

Charter Review Commission
Report to the
Board of County Commissioners
July 27, 2004

Commission Members

Michael R. McKinley Chairman

Andy Dodd Vice Chairman

Darol H. M. Carr

Willard A. Coy

Ann Dever

Ken Doherty

Jack Fawsett

Richard Galambos

Richard Holden

Rufus Lazzell

Julie Mathis

Jerry O'Halloran

Thomas Rice

Kevin Russell

Mel Staudmyer

Bob Starr

Jane Sturges

Frank Weikel

Commission Staff

Richard L. Smith, Esq. Counsel

Marie J. Sottosanti, CRC Recording Secretary

2004 Charter Review Commission

Charlotte County adopted a home rule charter effective January 1, 1986. A provision of this charter is that a Charter Review Commission (CRC) be created every six years for the purpose of reviewing the charter and proposing any amendments or revisions.

The Charter Review Commission consists of citizens appointed by the Board of County Commissioners (BCC). The 2004 CRC serves as the third Charter Review Commission since 1986.

The members of the 2004 CRC were appointed by the BCC on November 4, 2003. The 15 members and 3 alternates were selected from citizens who had responded to advertisements placed in the local newspapers.

The CRC met on December 3, 2003 to organize and initiate the process of charter review. Mike McKinley was elected Chairman and Andy Dodd Vice Chairman.

Mr. Richard Smith was retained as the CRC's legal counsel. Mr. Smith had been legal counsel for both the Commission that drafted the original charter and for the two subsequent CRC's of 1992 and 1998. Outside counsel was retained in order to maintain the CRC's independence from the Board of County Commissioners.

Regular meetings of the CRC were scheduled for 4:00 PM on the second Thursday of each month beginning January 8, 2004. It was determined that the final recommendations would be presented to the BCC no later than July 27, 2004.

Public input was encouraged at each meeting to gather input from citizens related to charter issues. Meeting schedules and invitations for citizen input were advertised in the local print media and noticed on Charlotte County's website.

The three required public hearings relating to proposed Charter Amendments were scheduled for June 10, June 24 and July 8, 2004.

The 15-member Commission divided itself into four Committees. Each Committee was charged with addressing issues proposed by CRC members and the public. During the process, the Committees interviewed key staff and elected officials and took input from the public.

The following committees were established:

Administration/Staff Committee

Kevin Russell (Chairman)
Darol Carr
Willard Coy
Ken Doherty
Rich Galambos
Thomas Rice
Jerry O'Halloran

Administrative issues identified by the CRC and through public input included:

- Structure of Administrative Branch.
- County funding for non-profits.
- Structure and funding of MSBU's.
- Budget transfers, reserve and debt policy.

The committee recommended that the structure of the Administrative Branch continue with an appointed administrator, and that the structure and funding of non-profits and MSBU's be addressed administratively and not by Charter Amendment.

Amendments recommended for BCC adoption resulting from committee and CRC deliberations would require the BCC to annually adopt both debt and reserve policies (Charter Amendments 2 and 3).

The full Administrative Committee Report is contained in the Appendix. This report

provides detail related to questions asked and persons interviewed as well as meeting minutes.

Board of County Commissioners Committee

Ken Doherty (Chairman)

Ann Dever

Jack Fawsett

Julie Mathis

Thomas Rice

Bob Starr

Mel Staudmyer

Frank Weikel

Issues related to the Board of County Commissioners identified by CRC and through public input included:

- BCC Term limits.
- Single member districts.
- Expansion of BCC to 7 with 2 at large.
- Non-partisan elections.
- Rotation of names on ballot.
- BCC Salary Structure.

It was recommended by the committee that the Charter should not be changed relative to all the above issues. In addition, the matter of BCC's Salary Structure was deferred to the full CRC which chose not to propose a Charter Amendment, as in doing so, the BCC would be required to be changed to Charter Officers in order to set salaries.

No amendments were recommended for adoption resulting from committee and CRC deliberations. However the CRC recommends the establishment of 5 "Standing Committees" for the purpose of improving internal County communications.

Details of this recommendation and the full Board of County Commissioners Committee Report are contained in the Appendix. This report provides detail related to questions asked and persons interviewed as well as meeting minutes.

Constitutional Officers Committee

Thomas Rice (Chairman)

Ann Dever

Jack Fawsett

Richard Holden

Frank Weikel

Issues related to Constitutional officers identified by the CRC and through public input included:

- Appointed or elected Sheriff.
- Term limits for Constitutional Officers.
- Non-partisan election of Constitutional Officers.
- Rotation of names on ballot.

It was recommended that no changes be made to the Charter relating to these issues.

It was further asserted that in order to enforce any of the above amendments, all Constitutional Officers would need to be abolished and reinstated as "Charter Officers". Recasting the Constitutional Officers under the Charter would likely eliminate their power to appeal budget disputes to the Governor.

Details of meetings including persons interviewed and questions asked are included in the Appendix. Correspondence from both the Tax Collector and Property Appraiser related to issues discussed is also included.

Other Boards and Agencies Committee

Bill Coy (Chairman)

Kevin Russell

Andy Dodd

Mike McKinley

Rufus Lazzell

Jane Sturges

Jerry O'Halloran

Other Boards and Agencies issues identified by CRC and through public input included:

- Elected or appointed Superintendent of Schools.
- Formalized Joint County-City Planning.
- Charlotte County Airport Authority.

Upon consideration and receipt of legal advice, it was determined that the issue related to the Superintendent of Schools is controlled by State statute and can not be addressed by the County Charter. In addition, it was decided that the abolition or modification Charlotte County Airport Authority is not a Charter issue due to the provisions of State law.

An amendment related to the issue of joint County-City Planning was proposed for BCC adoption. Charter Amendment 1 was submitted to clarify an amendment added in 1998 to provide that the County Comprehensive Plan and land development regulations do not supersede City Ordinances when the City has adopted Comprehensive Plan. In compliance with State Law. The Committee further recommended that the City and County continue coordination to avert future conflicts.

The full Committee report and meeting minutes is included in the Appendix. This report includes questions asked and persons interviewed during the process.

The result of CRC deliberations was the drafting of the following three Charter amendment ballot questions. The full text of the Charter amendment is language changes are included in the Appendix.

Charter Amendment No. 1
ARTICLE I, SECTION 1.3
Exemption of Certain Municipalities
From County-wide Comprehensive Plan
And Land Development Regulations

Shall the Charlotte County Charter be amended to exempt any municipality with a Comprehensive Plan in compliance with state law from the application of a county-wide Comprehensive Plan, Plan Element or county-wide land development regulations?

Charter Amendment No. 2
ARTICLE II, SECTION 2.2.J
Adoption and Annual Review
By the County Commission of a Debt
Policy

Shall the Charlotte County Charter be amended to require the County Commission to adopt and annually review a debt policy to guide the issuance and management of debt including the purposes, amounts, types, structural features, credit objectives, and placement of debt?

Charter Amendment No. 3
ARTICLE II, SECTION 2.2.K
Adoption and Annual Review
By the County Commission of a
Reserve Policy

Shall the Charlotte County Charter be amended to require the County Commission to adopt and annually review a reserve policy to maintain a reasonable level of financial reserves to protect against revenue shortfalls or unpredicted expenditures?

**2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
CHARLOTTE COUNTY, FLORIDA
RESOLUTION
NO. 2004-1**

A RESOLUTION TRANSMITTING TO THE BOARD OF
COUNTY COMMISSIONERS OF CHARLOTTE COUNTY THE
2004 CHARLOTTE COUNTY CHARTER REVIEW
COMMISSION'S PROPOSED AMENDMENTS TO THE
CHARLOTTE COUNTY CHARTER

WHEREAS, the 2004 Charlotte County Charter Review Commission was duly appointed by the Board of County Commissioners of Charlotte County pursuant to ARTICLE IV, SECTION 4.2.C(1) of the Charlotte County Charter; and

WHEREAS, the Charter Review Commission has reviewed the charter in relation to the structure and operation of local government in Charlotte County; and

WHEREAS, the Charter Review Commission has held three public hearings on proposed charter amendments; and

WHEREAS, the Charter Review Commission approved the proposed Charter amendments attached hereto by not less than a majority of its entire membership.


NOW, THEREFORE, BE IT RESOLVED BY THE 2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION:

Section 1. The three amendments proposed by the Charlotte County Charter Review Commission, together with appropriate ballot questions for each, are attached hereto as Attachment "A".

Section 2. This Resolution, or a certified copy thereof, shall be delivered by the Chairman of the Charter Review Commission to the Board of County Commissioners of Charlotte County no later than ninety (90) days prior to the general election scheduled for November 2, 2004.

Passed and Duly Adopted on the 8th day of July, 2004.

2004 Charlotte County Charter
Review Commission

By: 
Michael R. McKinley, Chairman

ATTACHMENT "A"
TO THE
2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
RESOLUTION NO. 2004-1

BALLOT LANGUAGE
AND
TEXT OF AMENDMENTS

BALLOT LANGUAGE

**Charter Amendment No. 1
ARTICLE I, SECTION 1.3
Exemption of Certain Municipalities
From County-wide Comprehensive Plan
And Land Development Regulations**

Shall the Charlotte County Charter be amended to exempt any municipality with a Comprehensive Plan in compliance with state law from the application of a county-wide Comprehensive Plan, Plan Element, or county-wide land development regulations?

YES for Approval
NO for Rejection

TEXT OF AMENDMENT *

**ARTICLE I. CREATION, POWERS AND ORDINANCES
OF HOME RULE CHARTER GOVERNMENT**

Sec. 1.3 Relation to municipal ordinances

- A. Municipal ordinances shall prevail over county ordinances to the extent of any conflict, except as otherwise provided by this charter or pursuant to general law.
- B. County-wide ordinances relating to the following subjects shall prevail over municipal ordinances to the extent of any conflict:
 - (1) Impact fees on new development to pay the cost of providing county public facilities required by such development.
 - (2) A county-wide comprehensive plan or county-wide elements of a county comprehensive plan and county-wide land development regulations as defined by Chapter 163, Part II, Florida Statutes, as the same may be amended by the Florida legislature.
- C. Section 1.3.B.(2) shall not apply to any municipality whose comprehensive plan has been finally determined to be in compliance pursuant to the provisions of Chapter 163, Part II, Florida Statutes (2003) as the same may be amended by the Florida legislature.

* Substantial change in format. See Section 1.3.C. for exemption of any municipality with a Comprehensive Plan in compliance with State law.

BALLOT LANGUAGE

**Charter Amendment No. 2
ARTICLE II, SECTION 2.2.J
Adoption and Annual Review
By the County Commission of a Debt Policy**

Shall the Charlotte County Charter be amended to require the County Commission to adopt and annually review a debt policy to guide the issuance and management of debt including the purposes, amounts, types, structural features, credit objectives, and placement of debt?

YES for Approval
NO for Rejection

TEXT OF AMENDMENT*

ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.2 Legislative Branch.

J. Debt Policy.

The County Commission shall adopt and review annually a debt policy to guide the issuance and management of debt. The debt policy shall be integrated with other financial policies, operating and capital budgets. Adherence to a debt policy helps ensure that debt is issued and managed prudently in order to maintain a sound fiscal position and protect credit quality. Elements to be addressed in the debt policy shall include:

1. The purposes for which debt may be issued,
2. Legal debt limitations, or limitations established by policy (maximum amount of debt that should be outstanding at any one time),
3. The types of debt permitted to be issued and criteria for issuance of various types of debt,
4. Structural features of debt (maturity, debt service structure),
5. Credit objectives,
6. Placement methods and procedures.

* Entirely new provision

BALLOT LANGUAGE

**Charter Amendment No. 3
ARTICLE II, SECTION 2.2.K
Adoption and Annual Review
By the County Commission of a Reserve Policy**

Shall the Charlotte County Charter be amended to require the County Commission to adopt and annually review a reserve policy to maintain a reasonable level of financial reserves to protect against revenue shortfalls or unpredicted expenditures?

YES for Approval
NO for Rejection

TEXT OF AMENDMENT*

ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.2. Legislative Branch

K. Reserve Policy.

The County Commission shall adopt and review annually a reserve (stabilization funds) policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one time expenditures and cost shifts. Elements to be addressed in the reserve policy shall include:

- 1) Guidelines for the use of reserve funds,
- 2) The level of funding (minimums and maximums) for reserve funds and the time period over which reserve funds should be accumulated,
- 3) Procedures for reporting and managing reserve funds.

Entirely new provision.

ATTACHMENT "A"
TO THE
2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
RESOLUTION NO. 2004-2

REPORT OF THE
2004 CHARLOTTE COUNTY CHARTER
REVIEW COMMISSION

**2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
CHARLOTTE COUNTY, FLORIDA
RESOLUTION
NO. 2004-2**

A RESOLUTION TRANSMITTING TO THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY THE 2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION'S REPORT TO THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, the 2004 Charlotte County Charter Review Commission was duly appointed by the Board of County Commissioners of Charlotte County pursuant to ARTICLE IV, SECTION 4.2.C(1) of the Charlotte County Charter; and

WHEREAS, the Charter Review Commission has reviewed the charter in relation to the structure and operation of local government in Charlotte County; and

WHEREAS, the Charter Review Commission has prepared a Report which identifies issues which are more appropriate at this time for consideration by the Board of County Commissioners rather than being the subject of Charter Amendments; and

WHEREAS, the Charter Review Commission has approved said Report.

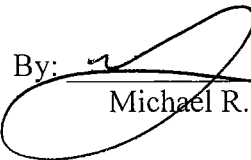
NOW, THEREFORE, BE IT RESOLVED BY THE 2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION:

Section 1. The Report by the 2004 Charlotte County Charter Review Commission is attached hereto as Attachment "A".

Section 2. This Resolution, or a certified copy thereof, shall be transmitted by the Chairman of the Charter Review Commission to the Board of County Commissioners of Charlotte County.

Passed and Duly Adopted on the 12th day of August, 2004.

