

Charlotte County Charter Review Commission
Public Hearing
April 27, 2016

The Charter Review Commission Public Hearing was held at the Charlotte County Administration Building, 18500 Murdock Circle, Room B-106; Port Charlotte, Florida.

The Charter Review Commission Public Hearing was called to order at 5:00 p.m.

Roll Call

The following Commission Members were present:

William C. Abbatematteo	Paula Hess	Thomas J. Rice
Katherine D. Ariens	John Hitzel	W. Kevin Russell
Jim M. Brown	Julie Mathis	Thomas J. Thornberry
Thomas P. Conroy III	Donald McCormick, Vice Chairman	Stephen J. Vieira
William Dryburgh, Chairman	Jerry J. O'Halloran	Frank Weikel

Attorney Robert Berntsson was also present.

Alternates Raymond A. Corcoran and John M. Davidson were not present.

Citizens:

Gary Farino
David Kesselring
Rick Mathis
Peter Gerhardt

- I. Introduction and overview of proposed Amendments under consideration, as attached.

Chairman Dryburgh – I have asked Rob to go through the public hearing dates with you, as to changes.

Robert Berntsson – The Charter requires that we have at least three public hearings and that they be held not less than ten and no more than twenty days apart; we had set them at seven days apart. I did not catch that when we set the dates, I apologize for any inconvenience. The schedule will be with the first hearing today as originally scheduled. We have cancelled the hearing on May the 4th at the Trangali Center and we have rescheduled that to May 25, 2016. We will hold the originally planned meeting on May 11th at the Event Center in Punta Gorda with both of those at 5:00 pm. We are also cancelling the regular May meeting, because we will not have had all three of the public hearings by that point and cannot take further action at that time. Our next regularly scheduled meeting will be on June 15th at 3:00pm. I sent out an email to Beth today; I had a conversation yesterday with the County Attorney, Janette Knowlton. She made a constructive comment that she had met with some of the Commissioners and with regard to the MSBU/MSTU reports, they thought that was a great idea and were very supportive but to make it most effective, if those reports were due every year by March 1st then the Board would have them through their budget cycle. We had not set a date by which they were required to be due; I revised it. She also used the term work programs which I think is particular to the MSBU. Proposed changing Amendment #3 so it now reads, the Charlotte County Charter be amended to require Municipal Service Taxing or Benefit Unit (MSTU/MSBU) advisory boards to provide an annual report on the unit's activities, objectives, work programs and funding requests to the Board of County Commissioners by March 1st of each year.

Chairman Dryburgh – We have a motion and a second to approve. Any discussion? All in favor say I. Everyone said I. Opposed (None)

Robert Berntsson – The copies that are here for comment today are the ones that were originally before us; for the next two public hearings we will have copies with the changes that were just approved. For our board members information, at our next meeting since we are not having a May meeting we will also add approval of expenses to the agenda so we don't go two months without those being approved. We have done this in past years for the Charter Review Commission.

Robert Berntsson – For purposes of the general public's information, the Charter Review Commission is considering four amendments and they are available on the table up front. The four amendments are as follows:

Charter Amendment No. 1 – Reduction of percentage of electors needed to initiate county ordinances. – Shall Article II, Section 2.2.G. (1) of the Charlotte County Charter be amended to reduce the number of electors needed to initiate county ordinances in order to establish new ordinances or amend or repeal existing ordinances upon petition, from ten (10) percent to seven (7) percent of the number of electors qualified to vote as a whole in the last preceding general election? Yes for Approval, No for Rejection and the language would be amended in the Charter that would change ten to seven.

The second Charter Amendment is- Deletion of restriction of reestablishment of MSTU/MSBU Advisory Boards created by petition of electors. – The ballot question would read, Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to abolish the two (2) year period prohibiting consideration of a petition for the creation of a Municipal Service Taxing or Benefit Unit (MSTU/MSBU) board of advisors upon abolish of a previous board of advisors? Yes for Approval and No for Rejection, the Section would be amended to delete the current prohibition that doesn't allow new petition to be considered for a period of two (2) years.

The third Amendment – Annual report of MSTU/MSBU advisory boards. – Shall Article II, Section 2.2.H. of the Charlotte County Charter be amended to require Municipal Service Taxing or Benefit Unit (MSTU/MSBU) advisory boards to provide an annual report on the unit's activities, objectives, work programs and funding requests to the Board of County Commissioners by March 1st of each year? Yes for Approval and No for Rejection. Section 2.2.H. would be amended and the current language would become subsection (1) and the new language that is proposed would become subsection (2).

