

**Charter Review Commission
Board of County Commissioners
Subcommittee Meeting
October 19, 2015**

A meeting of the Charter Review Commission, Board of County Commissioners Subcommittee was held at Charlotte County Administration Complex, Room B-106, Port Charlotte, Florida.

Roll Call

The following Board of County Commissioners members were present:

William Abbatematteo, Chairman

Paula Hess

Thomas P. Conroy III

Absent members:

Jim M. Brown

Raymond A. Corcoran (alternate)

Citizens:

Michael Zarzano

Joanne Mulvaney

David Kesselring

Call to Order:

The meeting was called to order at 10:30 AM by Chairman Abbatematteo.

Agenda Items:

I. Citizens Input

My name is Michael Zarzano, I am the Executive Director of a think tank called American Freedom Farm we grow Civic virtue at the demand of citizen input. This is what our government is all about self-government in the United States of America at the federal, state and County level. It is supposed to be by the consent of the governor not by the consent of those who have the most money and this seems to be the pattern in this country today. We the People and that includes you, in a citizen's capacity that your voice is being drowned out with money. The money power manipulating politics and the cry throughout the land of We the People is we want our voice heard and obeyed. We are the master of this government and those in office are to be the servant. The fact is that's the way it is and our founders made the government that way. The cry of the people in Charlotte County has a huge amount of unrest and disenfranchisement, feelings of hopelessness about their government and I am here today to get that rectified and present to you the evidence of that need.

Chairman Abbatematteo – I understand your input here and we may agree with your presentation, but just so you understand the process we are just here now to gather some information from the people we are tasked to interview and that is the County Commissioners. We will be meeting in full committee over what the subcommittee's bring forward and I would suggest you appear before the full committee when it is time to actually review and vote on what we are going to be presenting as possible changes to the Charter. If you have any materials that you want to summarize you can forward them to our Secretary and she will distribute to all of the committee members. I do value your input, thank you very much.

II. Old Business

The interviews were previously scheduled with Commissioner Stephen Deutsch, Executive Assistant Joann Dillon, Commissioner Bill Truex, Executive Assistant Diane Whidden and Commissioner Ken Doherty (Executive Assistant position vacant). The interviewees had been provided the list of questions prior to this meeting and are attached.

III. New Business

Chairman Abbatematteo stated we have prepared some topics and may ask other questions in response to your answers. We are going to have a good report today and get your input and some ideas you may have. If you would like to introduce yourself, your position and what you do.

Interview with Commissioner Stephen Deutsch – (Executive Assistant Joann Dillon)

My name is Stephen Deutsch, I am one of the five (5) Charlotte County Commissioners and my philosophy in relationship to the Charter Review Commission I represent the atomy and the operation of the group and the way it functions. I have not attended any of your meetings as I agree with what the gentlemen said earlier. I think this is part of the process where citizens get an opportunity to take a look at government, what's happening and make their suggestions. I did look at your questions, but did not prepare anything so I could respond candidly. This is my Executive Assistant Joann Dillon and I respect her input.

Paula Hess – We are only interviewing you because you are a Commissioner and you have a lot of experience in the subjects, but your opinion is just like any other citizen. We are not placing any particular emphasis on what you say, we are just taking the input out of respect for your position and your knowledge of working with the Charter all of the years as a Commissioner. Elections by District has come up, someone gave an elaborate presentation of their thoughts on the subject. All we want to know from you is both sides as you see them.

Elections by District

Commissioner Deutsch – My thoughts on Elections by District, here in Charlotte County we are divided into five (5) districts. I do not have a district, I represent all of Charlotte County and the district belongs to the citizens and I am privileged to have been elected to serve. If only people ran from their district the primarily responsibility would be to represent that area. It would be a lot easier to run for office, you would only have to campaign in an area about one-fifth the size of the whole area. It would be less expensive to get your message out and you actually could go door-to-door and talk to people. There might be in some people's mind an opportunity for closer contact. The negatives when each district represents themselves it is more expensive and you tend to get a little bit of a competitor sense. I have never looked at myself as being the Commissioner for this district or that district. Obviously we do not want to end up having five (5) Commissioners from one district, you want some diversity.

Thomas P. Conroy III – So your answer is there are pros and cons to both.

Commissioner Deutsch – There are obviously pros and cons to almost anything we talk about. I think it is more efficient and effective the way it is.

Chairman Abbatematteo – If somebody calls and has an issue over in Englewood do all five (5) Commissioners get notified?

Joann Dillon – If a citizen called and said they have an issue on Englewood Beach that call would go to Commissioner Truex, he is the District 3 Commissioner. If the citizen said they have an issue they want all Commissioners to know, they all get notified.