2004 Charlotte County Charter
Review Commission

By: 
Michael R. McKinley, Chairman

2004 Charlotte County Charter Review Commisson - Draft Schedule

ID	Task Name	Duration	Start	Finish	4th Quarter		1st Quarter			2nd Quarter			3rd Quarter			4th Quart		
					Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	
1	<u>CRC Process:</u>	240 days	Wed 12/3/03	Tue 11/2/04														
2	Organizational Meeting	0 days	Wed 12/3/03	Wed 12/3/03														
3	January CRC Meeting	0 days	Thu 1/8/04	Thu 1/8/04														
4	Public Input Meeting	0 days	Thu 1/29/04	Thu 1/29/04														
5	February CRC Meeting	0 days	Thu 2/12/04	Thu 2/12/04														
6	March CRC Meeting	0 days	Thu 3/11/04	Thu 3/11/04														
7	"Committee Reports"	56 days	Thu 1/29/04	Thu 4/15/04														
8	April CRC Meeting	0 days	Thu 4/15/04	Thu 4/15/04														
9	"Draft Amendments"	40 days	Fri 4/16/04	Thu 6/10/04														
10	May CRC Meeting	0 days	Thu 5/13/04	Thu 5/13/04														
11	Public Hearings:	21 days	Thu 6/10/04	Thu 7/8/04														
12	Public Hearing #1	0 days	Thu 6/10/04	Thu 6/10/04														
13	Public Hearing #2	0 days	Thu 6/24/04	Thu 6/24/04														
14	Public Hearing #3	0 days	Thu 7/8/04	Thu 7/8/04														
15	Amendment Revisions	7 days	Thu 7/8/04	Fri 7/16/04														
16	BCC Presentation	0 days	Tue 7/27/04	Tue 7/27/04														
17	Public Information	71 days	Tue 7/27/04	Tue 11/2/04														
18	Election Day 2004	0 days	Tue 11/2/04	Tue 11/2/04														

Project: DRAFT Schedule
Date: Mon 1/26/04

Task		Summary		Rolled Up Progress	
Split		Rolled Up Task		External Tasks	
Progress		Rolled Up Split		Project Summary	
Milestone		Rolled Up Milestone			

Administrative Committee Report



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

2004 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION

Administrative Committee Report

Committee Members: Kevin Russell, Chair, Darol Carr, Willard Coy,
Ken Doherty, Rich Galambos, Thomas Rice
And Jerry O'Halloran

The Administrative Committee was charged by the full Charter Review Commission to review subjects raised by citizens and commission members. The issues initially assigned to the Administrative Committee were:

1. Structure of Administrative Branch – County Government
2. County Funding of Not-for-Profits
3. Structure and Funding of MSBU's

The Committee met on February 6, 2004, February 12, 2004, February 27, 2004, March 5, 2004 and March 26, 2004. The Committee interviewed the following persons:

- Renee Lee, County Attorney
- Dennis Murphy, GIS/MSBU Manager
- Ann Naven, County Budget Officer
- Brandon Bradley, Deputy County Attorney
- Tom O'Kane, Director of Public Works
- Bruce D. Loucks, Administrator
- Roger Baltz, Assistant County Administrator
- Thomas R. Keith, Assistant County Administrator
- Michael Konefal, Community Development Director

The interviewers were provided, in advance, a list of questions to facilitate the discussion. The questions were:

1. What are your specific duties/responsibilities?
2. There has been discussion concerning the Charter requiring "Key" staff members (i.e. Administration, Department Heads) to be residents of Charlotte County. What is your opinion?

3. What, if any, local governmental restructuring could be proposed by the Charter that, in your opinion, would improve the Organization's ability to deliver services?
4. What are any other specific suggestions the Committee should consider?
5. Should the County fund not-for-profits?

The first issue addressed by the Committee is the structure of the administrative branch of County government. The most radical change considered by the Committee was whether the County Administrator should be an elected or appointed position. Of the persons interviewed, there was almost a total lack of support for the concept of an elected administrator. It is believed that the existing structure is working well. However, within the existing structure, there were suggestions made that could improve the functioning of County government. These include a more formalized process of goal setting between the administration and the commissioners. It was also suggested that commission members be assigned certain subject matters on a rotating basis so as to develop expertise and enhance oversight in these areas.

Regarding County funding of not-for-profit organizations, it was generally felt that the money spent on not-for-profits was money well spent. As a percentage of the overall County budget, the money given to not-for-profits represents a very small percentage. However, it was uniformly felt that the relationship between the County and the not-for-profits should meet core business needs of the County and should be in the form of a contract for services which the County would, in many instances, provide if the not-for-profit was not already doing so. It was also felt that there should be a greater degree of accountability for the money after it has been disbursed. Discussion was had that the not-for-profits should not be totally dependent on County government for their existence but should demonstrate the ability to raise money on its own aside from the assistance the not-for-profit receives from County government. Definite criteria needs to be developed as to who qualifies for County assistance, what activities they do and, as previously stated, accountability for the funds once disbursed.

Regarding the structure and funding of MSBUs, it was generally agreed that the County has, through the course of time, created an overabundance of these taxing districts. Consolidation of the existing MSBUs is a goal for the County to pursue. While the number varied, it was generally accepted that there were 74 MSBUs in the County at this time. These MSBUs generate forty-five million dollars in revenue. Consolidation of the various MSBUs would result in greater efficiencies within the Public Works Department. A long-term plan should be implemented to consolidate or otherwise reduce the number of MSBUs in the County.

Regarding the question concerning whether "Key" staff members should be required to be residents of Charlotte County, it was uniformly agreed that residency is a good idea but requiring residency may preclude valuable people from employment within the County.

As the Committee conducted its work, other issues emerged which the Committee felt should be brought to the attention of the full Commission. One issue involves the County Budget and its amendments during the course of the fiscal year. While the County goes through a budgeting process each year, that budget is not always adhered to. There are many good reasons to deviate from the adopted budget but the Committee felt there was a need for greater disclosure when the adopted budget is amended. Some suggestions the Committee considered were mandated public hearings on budget transfers, public hearings on debt funded projects and greater disclosure regarding resolutions to change revenues from one budgeted purpose to another. Examples of

these issues include the funding for the phosphate litigation and the funding for the debt to finance the acquisition of property in Murdock Village.

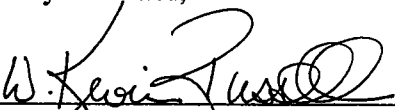
The County presently lacks a policy regarding the acquisition of debt. The County further lacks a policy regarding reserves within the budget for unanticipated expenses. Without deciding whether these are "Charter issues" or not, the Committee felt that these areas of County finance should be further examined and discussed by the full Committee.

Another issue that the Committee felt warranted Commission discussion was the creation of an ombudsman position. In speaking with the administrators, it was felt that citizens too frequently call County Commissioners regarding problems they are experiencing with County government. The creation of an ombudsman or some other such person that would be responsible for directing and facilitating citizens' inquiries would be of benefit to both the Commission and the administrative staff.

Final Recommendations to the Charlotte County Charter Review Commission:

1. By unanimous vote, the Committee recommends that the Charter should not be changed to provide for an elected County Administrator.
2. By unanimous vote, the Committee recommends that the issue regarding the funding of not-for-profits not be addressed in the Charter. However, as stated above, the Committee feels that the County should continue to develop demonstrable criteria regarding the qualifications and accountability of the not-for-profits.
3. By unanimous vote, the Committee recommends that the issue regarding structure and funding of MSBUs not be addressed in the County Charter. However, the proliferation of MSBUs has resulted in an existing system that is costly and, at times, inefficient. Administrating such a system is difficult and the County should work towards consolidating the existing MSBUs.
4. By unanimous vote, the Committee recommends that the Commission further discuss the issue of budget transfers, reserve policy and debt policy as it is presently practiced by County government.

Respectfully submitted,



W. Kevin Russell, Committee Chairman

Date 4/1/04

ADMINISTRATION/STAFF MINUTES
2004

**Charlotte County Charter Review Commission
Administration Committee**

Minutes of Meeting

Thursday, February 12, 2004

Members Present: Kevin Russell, Chairman Ken Doherty Thomas Rice
Darol Carr Rich Galambos Jerry O'Halloran
Willard Coy

Attendees: Rich Galambos

The meeting was called to order at 2:00 pm. in Room 573 in the Attorneys' Conference Room.

Minutes of February 6, 2004 meeting deferred to the next meeting

Committee Interviewed County Counsel Renee Francis Lee

Questions:

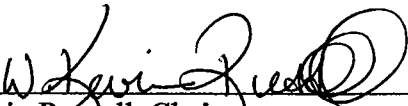
1. What are your specific/duties/responsibilities
2. There has been discussion concerning the Charter requiring "Key" Staff members (i.e. Administration, Department Heads) to be residents of Charlotte County. What is your opinion?
3. What, if any, local governmental restructuring could be proposed by the Charter that, in your opinion, would improve the Organization's ability to deliver services?
4. What are any other specific suggestions the Committee should consider?
5. Should the County fund not-for-profits?

The Committee reviewed who should be scheduled for interviews on February 20, 2004

- Denis Murphy, GIS/MSBU Manager
- Ann Naven, County Budget Officer
- Brandon Bradley, Deputy County Attorney
- Tom O'Kane, Director of Public Works
- Bruce D. Loucks-Administrator,
- Roger Baltz- Assistant County Administrator.

The Chairman then summarized the meeting and the Committee adjourned at 3:30 p.m.

Respectfully submitted,



Kevin Russell, Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Charlotte County Charter Review Commission
Administration Committee**

Minutes of Meeting

Friday, February 20, 2004

Members Present: Kevin Russell, Chairman Ken Doherty Thomas Rice
 Darol Carr Rich Galambos Jerry O'Halloran
 Willard Coy

The meeting was called to order at 8:00 am. in Room 538 in the Administration Conference Room.

Committee Interviewed the Following:

- Denis Murphy, GIS/MSBU Manager
- Ann Naven, County Budget Officer
- Brandon Bradley, Deputy County Attorney
- Tom O'Kane, Director of Public Works
- Bruce D. Loucks-Administrator,
- Roger Baltz- Assistant County Administrator.

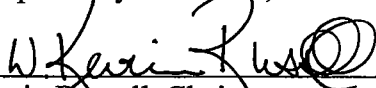
Questions:

- 1) What are your specific/duties/responsibilities
- 2) There has been discussion concerning the Charter requiring "Key" Staff members (i.e. Administration, Department Heads) to be residents of Charlotte County. What is your opinion?
- 3) What, if any, local governmental restructuring could be proposed by the Charter that, in your opinion, would improve the Organization's ability to deliver services?
- 4) What are any other specific suggestions the Committee should consider?
- 5) Should the County fund not-for-profits?

The Committee reviewed questions and who would be scheduled for the next interview on February 27, 2004. Mr. Coy will add two more questions to the previous 5 and schedule interviews with the Airport Authority.

The Chairman then summarized the meeting and the Committee adjourned at 11:30 p.m.

Respectfully submitted,



Kevin Russell, Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Charlotte County Charter Review Commission
Administration Committee**

Minutes of Meeting

Friday, February 27, 2004

Members Present: Kevin Russell, Chairman Ken Doherty Thomas Rice
Willard Coy Rich Galambos Jerry O'Halloran

Absent: Darol Carr, Willard Coy

Public: Mr. Grimes

The meeting was called to order at 8:00 am. in Room 538 in the Administration Conference Room.

Committee Interviewed the Following:

Thomas R. Keith, Assistant County Administrator 8:00 am
Roger Baltz, Assistant County Administrator 8:30 am
Michael Konefal 9:15am

Issues to be discussed

- 1) Structure of Administrative Branch – County Government.
- 2) County Funding of Not-for –Profit
- 3) Structure and Funding of MSBU's

Questions:

- 1) What are your specific/duties/responsibilities?
- 2) There has been discussion concerning the Charter requiring "Key" Staff members (i.e. Administration, Department Heads) to be residents of Charlotte County. What is your opinion?
- 3) What, if any, local governmental restructuring could be proposed by the Charter that, in your opinion, would improve the Organization's ability to deliver services?
- 4) What are any other specific suggestions the Committee should consider?
- 5) Should the County fund not-for-profits?

The Chairman then summarized the meeting and the Committee adjourned at

Respectfully submitted,



Kevin Russell, Chairman

2/27/04



Marie Sottosanti, Recording Secretary

2/27/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Charlotte County Charter Review Commission
Administration/Staff Committee
Minutes
March 5, 2004**

Members: Kevin Russell, Chairman Ken Doherty Thomas Rice
 Darol Carr Rich Galambos Jerry O'Halloran
 Willard Coy

Absent: Thomas Rice

Public: Arthur Grimes

Meeting was called to order at 8:02 am

Chairman Kevin Russell motioned to approve minutes for 2/12, 2/20 and 2/27.

Motion was seconded by Ken Doherty.

Vote was unanimous

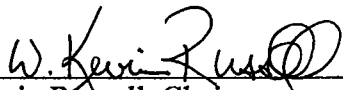
Mr. Rice submitted an e-mail offering his opinion of the next phase for the Administration Committee (see attached e-mail).

Discussions ensued on having the Chairman draft a template and the committee members would summarize the meetings listing persons interviewed.

Committee discusses availability of members and decides to meet again Friday March 26th to review the Committees report.

Ken Doherty submits a list of questions to be submitted to Charter Counsel for legal opinion. (See attached).

Chairman summarizes meeting and the Committee adjourned at 9:30 am



Kevin Russell, Chairman

3/05/04



Marie Sottosanti, Recording Secretary

3/05/04

These proceedings were taped and are on file with the Charter Review Commission for review.

Some questions have arisen during the various Committee interviews that I have attended that I feel the CRC will need Mr. Smith's comments/recommendations prior to formal consideration:

- 1) How many Florida counties have elected Charter Officers versus elected Constitutional Officers?
- 2) Can the Charter set BCC salaries and benefits different from the current method?
- 3) Can the Charter set qualifications for BCC candidates? Elected Constitutional and/or Charter Officers?
- 4) Can the Charter define the duties/responsibilities of the BCC members?
- 5) Assuming the elected BCC and elected Constitutional Officers became elected Charter Officers, can the Charter require: Can you give the pro's and con's.
 - a) Sheriff to provide budget "back-up" data in the same format and detail as the BCC departments? (Can he be appointed?)
 - b) BCC to hold public hearings for certain \$ threshold budget changes? BCC to hold public hearings for certain debt funded projects?
 - c) Consolidation of all personnel management and purchasing for all elected Officers?
- 6) An explanation/research of what was intended relative to the language in Section 1.3.B. of the current Charter. Examples of when County Ordinances would prevail over City Ordinances would be very helpful.
- 7) Authority of the Airport.

Sottosanti, Marie

From: Rice Tom [Tom.Rice@HCAHealthcare.com]
Sent: Monday, March 01, 2004 3:57 PM
To: Sottosanti, Marie
Subject: RE: Admin. Committee Meeting 3/5/04 at 8:00 am

Marie:

I don't think I can make this meeting. For my two cents, please share my comments with Kevin and the Committee. At this point, there is no one else who I would like to interview from the Administrative Branch on the Charter. It would seem the committee would next start working on its draft report to the full Commission. This would require perhaps one discussion meeting by the Committee and one final meeting to review a draft report to the full Commission prepared by the Chair and/or a small subcommittee. The last Charter review, the committee reports contained items worth developing into proposed Charter amendments and a separate list of nonbinding recommendations for referral back to the BCC and Administration for their consideration. That may be a good format to follow. Let me know if I can assist in any way before the next meeting.
Tom

-----Original Message-----

From: Sottosanti, Marie [mailto:Marie.Sottosanti@charlottefl.com]
Sent: Monday, March 01, 2004 11:41 AM
To: tom.rice@hcahealthcare.com; barwil@ewol.com; cesken@aol.com; ricgalam@aol.com; cenos@farr.com.; jerryo@daystar.net; Russell Kevin (krussell@wilkinsonlaw.com)
Subject: Admin. Committee Meeting 3/5/04 at 8:00 am

Administration Committee Meeting March 5, 2004 at 8:00 am Admin. Conf. Room 538

Agenda:

Committee discussion of where we have been and where we want to go.

*Marie Sottosanti
Charter Review Commission
Recording Secretary
941-623-1085*

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

**Charlotte County Charter Review Commission
Administration/Staff Committee
March 26, 2004**

Minutes

Members: Kevin Russell, Chairman Ken Doherty Thomas Rice
 Darol Carr Willard Coy Jerry O'Halloran

Members Absent: Rich Galambos

Roll Call

Call to Order

Chairman Russell motions to approve of March 5th Minutes

Discussion ensues as to the lack of information received from Charter Counsel Mr. Smith.

Chairman Russell reviewed the tasks assigned to the Administrative Committee.