The fourth Amendment for consideration is – Creating term limits for Charter Review Commission members. - Shall Article IV, Section 4.2.C. (1) of the Charlotte County Charter be amended to limit the number of terms a Charter review Commission member may serve to three (3) full terms as a voting member? Yes for Approval and No for Rejection. The current language that 4.2.C. (1) would be amended by adding the three term limits.

II. Citizens Input

Chairman Dryburgh – Is there anyone who would like to address this Commission?

Gary Farino - On Amendment number one, I think because this is a people's Charter the seven (7) percent is too much. I know people have asked for five (5) percent but I think it should go back to the original three (3) percent. It is very hard to get seven (7) percent, which is eight thousand signatures, five (5) percent would be six thousand and three (3) percent would be better to obtain signatures that are needed to bring a petition before the committee. I can't see anything wrong with the rest but some of the wording may need to be changed.

Rick Mathis – I have been a member of an MSBU for two to three years. I would like to address Charter Amendment number three, Annual report of MSTU/MSBU advisory boards. All of our meetings are recorded as verbatim, which is

the report. Why should the MSBU board have to provide another copy of the same thing that is recorded and typed up as verbatim? I am also not familiar with what a work program is for the MSBU's?

David Kesselring – I have been watching the Charter Review process from the beginning and received a copy of the vote tally from the Commissioners, for Board Members. I noticed that many people who strongly supported smaller, limiting governing were included on the list and none of them got even one vote from even one Commissioner. Dozens of other people applied. That should take care of the argument by the board members that the county might have a hard time finding applicants, if any changes are made. If getting on the board becomes more competitive, it may become more difficult to find members to keep the status quo but I don't think it will ever be hard to fill the board with a variety of people. It was stated at a meeting that I attended that anything the board had done prior to public hearing could be changed. I am going to propose some changes at this public hearing, I would ask the board to reconsider their vote that was taken for no changes. From what I recall, the board took a vote to make no changes to the structure of our Charlotte County government because you believe it is currently running well. I believe that runs contrary to why you are here. I would guess many on the board have not heard of a three term limit. I have only seen two. I originally proposed a two term limit. I ask you to change it back to the original two term limits, give the citizens a valid choice. A suggestion was also made that the Charter Review Commission be elected, I ask you to revisit this. An elected Charter Review Board works very well in Sarasota County and they have excellent citizen participation in the process. Also, term limits for County Commissioners, the County Administrator should be an elected position, and you need to exempt churches from taxation which most other counties do; MSTU/MSBU's should only be formed with the consent of those affected through a vote. I would go so far as recommending they be abolished entirely in this county. One of your board members argued that, no time in the history of Charlotte County have citizens been able to collect the needed petitions for appealing, amending or creating a county ordinance. This is a travesty, showing a lack of respect that the local government has for its citizens. The original five (5) percent recommended by citizens and then increased by this board is still impossible according to the numbers in the history of Charlotte County; seven (7) percent is entirely out of the question. I propose that the seven (7) percent restriction on citizen initiative be decreased to three (3) percent, which would still be difficult but might make it possible for citizens to have more input in their own governing structure. The people of Charlotte County must regain their standing. The gentleman that was talking before me was probably talking about numbers. I don't know if three (3) percent or somewhere between three (3) and (4) four would give us the original amount, which was never met. That's why I am proposing a really low number.

Gary Farino – On Amendment three, on the MSBU boards and the annual report. I am also a member of the MSBU Board of Port Charlotte. We do have an agenda we go through and everything is typed up. I don't see any reason for these reports, everything we do is done and finalized.