Paula Hess – I understand down in Collier County that they do have Elections by District I have heard it does not work very well, but I intend to ask our Attorney to investigate that further while the discussion is out before the general commission.

Non-Partisan Elections

Commissioner Deutsch – I know of a lot of instances where elections are non-partisan and it takes a lot of discipline and effort to try and maintain that, not only in their personal persona, but also what they do publicly to say I am in the middle and I have to be neutral. I appreciate the value of that, but in most cases the bottom line is people do have a partisan favorite.

Paula Hess – Are the parties helpful to candidates, I have heard some people could not really afford to run for office if they did not have the training and expenses paid for by the party. Is that an advantage of having partisan because it is fair as more people can enter?

Commissioner Deutsch – It is and it isn't and I hate to give that kind of answer. I do not believe we have the structure with the local political parties are going to effect and really say we want you to vote this way on this issue. It is unfortunate people become so polarized by the parties they are not really willing to open up and say what is the best thing for our country, our state or our County and in my mind that is what has to come first.

Term Limits

Commissioner Deutsch – Personally I would support Term Limits. I would think two (2) terms of four (4) years as we stand now and we overlap. I think the overlap is good because you have some continuity.

Paula Hess – The proposal we got from a citizen was two (2) years.

Commissioner Deutsch – The problem with two (2) years you are always campaigning absolutely all of the time and it does affect you a little bit.

Paula Hess – What do you say to the argument, let the voters determine term limits?

Commissioner Deutsch – I think it would become political and we have a representative form of government, it is not perfect. In most cases I try and solicit input from our constituents and see how they feel. I appreciate that kind of input.

Chairman Abbatematteo – You mentioned you would always be in campaign mode and in your case approximately 860 square miles; would you be as extended if you represented and were just elected from that one district?

Commissioner Deutsch – I am not a good person to ask that because I love to campaign, I like the interaction with people and I think it is another opportunity to get feedback and contact.

Chairman Abbatematteo – Ms. Dillon; how long have you worked here?

Joann Dillon – Twenty-seven (27) years.

Chairman Abbatematteo – In your general opinion, how long does it take for a Commissioner to get acquainted? I know they come from a variety of backgrounds, some may have been in government and some not.

Joann Dillon – I am going to say at least a good year to get acquainted with all County issues. It is a tremendous amount of information they have to go through, things they have to vote on every two (2) weeks. The paper packet for one of those meetings is quite thick. It is a complex job and I know they put in a lot of time.

Elected Mayor

Commissioner Deutsch – If you are giving some thought to an Elected Mayor again we come into a plus and minus.

Paula Hess – Elected in a general election, a Mayor who had administrative duties also.

Commissioner Deutsch – Then we would have to define their responsibilities, who would the Administrator be responsible to, would they be responsible to the Mayor and then would the Mayor be responsible to the citizens or would the Mayor be responsible to members of the commission and what would be the chain of command.

Thomas P. Conroy III – The question in my mind is would it remove too much responsibility from the commission?

Commissioner Deutsch – My feelings are most people are content and happy with the way it is now. That is my perception, not my feeling.

Appointed Sheriff

Commissioner Deutsch – The plus there obviously would be a reduced cost in having someone in that position.

Paula Hess – The argument for appointed Sheriff is that you could forecast all over the country for someone highly qualified who will accept your pay grade.

Commissioner Deutsch – I appreciate and understand that, it is the same way we get the County Administrator, Director of Economic Development, our County Attorney. In reality a whole bunch of our Department Heads. I think we are very fortunate here we have a lot of capable, talented people in the community which is a real plus. The reality is I think most conscientious voters are going to look at the background, credentials of an individual and be able to make an intelligent choice to some degree.

Dealing only with MSBU/TU's; do you favor adding periodic review and where appropriate, sun setting language?

Commissioner Deutsch – I think we are in that process now, we are doing it and we are trying. I am not a fan of the MSBU system I understand why we started it, why we have it. It would be possible for us to phase out of it; however it would be at least a three (3) or four (4) year spike in a lot of people's taxes and then they would drop and we would level out.

Paula Hess – In other words you think if a certain area wanted a certain improvement that it should be paid for by ad valorem taxes instead of MSBU's?

Commissioner Deutsch – We have hundreds of thousands of vacant lots and that is what has created the problem. When general development came here their number one concern was to generate money and sell lots. We have thousands of miles of roads and all of the vacant lots which literally cost us money to maintain them. As I shared with you, we have recently sunset some and we are working on others. We are trying to keep on top and make it efficient.

Paula Hess – Other than the general development road situation, why should one area pay for another area's improvements?

Commissioner Deutsch – Because it is all part of the County, it benefits the entire County and we all travel the roads. I would say everyone gets a benefit from everything in the County. In a number of cases people can see the direct benefit.