1. Structure of Administrative Branch – County Government.

Leave as is

2. County Funding of Not-for – Profit

Not a Charter issue referred to the Charter Commission

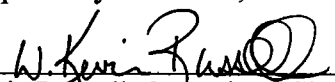
3. Structure and Funding of MSBU's

Recommended hearing for major budget actions and creation of reserves

Chairman Russell requested discussions on things the Committee would like to report to the full Commission

The Chairman then summarized the meeting and noted that he would draft a report and have it distributed to the Committee for their approval. The next meeting was set for 3:00 P.M. on Thursday, April 1, 2004 for the Committee to review the report. The Committee adjourned at 9:10 a.m.

Respectfully submitted,



Kevin Russell, Committee Chairman

03/30/04



Marie Sottosanti, Recording Secretary

03/30/04

These proceedings were taped and are on file with the Charter Review Commission for review.

- c. The types of debt permitted to be issued and criteria for issuance of various types of debt.
- d. Structural features of debt (maturity, debt service structure, etc.).
- e. Credit Objectives.
- f. Placement methods and procedures.

Motion by Mr. Doherty to approve the Development of a Reserve Policy (Stabilization Funds) language with the changes read into the record by the Mr. Russell, Chairman of the Administration/Staff Committee.

Motion was seconded by Mr. O'Halloran to accept the following changes.

Vote was unanimous

Development of a Reserve Policy (Stabilization Funds)

The County shall adopt and review annually a policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one time expenditures and cost shifts. Such a policy shall address:

- a. Policies regarding use of funds.
- b. Policy establishing the level of funding (minimums and maximums) for such reserve funds and the timeline which these funds should be accumulated.
- c. Policy for reporting and managing the reserve funds.

Motion by Mr. Doherty to approve the Budget Transfers language with the changes read into the record by the Mr. Russell, Chairman of the Administrative/Staff Committee.

Motion was seconded by Mr. Rice to accept the following changes

Vote was unanimous

Budget Transfers

In order to maintain a level of efficiency within the organization and maintain a high level of fiscal responsibility to the citizens of Charlotte County, the County shall adopt a policy whereby all transfers of funds related to the adopted County Capital Improvements. Plan meeting the following criteria shall be publicly noticed and heard:

- a. Projects that are not in the currently approved CIP.
- b. Projects in the currently approved CIP needing additional funding due to change in scope of the project, revised estimates or timelines, whose total project cost changes:
 - 1. 10% increase to the total cost of the project AND
 - 2. An increase greater than the purchasing departments' current threshold for BCC contract approvals or as amended from time to time by general law

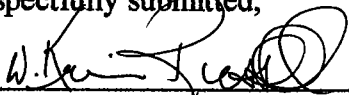
- c. The transfer shall state the reason(s) for the increase, the intended ultimate funding sources, as well as potential impacts on other projects.

Motion by Mr. Rice that the Chairman distribute this draft report through Marie to all members of the Charter Commission for there information only with a concurrent copy to be sent to Mr. Smith for this legal opinion.

Motion was seconded by Mr. Doherty.

Vote for unanimous.

Respectfully submitted,



Kevin Russell, Chairman

4/30/04



Marie Sottosanti, Recording Secretary

4/30/04

These proceedings were taped and are on file with the Charter Review Commission for review.



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

To: Members of the Charlotte County Charter Review Commission

From: W. Kevin Russell, Chairman
Administrative/Staff Committee

Date: May 3, 2004

Re: Proposed Charter Amendments

Pursuant to the request of the full commission, attached please find three proposed charter amendments which were passed unanimously by the committee. We are providing these to you in advance for your consideration. This is a committee draft. I am simultaneously forwarding them to attorney Smith for his review and comment.

**ANY DISCUSSIONS OR COMMENTS SHOULD BE MADE ONLY AT THE NEXT
CHARTER REVIEW COMMISSION MEETING ON
MAY 13TH @ 4:00 PM.**



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

ADMINISTRATIVE/STAFF COMMITTEE **CHARTER AMENDMENTS**

May 3, 2004

Development of a Debt Policy

The County shall adopt and review annually policies to guide the issuance and management of debt. This policy shall be integrated with other financial policies, operating and Capital budgets. Adherence to a debt policy helps ensure that debt is issued and managed prudently in order to maintain a sound fiscal position and protect credit quality. The elements to be addressed in the debt policy shall include:

- a. The purposes for which debt may be issued.
- b. Legal debt limitations, or limitations established by policy (maximum amount of debt that should be outstanding at any one time).
- c. The types of debt permitted to be issued and criteria for issuance of various types of debt.
- d. Structural features of debt (maturity, debt service structure, etc.).
- e. Credit Objectives.
- f. Placement methods and procedures.

Development of a Reserve Policy (Stabilization Funds)

The County shall adopt and review annually a policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one time expenditures and cost shifts. Such a policy shall address:

- a. Policies regarding use of funds.
- b. Policy establishing the level of funding (minimums and maximums) for such reserve funds and the timeline which these funds should be accumulated.
- c. Policy for reporting and managing the reserve funds.

Budget Transfers

In order to maintain a level of efficiency within the organization and maintain a high level of fiscal responsibility to the citizens of Charlotte County, the County shall adopt a policy whereby all transfers of funds related to the adopted County Capital Improvements Plan meeting the following criteria shall be publicly noticed and heard:

- a. Projects that are not in the currently approved Capital Improvement Project (CIP).
- b. Projects in the currently approved Capital Improvement Project (CIP) needing additional funding due to change in scope of the project, revised estimates or timelines, whose total project cost changes:
 1. 10% increase to the total cost of the project AND
 2. An increase greater than the purchasing department's current threshold for BCC contract approvals or as amended from time to time by general law.
- c. The transfer shall state the reason(s) for the increase, the intended ultimate funding sources, as well as potential impacts on other projects.



COUNTY OF CHARLOTTE

BOARD OF COUNTY COMMISSIONERS

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 743-1300
FAX: (941) 743-1310

MEMORANDUM

TO: Charter Review Commission

FROM: Matthew D. DeBoer, Chairman

DATE: May 14, 2004

SUBJECT: Comments on Charter Amendments

I have received your request to comment on charter amendments specific to debt, reserves, and budget transfers. Information on the process leading to development of suggested amendments is sparse at best. It has always been my advice that you define a problem before trying to solve it. I find no evidence of the problem(s) offered to justify possible actions. Apparently, a member presented his perception that the BCC had policies in these areas a couple of years ago but eliminated them. What is driving this appears to be a belief that the BCC is being fiscally irresponsible because some people do not like Board decisions on Murdock Village, the phosphate issue, and alleged misuse of the penny sales tax collections.

Addressing perceptions with charter amendments is not proper referenda. If there has been a misuse of funding if the statutes that govern borrowing and debt are inadequate, site the statute and quantify the flaw. If the manner in which we build, maintain, and expend reserves is improper, give the examples. I was able to find nothing in your records that defines a problem excepting for a stated perception.

The countywide ad valorem rate has increased only 2.4% in ten years. The new jail was brought on line using a reserve fund account to absorb increased costs. After the 1995 flooding, we were ineligible for federal funding because our reserves were too high. The next expansion of the landfill will be opened without debt (first time in the State). The utility reduced rates five years in a row and has a rate stabilization fund. Each year when a budget is presented, it includes our budget policy and a calculation, using the voter approved formula of what an acceptable increase in revenues should be. Budgets are an accumulation of revenues, transfers and reserves. They are not an expenditure report that can be used to justify cries of out of control spending. Debt is highly regulated by

Memorandum to the Charter Review Commission
Dated May 14, 2004
Page Two

statutes and Supreme Court decisions dating to the 1800's. Penny sales tax funds have not been misused. The Board of County Commissioners has committed to spend the money by resolution and it has kept to that and will continue to do so. I assume this misperception is relevant to internal borrowing that will be repaid.

It is my expectation that we would require verifiable facts to define problems and decide if they need to be addressed by a charter amendment. The language suggested by the government finance officers is indicative of the continuous evolution of government finance. Guidelines are adopted, changed and replaced every year without memorializing them in a charter. So my comment is - define the problem with facts, examples and citations. If I can see that a systemic problem exists, I'll help tailor a solution. Lacking a verifiable problem, I don't see the necessity. An example is the amendment to the County's land use regulation taking precedence over the City's. Cited was the County's height restrictions in proximity to water would preclude the City from exceeding the County limits. Wondering why the condos on Laishley Park were built without any problem or having addressed any conflicts since the original amendment passed, I checked the zoning codes. Height limits are exclusive to unincorporated areas only! City and County government are working together to insure normal development regulation is not usurped.

So my caution is to not address perceived problems. Your legislation will be interpreted (misinterpreted) for many years. Most of you I'm sure are familiar with how the US Constitutional amendment on separation of church and state has been changed from its intent.

It is perfectly acceptable to end your sessions using advisories to make our actions more transparent, policies more accessible and communications visible.


Matthew D. DeBoer, Chairman

MD/jd

B.C.C. Committee Report



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

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18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

2004 Charlotte County Charter Review Commission B.C.C. Committee

Members: Ken Doherty, Chairman Ann Dever Jack Fawsett Julie Mathis
Thomas Rice Bob Starr Mel Staudmyer Frank Weikel

TO: Charter Review Commission
FROM: Ken Doherty, Chairman – BCC Committee
DATE: June 28, 2004
SUBJECT: Proposed BCC “Standing Committees” – CRC Report

As discussed during a prior CRC Meeting, the BCC Committee interviewed the five current County Commissioners early in the charter review process. Although no actual structural modification recommendations to the BCC resulted from these discussions, several Commissioners indicated that an improvement relative to internal county communications was something that would be a benefit to the organization. Specifically, Commissioner DeBoer, during a follow-up interview, proposed a concept of establishing five (5) “Standing Committees” for the purpose of improving communications. Each committee would include a commissioner, member(s) of administration/staff and member(s) of the public. Each commissioner would then report to the Board at the BCC’s regularly scheduled meetings on the items being addressed by their committee. Commissioners would also rotate periodically out of their committee so as to participate on the other committees; thus, providing diversity of perspective and increased BCC knowledge and understanding of the details related to the various issues being addressed by the five committees. Commissioner DeBoer suggested the following as possible committees for consideration, recognizing that the actual committees may differ after further study:

<u>Committee</u>	<u>Example Depts./Activities/Groups</u>
1. Environmental	C.H.E.C., Beach & Shores, Water Authority, W.C.I.N.D., Cooperative Extension, etc.
2. Public Works/ Leisure	Roads, Waterways, Utilities, Recreation & Parks, Libraries, Arts & Humanities, etc.
3. Social	Homeless Coalition, Affordable Housing, Public Safety, Youth Activities, etc.
4. Economic	S.W.F.R.P.C., T.D.C., Airport Overlay, Enterprise Charlotte, Charlotte Harbor C.R.A., etc.
5. Governmental	Facilities, Permitting, M.P.O., etc.

The BCC Committee recommends that the above be included in the CRC’s Report to the Board of County Commissioners on July 27, 2004, with a recommendation to implement the concept of “Standing Committees”.



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2004 Charlotte County Charter Review Commission

B.C.C. Committee Report

Members: Ken Doherty, Chairman Ann Dever Jack Fawsett Julie Mathis
 Thomas Rice Bob Starr Mel Staudmyer Frank Weikel

The B.C.C. Committee of the Charter Review Commission was requested to review, as a minimum, the following subjects that were raised by citizens attending the Public Hearing that was held on January 29, 2004:

- Should the B.C.C. be subject to term limits?
- Should the B.C.C. be re-structured to single member districts?
- Should elections for the B.C.C. be non-partisan?
- Should there be a rotation of names on the B.C.C. election ballot?
- Should the B.C.C. salary structure be changed?

The Committee met on February 6, 2004 to discuss the B.C.C. interviews and any additional subjects to be added to the above list. The result was the following list of "Standard Questions" that were asked at all of the B.C.C. interviews:

1. What are your duties as a Charlotte County Commissioner?
2. What are your thoughts concerning single-member districts?
3. Should BCC elections be non-partisan?
4. Should the BCC be subject to term limits?
5. Should the BCC salary structure be changed?
6. What are your thoughts concerning BCC election ballot rotation of names?
7. Is there a need to regulate BCC election financing in the charter?
8. Should the BCC be structured any differently?
9. Would you like the CRC to recommend any Charter Amendments relative to the BCC?
10. What are your thoughts concerning the County Administrator's position becoming elected?
11. What are your observations and opinion concerning the BCC's relationship with the other Constitutional Officers?

12. What are your observations and opinion concerning the BCC's relationship with the City of Punta Gorda?
13. Does the BCC need better accountability from administration/staff concerning MSBU work programs and their associated budgets? Recommended changes?
14. Would you like the CRC to recommend any Charter Amendments relative to any other portions of Charlotte County Government?

Commissioners D'Aprile, Horton and Devos were interviewed on February 18, 2004, Commissioner DeBoer on February 19, 2004 and Commissioner Cummings on March 10, 2004. A follow-up meeting with Commissioner DeBoer was also held on March 5, 2004. A summary of the responses to the above questions is attached. Concerning term limits, single member districts, non-partisan elections and election ballot rotation of names, the majority of the B.C.C. believed that these items should stay "as is". All Commissioners agreed that their job is "full time", and that the County Administrator's position should remain appointed. Although not a Charter amendment issue, Commissioner DeBoer suggested that an improvement in communications was needed, and proposed a concept of five (5) "Standing Committees" that could be comprised of the public, staff and the B.C.C.; with a rotation of the B.C.C. members and reports presented by each Commissioner at their regularly scheduled meetings. This concept would not replace the current MSBU committees, but may assist in overall coordination and communications. The subject of B.C.C. salary structure had varied responses. The prevailing opinion was that, although there could be some justification for a change due to their responsibilities and the full-time nature of the job, the salary and benefits methodology should probably remain "as is"; i.e. as defined by general law. There was also a question as to whether this matter could even be considered without the B.C.C. becoming Charter Officers. This question, as well as others concerning the Charter's ability to set qualifications, duties and responsibilities for the B.C.C., if desired, have been forwarded to the C.R.C.'s attorney, Richard Smith, for an opinion.

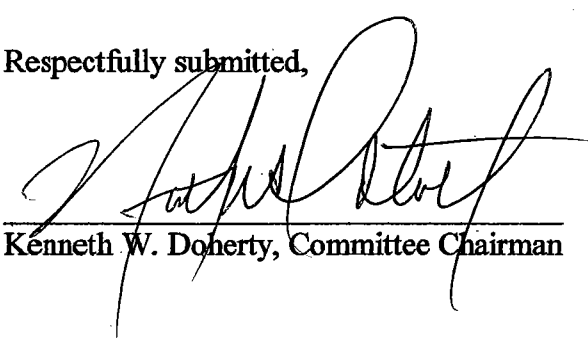
The B.C.C. members all believed that their current relationship with the City of Punta Gorda was generally positive, with comments ranging from "improving" to the "best ever". Concerning their relationship with the Constitutional Officers, the responses generally focused on the Sheriff's Office; with responses varying from simply a change is needed, to the position should be appointed. Some also thought it would be intriguing to consider the position being a Charter Elected Officer if it would address the past issues.

Final Recommendations to the Charlotte County Charter Review Commission:

1. The B.C.C. Committee recommends that the Charter should not be changed to impose term limits on the Board of County Commissioners.
2. The B.C.C. Committee recommends that the Charter should not be changed to re-structure the Board of County Commissioners to single member districts.

