID#: 26-2501255

March 2, 2010

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

Bill Number: 5396
 Billed Through: 02/28/2010
 Reply to: Port Charlotte

General

017298 1729601 RHB

FOR PROFESSIONAL SERVICES RENDERED

02/02/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Subcommittee agenda	0.25 hrs	50.00	:
02/03/10	RHB	Telephone conference with Mr. Folchi; Review Charter.	0.25 hrs	50.00	:
02/04/10	RHB	Telephone conference with Mr. Doherty; Review e-mail message(s) to and from Mr. Kulchi; Review e-mail message(s) to and from Ms. Pinder.	0.25 hrs	50.00	:
02/05/10	RHB	Researching law regarding other Boards and Agencies Committee; Telephone conference with Mr. McKinley, School Board Attorney; Review Charter; Review e-mail message(s) to and from Mr. Doherty.	5.00 hrs	1,000.00	:
02/06/10	RHB	Telephone conference with Mr. Doherty; Telephone conference with Ms. Pinder; Review e-mail message(s) to and from Ms. Pinder; Review Charter.	3.50 hrs	100.00	:
02/09/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Prior Notices for Public Hearings.	0.25 hrs	50.00	:
02/11/10	RHB	Telephone conference with Mr. Doherty; Review e-mail message(s) to and from Ms. Pinder.	0.25 hrs	50.00	:
02/16/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Mr. Baltz's memo.	0.25 hrs	50.00	:
02/18/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Prepare for and attend Charter Review Commission meeting	1.25 hrs	250.00	:
02/19/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Charters from Tampa and St. Peter; Review Minutes of BCC Subcommittee; Research Elected vs Appointed County Administrator	4.50 hrs	900.00	:
02/22/10	RHB	Continue Research elected vs Appointed Administrator; Review e-mail message(s) to and from Ms. Pinder; Telephone call to Mr. Doherty	3.50 hrs	700.00	:
02/23/10	RHB	Telephone conference with Mr. Doherty; Review e-mail message(s) to and from Ms. Pinder	0.25 hrs	50.00	:
02/24/10	RHB	Review e-mail message(s) to and from Ms. Pinder; Review Agenda for BCC Subcommittee; Review e-mail message(s) to and from Mr. Wickel	0.25 hrs	50.00	:
02/25/10	RHB	Review e-mail message(s) to and from Ms. Pinder.	0.25 hrs	50.00	:

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ATTACHMENT "B"

CHARTER REVIEW COMMISSION EXPENSES
 03/05/2010

CATEGORY	AMOUNT BUDGETED	AMOUNT SHOWN ON LAST MONTH'S SPREADSHEET	ADDITIONAL EXPENSES 02/12/2010 THROUGH 03/12/2010	BALANCE REMAINING
Administrative Support (paid through Snelling Services)	\$9,704.00	\$3,286.24	\$982.80	\$5,434.96
Rentals and Leases	\$664.00			\$664.00
Postage	\$55.00			\$55.00
Office supplies	\$140.00	\$140.40		(\$0.40)
Advertising (legal)	\$2,788.00			\$2,788.00
*Attorney fees submitted (R. Bertsson Esq)	\$21,000.00	\$1,850.00	\$3,400.00	\$15,750.00
TOTALS	\$34,351.00	\$5,285.64	\$4,382.80	\$24,682.56

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

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ATTACHMENT "C-1"

2010 Charter Review Commission

CHARLOTTE COUNTY, FLORIDA



RE: Recommended Charter "Housekeeping" Topics – March 18, 2010

The following are recommended Charter "housekeeping" topics:

Article I – N/A (subject to recommendations from the CRC committees)

Article II – Section 2.2 / Legislative Branch:

1. Economic Impact Estimate – Request CRC legal to research ways to enhance requirements to be "in keeping" with the intent of the original voter approved amendment.
2. Debt Policy - Annual review needs to be approved by April 1st?
3. Reserve Policy – Annual review needs to be approved by April 1st?
4. BCC Accountability – Should the BCC be held accountable if voter approved Charter Amendments do not receive BCC action, i.e. enabling legislation, within six (6) months of the amendment's effective date? If so, how?