Paula Hess – Would you recommend adding periodic review and sun setting language in the Charter?

Commissioner Deutsch – I think there are some MSBU's that are going to have to be here for a while and some there is no need for anymore. I think the Commission is aware of it and we are on top of it. It is a work in progress and you are going to see a few less this year. To add the language is your call.

Chairman Abbatematteo – People will say State law taxes can only go up so much, but MSBU's is a way around that. Do you think there should be a tax increase limit on MSBU's?

Commissioner Deutsch – I have never thought of it that is an interesting concept, putting a limit on it. I think by nature of the process in most cases the MSBU's are dealing with making basic improvements that are needed.

Chairman Abbatematteo – We have a State law that caps taxes, but we have created a taxing entity that does not have to conform to that State law.

Commissioner Deutsch – As I said the way you pose the question, I have not thought of that, but something would have to give. My guess is our roads would be in a lot worse condition than they are now or what would we stop doing. Would we cut out the recreation department, would we cut back on public works, where would we cut back.

Chairman Abbatematteo – It is just something to think of. I think it rubs the tax payers the wrong way. Another issue some counties exempt churches why don't we? The churches in Punta Gorda do not pay MSBU's.

Commissioner Deutsch – I have opposed this argument myself and I have been told you are paying a Fire MSBU fee for a service and if they had to call 911, this is a service.

Chairman Abbatematteo – What is your opinion, should we be taxing churches on the MSBU's?

Commissioner Deutsch – Basically I do not feel the churches should have to pay taxes, but how do you separate the churches and other non-profit organizations. I will ask you that question, I don't know.

Chairman Abbatematteo – There is a clear distinction between a Methodist church and the Boy Scouts.

Commissioner Deutsch – That is true; however, there have been some groups formed that are just trying to qualify for a church exemption. We have all heard about some of those stories.

Any changes, additions you would like to see in the Charter and why?

Commissioner Deutsch – No; I want to sit back and see what you come up with. That is the real value of the process.

Paula Hess – You do not think the Charter is encumbering you in any way that you would like to see it changed.

Commissioner Deutsch – I am a rule player, there is nothing that frustrates me more than some of the restrictions in sunshine. It is a reality and it is unfortunate because I think more than anything some of the restrictions inhibit us from operating as effectively as we could. I am very much in support that every vote and everything should be done out in the public.

Economic Development Director is now employed by the Commission, better than employed by the Administrator or not? ~ Explain

Commissioner Deutsch – I really do not have a frame of reference to compare it to, often the Economic Development Director will come in and talk about a project and it will be somewhat cryptic. That would not change if they were reporting to the County Administrator. I think it works well and I am comfortable with it the way it is.

Do you think there are inefficiencies that an independent body to oversee and review could correct?

Commissioner Deutsch – I think the general public does not understand when involved in government there are certain qualifications. There are bid procedures and by its very nature government is a bureaucratic process and we are cautious and careful that we go through major steps to try and make sure everything is public. Also, I would not be surprised if someone ever did a study that everything we have to bid on probably cost 20 percent more than if we had our own business. We have to qualify people before they can even give us a price on anything.

Paula Hess – Do you ever feel that you are asked to make a decision without sufficient information provided by staff?

Commissioner Deutsch – If I feel that way I request more information through staff or occasionally through other sources. I believe we all function that way because we want as much information as we possibly can to make the best decisions. We do meet weekly with the County Attorney, the Economic Development Director and the County Administrator. I do not hesitate if I have a question or need some information.

Chairman Abbatematteo – I have a question brought up by citizens regarding the Charter, Section 2.2 G. Initiative. It talks about how 10 percent of registered voters' signatures are needed to initiate a petition to introduce an ordinance. They have asked us to look at reducing it to 5 percent. What are your thoughts?

Commissioner Deutsch – My personal thought, if a group of citizens had a concern about a particular issue and they brought it to the Board at a Commission meeting, through an email or presented it to us individually or collectively we would be responsive to it. I know I would no matter the percent.

Chairman Abbatematteo – Joann, certainly on any of these issues we would like your input.

Joann Dillon – I have full and complete confidence in the Charter Review Commission. I know they are very familiar with the Charter and are getting input from the citizens through having many public meetings. I respect the process and have been through numerous Charter Review Commissions. This is the first time I have been asked to be interviewed and really did appreciate that.

Interview with Commissioner Bill Truex – (Executive Assistant Diane Whidden unable to attend)

I just want to state; the different counties in the State of Florida operate differently, some are by district, some are not by district. I know people who represent districts that still get calls from throughout the County not just their district and they still address the issues.

Paula Hess – We are only interviewing you because you are a Commissioner and you have a lot of experience in the subjects, but your opinion is just like any other citizen. All we want to know from you is both sides as you see them.