3. The B.C.C. Committee recommends that the Charter should not be changed to make elections for the Board of County Commissioners non-partisan.
4. The B.C.C. Committee recommends that the Charter should not be changed to require the names of candidates for the Board of County Commissioners be rotated on the ballot.
5. The B.C.C. Committee defers to the full Charter Review Commission the issue of possible changes to the B.C.C. salary/benefits structure. The Committee believes that any changes should be considered in the same context as the Charter's six month residency requirement for members of the Board of County Commissioners. The threshold question for the CRC appears to be whether or not there is a need to recommend that the Charter be changed to make the B.C.C. elected Charter Officers versus elected Constitutional Officers to address the residency issue. If the CRC decides a change to Charter Officers is needed, the B.C.C. Committee would need to re-visit other matters to see if additional recommendations are needed.

Respectfully submitted,


Kenneth W. Doherty, Committee Chairman

4/8/04
Date

Attachment A

**2004 Charlotte Charter Commission
B.C.C. Committee
Interview Summary**

DRAFT

	Mathew D. DeBoer	Thomas D'Aprile	Mac V. Horton	Sara J. Devos	Adam Cummings
1. Duties	Full Time Job	Full Time Job	Full Time Job	Full Time Job	Full Time Job
2. Thoughts concerning single-member districts?	Not Needed	Not Needed	Not Needed	Current OK	Not Needed
3. BCC elections non-partisan?	No	No	Saves \$ - OK	Doesn't matter	No
4. BCC term Limits?	No	3 terms	Absolutely Not	No	No
5. Salary Structure Change?	Depends on Legal	Should Increase	Yes - SRQ/LEE	OK as is	OK as is
6. Ballot Rotation?	OK	No Problem	OK	Leave as is	Leave as is
7. Is there a need to regulate BCC election financing in the Charter?	State Rules OK	State Rules OK	No	State Rules OK	State Rules OK
8. Should BCC be structured any differently?	See Comments	No Changes	No Changes	No	No
9. Any Charter recommendations relative to BCC?	See Comments	OK as is	OK as is	No	No
10. Thoughts on County Administrator's position being elected?	See Comments	Keep Appointed	Keep Appointed	Keep Appointed	Keep Appointed
11. BCC's relationship with Constitutional Officers?	See Comments	See Comments	OK	Appoint Sheriff	Wants a change
12. BCC's relationship with the City of Punta Gorda?	OK for now	Better Communications	Best ever	Good now	Improving
13. Does the BCC need better accountability from admin/staff concerning MSBU work and their associated budgets? Recommended changes?	Yes	Yes	Complaints have decreased	See Comments	Not a Charter Issue
14. Any recommendations for the Charter Amendments relative any other portions of Charlotte County Government?	See Comments	See Comments	Not right now	Appoint Sheriff	See Comments

**B.C.C. COMMITTEE MINUTES
2004**

**Charlotte County Charter Review Commission
B.C.C. Committee**

Minutes of Meeting

February 18, 2004

Members Present: Ken Doherty, Chairman Thomas Rice Frank Weikel
Ann Dever Bob Starr
Julie Mathis Mel Staudmyer

Attendees: Rich Galambos

Members Not Present: Jack Fawsett

The meeting was called to order at 2:00 P.M. in Room 538 in the B.C.C. Conference Room Building.

Minutes of February 13, 2004 moved to the next meeting

Committee Interviewed

1. Thomas D'Aprile, County Commissioner District #1
2. Mac. V. Horton, County Commissioner District #3
3. Sara J. Devos, County Commissioner District #5

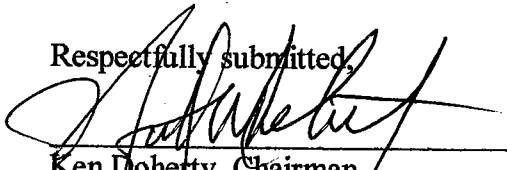
Questions

See attached document.

The Committee reviewed the scheduled interviews for February 19 with Commissioner Mat D. DeBoer, District #4 Chairman.

The Chairman then summarized the meeting and the Committee adjourned at 5:45 p.m.

Respectfully submitted,


Ken Doherty, Chairman

2/19/04


Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Charlotte County Charter Review Commission
B.C.C. Committee**

Minutes of Meeting

February 19, 2004

Members Present: Ken Doherty, Chairman Thomas Rice Frank Weikel
Ann Dever Bob Starr
Julie Mathis Mel Staudmyer

Attendees: Rich Galambos

Members Not Present: Jack Fawsett

The meeting was called to order at 2:00 P.M. in Room 538 in the B.C.C. Conference Room Building.

Committee Interviewed

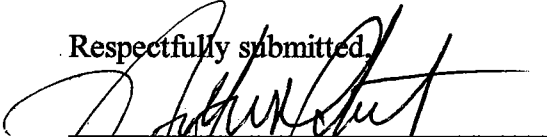
1. Matt DeBoer – District #4 Chairman

Questions

See attached document.

The Chairman then summarized the meeting and the Committee adjourned at 5:15 p.m.

Respectfully submitted,



Ken Doherty, Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

2004 Charlotte County Charter Review Commission B.C.C. Committee

Members: Ken Doherty, Chairman Ann Dever Jack Fawsett Julie Mathis
 Thomas Rice Bob Starr Mel Staudmyer Frank Weikel

MEMORANDUM

TO: Marie Sottosanti – CRC Recording Secretary

FROM: Ken Doherty

DATE: March 5, 2004

SUBJECT: Information/Research Request for Richard Smith

Some questions have arisen during the various committee interviews that I have attended that I feel the CRC will need Mr. Smith's comments/recommendations prior to formal consideration:

- 1) How many Florida counties have elected Charter Officers versus elected Constitutional Officers?
- 2) Can the Charter set BCC salaries and benefits different from the current method?
- 3) Can the Charter set qualifications for BCC candidates? elected Constitutional and/or Charter Officers?
- 4) Can the Charter define the duties/responsibilities of the BCC members?
- 5) Assuming the elected BCC and elected Constitutional Officers became elected Charter Officers, can the Charter require the:
 - a) Sheriff to provide budget "back-up" data in the same format and detail as the BCC departments?
 - b) BCC to hold public hearings for certain \$ threshold budget changes? BCC to hold public hearings for certain debt funded projects?
 - c) Consolidation of all personnel management and purchasing for all elected Officers?
- 6) An explanation/research of what was intended relative to the language in Section 1.3.B. of the current Charter. Examples of when County Ordinances would prevail over City Ordinances would be very helpful.

Please initiate whatever authorization process is needed relative to Mr. Smith's services. Also, I will be traveling back from Phoenix next Thursday, and will not be back in Port Charlotte in time to attend the monthly CRC meeting.

**2004 Charlotte County
Charter Review Commission**

B.C.C. COMMITTEE

March 10, 2004

Members Present: Mel Staudmyer Julie Mathis Thomas Rice
Jack Fawsett Frank Weikel Bob Starr

Members Absent: Ken Doherty, Chairman
Ann Dever

Public: Mr. Grimes

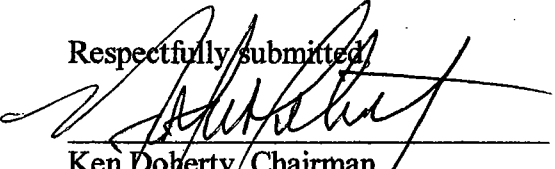
Mel Staudmyer calls meeting to order at 8:45 a.m. in Room 536 in the B.C.C. Conference Room.

Committee interviews Commissioner Adam Cummings.

Questions
See attached document.

Adjourn at 9:30 a.m.

Respectfully submitted,



Ken Doherty, Chairman

3/10/04



Marie Sottosanti, Recording Secretary

3/10/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**2004 Charlotte County Charter Review Commission
B.C.C. Committee**

Interview Questions:

1. What are your duties as a Charlotte County Commissioner?
2. What are your thoughts concerning single-member districts?
3. Should BCC elections be non-partisan?
4. Should the BCC be subject to term limits?
5. Should the BCC salary structure be changed?
6. What are your thoughts concerning BCC election ballot rotation of names?
7. Is there a need to regulate BCC election financing in the charter?
8. Should the BCC be structured any differently?
9. Would you like the CRC to recommend any Charter Amendments relative to the BCC?
10. What are your thoughts concerning the County Administrator's position becoming elected?
11. What are your observations and opinion concerning the BCC's relationship with the other Constitutional Officers?
12. What are your observations and opinion concerning the BCC's relationship with the City of Punta Gorda?
13. Does the BCC need better accountability from administration/staff concerning MSBU work programs and their associated budgets?
Recommended changes?
14. Would you like the CRC to recommend any Charter Amendments relative to any other portions of Charlotte County Government?

**Charlotte County Charter Review Commission
Board of County Commissioners
Minutes of Meeting**

Friday, March 5, 2004

Members Present: Ken Doherty, Chairman Jack Fawsett Thomas Rice
Mel Staudmyer Ann Dever Bob Starr

Absent: Julie Mathis
Frank Weikel

2:00 pm Call to Order
Roll Call

Chairman Ken Doherty discusses scheduling their next meeting so the Committee can interview Adam Cummings.

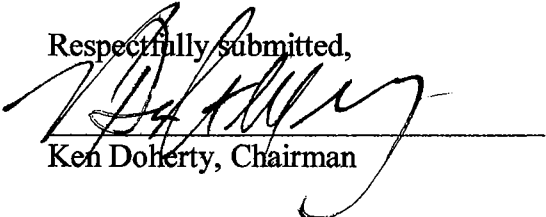
All agreed.

Committee does a follow up interview with Commissioner DeBoer.

Discussions ensue on Chairman Ken Doherty having a draft report to be distributed to Committee members for their recommendations.

Chairman Ken Doherty
Adjournment @ 3:30 p.m.

Respectfully submitted,



Ken Doherty, Chairman

3/07/04



Marie Sottosanti, Recording Secretary

3/07/04

2004 Charlotte County Charter Review Commission B.C.C. Committee

Members: Ken Doherty, Chairman Ann Dever Jack Fawsett Julie Mathis
 Thomas Rice Bob Starr Mel Staudmyer Frank Weikel

To: Charter Review Commission
 From: Ken Doherty, Chairman – BCC Committee
 Date: June 4, 2004
 Subject: Charter Counties w/ BCC Structures Greater Than Five (5) Members

As discussed at the last CRC Meeting, I have reviewed the list of Florida Charter Counties provided to the CRC, went to their individual web sites and found the following information:

<u>County</u>	<u>No. of Members</u>	<u>Comments</u>
1. Hillsborough	7	7 BCC Districts
2. Volusia	7	County Council w/ 5 Districts & 2 “at large”
3. Palm Beach	7	7 BCC Districts
4. Broward	9	9 BCC Districts w/ County Mayor
5. Orange	6	6 BCC Districts w/ County Chairman
6. Duval	19	14 Districts w/ 5 “at large” inc. Council President & Mayor
7. Leon	7	5 BCC Districts & 2 “at large”
8. Pinellas	7	7 BCC Districts
9. Miami/Dade	?	Not able to determine

The BCC Committee met this date and recommended that the current structure of the **Charlotte County BCC remain “as is”**; with the additional recommendation that this topic be specifically identified for review by the next Charter Review Commission to see if a change to a seven (7) member BCC is appropriate at that time.

**Constitutional Officers
Committee Report**



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

2004 Charter County Charter Review Commission

Constitutional Officers Committee Report

Committee Members: Tom Rice, Chair, Ann Dever, Jack Fawsett,
Richard Holden, and Frank Weikel

The Constitutional Officers Committee was charged by the full Charlotte County Charter Review Commission to review subjects raised by citizens in the public hearing on January 29, 2004 and the suggestions from the five Constitutional Officers, specifically the Clerk of Courts, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector. The questions raised at the public hearing assigned to the Committee were:

1. Should the relationship of the Sheriff's Office to the Board of County Commissioners be changed, i.e. appointed rather than elected?
2. Should Constitutional Officers be subject to term limits?
3. Should elections for Constitutional Offices be non-partisan?
4. Should candidates for election to Constitutional Offices have their names rotated on the ballot (as opposed to alphabetic order)?

The Committee met on (February 10th and 17th, March 2nd, 16th and 23rd, 2004) to explore the assigned questions and any other questions that came to light. Questions were referred to Charter Commission Legal Counsel, Mr. Richard L. Smith, after several of the meetings but no responses were received as of the date of this report. The Committee interviewed Clerk of Courts Ms. Barbara T. Scott, Property Appraiser Mr. Frank Desguin, Sheriff William Cameron, Supervisor of Elections Ms. Judy Anderson, and Tax Collector Ms. Vickie L. Potts. In general, the Constitutional Officers were strongly against term limits and changes in their status and relationship as Constitutional Officers to the Board of County Commissioners. They were of split opinions about making elections for their offices non-partisan. While the majority had no objection to the idea of rotating candidates' names on the ballot, the Supervisor of Elections was very opposed to

the idea due to the confusion this could cause voters and there were no known examples of this practice elsewhere in the state.

The issue of changing the relationship of the Sheriff to the Board of County Commissioners was a difficult topic because of differing opinions by all parties. Since 1996, budget disputes between the Sheriff's Office and the Board of County Commissioners have required appeals to the Governor's Office in two different years. Citizen comment at the public hearing favored the change to an appointed position, the current Sheriff was strongly opposed favoring the "checks and balances" protection of appeal of budgetary disputes to the Governor and retaining the position as an elected position, members of the Board of County Commissioners voiced interest in a change and members of County Administration, while not taking a strong stance on the issue, noted that operating economies were possible with the Sheriff's Office changed to a department of county government.

This topic was considered in 1998 at the last session of the Charter Review Commission. The alternative structure presented by legal counsel at that time was the concept of changing the position from that of a "Constitutional Officer" to a "Charter Officer." "Hence, the duties of Sheriff could be transferred to a newly created department of public safety, with the Sheriff remaining elected and serving as head of the department, but losing the right of appeal to the Administration Commission." (Page 14, "CRC Final Report", July 21, 1998). Converting the Sheriff's position to that of a Charter Officer would also permit specification of qualifications for candidates for the office.

At the March 11, 2004 meeting of the full Commission, the Commission's Counsel, Mr. Richard L. Smith, shared an opinion (attached) questioning the enforceability of the Charter change made in 1998 requiring a six month residency requirement for members of the Board of County Commissioners and the Constitutional Officers. The opinion prompted return visits to the Committee by the Clerk of Courts, the Property Appraiser and the Sheriff to reiterate their strong opposition to changing the Constitutional status of the officers. They suggested other options be considered such as requesting a change through the Legislature or clarification by the courts to address the possible issue on candidates' residency. Further written opinions from the Property Appraiser and the Tax Collector were provided to the Committee (see attached). This question was discussed by the Committee along with the originally assigned topics with a recommendation included in this final report. No other questions or suggestions on Charter changes affecting the Constitutional Officers were considered.

Final Recommendations to the Charlotte County Review Commission:

1. By unanimous vote the Committee recommends the Charter should not be changed to impose term limits on the Constitutional Offices.
2. By majority vote the Committee recommends the Charter should not be changed to make elections for Constitutional Offices non-partisan. (Two members supported converting the election of Supervisor of Elections to non-partisan.)