Article III – N/A (subject to recommendations from the CRC Committees)

Article IV- Section 4.2 (C) –Charter Review Commission

1. Should there be residency requirements? If so, what?
2. Should there be attendance requirements? Voting Members? Alternates?
3. Administrative Expenses formally excluded from CRC Approval?

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ATTACHMENT "C-2"

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Housekeeping proposals submitted by Tom Rice via email:

Ann:

For this week's meeting we were supposed to propose housekeeping changes to the Charter. Here are a few suggestions and questions:

1. Article II, Sec. 2.1 Elected Commissioners and appointed county administrator form of government
 - a. This section could change depending on the Commission's decision on a change in form of government
2. Article II, Sec. 2.2 Legislative Branch
 - a. Should paragraph A be changed to clarify what happens if a commissioner moves out of their district during their term (other than for natural causes such as fire, storm damage)?
 - b. Should paragraph C be changed to clarify that the position of commissioner is considered a "full time" position as mentioned during the BOCC interviews?
 - c. I suggest a change to the last sentence in paragraph D to read " In addition to its other powers and duties, the board of county commissioners shall conduct ~~continuing studies in the operation of county programs and services~~ **annual performance reviews of the operation of county programs and departments including opportunity for public input** and take action on ~~programs~~ **recommendations** for improvement of the county and the welfare of its citizens.
3. Sec. 2.3 Executive Branch, paragraphs A 1-4 subject to change if government form is changed.
4. Article III Elected County Constitutional Officers
 - a. Should Sec. 3.2 "Residency requirements" be changed to state what happens if officers move out of the county during their term similar to requirements for the BOCC members who move out of the county?

Let me know if you have any questions.

Tom

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O.R. BOOK _____ PAGE _____
DATE: _____

ATTACHMENT "C-3"

March 17, 2010

Memo to: Chairman Doherty
Copy to: Ann Pinder
From: John Hitzel

Subject: Housekeeping Items

The following is my list of housekeeping items. As you know I share your concern regarding the debt and reserve policies. I do have some exhibits to illustrate those concerns. I do have to wait until this afternoon to distribute one of the documents related to county reserves. I am attaching one page from the current county budget illustrating the cost of interest and principle payments for CCU debt. The specific items are the following.

Debt policy: The debt and policy should be more definitive as to the make-up of the annual report. The annual report might include all debt instruments by purpose including terms of the debt. The debt annual report could be a county wide report of all debt under the total BCC budget, not just the General Fund. (See exhibit CCU Sinking Fund. A page from the current county budget identifying CCU interest and debt payments)

Reserve Policy: The same can be said of the reserve policy. The annual report should be county wide and not just the General Fund. The report would identify reserves required for finance purposes, reserves for committed projects and carryover funds that are not slated to be spent.

A new paragraph should be considered that would amend the Home Rule Charter to create more time between the creation of the BCC meeting agenda and the actual meeting at which such items may be passed into law. The concerns are twofold. First there is not enough notice to the public as to what items are on the agenda. Second, items that are pulled from the consent agenda should not be passed into law until the following BCC meeting. The suggestions include a requirement to publish the agenda in the newspaper. An alternate to the adjusting the timing of the agenda would be to require two readings in subsequent BCC meetings to pass legislation.

Property rights concerns: Consideration should be given to adding a paragraph to the Home Rule Charter that would require a super majority or other protection when passing legislation that would take citizens property rights i.e. Murdock Village and the Botanic Gardens.