Elections by District

Commissioner Truex – My opinion is I favor the system we have.

Chairman Abbatematteo – Do you find that you could be somewhat extended?

Commissioner Truex – No, it is a responsibility of the Commissioners to know their community and their community is the County. You are a County Commissioner, not a District Commissioner. I feel it is extremely important because issues in each part of the County can affect other parts of the County and vice versa. I believe we should continue to represent the entire community. I still believe you should represent and have knowledge about your district. I believe that is just natural.

Chairman Abbatematteo – So travel has no negative impact on your duty as a Commissioner.

Commissioner Truex – No, sir.

Non-Partisan Elections

Commissioner Truex – I am personally not in favor of Commissioners running non-partisan.

Term Limits

Commissioner Truex – It takes at least two (2) years to just really start getting the knowledge and the comfort level. Year three (3) becomes much better with the learning curve. I have heard all kinds of opinions about two (2) terms, four (4) years each is not enough and three (3) years is too much. My opinion is people need to get to the ballot box. The people should decide if you should stay or not. I believe as a Commissioner you have to make some tough decisions. I heard Mr. Zarzano say we are not listening to the people and I beg to differ we are listening, they do not always agree with my position or your position. I listen to a lot of people who have different opinions, we have to try and weigh those opinions and also the future of this County on a decision making process. I think we should be (4) year terms, I do not think it should be less than two (2) terms that is my opinion.

Elected Mayor

Commissioner Truex – A problem I see with an elected Mayor opposed to a County Administrator, if the Mayor has the authority to direct staff as the County Administrator does today and the rest of us do not, we would just be a type of an advisory committee. You do not want just one person running government, that's how I see it. I feel a Commissioner should be able to meet with directors one-on-one as needed to discuss issues. This does not mean that Commissioner can tell that director what to do, it has to be a Board driven discussion.

Appointed Sheriff

Commissioner Truex – He is our Constitutional Officer and he has the ability to do certain things that an appointed Sheriff would not. I do have a problem with losing some of the rights that come along with an elected Constitutional Sheriff. An appointed Sheriff does not appeal to me.

Any changes, additions you would like to see in the Charter and why?

Commissioner Truex – I think it works pretty well, but again I go back to whether there is a misinterpretation or misapplication of the Charter. I think there needs to be a little bit more interaction with accordance. It has to be clear we cannot direct them, but we should be able to have what I consider frank conversations.

Paula Hess – There was a time in the County and you know I have been here a long time, where Commissioners were actually directing and influencing department heads, sometimes in negative ways. Maybe they have made this interpretation stricter than it needs to be now. I will look at the language with the attorney and see if something could be added to reflect your position. I agree your position should be able to inquire with department heads considering you are the people getting the complaints.

Economic Development Director employed by Commission added in 2010: Better than employed by Administrator or not? ~ Explain.

Commissioner Truex – We are held accountable, we should have a direct line of communication with that individual. I do like it from that perspective. There are probably some things from a policy perspective we could establish that would make it a little bit easier for them to do their job. Back then we had kind of an obstruction situation in relationship between the Administrator and the Economic Development Director. Currently it seems to be working fine.

Paula Hess – Some people were worried that businesses who might want to relocate here would be concerned about the sunshine law, that talking about negotiations in Commission meetings would be issues they did not want to reveal publicly.

Commissioner Truex – We have a more cumbersome system in Charlotte County than there are in some other counties, which is something we are looking at trying to cleanup that would allow them a little bit more flexibility with certain guidelines. Under sunshine the details are not exposed in public until we actually make a decision.

Paula Hess – So you think it is working well reporting to the Commissioners; better than it did reporting to the Administrator?

Commissioner Truex – I really do not have a problem with the scenario either way.

Dealing only with MSBU/TU's; do you favor adding periodic review and where appropriate, sun setting language?

Commissioner Truex – We are doing a review now and it is the responsibility of the Board of County Commissioners to review the MSBU's on an annual basis. It was supposed to have been being done prior to this Commission on an annual basis and it was not being done.

Paula Hess – Do you feel MSBU's are too easy to create? Should the creation of them appear on the ballot in the general election? Instead of giving you the power to create it, it would have to be done through referendum.

Commissioner Truex – It is not difficult, they can come by the request of citizens or request of the Board. It could be done through referendum I know there are communities that would be upset if theirs were taken away.

Paula Hess – Do you agree with the basic concept that it is a good idea to have benefits paid for in the area in which they are, instead of added to the ad valorem tax?

Commissioner Truex – I do. I think it is important because you are transferring wealth and I think byline by every citizen is extremely important. You got areas where there is little tax collected and you got areas where more taxes are collected, I understand that. The ad valorem system in my opinion is not really a just system. MSBU's I agree with because every citizen has got to pay for something that just benefits you. MSBU's are fee based and MSTU's are ad valorem.