3. By unanimous vote the Committee recommends the Charter should not be changed to require the names of candidates for the Constitutional Offices be rotated on the ballot.
4. The issue of the enforceability of the residency requirement for the Constitutional Officers is a concern but the Committee took no position on this question deferring it to the full Commission.
5. By majority vote the Committee recommends the Commission not propose a change in the Charter converting the position of Sheriff to that of an elected Charter Officer. (One member favored converting the position to that of a Charter Officer.)

Respectfully submitted,



Thomas J. Rice, Committee Chairman

4/15/04

Date

Attachments

- 1. Page 14, "CRC Final Report", July 21, 1998**
- 2. Mr. Smith's Opinion Re: Qualifications for County Offices**
- 3. Written Opinions provided to the Committee from**
 - a. The Property Appraiser**
 - b. Tax Collector**

Attachment 1

The CRC believes there is a benefit from county-wide consistency in planning and land development regulation. The CRC supports having county planning as a framework for municipal planning.

Therefore, the CRC has prepared two recommended amendments to the charter to provide that county ordinances prevail over municipal ordinances with respect to impact fees and county-wide comprehensive planning policies and land use regulations.

County Relationship to the Punta Gorda Community Redevelopment Agency (CRA)

The CRC received comment expressing dissatisfaction with the County's role in the governance of the Punta Gorda CRA. Specifically, on the issue of appointing the two CRA commissioners representing the County, the Punta Gorda City Council recently passed over the County Commission's unanimous recommendation on an appointment and filled the position with another. A question arose about recourse the County may have to change the governance of the CRA.

This issue was viewed as a potential charter amendment for establishing primacy of County ordinances over City ordinances to exercise authority over the CRA. The CRC's attorney entered into discussions with the County Attorney, which led to rather extensive research by the County Attorney's office to determine whether the Board of County Commissioners could re-assert its supervisory authority by amendment of Resolution 89-353, which delegated CRA powers to the City of Punta Gorda.

That research indicates very considerable doubt as to whether an amendment or rescision of

Resolution 89-353 would be legally permissible under the terms of the CRA statute.

It is interesting to note that in 1989 the Board of County Commissioners could have reserved whatever rights it deemed prudent, but failed to reserve even minimal rights. Under these circumstances the CRC's attorney believes that a charter amendment would not be effective.

Local Final Authority over the Sheriff's Budget

Several elected officials and members of the public requested the CRC investigate alternatives to the current situation where the Sheriff may appeal his budget to the Governor and Cabinet, sitting as the Administration Commission. Years of political tussles between the Board of County Commissioners and the Sheriff have left all parties frustrated to some extent and the public desirous of more clearly delineated lines of authority.

Charlotte County is a subdivision of the State of Florida and operates under the Florida Constitution. All counties have constitutional officers except, when provided by the county's charter, in which case the duties prescribed by law for constitutional officer must be transferred to another office.

It is the opinion of the CRC's legal counsel that such transfer of duties would not necessitate the concomitant transfer of rights. Hence, the duties of Sheriff could be transferred to a newly created department of public safety, with the Sheriff remaining elected and serving as head of the department, but losing the right of appeal to the Administration Commission.

The CRC deliberated the wisdom of making the Sheriff an elected charter officer and department

Attachment 2

RICHARD L. SMITH *
F. STEVE HERB **
OMER CAUSEY **
FREDERICK J. ELBRECHT ***
GARY W. PEAL
MARK C. HANEWICH +

PRESTON DEVILBISS, JR.***++
H. JOSEPH CALMBACH ++

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RICHARD E. NELSON
(1930-2002)

ROBERT L. HESSE
Retired

* Board Certified City, County

& Local Government Law

** Certified Circuit Court Mediator

*** Board Certified Civil Trial Lawyer

+ Also Licensed in Mass. & Rhode Island
++ Also Licensed in Texas
+++ Also Licensed in Illinois

March 11, 2004

Chairman Michael McKinley
Charlotte County Charter Review Commission
c/o Maureen Yuster
18500 Murdock Circle
Port Charlotte, FL 33948-1094

Re: Qualifications for County Offices

Dear Chairman McKinley:

You have requested my opinion as to whether the Governor would be bound by the provisions of Section 2.2.A. of the Charlotte County Charter in appointing to fill a vacancy in the office of County Commissioner.

Section 2.2.A. of the Charter reads in pertinent part as follows:

Each candidate for the office of commissioner shall reside within the district from which such candidate seeks election for at least six months immediately prior to the time of qualifying to run for that office.

It is apparent from the above-quoted language that this Charter provision does not specifically address appointment to the office of County Commissioner to fill a vacancy. Since the Charter provision requires six month residency prior to qualifying, and there is no constitutional or statutory provision applicable to "qualifying" for appointment by the Governor,

Chairman Michael McKinley
Charlotte County Charter Review Commission
March 11, 2004
Page 2

it is, therefore, my opinion that the Governor would not be bound by the above-quoted provision in appointing to fill a vacancy in the office of County Commissioner.

There is, however, a far more fundamental issue raised by the question you have propounded, which is, whether a six month residency requirement prior to the date of qualification, applicable not only to County Commission candidates but also to the constitutional offices of Sheriff, Clerk of the Circuit Court, Property Appraiser, Tax Collector, and Supervisor of Elections (see Section 3.2 of the Charter), is constitutional in light of the recent Florida Supreme Court case of Cook v. City of Jacksonville, 823 So.2d 86 (Fla. 2002).

While this case dealt with an attempt to amend the Jacksonville/Duval County and Hillsborough County Charters to impose term limits on the county commissioners and county constitutional officers, the cases cited by the Florida Supreme Court lead in turn to other cases that specifically reference the invalidity of state statutes to impose additional residency requirements on commission candidates. 823 So. at 92-93.

Thus, in Wilson v. Newell, 223 So. 734 (Fla. 1969) the Florida Supreme Court ruled that a state statute requiring six months residency prior to the qualifying date for the office of county commissioner was unconstitutional because it imposed an additional qualification beyond that contained in the Florida Constitution. Furthermore, in State v. Grassi, 492 So.2d 74 (Fla. 4th DCA 1986) the Fourth District Court of Appeal declared that a statute that required a county commissioner to be a resident of the county commission district from which he qualifies at the time of qualification was unconstitutional, since the Court determined that, under the 1968 Constitution, the commissioner only has to reside in his district at the time of election.

These cases, however, did not involve qualifications imposed by a county home rule charter pursuant to Article VIII of the 1968 Constitution. The Cook v. City of Jacksonville case, therefore, is a case of first impression regarding the authority of voters in a Charter County to have an impact on elected county officers.

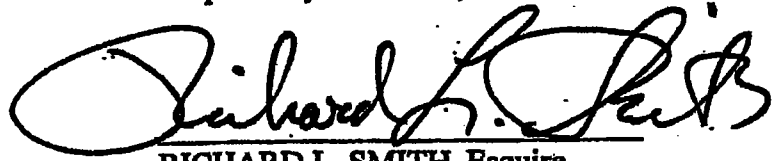
It should be noted that when the 1998 Charter Review Commission proposed the six month residency requirement, the legal issues raised at that time were focused on whether the residency requirement was constitutional under the Due Process Clause of U.S. and Florida Constitutions and whether a six month residency requirement imposed an unconstitutionally unreasonable impediment to the right to travel. The court cases which dealt with these issues indicated that the six month residency requirement for running for elective office was constitutional.

It is important that the Supreme Court in the Cook v. City of Jacksonville case specifically stated that the Court's decision dealt only with the circumstance where the constitutional offices were not abolished by the Duval and Hillsborough County charters.

Chairman Michael McKinley
Charlotte County Charter Review Commission
March 11, 2004
Page 3

Accordingly, it would appear that if the Charlotte County Charter Review Commission wishes to retain the six month residency requirement prior to the date of qualifying of the office of county commissioner and the other county constitutional offices, it would need to propose appropriate amendments to abolish those offices and reconstitute them as Charter Commissioners and as Charter Sheriff, Clerk of the Circuit Court, Property Appraiser, Tax Collector and Supervisor of Elections, respectively.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Smith". The signature is written in a cursive style with a large, looping initial "R".

RICHARD L. SMITH, Esquire

RLS/dn

cc: **Marie Sottosanti**
Commission Recording Secretary

Attachment 3 (a)



CHARLOTTE COUNTY PROPERTY APPRAISER

V. FRANK DESGUIN, CFA, CAE

South County Annex
410 Taylor Street
Punta Gorda

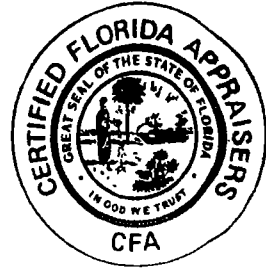
18500 Murdock Circle
Port Charlotte, FL 33948-1076
Fax: (941) 743-1499

West Charlotte Annex
6868 San Casa Blvd.
Englewood

Exemptions: (941) 743-1593
records@ccappraiser.com

Real Property: (941) 743-1498
rp@ccappraiser.com

Personal Property: (941) 743-1476
tpp@ccappraiser.com



MEMORANDUM

TO: Mike McKinley, Chairman
Charlotte County Charter Review Commission

FROM: V. Frank Desguin, CFA, CAE
Property Appraiser

DATE: March 24, 2004

RE: Richard Smith's March 11 Opinion

During my second interview with the Constitutional Officers Committee I was asked to place my concerns in writing to the full commission. I believe it is important to maintain the checks and balances envisioned by the framers of Florida's Constitution, wherein they provided for locally elected constitutional officers in each county, independent of the Board of County Commissioners (BOCC), or other governing body. Consequently, it is disconcerting that the sole solution to the potential residency problem offered in Mr. Smith's opinion, seems to be abolishment of the constitutional offices and re-creation as charter offices. Of course, even as charter offices, they could remain elective. However, once no longer constitutional, it becomes much easier for anyone to further alter offices initially created with the intent they remain independent.

During Mr. Smith's comments to the Commission during the March 11 meeting, I also heard a statement that is not quite accurate. He mentioned that if the constitutional offices became charter offices, the BOCC would have additional oversight of their budgets. To clarify that statement, attached are Sections 129.03 and 195.087, F.S. As you can see, although both the property appraiser and BOCC may appeal a final decision, oversight of the Property Appraiser's budget is specifically excluded from direct BOCC authority and placed under the Florida Department of Revenue's. Another example of checks and balances provided by Florida Law.

It is my understanding, Vickie Potts will be providing an opinion rendered by Ken Van Assenderp, attorney for the Tax Collector's Association of Florida, in which several options dealing with the potential residency problem are enumerated. I ask only that the Commission consider all available options before deciding if making any change to the constitutional offices is in the best interest of Charlotte County's citizens.

VFD//saa

cc: Vickie Potts
Judy Anderson
Barbara Scott
William Cameron

129.021 County officer budget information.—Notwithstanding other provisions of law, the budgets of all county officers, as submitted to the board of county commissioners, shall be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities provided in ss. 125.01(1)(q) and (r) and (6) and 129.01(2)(b).

History.—s. 2, ch. 78-132.

129.025 County budget officer.—

(1) Each board of county commissioners may designate a county budget officer to carry out the duties set forth in this chapter. Unless the board designates a different officer, the clerk of the circuit court or the county comptroller, if applicable, shall be the budget officer for the purposes of this chapter.

(2) The Legislature finds that the duties of county budget officer set forth in this chapter do not fall within the constitutional responsibilities performed by the several clerks of the circuit court as auditor and custodian of county funds. The position of county budget officer shall not constitute an office in the meaning of s. 5, Art. VI of the State Constitution.

History.—s. 1, ch. 78-303.

129.03 Preparation and adoption of budget.—

(1) Pursuant to s. 200.065, the county property appraiser shall certify to the county budget officer his or her estimate of the total valuations against which taxes may be levied in the entire county and in each district of the county in which taxes are authorized by law to be levied by the board of county commissioners for funds under its control. In preparing the budget, the figure so certified shall be used as the basis for estimating the millage rate required to be levied and shall be noted on each tentative budget and each official budget, on the same line with the amount estimated to be raised from taxes.

(2) On or before June 1 of each year, the sheriff, the clerk of the circuit court and county comptroller, the tax collector subject to a resolution entered into pursuant to s. 145.022(1), and the supervisor of elections shall each submit to the board of county commissioners a tentative budget for their respective offices for the ensuing fiscal year. However, the board of county commissioners may, by resolution, require the tentative budgets to be submitted by May 1 of each year.

(3) No later than 15 days after certification of value by the property appraiser pursuant to s. 200.065(1), the county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the ensuing fiscal year, shall prepare and present to the board a tentative budget for the ensuing fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(a) The board of county commissioners shall receive and examine the tentative budget for each fund and, subject to the notice and hearing requirements of s. 200.065, shall require such changes to be made as it shall deem necessary; provided the budget shall

remain in balance. The county budget officer's estimates of receipts other than taxes, and of balances to be brought forward, shall not be revised except by a resolution of the board, duly passed and spread on the minutes of the board. However, the board may allocate to any of the funds of the county any anticipated receipts, other than taxes levied for a particular fund, except receipts designated or received to be expended for a particular purpose.

(b) Upon receipt of the tentative budgets and completion of any revisions made by the board, the board shall prepare a statement summarizing all of the adopted tentative budgets. This summary statement shall show, for each budget and the total of all budgets, the proposed tax millages, the balances, the reserves, and the total of each major classification of receipts and expenditures, classified according to the classification of accounts prescribed by the appropriate state agency. The board shall cause this summary statement to be advertised one time in a newspaper of general circulation published in the county, or by posting at the courthouse door if there is no such newspaper, and the advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions shall be made in the minutes of the board to record its actions with reference to the budgets.

History.—s. 3, ch. 6814, 1915; RGS 1526; CGL 2304; s. 1, ch. 19115, 1939; s. 3, ch. 26874, 1951; s. 11, ch. 57-1; ss. 12, 35, ch. 69-108; s. 6, ch. 73-349; s. 1, ch. 77-102; s. 2, ch. 78-303; s. 30, ch. 80-274; s. 2, ch. 82-33; s. 15, ch. 82-226; s. 1, ch. 88-158; s. 2, ch. 89-297; s. 827, ch. 95-147.

129.04 Fiscal year.—The fiscal year of each county of the state shall commence on October 1, and end on September 30 of each year, and whenever the word "year" appears in this chapter, it shall be construed as meaning the fiscal year as hereby established.

History.—s. 4, ch. 6814, 1915; RGS 1527; CGL 2305.

129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in

- (h) Centrally assessed.
- (i) Leasehold interests.
- (j) Time-share property.
- (k) Other.
- (2) Personal property shall be classified as:
 - (a) Floating structures—residential.
 - (b) Floating structures—nonresidential.
 - (c) Mobile homes and attachments.
 - (d) Household goods.
 - (e) Other tangible personal property.

(3) When the tax roll is submitted to the department for approval, there shall also be appended a statement indicating the total assessed valuation of structures added to and deleted from the assessment roll for that year in each taxing jurisdiction.

(4)(a) Rules adopted pursuant to this section shall provide for the separate identification of property as prior existing property of an expanded or rebuilt business, as expansion-related property of an expanded or rebuilt business, and as property of a new business, in the event the business qualifies for an enterprise zone property tax credit pursuant to s. 220.182, in addition to classification according to use.

(b) The provisions of this subsection shall expire and be void on June 30, 2005.

(5) Rules adopted pursuant to this section shall provide for the separate identification of property granted an economic development ad valorem tax exemption, in addition to classification according to use.