ATTACHMENT "D-1"

Agency	Reserve Type	Amount	Description
Department of Environmental	Rev-Landfill Closure Requirements	8,313,824.00	Required by DEP for landfilling
Department of Environmental	Rev-Landfill Deep Well Closure	289,890.00	Required by DEP for permitting
Department of Environmental	Rev-Water Pollution Control	50,000.00	Funds used by DEP for permitting
Department of Environmental	Deck Services Reserve	22,428,000.00	Funds to cover deck payments - Paid as All falling to CDU
Department of Environmental	Recreation Stabilization	2,457,855.00	Federally regulated and controlled by Finance. Used as a term in case the rates need to be increased but not be increased during the year. Needed for bond coverage.
Department of Environmental	Rev-Landfill Land Term Care	3,119,045.00	Financial obligation to fund per state
Department of Environmental	Rev-Landfill	80,000.00	Local Funding Assistance Trust Fund
Department of Environmental	Total Mandated	37,322,064.00	
Department of Environmental	Rev-SAF Insurance	6,923,857.00	
Department of Environmental	Rev-Building Department	1,810,533.00	Reserve to cover Building Construction Services - made up of revenues from building permits.
Department of Environmental	Cash Carried Forward	49,283,088.00	Amount reserved to cover first three months of Fiscal Year Operation until the tax revenues start coming in.
Department of Environmental	Rev-Collingswood	3,208,056.00	All funds.
Department of Environmental	Rev-Fiscal Stabilization	31,235,318.30	
Department of Environmental	Rev-Safety Reserve	5,000.00	
Department of Environmental	Public Capital Fund	13,235,957.00	To use funds to cover Public Works, MSBUs and MBTUs in conjunction with projects and equipment.
Department of Environmental	Rev-Blue Water Pollution	3,748,881.00	Reserve to cover the purchase of new vehicles (CDU and Vehicle Replacement Program).
Department of Environmental	Rev-Operating Expenses	100,000.00	
Department of Environmental	Rev-Health Incentive	3,104,303.00	
Department of Environmental	Rev-Utilities	82,251.00	
Department of Environmental	Rev-Cash Stabilization	391,743.00	
Department of Environmental	Total Other Reserves	161,789,391.00	
Grand Total All Reserves		138,512,076.00	

ATTACHMENT
IS
MILWAUKEE COUNTY
RESERVES PREPARED
FOR DEPT HEALTHY BY
RORY SANDERSON &
GARDEN BUREAU
IN APRIL 2010.

ATTACHMENT "D-2"

UTILITY SYSTEM SINKING FUND Fund Summary By Line Item			
4033	ACTUALS	AMENDED	ADOPTED
REVENUES	FY 07/08	FY 08/08	FY 08/10
Interest Earnings- Investments	294,717	332,181	209,380
Interest Earnings-L. G.S.F.T.F.	117,706	173,956	74,419
Net Incr/Decr Fair Mkt Value-Investments	(11,900)	-	-
Interfund Trf-S Gulf Cove WWS Exp	845,005	974,774	880,662
Interfund Trf-CCU-Operating	15,246,624	15,933,238	19,000,829
Interfund Trf-Pirate Harbor WstWtr	-	-	82,758
Interfund Trf-Rotonda Meadows WstWtr	-	-	87,971
Interfund Trf-Rotonda Sands WstWtr	-	-	50,635
Nonop-Othr-Amort-Premium Bonds	80,875	-	-
Projected Beginning Balance	-	14,455,117	15,058,304
Less 5% Now Rev-FS 120.0112)u	-	(25,307)	(11,189)
TOTAL REVENUES	\$ 16,672,252	\$ 31,843,956	\$ 34,668,650
Principal Pymts	-	8,603,199	8,789,152
Interest Pymnts-05B Bonds	55,167	45,945	-
Interest Pymnts-88 Bonds	632,580	1,108,904	-
Interest Pymnts-SRF28020	358,207	339,050	209,039
Interest Pymnts-SRF28090	5,105	7,692	5,010
Interest Pymnts-SRF 28040	24,053	21,967	18,864
Interest Pymnts-SRF 28140	22,376	21,644	20,257
Interest Pymnts-SRF-LAW0817010	40,195	41,602	39,150
Interest Pymnts-2001 Bonds	1,008,943	962,843	963,875
Interest Pymnts-DW 817020	10,732	38,789	36,480
Interest Pymnts-SRF 25180	22,885	21,792	20,504
Interest Pymnts-WWG12062817S	42,358	30,026	38,763
Interest Pymnts-2003A Bonds	2,418,660	2,327,325	2,205,450
Interest Pymnts-2003B Bonds	1,288,981	1,253,175	1,187,500
Interest Pymnts-Comm Paper	269,841	456,174	780,000
Interest Pymnts-DW 817030	47,497	45,853	43,476
Interest Pymnts-DW 40 Ph 5 Wtr	21,389	20,558	19,551
Interest Pymnts-WWS82818S Ph 5 Bwr	14,255	13,551	13,204
Interest Pymnts-Pirate Harbor WstWtr	-	-	33,381
Interest Pymnts-Rotonda Sands WstWtr	-	-	58,984
Interest Pymnts-Rotonda Meadows WstWtr	-	-	35,455
Interest Pymnts-2008 Bond	1,488,670	1,379,670	1,301,870
Interest Pymnts-2008 Bonds	154,021	-	916,050
Amort-Discount	39,752	-	-
Amort-Issuance Costs	108,738	-	-
Amort-Loss On Refinancing	290,830	-	-
Paying Agent Fees	60,906	100,000	100,000
Arbitrage	4,000	-	-
Swaption Costs 2003 Bond	166,279	179,011	800,000
Interfund Trf-CCU-Operating	-	257,600	257,500
Interfund Trf-CCU-Conn Fee	0,940,000	-	-
Res-Pmts Service	-	14,498,835	16,896,377
TOTAL EXPENSES	\$ 17,768,499	\$ 31,843,956	\$ 34,668,650
NET EXPENDITURES / (REVENUES)	\$ 1,096,248	\$ -	\$ -