Paula Hess – Why do you think some people like them and some people detest the idea; why do they work well in some areas and very badly in others?

Commissioner Truex – I think people look at them as an additional tax and what they do not understand is if it is not in that form it will be in another form. It will be in ad valorem or a fee based structure. It has to be collected for road maintenance and that type of things.

Paula Hess – The idea I should not have to pay for something that only enhances your area, you are in favor of?

Commissioner Truex – That is correct. If I want more sidewalks in my neighborhood or better entrance ways, then I need to participate. I do not think that should come from general taxes.

Paula Hess – So you think the language we have now that the Commission is just enable to create them is sufficient?

Commissioner Truex – I do not know if it is sufficient. Should it be more difficult to create, I cannot answer that. Most of what we are doing right now is taking them away, limiting them, cleaning them up and fixing them. We are trying to make sure the fees that are involved in the operation of a MSBU are right and just.

Paula Hess – So you are getting rid of them where they are no longer operable or doing what they were intended to do.

Commissioner Truex – Correct. The ones we are sun setting is because nobody has volunteered to be on them for a number of years.

Chairman Abbatematteo – Some of the input has been from citizen groups that have approached us and I want to pass on their concerns. Should there be language to put the same restrictions on the taxing units that are on the Commission?

Commissioner Truex – One of the problems with MSBU's you need to understand is we are not allowed to collect them in perpetuity. The Statute states the property has to receive the benefit within a certain period of time that has been established in the court system, six (6) years I think. So what happens is you have these exorbitant cost and they got to be paid and you got to see that benefit within so many years of collecting that money and that is actually a very heavy negative on how those MSBU's are setup. Again if you were able to budget and put it away annually you would not see that same issue. The issue I have in trying to deal with the legislature on this is the property is the one receiving the benefit not the property owner. That is how it is established and the criteria by which something is judged whether or not it can be paid for through a MSBU's, is the property going to benefit. Court cases have also said that sidewalks benefit everybody even though the sidewalks are only on certain properties. I have a hard time with that because there are other things that you can do in a community that they say you cannot do with a MSBU. There are some issues there that probably could be worked out at the legislative level.

Chairman Abbatematteo – Taxing units are not subject to that cap?

Commissioner Truex – No, to my understanding they are not subject to that cap at all.

Chairman Abbatematteo – Another issue some counties exempt churches, the churches in Punta Gorda do not pay MSBU's.

Commissioner Truex – They might not all do that the Englewood Fire district charges churches I believe. The fire side versus the EMS side is a different discussion.

Chairman Abbatematteo – A group asked us to consider this proposal change to the Charter. We will bring it before the full commission and get their opinions. Also, I have a question brought up by citizens regarding the Charter, Section 2.2 G. Initiative. It talks about how 10 percent of registered voters' signatures are needed to initiate a petition to introduce an ordinance. They have asked us to look at reducing it to 5 percent. What are your thoughts?

Commissioner Truex – I think the more people you involve reflexes a better percentage potentially of where people really stand.

Paula Hess – Just my point of view, we have to be very careful what this Commission puts on the ballot because the citizens of the County respect other citizen's opinions and the voters trust us.

Do you think there are inefficiencies that an independent body to oversee and review could correct?

Commissioner Truex – We are in government, of course there are inefficiencies. You have certain processes that government has to follow that the private sector does not. Every time we meet we have to have limits, certain criteria that have to be met to have a conversation. If you form a committee they will also fall under sunshine.

I would need a little bit more specific information to really understand whether or not this should go in the Charter. I do not feel that it does at this point, but does not mean it cannot be implemented. I do not think it has to be in the Charter to be able to do it.

Chairman Abbatematteo – How about the idea regarding sales tax having an independent citizen group of 100-120 people to review the operation and come up with ideas like the Charlotte Assembly, but more frequent.

Commissioner Truex – I would agree, but if you get off the sales tax cycle and you have discussions that go more in depth and focus in other areas. Because what you are saying is the other issues do not seem to be addressed and that way if you did it in three (3) years you would be having discussions on those issues and not about sales tax.

Chairman Abbatematteo – With a shorter frequency there is more accountability. You would be ensuring that every Commissioner would at least see one Charlotte Assembly, if there was only a four (4) year Commissioner.

Paula Hess – Do you think it should be put in the Charter?

Chairman Abbatematteo – If that is the only way to get it done, my answer would be yes. That is true citizen involvement and to get 100-120 people is a greater representation than a smaller group.