(6) To the greatest extent practicable and based on existing information, all publicly owned real property required to be listed on the assessment roll shall also be separately classified according to ownership by federal, state, or local government; water management district; or other public entity.

*History.—*s. 3, ch. 73-172; ss. 8, 23, ch. 74-234; s. 15, ch. 79-334; s. 11, ch. 80-77; ss. 5, 10, ch. 80-248; s. 3, ch. 80-347; s. 9, ch. 81-308; ss. 56, 74, ch. 82-226; s. 1, ch. 83-223; s. 27, ch. 84-356; s. 65, ch. 84-136; s. 64, ch. 94-353; s. 7, ch. 96-204; s. 6, ch. 97-117; s. 24, ch. 2000-210.

195.084 Information exchange.—

(1) The department shall promulgate rules and regulations for the exchange of information among the department, the property appraisers' offices, the tax collector, the Auditor General, and the Office of Program Policy Analysis and Government Accountability. All records and returns of the department useful to the property appraiser or the tax collector shall be made available upon request but subject to the reasonable conditions imposed by the department. This section shall supersede statutes prohibiting disclosure only with respect to the property appraiser, the tax collector, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, but the department may establish regulations setting reasonable conditions upon the access to and custody of such information. The Auditor General, the Office of Program Policy Analysis and Government Accountability, the tax collectors, and the property appraisers shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality shall be a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083.

(2) All of the records of property appraisers and collectors, including, but not limited to, worksheets and property record cards, shall be made available to the Department of Revenue, the Auditor General, and the Office of Program Policy Analysis and Government Accountability. Property appraisers and collectors are hereby directed to cooperate fully with representatives of the Department of Revenue, the Auditor General, and the Office of Program Policy Analysis and Government Accountability in realizing the objectives stated in s. 195.0012.

*History.—*s. 5, ch. 73-172; s. 1, ch. 77-102; s. 23, ch. 88-119; s. 40, ch. 90-360; s. 52, ch. 96-406; s. 48, ch. 2001-266.

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(1)(a) On or before June 1 of each year, every property appraiser, regardless of the form of county government, shall submit to the Department of Revenue a budget for the operation of the property appraiser's office for the ensuing fiscal year beginning October 1. The property appraiser shall submit his or her budget in the manner and form required by the department. A copy of such budget shall be furnished at the same time to the board of county commissioners. The department shall, upon proper notice to the county commission and property appraiser, review the budget request and may amend or change the budget request as it deems necessary, in order that the budget be neither inadequate nor excessive. On or before July 15, the department shall notify the property appraiser and the board of county commissioners of its tentative budget amendments and changes. Prior to August 15, the property appraiser and the board of county commissioners may submit additional information or testimony to the department respecting the budget. On or before August 15, the department shall make its final budget amendments or changes to the budget and shall provide notice thereof to the property appraiser and board of county commissioners.

(b) The Governor and Cabinet, sitting as the Administration Commission, may hear appeals from the final action of the department upon a written request being filed by the property appraiser or the presiding officer of the county commission no later than 15 days after the conclusion of the hearing held pursuant to s. 200.065(2)(d). The Administration Commission may amend the budget if it finds that any aspect of the budget is unreasonable in light of the workload of the office of the property appraiser in the county under review. The budget request as approved by the department and as amended by the commission shall become the operating budget of the property appraiser for the ensuing fiscal year beginning October 1, except that the budget so approved may subsequently be amended under the same procedure. After final approval, the property appraiser shall make no transfer of funds between accounts without the written approval of the department. However, all moneys received by property appraisers in complying with chapter 119 shall be accounted for in the same manner as provided for in s. 218.36, for moneys received as county fees and commissions, and any such moneys may be used and

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expended in the same manner and to the same extent as funds budgeted for the office and no budget amendment shall be required.

(2) On or before August 1 of each year, each tax collector, regardless of the form of county government, shall submit to the Department of Revenue a budget for the operation of the tax collector's office for the ensuing fiscal year, in the manner and form prescribed by the department. A copy of such budget shall be furnished at the same time to the board of county commissioners. The department shall examine the budget and, if it is found adequate to carry on the work of the tax collector, shall approve the budget and certify it back to the tax collector. If the department finds the budget inadequate or excessive, it shall return such budget to the tax collector, together with its ruling thereon. The tax collector shall revise the budget as required and resubmit it to the department. After the final approval of the budget by the department, there shall be no reduction or increase by any officer, board, or commission without the approval of the department. However, all moneys received by tax collectors in complying with chapter 119 shall be accounted for in the same manner as provided for in s. 218.36, for moneys received as county fees and commissions, and any such moneys may be used and expended in the same manner and to the same extent as funds budgeted for the office and no budget amendment shall be required. This subsection does not apply in a county in which the office of tax collector has been abolished and the duties of that office have been transferred to another office pursuant to s. 1(d), Art. VIII of the State Constitution or in a county in which a resolution is in effect pursuant to s. 145.022 or in any charter county where the charter specifically provides for a different method for the submission of the tax collector's budget.

(3) Any check received by the office of the collector which is returned by the bank upon which the check is drawn shall be the personal liability of the tax collector unless the collector, after due diligence to collect the returned check, forwards the returned check for prosecution to the state attorney of the circuit where the check was drawn. This subsection does not apply to ad valorem taxes, in which case the collector shall proceed under chapter 197.

(4) The property appraisers and tax collectors of this state are hereby authorized to pay any fee established by the department for attendance by an employee at a school established and conducted by the department pursuant to s. 195.002. Further, the travel and per diem expenses of such employee may be paid as set forth in s. 112.061.

(5) Any property appraiser or tax collector whose budget is approved by the Department of Revenue who has not been reelected to office or is not seeking reelection shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation following the date he or she is eliminated as a candidate or October 1, whichever comes later, without the approval of the Department of Revenue.

History.—s. 56, ch. 20722, 1941; ss. 1, 2, ch. 69-55; ss. 21, 35, ch. 69-106; s. 36, ch. 70-243; s. 6, ch. 73-172; s. 10, ch. 74-234; s. 1, ch. 77-102; s. 93, ch. 79-190; s. 16, ch. 79-334; s. 29, ch. 80-274; s. 84, ch. 81-259; s. 3, ch. 82-33; s. 6, ch. 86-300; s. 3, ch. 88-85; s. 3, ch. 88-158; s. 26, ch. 90-203; s. 2, ch. 90-343; s. 986, ch. 95-147; ss. 4, 18, ch. 95-272; s. 4, ch. 97-287.
Note.—Former ss. 193.02, 195.011.

195.092 Authority to bring and maintain suits.—

(1) The Department of Revenue shall have authority to bring and maintain such actions at law or in equity by mandamus or injunction, or otherwise, to enforce the performance of any duties of any officer or official performing duties with relation to the execution of the tax laws of the state, or to enforce obedience to any lawful order, rule, regulation, or decision of the Department of Revenue lawfully made under the authority of these tax laws. Venue for such actions shall be in the county in which the official duties of the property appraiser are to be performed.

(2) The property appraiser or any taxing authority shall have the authority to bring and maintain such actions as may be necessary to contest the validity of any rule, regulation, order, directive, or determination of any agency of the state, including, but not limited to, disapproval of all or any part of an assessment roll or a determination of assessment levels. The defendant in such actions shall be the agency head, and service of process shall be on such person or, when the head of the agency is a collegial body, its executive director, if there be one. Such action shall be brought within 60 days of the date the rule, regulation, order, directive, or determination becomes effective. Venue for such actions shall be in Leon County. The circuit court judge, upon proper motion, may agree to hear the case in the county where the property is located if trial in Leon County would result in substantial expense and inconvenience to the necessary participants. Appeal shall be to the First District Court of Appeal.

(3) No action shall be instituted to compel reappraisal of property or adjustment of the tax rolls unless the executive director has first met or in good faith has attempted to meet in conference with the affected property appraiser and has been unable to resolve differences or obtain acceptable written assurance of the implementation of a plan to ensure compliance with general law and the constitutional requirement of just value.

(4) In any action instituted against a property appraiser to compel the performance of his or her official duties, the court may order the implementation of a plan of reappraisal to be completed within a prescribed period of time. To implement its decision, the court shall have the power to:

(a) Enter such orders as are necessary to ensure that assessments shall be uniform, equitable, at just value, and otherwise in compliance with law.

(b) Maintain jurisdiction until such time as all of the requirements of the court as expressed in its order have been met.

(5) Chapter 120 shall not apply to this section.

History.—s. 55, ch. 20722, 1941; ss. 1, 2, ch. 69-55; ss. 21, 35, ch. 69-106; s. 44, ch. 70-243; s. 6, ch. 80-274; s. 967, ch. 95-147.
Note.—Former ss. 196.16, 195.041.

Attachment 3 (b)

YOUNG VAN ASSENDERE P.A.

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HOBSON STRAIN
GOVERNMENT CONSULTANT

15 March 2004

GEORGE ANN C. BRACKO
EXECUTIVE DIRECTOR

The Honorable Vickie L. Potts
Charlotte County Tax Collector
18500 Murdock Circle
Port Charlotte, FL 33948

DRAFT

Subject: Charlotte County Charter Commission: Charlotte County Charter and the Six Month Residence Requirement; letter to Chairman McKinley from Richard L. Smith, Esq.

Dear Vickie:

Regarding the above-referenced matter, please note:

1. Article VI, Section 1, Florida Constitution, governs elections and states that registration and elections shall be regulated by law. The term "by law" as used in the constitution, means the law of the Legislature, whether a general act or a special act. The term "regulate" means direct control and is not as lenient as the term "provided by." Therefore, only the Florida Legislature (by general law, or by special law applicable to your county) may control and direct with specificity ("regulate") elections in Charlotte County.

2. Whether section 2.2.A. of your charter is construed as a "qualification" or a "condition of eligibility," it is a regulation of the election process. If the state election code (or any special act of the Legislature) prohibits or deals differently with a six month election requirement for charter and non-charter officers, then section 2.2.A. violates the provision in the state constitution which pre-empts regulation of election to the Florida Legislature.

[This point is true whether the form of home rule in Charlotte County is non-charter or charter. Charter status is irrelevant and immaterial to the pre-emption in the Florida Legislature by the Florida Constitution of the regulation of elections. Moreover, in Article III, Section 11(1)(a), Florida Constitution, the Legislature has the authority exclusively to pass a special act even in a charter county to regulate elections because the state legislature regulates elections.]

The Honorable Vickie L. Potts

15 March 2004

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3. However, if the state general law election code (or any special act) does not address or prohibit a six month residency for all elections, including elections of charter officers, then the Charlotte County charter provision requiring a six month residency for charter officers is legal because it would not be inconsistent with state law. To put it another way, the Legislature (by the election code or by special act) could prohibit the six month residency for all elections, including charter elections. If so, the provision in section 2.2.A. would be unconstitutional because the Legislature shall have pre-empted that particular residency requirement and regulated it. But if the election code is silent on the residency requirement, then section 2.2.A. would not be pre-empted by the state election law.

4. In this context, you are a state constitution county officer with sovereignty in your Charlotte County political subdivision but not of its charter. You are a constitution officer, not a charter officer, serving in a county political subdivision (with the charter form of home rule).

In the Cook case, but as it relates to the Eight is Enough portion of the case, the Florida Supreme Court held that the term limit disqualification did not apply to the state constitution county officers of Pinellas County because those offices were not abolished (Id. at page 93). The Supreme Court found expressly that Pinellas County and Jacksonville county officers were not abolished. As summarized in the case law above, both abolishment and transfer of the duties to a charter elected or appointed office are required in order to eliminate the constitutional sovereign status of the referenced county officers.

Though not held specifically by the Cook case, the constitution provides that a charter form of county government home rule is limited to all powers of local self government which are not inconsistent with general law or with special law approved by the vote of the electors, Section 1(g), Article VIII, Florida Constitution. The power of local self government does not include the regulation of elections on matters with which there is an inconsistent provision by the Florida Legislature by law (in the Florida election code by general law; or in a special act approved by referendum in Charlotte County). If there is no such special act for Charlotte County and if the state elections code does not address or prohibit a six month residency requirement, then section 2.2.A. stands. If a special act, or a provision of the election code, can be construed as prohibiting or qualifying such a six month residency requirement for all officers, including any charter officers, then section 2.2.A. would not stand.

5. The Constitution and related case law are express and unambiguous that "to abolish those offices and reconstitute them" as charter officers, as set forth on page 3 of the above-referenced letter, fails. You are a state constitution county officer in Charlotte County and not of its charter. To become a charter officer, your office must first be abolished and then its duties transferred (not "reconstituted") to an elected or appointed non-sovereign charter officer. Only then do you cease to have your status as a sovereign state constitution county officer. It is constitutionally impossible

The Honorable Vickie L. Potts

15 March 2004

Page 3

for your office to be abolished and then reconstituted because the concept of "reconstitution" implies you still have constitutional status as a charter officer which is not legal and is not the intent of the discussion at page 3 of the above-referenced letter. The legal requirements and even the magic words are twofold: abolish; transfer the duties. (There is a line of cases construing the pre-1968 Florida Constitution but using substantially the same terms that are in the 1968 Constitution rising out of Miami-Dade, which set forth precisely the requirement that the office must be abolished first followed by a transfer of the duties.)

As opined by the Florida Supreme Court, a "county charter must comply with the Florida Constitution in respect to the disqualifications which pertain to these offices authorized by the Constitution," Henry W. Cook vs. City of Jacksonville and DeBlaker vs. Fight is Enough in Pinellas, 823 So. 2d at page 94.

6. Essentially, your charter commission has the following alternatives available:

a. Find out precisely whether the state general law election code (or any special act for Charlotte County) adopted by the Florida Legislature regulating elections addresses six month residences for charter and non-charter officers.

b. If so, then determine whether section 2.2.A. is itself inconsistent with such regulation by state law.

c. If there is no such state law regulation, or if section 2.2.A. is not inconsistent with the state law, then a six month residency requirement stands for charter officers but not for sovereign state constitution county officers such as the Tax Collector.

d. Though I do not here address and have not been asked to address, the powers of appointment by the Governor, there is a line of cases which should be reviewed by the commission and its attorney which address requirements for appointment by the Governor to a charter office (which under your charter to date do not include your office).

Please call if you have any questions.

Best regards,
DRAFT

Kenza van Assenderp

KvA/kdr

**CONSTITUTIONAL OFFICERS MINUTES
2004**

Conference Room. The other Constitutional Officers would be scheduled two at a time at subsequent meetings.

In summary, the questions to be asked the Constitutional Officers:

- What are your opinions and observations on the status of the Sheriffs Office in relation to the Board of County Commissioners?
- What's your opinion on term limits for Constitutional Officers?
- What's your opinion on making elections for Constitutional Officers non-partisan?
- Should the names of candidates for Constitutional Offices have their names rotated on the ballot?
- What are your observations and opinions concerning the Constitutional Officers relationship with the BCC?

The members reviewed and discussed the research done by the previous Charter Review Commission. There was an issue with having an appointed Sheriff but the department could be done away and brought back in as a Department of Safety. In that arrangement, the appeal on budget matters would rest with the BCC as opposed to the Governor.