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ATTACHMENT "E"

O.R. BOOK _____ PAGE _____
DATE: _____

March 12, 2010

To: Chairman Ken Doherty
Charter Review Commission

From: John Hitzel

Subject: Charlotte County Curmudgeon Club meeting report relative to the Charter Review Commission

Attendees: Dick Bair, Frank Clancy, Stephen R. Deutsch, Dave Hackett, John Hitzel, Gene Leapley, Bob McMillan, Gene Murphy, William Schafer, Howard Shaw, Bill Southwick, Dale Watson and Sam Castronovo

The Charlotte County Curmudgeon Club is a group of Charlotte County citizens who are particularly concerned and informed regarding local government. The club meets weekly with a guest speaker who generally is an official, staffer or from organizations that serve Charlotte County. To illustrate, our speakers in 2010 have been Dick Luftus, Ken Roberson, Gordon Burger, Ray Sandrock, Pamela Seay, Barry Duffy, Brian Presley, Robert Skidmore, Chris Constance, and Bill Cameron. Our guest list year after year is a who's who of Charlotte County.

I am a member of the Curmudgeon Club and serve on the charter commission. I was asked to speak to the club at the March 12 meeting on the charter review process. This is a report to you of that meeting with the Club's recommendation that this report be included in the minutes of the Charter Review process and used as a decision making resource.

I told the group how the CRC was organized into four sub-committees focusing on different parts of Charlotte County government and other organizations. The divisions being the BCC, Administration, Constitutional Officers and Other Boards and Agencies. I explained that we were in mid interview process and that, at this time I could not generalize on the potential for changes to the charter. I passed out copies of the critical time calendar to better illustrate when critical decisions need to be considered.

At this point the group focused on the pros and cons of numbers of commissioners, fixed districts, elected or appointed executive and term limits. Two member of the Curmudgeons, Dave Hackett and William Schafer, have previously submitted their recommendation for the organization of the county government. Both those recommendations were debated extensively, particularly the pros and cons of an appointed or elected county executive. I decided at this point to do a "round robin" of the group to tally the clubs interest in change in the county government. The results were as follows:

Should the county executive be appointed or elected: Appointed – 9
Elected – 2.