Commissioner Truex – The way I would suggest if you think that needs to be in the Charter, I would decide on whatever the Commission thinks with a time line of not to exceed X number of years between. That way if you wanted to do it every two (2) years or three (3) years it is just a matter of budgeting whatever is needed.

Interview with Commissioner Ken Doherty

Elections by District

Commissioner Doherty – Elections by District always came up basically generally speaking across the State within communities that had certain demographics in a particular portion of the County where they felt they were not being adequately represented. That kind of was the catalyst that I looked at over the years and we do not have that here. The way it is right now I represent everybody in Charlotte County the requirement is I have to live in District 1. I think the way it is right now is okay, if the community really wants to change it, if you feel it is elevating to a national amendment, but I would not recommend it yet. If it did I think you would almost have to look at a different structure to keep cost down. You would have to look at refining the districts possibly because I think you would still want a couple of Commissioners who are elected Countywide, a mixture of District and Countywide.

Paula Hess – The citizen who gave the presentation was not representing a group, he recommended two (2) at large and one from each District, of course that would increase our cost. So far each Commissioner has said there's something to be said on each side, but they felt this works for Charlotte County.

Commissioner Doherty – Currently it does and I think that different models could be looked at. However; it can create some issues when you become exclusively a District Commissioner, you would not be looking at it from a Countywide perspective. I do not think it would be a healthy situation.

Thomas P. Conroy III – Has there been an issue in your district and you did not hear about it until a Board meeting?

Commissioner Doherty – It could happen, but is not typical. Most things that come into my office get routed straight to Administration. A lot of people do not realize we are a Board of Directors, we do not run anything. We are prohibited by the Charter to get involved in day-to-day activities, we can get information. The CEO of the organization is the County Administrator. Administration delegates it to the appropriate department.

Non-Partisan Elections

Commissioner Doherty – I do not see a reason to change what we have right now. In my perception the only position that might be considered is the Supervisor of Elections and then there would not be any discussion at all about being partial.

Paula Hess – We also had a citizen presentation of two (2) years, limit two (2) terms.

Term Limits

Commissioner Doherty – At the local level it does not make any sense to me to do that and you need four (4) years. You go up different levels of government, State, Federal and the further you get away from the people your sensitivity decreases I think. I support Term Limits people do not have access to you in the same way. Here local government they at least have access to you every other week. So I think the citizens can make a pretty good judgment as to what you are doing whether they agree with you or not at the local level. Let the voters decide.

Elected Mayor

Commissioner Doherty – In Florida Statutes there are three (3) options for the executive branch of Charter County government; County Manager or County Administrator which is what we have right now appointed by the Board of County Commissioners. There are two (2) other options that both involve the executive branch being run by an elected official. Which I find interesting, when the Florida legislature setup the concept of County Charter government two (2) out of the three (3) options relate to the head of the executive branch being elected. The first is the County Executive which is similar to the Governor or the President of the United States. The Board of County Commissioners is solely legislative as opposed to what we are right now which we are legislative/Quasi-executive at least in the people's minds. The other is the County Chairman-Administrative it is a two (2) person concept. I do not believe any of the Charter Counties in the State of Florida have adopted that. It is really a choice that we have to keep looking at, checking to see if and when it is appropriate to consider. It really boils down to will Charlotte County government continue to be not only the County Commission, but also the de facto City Council.

Paula Hess – Acting like a principality, but you are a County.

Commissioner Doherty – We are structured exactly like a non-charter county and we are trying to provide municipal services. It is very, very difficult. The way we are structured works right now, but obviously there are conversations about incorporation again.

Paula Hess – Does the powerful Mayor negate the Commission?

Commissioner Doherty – It makes the County Commission purely legislative. I think it really pivots on what do the people of Charlotte County want, to have more municipalities or do they want the County Commission to remain with the exception of the City of Punta Gorda, to remain as the lowest level of local government in Charlotte County.

Paula Hess – The argument for appointed Sheriff is that you could forecast all over the country for someone highly qualified who will accept your salary.

Appointed Sheriff

Commissioner Doherty – Again I would say as long as that position was appointed under the current structure it would be a department head and under the County Administrator, which is a non-elected position currently. I would not support that. If you changed it from the County Administrator forum that is appointed by the Board to an elected official in charge of the executive branch then it would not matter. All of those departments would be under an elected official so there would still be accountability for the day-to-day activities, but that is not the way non-charter government is structured. I think the constitution and statutes were correct in putting those Constitutional Officers accountable to the people so the people vote for those positions.

Chairman Abbatematteo – I believe this was brought up because of the budget situation. Is there a mechanism where the Charter can give the Commission a greater say in its review?