Committee Member Dever suggested the committee develop their questions and present them to Charter Counsel Mr. Smith for research the legal questions were:

1. Update Counsel's opinion from six years ago on options for an appointed Sheriff's position;
2. Which Florida counties currently have appointed Sheriffs;
3. What is the process for converting the Sheriff's department under the BCC;
4. If the Department were under the BCC, what would happen to seized/forfeited property;
5. What access would the BCC have to the Sheriff's Department budgetary records?

The Committee members decided to hold off on referring these questions to Counsel Smith until after the interview with the current Sheriff.

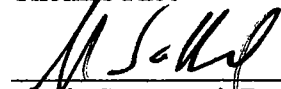
The Chairman then summarized the meeting and the committee adjourned at 3:40 p.m.

Respectfully submitted,



Thomas Rice

2/18/04



Marie Sottosanti, Recording Secretary

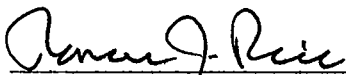
2/18/04

Committee requested list be submitted to Chairman Mike McKinley for his approval to have Charter Counsel Mr. Smith research these items.

The Committee reviewed the scheduled interviews for March 2 with Charlotte County Property Manager, Frank Desguin, Tax Collector Vickie L. Potts and Clerk of the Circuit Court, Barbara T. Scott.

The Chairman then summarized the meeting and the Committee adjourned at 5:15 p.m.

Respectfully submitted,



Thomas Rice, Committee Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

Mr. Rice requested to have two additional questions submitted to Charter Counsel Mr. Smith for legal opinion.

1. *In each of the Charter Counties in Florida, (a) which officers are Charter officers, (b) which Charter officers are elected and which are appointed, and (c) what year were the officers converted to Charter status? He can email me if he needs clarification. It sure would be helpful to have this information at our next committee meeting.*
2. *Can we make elections for Constitutional Officers non-partisan or does the same ruling apply.*

The Committee discussed setting the next meeting for either March 23rd or March 30th

The Chairman then summarized the meeting and noted the tentative plan for the rest of the Committee's work. The Committee would review the results from the Charter Counsel; Mr. Smith on the legal questions forwarded to him and would begin to draft a report to the full Commission. One more work session on the report should conclude the Committee's work. The Committee then adjourned at 5:10 p.m.

Respectfully submitted,



Thomas Rice, Committee Chairman

03/19/04



Marie Sottosanti, Recording Secretary

03/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

Charlotte County Charter Review Commission
CONSTITUTIONAL OFFICERS COMMITTEE
Minutes

Tuesday, March 23, 2004

Members: Thomas Rice, Chairman Richard Holden Frank Weikel

Members not present: Jack Fawsett Ann Dever

Roll Call

The meeting was called to order at 3:00 p.m. in Room 538 in the Administration Conference Room.

Motion by Chairman Tom Rice to approve the Committee Minutes of March 16th.

Motion was seconded by Mr. Weikel

Vote was unanimous

The Committee reviewed the original questions assigned by the full Commission and took preliminary votes on each item.

<Term limits for Constitutional Officers>

After discussion, motion by Mr. Weikel not to recommend term limits for Constitutional Officers be added to the County Charter. Motion was seconded by Mr. Holden

Vote was unanimous.

<Non-partisan elections for Constitutional Officers>

After discussion, motion by Mr. Weikel not to recommend non-partisan elections for all Constitutional Officers be added to the County Charter. Seconded by Mr. Holden.

Motion passes by majority vote.

<Ballot rotation>

After discussion, motion by Mr. Weikel not to recommend rotation of candidates' names on election ballots be added to the County Charter. Mr. Holden seconds the motion

Vote was unanimous.

<Constitutional Officers relationship with the BCC>

The members discussed the new subject raised at the March 11, 2004 meeting of the full Commission and the opinion from Commission Counsel, Mr. Richard Smith. That opinion was that the Charter change passed in 1998 requiring constitutional office candidates reside in their districts for at least six months before qualifying as candidates could be unenforceable. After discussion, motion by Mr. Weikel on the residency requirement that, while the issue is a concern, this Committee recommends that it will be a referred to the full Charter Review Commission for appropriate action. Mr. Holden seconds the motion

Vote was unanimous.

<Relationship with Sheriffs Office and the BCC>

The members reviewed the testimony from the Constitutional Officers, the public comments and the comments offered by the members of the Board of County Commissioners and the Administration at the other Charter Committee meetings. Mr. Rice stated that one option would be to convert the position to that of a charter officer, elected by the people. This option was considered six years ago and the actual Charter amendment language was drafted. Mr. Rice stated that it is important the Sheriff is elected but it could be made into a Charter Officer as opposed to a Constitutional officer to address concerns over budgetary approval.

Mr. Weikel defined his understanding of the difference between a Charter Officer and a Constitutional Officer in that the Charter Officer has to appeal his budget to the Board of County Commissioners and does not have the option of appealing disputes to the Governor's Office. Mr. Rice noted that under the Charter Officer model, the Sheriff's Department would be a department of County government with the possibility of improved operating efficiencies and better coordination with other branches of county administration. Mr. Holden voiced his concern about the change in the position. Mr. Rice moved recommending to the full Commission consideration of changing the Sheriff's position from that of a Constitutional Officer to that of a Charter Officer. Mr. Weikel seconded and the motion passed by majority vote.

Mr. Rice suggested putting the Committee's report into draft form so that the absent members Ann Dever and Jack Fawsett can review and vote on these motions as well. Mr. Rice will draft the report showing two split decisions and a unanimous consensus on everything else. Mr. Weikel suggested the Committee obtain the written legal opinions from the Tax Collector and the Supervisor of Elections that those officers had obtained and referenced at the Committee's last meeting.

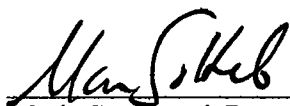
The Chairman then summarized the meeting and noted the tentative plan for the rest of the Committee's work. One more work session on the report should conclude the Committee's assignment. The next meeting was set tentatively for 8:00 A.M. on Tuesday, March 30, 2004 to be confirmed by Ms. Sottosanti. The Committee then adjourned at 4:10 p.m.

Respectfully submitted,



Thomas Rice, Committee Chairman

03/24/04



Marie Sottosanti, Recording Secretary

03/24/04

These proceedings were taped and are on file with the Charter Review Commission for review.

Charlotte County Charter Review Commission
CONSTITUTIONAL OFFICERS COMMITTEE
Minutes

Tuesday, March 30, 2004

Members:	Thomas Rice, Chairman	Richard Holden	Frank Weikel
	Ann Dever	Jack Fawsett	

Roll Call

The meeting was called to order at 8:10 a.m. in Room 538 in the Administration Conference Room.

Motion by Mr. Holden to approve the Committee Minutes of March 23rd.

Mr. Weikel seconded motion

Vote was unanimous.

The Committee reviewed the draft report and Mr. Fawsett asked that one justification of changing the Sheriff's position to a Charter Officer would permit the Charter to include qualifications for candidates for the office. The other members had no objections to this point being included in the body of the report. The members reviewed the memo received from the Property Appraiser and asked that it be attached to the Committee's final report as well as any other reports that might be received from the Constitutional Officers. The full Committee then discussed each of the recommendations made at the previous meeting and voted as a full committee on each item (see attached report).

<Term limits for Constitutional Officers>

After discussion Mr. Weikel made a motion to recommend that the Charter should not be changed to impose term limits on the Constitutional Offices. The motion carried by unanimous vote.

<Non-partisan elections for Constitutional Officers>

After discussion over the issue of non-partisan elections for Constitutional Offices, Ms. Dever made a motion to have only the Supervisor of Elections as a non-partisan election. Mr. Fawsett seconded the motion. The motion failed by a vote of two for the motion and three against.

Mr. Weikel then made a motion that the Charter should not be changed to make the election of Constitutional Officers non-partisan. Mr. Holden seconded the motion. The vote was passed by majority vote. Let the record show that two members supported a non-partisan designation for only the office of Supervisor of Elections.

<Ballot Rotation>

After discussion, motion by Ms. Dever to recommend the Charter should not be changed to require the names of candidates for the Constitutional Offices be rotated on the ballot. Mr. Fawsett seconded the motion. The motion carried by unanimous vote.

<Constitutional Officers relationship with BCC>

Discussions ensued referencing the residency issue, brought up by Charter Counsel Mr. Smith. Mr. Weikel moved to leave item #5 as is in the draft. The draft position was "The issue of the enforceability of the residency requirement for the Constitutional Officers is a concern but the Committee took no position on this question deferring it to the full Commission." The motion was seconded by Ms. Dever and passed by unanimous vote.

<Relationship with Sheriffs Office and the BCC>

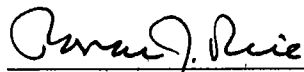
There was a lot of discussion on this particular question and every member of the Committee was given the opportunity to state his or her opinions. Mr. Weikel made the motion that by majority vote without a recommendation this Committee recommends deferring to the full commission a change in the Charter converting the position of Sheriff to that of an elected Charter Office. The motion was seconded but after further discussion, Mr. Weikel withdrew his motion.

Ms Dever then made the motion that the Commission not recommend a change in the Charter that would convert the position of Sheriff to a Charter Officer. Mr. Holden seconded the motion. The motion passed by a vote of four to one.

The members also asked that the report include a reference to the Committee members' disappointment that no responses to the Committee's questions had been received from Commission Counsel as of the date of this final meeting.

There being no further business, this final meeting of the Constitutional Officers Committee was adjourned.

Respectfully submitted,



Thomas Rice, Committee Chairman

03/31/04



Marie Sottosanti, Recording Secretary

03/31/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Other Board and Agencies
Committee Report**



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

Charlotte County Charter Review Commission

Other Boards and Agencies Committee Report

Committee Members: Bill Coy, Chair, Kevin Russell, Andy Dodd, Mike McKinley, Rufus Lazzell, Jane Sturges and Jerry O'Halloran

The Other Boards and Agencies Committee was charged by the full Charlotte County Charter Review Commission to review subjects raised by the citizens in the public hearing January 29, 2004 and by the suggestions from the Other Boards and Agencies, specifically the **School Board, Formalized Joint County-City Planning and Airport Authority.**

School Board: The question was raised as to whether the Charlotte County Charter can be amended so as to provide for converting the superintendent of schools to an elected position. The Florida Constitution provides for the exclusive amendment procedure to be within a district school board, thus any possible recommended change is not within the purview of the Charlotte County Charter Review Commission.

Formalized Joint County-City Planning: The Committee met on February 19, 2004 at 3:00 pm (see minutes for list of members and attendees).

Questions asked:

Revisions to the Charter were made which affected the city as a result of the Charter Review process in 1998 related to impact fees and County land development regulations.

- Has this in your opinion benefited Charlotte County?
- Would you recommend additional amendments or revisions
- Along the lines of intergovernmental coordination, would you see a benefit in reinstating the Intergovernmental Coordination Committee?
- Are you satisfied with utility coordination between City and County?



COUNTY OF CHARLOTTE

CHARTER REVIEW COMMISSION

Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094
Phone: (941) 623-1085
Fax: (941) 743-1554

AirPort Authority: The Committee met on February 27, 2004 at 2:00 pm (see minutes for list of members and attendees.) Also the following attendees, airport tenants:

Mr. Larry C. Hofmeister, VP CCAT Assoc.
Mr. Dana W. Carr, Coo Air Trek, Inc.
Mr. Robert B. Cheyney, Pres. CCAT Assoc.

Questions:

1. Please review the results of the Authority's governance during the past 6 years. Include the good and the bad, if any.
2. Give your assessment of the actions leading up to the current Airport Overlay District. Include the good and the bad, if any.
3. It has been noted that there has been recent (in the past year) a positive movement in marketing the Commercial Park. Please describe.
4. Describe the relationship between the County Government and CCAA.
5. What would be the positives and negatives if the CCAA were to be part of the County government?
6. What has been done in regards to the Foreign Trade Zone acreage awarded to the CCAA several years ago.
7. Will the "Through the Fence" have an adverse effect with regards to competition with airport services (including Commerce Park) activities?
8. Please comment concerning the possibility of residential development around the airport.



COUNTY OF CHARLOTTE

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Final Recommendations to the Charlotte County Review Commission:

Formalized Joint County-City Planning: Committee -- Consensus.

- Section 1.3.B be clarified to exclude municipalities, who have adopted and obtained State approval for comprehensive plans.
- Conflicts arising from proposed land use changes and inconsistencies in land development regulations should be resolved pursuant to established procedures identified in the Intergovernmental Coordination Elements of respective plans.

See attachment "A"

Airport Authority: Committee -- Consensus

- The CCAA supports the exclusion of residential zoning or development in the borders of the Regional Commerce Park and under the runway approaches to the Charlotte County Airport particularly the approach to runway 21 northeast of the airport
- CCAA remain an independent governmental entity, providing services to the citizens of Charlotte County.
- Continued exemption from ad valorem taxation allowed under state law for aviation businesses.

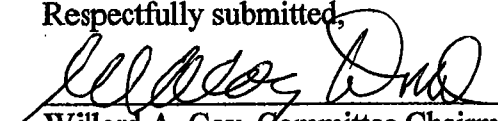
See Attachments "B, C & D"

Airport Tenants Association: Committee -- Consensus

- Control and operation of the Charlotte County Airport should remain under the control and operation of the Charlotte County Airport Authority.
- No new residential development permitting or planning within the Charlotte County Regional Commerce Park District.

See Attachments "E & F"

Respectfully submitted,


Willard A. Coy, Committee Chairman

3/29/04
Date

Attachment A



**Committee Report
Other Boards**

Testimony to the Committee indicated that cooperation between the City and County has steadily improved since the previous charter review process. With regards to additional amendments or revisions to the existing charter, the group discussed Section 1.3.B which was added to the Charter in 1998.

This section requires that if any conflict arises related to comprehensive planning and land development regulations, county-wide ordinance will prevail over City ordinance. The discussion that ensued addressed the intent of the amendment when adopted.

Recollection of intent indicates that this charter amendment was proposed by the previous Charter Review Commission to protect Charlotte County from municipalities not yet incorporated. It was never meant to preclude the City of Punta Gorda from making land use changes consistent with the City's approved comprehensive plan which may not be consistent with the County plan or ordinance.

As adopted, Charlotte County (or any citizen) could challenge actions taken by the City which are deemed inconsistent with the County-wide plan or land development regulations. As an example, the County could challenge a land use change that increased residential density unless the applicant purchased transferable density rights as required by County ordinance.

It is the committee's recommendation that Section 1.3.B be clarified to exclude municipalities who have adopted and obtained State approval for comprehensive plans. Conflicts arising from proposed land use changes and inconsistencies in land development regulations should be resolved pursuant to established procedures identified in the Intergovernmental Coordination Elements of respective plans.