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Number of commissioners / fixed or at large: 5 fixed / 2 at large - 7.
5 at large - 2,
4 fixed / 1 at large
5 fixed / 2 at large with Chairmanship staggered - 1
(see Wm. Schafer proposal)

Term Limits: No term limits - 4
2 terms 4 years each - 6
2 yrs for 5 fixed and 4 years for 2 at large - 1 (see Wm. Schafer proposal)

As the discussion continued another important subject was brought to the table and discussed at length. That subject, thought to be very important, was the need to fix the BCC agenda and / or BCC agenda item voting so that commissioners and citizens have time to research issues of concern. The ideas generated were:

- In order for a vote to pass two readings of the issue would have to take place in consecutive BCC meetings and be approved by a majority at both meetings.
- The BCC agenda should be available much farther in advance than the current process. Time frames of 10 days, 2 weeks and 1 month were suggested.
- The BCC agenda to be published in the paper with appropriate notice as suggested above.
- Provisions would be made for emergency items.
- When an item is pulled from the consent agenda that item cannot come up for a vote until the next BCC meeting.
- The above suggestions could be limited to issues that involve property rights, purchases over a stated dollar amount, issues that require new or renewed debt, issues involving tax and fee increases, changes to the Comprehensive Plan and other issues thought to be of more concern to the citizens.

There was a concern raised about the unequal population by District in the county. A figure of more than 20% disparity was stated to exist between some districts. I don't know the population by district. However, since Commissioners are elected county wide the disparity is not as critical as it would be if elections were district wide.

I was asked my opinion of the make-up of the Charter Review Commission with some concern for the same people making the same decisions every six years. I could only answer that question as a rookie with a half year experience. It seems to me it would a much more difficult task to perform an effective charter review without previous historical experience on the commission. The task to organize the CRC would be far more daunting and the process would probably require a longer time frame than that currently given to the process.

There is a recording of the meeting available.

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ATTACHMENT "F"

*SUBMITTED BY: WILLIAM B. SCHAFER, RESIDENCE: 1120 LA PALMA CT. PUNTA GORDA, FL
EMAIL: WILLIAMBSCHAFFER@AOL.COM PHONE: (941) 833-0096*

HOME RULE CHARTER
SUGGESTED AMENDMENTS EFFECTIVE 2012

Charlotte County shall operate under an elected county commission and appointed county administrator form of government with strict separation of legislative and executive functions in accordance with the provisions of this home rule charter.

The county commission: The governing body of the county shall be a Board of County Commissioners composed of seven (7) members, five (5) district-wide commissioners and two (2) countywide (at large) commissioners serving terms as follows:

District-wide commissioners: Shall be elected on a district-wide basis by the electors of said district, with one (1) commissioner for each of the existing five (5) county commissioner districts. The electors of each district shall elect a commissioner on a district-wide basis for terms of two (2) years. Each district-wide candidate for the office of commissioner shall reside within the district from which said candidate seeks election, for at least six (6) months immediately prior to the time of qualifying to run for that office. Each commissioner for the term of his/her office shall reside within the district from which said commissioner was elected. Should a district-wide commissioner's residency change as a result of redistricting and/or a voluntary change in residence, he/she may continue to serve during the balance of the two (2) year term of office, provided he/she remains a resident of the county. In the event the commissioner no longer resides within the County of Charlotte; the Board of Commissioners may appoint a replacement for the remainder of the term. The departing commissioner will be permitted to vote on his/her replacement; however, the appointment of said replacement commissioner must be accomplished with a "super majority" of the entire Board of Commissioners (five (5) of seven (7) commissioners voting for the appointment).

NOTE: The two (2) commissioners elected in districts 2 and 4 in the 2010 general election, will serve the remainder of their terms in office as district-wide commissioners as outlined above.

Countywide (at-large) commissioners: Two (2) commissioners shall be elected on a countywide basis and serve staggered terms of four (4) years each. Each countywide candidate for the office of commissioner shall reside within the county for at least six (6) months immediately prior to the time of qualifying to run for that office. Countywide commissioners must reside within the County of Charlotte the entire term of office. Should countywide commissioner's eligibility to serve in his/her office change as a result of a change of residence; the Board of Commissioners may appoint a replacement for the remainder of the term. The departing commissioner will be permitted to vote on his/her replacement; however, the appointment of said replacement commissioner must be accomplished with a "super majority" of the entire Board of Commissioners (five (5) of seven (7) commissioners voting for the appointment).