Commissioner Doherty – I do not know, that is a good legal question. I do not think so because that would probably conflict with State Statute you know the way that is structured. We have a great working relationship with the Sheriff. Again something else to always keep in perspective, you hear criticism of the Sheriff's budget, but you got to understand just like with us being a County Commission we are also the de facto City Counsel. He is not only the Sheriff, but he is also the de facto Police Chief. So he is providing a police department type level of service that most County Sheriff's do not have they have municipalities. The community does not understand how unique Charlotte County is that we do not have all of the municipalities.

Dealing only with MSBU/TU's; do you favor adding periodic review and where appropriate, sun setting language?

Commissioner Doherty – We are working on them now, we have a lot of vacant lots left so I do not see getting rid of or sun setting the MSBU's as a viable option at this point in time. It needs to be based on when the value per mile reaches a point where you can sustain a good multifaceted road and drainage maintenance program then you can convert it. We have one area right now that is currently a MSBU, that we put the brakes on the assessment this year. It is the Lemon Bay street drainage MSBU. We are going to try and convert it to an ad valorem MSTU for this next year.

Paula Hess – What is the difference between a MSBU and a MSTU?

Commissioner Doherty – A Municipal Services Taxing Unit (MSTU) which levees an ad valorem tax based on the value of the properties within that area. A Municipal Service Benefit Unit (MSBU) same area, but what you do is a special assessment, it could be on a per unit basis, linear/foot basis, or acre basis.

Paula Hess – Do you think it is good to have the benefits paid for in the areas in which they are used or added to general ad valorem for all of us?

Commissioner Doherty – These MSBU's have been setup for their neighborhood improvements for decades and to change the system now I think you will have a lot of people extremely upset. I do not know how you would convert it. What I would say is once the value gets high enough the ad valorem system would work to give us enough revenue per mile to have a decent work program.

Paula Hess – Are they too easy to create now, should creation of them appear on the ballot in the general election?

Commissioner Doherty – I would read Florida Statute 125.01 (q) states in part: Establish and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county. Florida Statute 125.01 (r) states in part: There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit. Please discuss this with Mr. Berntsson.

Paula Hess – Do you think churches should be exempt in the Charter from MSBU/TU's?

Commissioner Doherty – I think that might be more policy than a legal situation, Mr. Berntsson can help you with this also.

Any changes, additions you would like to see in the Charter and why?

Commissioner Doherty – Many people in the community have the misunderstanding that the County Commission runs the organization. We do not we are the Board of Directors not the CEO. Is this the time to consider another structure, it is a problem as we grow. Our County government could provide all of the services needed, but it would need to be restructured.

Paula Hess – What restructuring do you believe is necessary?

Commissioner Doherty – It would be looking at more districts, elected mayor, all of the things the bigger cities have.

Do you think there are inefficiencies that an independent body to oversee and review could correct?

Commissioner Doherty – That is really our job as the Board of Directors.

Paula Hess – Do you ever feel that you are asked to make a decision without sufficient information provided by staff?

Commissioner Doherty – No. If I need additional information I ask questions at our weekly meetings. I also work pretty independently because of my personal background and conduct a lot of my own research.

Paula Hess – If you want to have a meeting with a department head; do you have to get permission?

Commissioner Doherty – I route it through the Administration and they setup the meeting. Sometimes they add additional staff that will make the meeting more productive. Generally speaking I have a better meeting that way.

Paula Hess – We were asked by another Commissioner to look at it as he felt it was too confining, not to direct but just discuss problems with particular department heads. Do they have the option not to meet with you?

Commissioner Doherty – It has never happened, actually most of the time the request for the meeting comes from the departments. Also I am very careful when meeting with staff. If I am offering a suggestion or need some information and nobody from Administration is present, I ask that they run it back through Administration, because Mr. Sandrock is the CEO.

Economic Development Director is now employed by the Commission, better than employed by the Administrator or not? ~ Explain

Commissioner Doherty – Going back to 2010 when the committee reviewed this we were trying to figure out what was necessary to get Economic Development going again and we were frustrated. Also the Economic Development Director at the time constantly complained that working through Administration was slowing him down from getting any success in Economic Development.

Paula Hess – The concern is we may be losing some businesses that would want to relocate here, but would be concerned about the sunshine law. That talking about negotiations in Commission meetings would be issues they did not want to reveal publicly.

Commissioner Doherty – In my opinion they are still subject to the same thing no matter what, whether the Economic Development Director is under Administration or not. I do not think that is a correct argument. We do not really know the details, confidentiality agreements are signed. Also there could be a proposal with a need for a quick response and Economic Development with direct access to us does not have to wait for an appointment working through Administration. He would have to meet with each of us individually same as the Administrator would have to. The Economic Development Director working under Administration would have to get with the County Administrator, get him to understand what was needed and then setup a meeting with each Commissioner. This way it is more direct access. It is too early to change, in six (6) more years we should know if this particular model is working.