Attachment B

B

RESOLUTION #04-02

WHEREAS, in January of 2001, at public meetings, Charlotte County administrative staff presented proposals regarding the planing of an area including and surrounding the Charlotte County Airport for commercial and light industrial uses to the Charlotte County Board of County Commissioners (BCC); and

WHEREAS, subsequent to January of 2001, Charlotte County staff, the Planning and Zoning Board of Charlotte County, Florida, as Charlotte County's local planning agency (P&Z), and the BCC conducted numerous public workshops, public meetings, and public hearings, in order to discuss and implement the ultimate planning proposals; and

WHEREAS, the BCC retained the services of consultants to develop recommendations for land development regulations which were accepted by the BCC; and

WHEREAS, the Charlotte County Airport Authority Board and staff attended the numerous public meetings and meetings with the consultants and gave their input on the development of the area including and surrounding the Charlotte County Airport; and

WHEREAS, the BCC passed an Ordinance October 14, 2003, implementing an overlay for zoning and land uses, now referred to as the Regional Commerce Park; and

WHEREAS, the Charlotte County Airport Authority finds that it is essential to protect and preserve the public health, welfare and safety of the County and its citizenry, that it is in the County's best interests, that it is essential to ensure rational growth and development in the Regional Commerce Park, and

WHEREAS, residential development would not be compatible to the land uses in the Regional Commerce Park; and

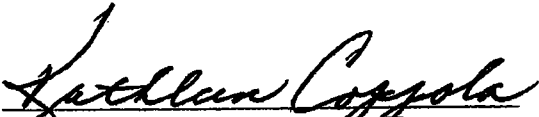
WHEREAS, the FAA discourages any residential development around or near an airport and the Charlotte County Airport is expanding and growing;

NOW THEREFORE, the Charlotte County Airport Authority does hereby resolve that:

The Charlotte County Airport Authority supports the exclusion of residential zoning or development in the borders of the Regional Commerce Park and under the runway approaches to Charlotte County Airport particularly the approach to runway 21 Northeast of the airport.

Duly passed this 18th day of March, 2004.


Don Lee, Chair


Kathleen Coppola, Secretary/Treasurer

Attachment C

RESOLUTION #04-03

WHEREAS, the Charlotte County Airport Authority was created by the State Legislature in 1965 as a Special Independent District and has remained so; and

WHEREAS, the Charlotte County Airport Authority has been legislatively mandated to provide services to Charlotte County which include the operation of the Charlotte County Airport and Commerce Park; and

WHEREAS, currently the citizens of Charlotte County do not provide ad valorem tax dollars to the operation of the Airport and Commerce Park; and

WHEREAS, a good spirit of cooperation exists between the Charlotte County Board of County Commissioners and the Charlotte County Airport Authority; and

WHEREAS, the Charlotte County Airport Authority believes that the assimilation of the Charlotte County Airport Authority into Charlotte County government or another governmental entity would not allow for the time required for the careful consideration that the elected Board of the Charlotte County Airport Authority is able to devote to setting policy in the management and administration of the Airport and Commerce Park; and

WHEREAS, the Charlotte County Airport Authority has expanded services, acquired additional land, constructed new facilities and substantially improved the Airport and Commerce Park for the citizens of Charlotte County; and


WHEREAS, the Charlotte County Airport Authority believes that it is in the best interest and intent of the citizens and voters of Charlotte County that the Charlotte County Airport Authority remain an independent governmental entity with the responsibility for the Airport and Commerce Park;

NOW THEREFORE, the Charlotte County Airport Authority does hereby resolve that:

1. The Charlotte County Airport Authority remain an independent governmental entity, providing services to the citizens of Charlotte County, and
2. The Charlotte County Airport Authority shall oppose any and all efforts to change its status from an independent governmental entity, and
3. The Charlotte County Airport Authority shall continue to improve its operations in providing services to the citizens of Charlotte County.

Duly passed this 18th day of March, 2004.


Don Lee, Chair


Kathleen Coppola, Secretary/Treasurer

Attachment D

D

RESOLUTION #04-04

WHEREAS, the Charlotte County Airport Authority was created by the State Legislature in 1965 as a Special Independent District and has remained so; and

WHEREAS, the Charlotte County Airport Authority has been legislatively mandated to provide services to Charlotte County which include the operation of the Charlotte County Airport and Commerce Park which comprises of 1,934 acres within the Regional Commerce Park; and

WHEREAS, the Charlotte County Airport Authority is charged with bringing and promoting commerce to Charlotte County; and

WHEREAS, there are thirty five businesses operating in the airport's commerce park both aeronautical and non-aeronautical which employ over nine hundred workers; and

WHEREAS, the Charlotte County Airport Authority must comply with FAA regulations regarding lease terms and calculations for their tenants; and

WHEREAS, the Charlotte County Airport Authority, as a governmental agency, is exempt from taxation; and

WHEREAS, at one time both aeronautical and non-aeronautical tenants were exempt from ad valorem taxation and was later changed to non-aeronautical tenants; and

WHEREAS, the Charlotte County Airport Authority has had to overcome the loss of ad valorem tax revenues; and

WHEREAS, the Charlotte County Airport Authority and businesses on the airport have had to overcome the challenges of 9-11; and

WHEREAS, as an incentive to bring those businesses and jobs to the Airport's Commerce Park aviation businesses have traditionally been exempt from ad valorem taxation;

NOW THEREFORE, the CCAA urges the continued exemption from ad valorem taxation allowed under state law for aviation businesses

Duly passed this 18th day of March 2004.


Don Lee, Chair


Kathleen Coppola, Secretary/Treasurer

Attachment E

E

**CHARLOTTE COUNTY AIRPORT TENANTS ASSOCIATION
28000 Airport Road
Box A-28
Punta Gorda, Florida 33982**

March 10th, 2004

RESOLUTION 1-04

Be it known that, concerning the discussions and deliberations of the Charter Review Commission in relation to whom should be considered for the operation and governing body of the Charlotte County Airport, the Charlotte County Airport Tenants Association, at a general membership meeting, by a vote of the majority of members and including a unanimous vote by the Board of Directors, hereby declares the following opinions and takes the following position for Resolution:

The Charlotte County Airport is currently governed by a five member elected board being named as Airport Authority Commissioners who diligently have the sole charge of overseeing the airport, and

The operation of the airport has in the past and continues in the present to be operating without the benefit of being on the tax roles or receiving any tax monies of any nature from Charlotte County, and

The airport operates in a continuous profitable, self sustaining and well managed curriculum, designed and developed by the Executive Director, staff and the Airport Authority Commissioners, and

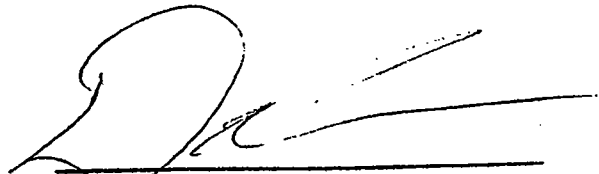
The Charlotte County Commissioners, their management, their staff nor any of their existing departments are familiar with, designed for or educated in the management or operation of an airport, and further would not be suited to provide the extensive daily hands-on full time expertise necessary for this airport, and

THEREFORE, we hereby resolve that the control and operation of the Charlotte County Airport should remain in tact, as is, under the explicit control and operation of the Charlotte County Airport Authority and their respective Executive Director.

Further, it is the wishes of the membership that the Board of Directors convey this Resolution to the Charlotte County Charter Review Commission and the Board of Charlotte County Commissioners for their consideration and appropriate action.



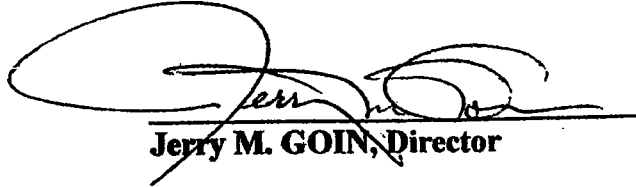
Robert B. CHEYNEY, Director
President



Dana W. CARR, Director



James W. DEUTSCH, Director



Jerry M. GOIN, Director



Larry C. HOFMEISTER, Director



Gerald J. O'HALLORAN, Director



Owen R. YOUNGBLOOD, Director

†

CHARLOTTE COUNTY AIRPORT TENANTS ASSOCIATION

28000 Airport Road

Box A-28

Punta Gorda, Florida 33982

March 10th, 2004

RESOLUTION 2-04

Be it known that, concerning the discussions and deliberations of the Charter Review Commission in relation to the possible establishment of and permitting of residential construction within the Charlotte County Regional Commerce Park District, the Charlotte County Airport Tenants Association, at a general membership meeting, by a vote of the majority of members and including a unanimous vote by the Board of Directors, hereby declares the following opinions and takes the following position for Resolution:

The Charlotte County Airport is currently operating as a general aviation airport, being in existence since 1942 when it was originally established as the Punta Gorda Army Airfield and is now governed by a five member elected board being named as the Charlotte County Airport Authority Commissioners who diligently have the sole charge of overseeing the airport, and


The airport has in the past and continues in the present to be operating as a thriving, general aviation airport which is extremely vital to the present existence and future growth of Charlotte County, and

The airport currently operates in a safe manner which is not offensive, destructive nor adverse to the present surrounding community and environment, under the guidelines established and enforced by the Federal Aviation Administration, the airport Executive Director, staff and the Airport Authority Commissioners, and

Periodic complaints are received concerning noise from an existing residential development and community which was permitted by Charlotte County as recently as 1996, namely Ventura Lakes, located on Jones Loop Road, south of the airport, the residential homeowners of which should have been made fully aware of residing within such close proximity of an airport, and

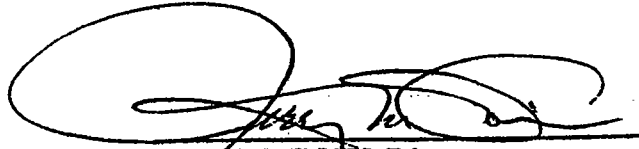
THEREFORE, we hereby resolve that no new residential development, permitting or planning should be permitted within the Charlotte County Regional Commerce Park District, nor within the airspace footprint or avigation easements surrounding the Charlotte County Airport in that doing so would only proliferate complaints from private home property owners as to noise and further, would also increase the danger factor to homeowners which might be within the flight paths of landing and departing aircraft should an emergency arise.

Further, it is the wishes of the membership that the Board of Directors convey this Resolution to the Charlotte County Charter Review Commission and the Board of Charlotte County Commissioners for their consideration and appropriate action.


Robert B. CHEYNEY, Director
President


Dana W. CARR, Director


James W. BEUTSCH, Director


Jerry M. GOÏN, Director


Larry C. HOFMEISTER, Director


Gerald J. O'HALLORAN, Director


Owen R. YOUNGBLOOD, Director

**OTHER BOARD AND AGENCIES MINUTES
2004**

Charlotte-P.G.MPO:

Planner, David Hilston
Director Mark Gumula

The Chairman then summarized the meeting and the committee adjourned at 5:30 p.m.

Respectfully submitted,



Willard Coy, Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

**Charlotte County Charter Review Commission
Other Boards and Agencies Committee**

Minutes of Meeting

February 19, 2004

Members: Willard Coy, Chairman Jerry O'Halloran Kevin Russell
 Andy Dodd Rufus Lazzell Jane Sturges

Members Not Present: Michael McKinley

Attendees: Ken Doherty, Rich Galambos, Thomas Rice

Public Input: Bucky McQueen

Meeting was called to order at 3:00 P.M. in Room 536 in the Administration Conference Room Building.

Charlotte County: Commissioner Matt DeBoer
 Administrator Bruce Loucks
 Community Dev. Mike Konefal

Punta Gorda: Mayor Steve Fabian,
 Administrator Willard Beck
 Planner, David Hilston

Charlotte-P.G.MPO: Director Mark Gumula

Mr. Dodd explains what the questions are and the Committee is here to listen and evaluate.

Questions asked:

Revisions to the Charter were made which affected the City as a result of the Charter Review process in 1998 related to impact fees and County land development regulations.

- Has this in your opinion, benefited Charlotte County?
- Would you recommend additional amendments or revisions?
- Along the lines of intergovernmental coordination, would you see a benefit in reinitializing the Intergovernmental Coordination Committee?

➤ Are you satisfied with utility coordination between City and County?

The Committee reviewed the scheduled interviews for the next meeting Mr. Lazzell is scheduling the meetings with the Airport Authority and would let the Secretary know what dates have been scheduled.

The Chairman then summarized the meeting and the Committee adjourned at 5:15 p.m.

Respectfully submitted,



Willard Coy, Chairman

2/19/04



Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

2004 Charlotte County Charter Review Commission

Other Boards and Agencies Committee

February 27, 2004

Members: Willard Coy, Chairman Rufus Lazzell Jerry O'Halloran
Kevin Russell Jane Sturges

Absent Andy Dodd Michael McKinley

Interviews Absent: Jim Kantor, Eastern Avionics, Owner.
Jerry Goins, Gulf Contours, Owner.

Interviewees:

Airport Authority:

Mr. Gary P. Quill Executive Director
Mr. Don Lee District 2 Chairperson
Mr. Michael Grant District 5
Ms. Kathleen Coppola District 4
Ms. Pamela Seay District 1
Mr. Charles Bus District 3

And:

Bob Cheney Charlotte County Airport Tenants Association, President
Larry Hofmeister, Charlotte County Airport Tenants Association, Treasurer.
Dana Carr Air Trek, Owner

Questions:

- 1) Please review the results of the Authority's governance during the past 6 years. Include the good and the bad, if any?
- 2) Give your assessment of the actions leading up to the current Airport Overlay District. Include the good and the bad, if any?
- 3) It has been noted that there has been recent (in the past year) positive movement in marketing the Commerce Park. Please describe?
- 4) Described the relationship between the County government and CCAA?
- 5) What would be the positives and negatives if the CCAA were to be part of the County Government?
- 6) What has been done with regard to the Foreign Trade Zone (FTZ) acreage awarded to the CCAA several years ago?
- 7) Will the "Through the Fence" agreement have an adverse effect with regard to

competition with airport services (including Commerce Part activities)?

- 8) Please comment concerning the possibility of residential development around the airport

Chairman Mr. Coy summarizes meeting:

Legal Review:

- Have Mr. Smith review the issue of "taxing on aviation property".

Authority to provide letters and resolutions on:

- Taxing property on aviation property
- Resolution – should be "no residential"

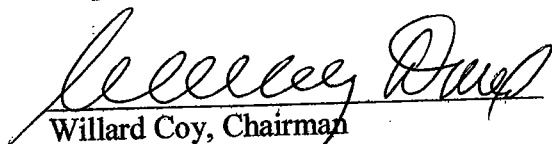
Tenants Association to provide letters:

- Restrict residential zoning.

Adjourn

The Chairman then summarized the meeting and the Committee adjourned at 5:15 p.m.

Respectfully submitted,


Willard Coy, Chairman

2/19/04


Marie Sottosanti, Recording Secretary

2/19/04

These proceedings were taped and are on file with the Charter Review Commission for review.

Deletion of Section 1.3.B. of Article I Charlotte County Home Rule Charter

The language in the County Charter which allows county-wide comprehensive plan or county-wide elements of a county comprehensive plan and county-wide land development regulations to prevail over municipal ordinances to the extent of any conflict, Section 1.3.B of Article I, should be deleted.

This language could result in unforeseen consequences to the operation of a municipality, specifically the City of Punta Gorda. The issues facing a municipality are generally different in magnitude and scope from county-wide issues.

There are ample mechanisms in state statute to allow for dispute resolution if a municipality and County government have a conflict. In addition, the two governments have a long history of positive relations and ability to resolve conflict.

Originally, the County and City of Punta Gorda had a joint comprehensive plan. This proved less beneficial than each entity adopting their own plan to address unique issues to each governmental entity. The County and City have each adopted their own plan with input from the other. The County and City plans each contain an Intergovernmental Coordination Element, which allow for the resolution of conflicts on comprehensive planning and land development regulation issues. The language in Section 1.3.B. subverts the intention and purpose of these elements.

Finally, the County, City of Punta Gorda and Charlotte County School Board have recently entered into an Interlocal Agreement whereby the various governmental entities coordinate on land use matters.