Peter Gerhardt – I am also on an MSBU and the Charlotte County Storm Water Utility Advisory Board. I do not share the opinion of my two colleagues that spoke before me. The MSBU's for this county are necessary and they do a good job. This committee right here does a good job and you have a difficult job before you. Councilor, you stole my thunder regarding the actual date of reporting, I was going to mention that but that is absolutely a good idea. If I may shed some light on why the reporting is necessary, the gentleman is correct we report on every meeting that we have and the minutes are public. However, what the board is looking for I believe, is a concise, complete annual report. So, they don't have to go through twelve different reports, I believe, sixty (60) MSBU's. They have a lot of paperwork to go through and what we're doing by consolidating this and by your amendment is making it more concise so that the Commissioner's job becomes just a little bit easier. If I can speak openly, I don't know if this reporting goes far enough. I know what I do in my MSBU, it's a part time job that I'm not getting paid for but it is a part time job that does the business of the people of Charlotte County and we owe it to those people to tell the truth, let them know exactly what we are doing in the MSBU's and why we're doing it. If we had done this all along, the gentlemen who stated that the MSBU's should be done away with would realize that if the MSBU's and the people involved in those MSBU's are not doing their jobs that falls to staff and that raises everybody's taxes. I manage nineteen waterways across this county and let me tell you with what just happened in the Sunshine Waterway, do I take this job seriously, you betcha I take this job seriously. That waterway was contaminated and made people sick, cost this county 4.5 million dollars. If my

predecessors before me on my board had found that back in 2005 when the contamination began it would not have cost the people of this county nearly as much to clean up. Is my job important? My job is important, so is yours for the people of this county. It's important that we report and that we do our jobs.

Chairman Dryburgh – Is there anyone else who would like to address this Commission? Any comments from the Commission itself?

III. Commission Comments

William C. Abbatematteo – Just a point of information Mr. Chairman, when the councilor read Charter Amendment No. 3, I don't have it in the language but it was read as unit's activities, objectives, work programs and funding requests.

Robert Berntsson – My understanding is that, the work program is the work that the MSBU is doing. That is the term county staff uses referring to each of the MSBU's. That's why, they just asked that work program be part of the report as to what they have done.

Robert Berntsson – I would like to make some comments, based on the information so that this board has accurate information. There was a comment that we go back to three (3) percent of the voters. According to the Charter Review comparative table that lists all the changes that have been made to the Charter, this section has never been amended since its initial adoption. It has been ten (10) percent, as far as I'm aware. We discussed the work programs. I will indicate that any proposed amendments require three public hearings. If these hearings generated new areas that you wanted to go in, we would have to have three hearings on any other ballot language which would be presented to the Commission. We can add others but you will have to have public hearings on them. Certainly, amending these along the same lines as to what the general intent was is fine but if we wanted to amend a whole new section of the Charter, in my opinion we would have to have additional public hearings on those as well.

Frank Weikel - You're saying if we decided we wanted to take it back to ten (10) percent that adjustment would be alright without public hearings.

Robert Berntsson – Right, you would just delete that question because it would remain at ten.

Julie Mathis – If we wanted to amend the term limit number of years.

Robert Berntsson – You can take input, that is the purpose of the input. You can amend that but to say we're going to amend a whole new section on that there has not been public hearings on, I believe those will require new public hearings.

Julie Mathis – At our June meeting we would have the discussion as to the public hearings being over.

Robert Berntsson – That is correct, at the June meeting we will vote to amend these four questions and then decide if you're going to have more. If anyone on the board thinks they have other areas they would like to discuss we need to know that because of the time limits of the hearings, it takes almost a month to do. Our questions have to go to the Supervisor of Elections in early August; the BCC does not meet in August. We have to meet their last July meeting. The current plan is for us to be on the last agenda in July, unless we can make it earlier.

Jerry J. O'Halloran – Two things, Peter Gerhardt and all the other people who are here, thank you for your service to the community for being a volunteer. We very much appreciate the people who come here and spend their time to get involved. Additionally, I keep hearing in regards to the number of people, percent required to affect a petition. I don't know if any petition have been attempted. There have been petitions attempted?

- Yes

Jerry J. O'Halloran – and they couldn't get the ten (10) percent because they needed more numbers or because of insufficient interest?

Paula Hess – I think the petition that failed, you referred to is about Heritage trees and it was about the language in our comprehensive plan. .

Robert Berntsson – I don't believe they ever submitted the ten (10) percent, I don't think they ever got to that point.
W. Kevin Russell – I don't believe so either, I know that they did submit though and signatures were challenged and things such as that.

Robert Berntsson – There was a separate law suit that challenged the Developmental Review Committee process brought by the same person but it was separate from the Heritage trees.

Paula Hess – Only one was attempted and it failed and it has been ten (10) percent from the beginning, when we wrote the Charter.

IV. Adjournment

Chairman Dryburgh – Any further comments. We are adjourn.
Committee adjourned at 5:25 p.m.



William Dryburgh, Chairman