Chairman Abbatematteo – On taxing units a citizen asked; because State law puts a cap on taxing, but by creating these units it is a way to circumvent this and they should be subject to the same cap.

Commissioner Doherty – MSBU’s do not fall into that cap on ad valorem taxation. The statutes were set because it is a special assessment, it is not a tax. That is the problem I think with the system and again from a long term standpoint the MSBU’S were never intended to be forever or a substitute for a special assessment project. A special assessment project is really my preference.

Chairman Abbatematteo – The Charlotte Assembly always coincide with the sales tax; therefore a proposal by citizens is to have an independent citizen group of 100-120 people to meet every three (3) years for process improvement, continuity and follow-up. What are your thoughts, do you think that would be helpful to meet more often?

Commissioner Doherty – I do not see any problem with that at all. Matter of fact I see there could be some benefits to a group looking at status of amendments, accomplishments of the sales tax projects and other aspects of local government. Having a group reviewing every few years is really a good idea. It is certainly worthy of the final report from this Charter Review Commission.

Chairman Abbatematteo – We have all heard of the dissatisfaction at the national, state and county level. The people do feel disenfranchised. Maybe something like this could answer what can be put in the Charter, at least it is memorialized. It also would accomplish giving some power to the people.

Paula Hess – It also would be educational because some people do not understand the issues. The MSBU/TU’s issue is coming out of another subcommittee that is talking to other agencies, would you meet with that subcommittee?

Commissioner Doherty – I would be happy to and again the message really is I am in agreement the MSBU system needs to transition back to the way it really should be. It needs to be value based and we are not there yet.

All Commissioners were thanked for their time and input.

IV. Discussion

Our next meetings are being scheduled and will be with Commissioner Christopher Constance, his Executive Assistant and Commissioner Tricia Duffy.

V. Citizens Input

Michael Zarzano – In regards to Elections by District I believe it could be done in a combination of ways. I think that definitely needs to be incorporated, but there also needs to be a way that you do not get clumps of representation. You need to make sure it is dispersed evenly and equitably throughout the County. Just us as a voice is not being heard or obeyed. I suggest you adopt a revolutionary concept we call Zip Code congress, that we will be presenting to you in the very near future, of unpaid citizen representatives that represent their zip code area. Zip stands for zone improvement plan, the time has come that the people of this country are better represented at a more local level. That is where We the People have strength.

Joanne Mulvaney – I just want to say everything that he just said I absolutely agree with. This is the first time I have heard about this Zip Code congress, but I do relate to his statements of frustration. I personally feel as a tax payer I do not feel fairly represented. Taxation without representation, why because certain people like activist are marginalized, slandered and blacklisted in this County. When I alert the Commission to a problem, I provide a solution as well. I have never gotten a response from any of the Commissioners by email or phone call, except Commissioner Doherty who is the only Commissioner that has ever responded back to me. Commissioner Doherty is not even my District Commissioner. Also, it is always the same people sitting on committees. I do like what the

Charter is doing and I would like to see the Charlotte Assembly every two (2) or three (3) years with 120 people without the sales tax issue. Below is my opinion on the following:

Elections by District; Somewhat for
Term Limits; Absolutely for
Appointed Sheriff; Against
Economic Development Department; Cost too much

Non-Partisan Elections; For
Elected Mayor; I am for either a Mayor or a County Administrator, not both
MSBU/TU's; We are overtaxed in this County; agree with sunset

David Kesselring – My opinions are at large is not working well and has very little representation, I favor Elections by District. Also regarding the two (2) year cycle, it was said they would always be campaigning. Why do they need to campaign so hard if they have been there for two (2) years and they have done a good job, they are public servants and this is not a career. The voters should decide if they want them for more than two (2) years. The Sheriff and the County Administrator I believe those offices hold the most power in the County, both should be elected. The Economic Development Department needs to go to the private sector. Also, regarding the Charlotte Assembly last year, I heard topics never made it to the Commission so I definitely believe some type of follow-up is needed.

VI. Adjournment: Upon motion made and seconded the meeting was adjourned at 4:32 PM.


William Abbate Matteo, Chairman 12/11/15

Attachment #1

Interview Questions

Each Commissioner's opinion on the following topics:

- *Elections by District
- *Non-Partisan Elections
- *Term Limits
- *Elected Mayor
- *Appointed Sheriff

Dealing only with MSBU/TU's; do you favor adding periodic review and where appropriate, sun setting language?

General questions regarding governance:

Any changes, additions you would like to see in the Charter and why?

Economic Development Director employed by Commission added in 2010:
Better than employed by Administrator or not? ~ Explain.

This question was developed to ask each Commissioner:

Do you think there are inefficiencies that an independent body to oversee and review could correct?