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*SUBMITTED BY: WILLIAM B. SCHAFER, RESIDENCE: 1120 LA PALMA CT. PUNTA GORDA, FL
EMAIL: WILLIAMSCHAFER@AOL.COM PHONE: (941) 833-0096*

During the first (1st) year and the fourth (4th) year in office each countywide commissioner shall serve as Vice Chairman of the Board of County Commissioners and during the second (2nd) year and the third (3rd) year in office each countywide commissioner shall serve as Chairman of the Board of County Commissioners

During the 2012 election cycle one (1) countywide commissioner will be designated as a two (2) year term and then begin the four (4) year terms, two (2) years thereafter. During this commissioner's first (1st) year he/she shall serve as chairman of the Board of County Commissioners and during the second (2nd) year he/she shall serve as vice chairman of the Board of County Commissioners. The other countywide commissioner shall serve his/her term of office as described in the preceding paragraph.

Authority: The Board of County Commissioners shall exercise all legislative authority provided by this home rule charter and shall have all powers of local self-government not inconsistent with general law or special law approved by vote of the electors. The adoption of ordinances in general shall require the affirmative vote of a "simple majority" of the total membership of the Board of County Commissioners, however, an affirmative vote by "super majority" shall required for any and all issues relating to long-term debt, acquisitions of property (land) and zone changes.

In addition to its other powers and duties, the Board of County Commissioners shall conduct continuing studies in the operation of county programs and services and take action on programs for improvement of the county, reduce costs to the county tax payers and the welfare of its residents.

Voting: A "**Simple Majority**" consists of a requirement that four (4) of the seven (7) commissioners on the Board of County Commissioners must vote aye to pass a motion.

A "**Super Majority**" consists of a requirement that five (5) of the seven (7) commissioners on the Board of County Commissioners must vote aye to pass a motion.

Redistricting Commissioner districts: Each district must be contiguous and with the population count in each district as equal as possible. The test as to whether each district is equal in population shall be as follows: No two (2) districts shall have a difference in population count greater than five percent (5%). In the event the 5% standard cannot be met additional districts may have to be created. When districts are added they must be added two (2) at a time and may only be added as District-wide commissioners

County Administrator: The County Administrator; appointed by, and responsible to, the Board of County Commissioners, shall be the chief administrative officer of the county and shall be responsible for all administrative matters and operations under the authority of the Board of County Commissioners. The County Administrator shall be appointed on the affirmative vote of a "super majority" of the Board of County Commissioners (five (5) of seven (7) commissioners voting for the appointment), and shall reside within the county while so employed. The Board of County Commissioners shall set the county administrator's salary. The county administrator may be removed with or without cause upon an affirmative vote of "simple majority" of the board of county commissioners (four (4) of seven (7) commissioners voting for the removal).

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*SUBMITTED BY: WILLIAM B. SCHAFER, RESIDENCE: 1120 LA PALMA CT. PUNTA GORDA, FL
EMAIL: WILLIAMSCHAFER@AOL.COM PHONE: (941) 833-0096*

County Attorney: There shall be a County Attorney selected by the board of county commissioners who shall serve at the pleasure of the board. The selection of the county attorney must be accomplished with a "super majority" of the entire Board of Commissioners (five (5) of seven (7) commissioners voting for the appointment). The county attorney shall not be under the direction and/or control of the county administrator but shall, instead, be responsible directly to the board of county commissioners. The County Attorney may be removed with or without cause upon an affirmative vote of a "simple majority" of the entire Board of Commissioners (four (4) of seven (7) commissioners voting for the removal).

Amendments proposed by the board of county commissioners. Amendments to this home rule charter may be proposed by ordinance adopted by the Board of County Commissioners by an affirmative vote of a "super majority" of the total membership of the Board of County Commissioners, provided that any such amendment shall embrace but one (1) subject and matter directly connected therewith, subject to approval by a majority of those registered electors of Charlotte County voting in a referendum at the next general election.