

**Charter Review Commission
Constitutional Officers
Subcommittee Meeting
August 4, 2021**

A meeting of the Charter Review Commission, Constitutional Officers Subcommittee was held at Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, meeting room B106 at 1:00 p.m. on August 4, 2021.

Roll Call

The following members were present:

Bill Schafer, Chairman
Patricia Aho
Don McCormick

Absent members: None

Citizens: Jennifer Monger-Gogal, Assistant to Ms. Vickie Potts

Call to Order:

The meeting was called to order at 1:00 PM by Chairman Schafer.

Agenda Items:

- I. Citizens Input – None.
- II. Old Business:
 - a. Approval of June 23, 2021 Minutes

MOTION WAS MADE BY PATRICIA AHO AND SECONDED BY DON MCCORMICK TO APPROVE THE MINUTES FROM JUNE 23, 2021.

MOTION CARRIED: 2:0

- III. New Business:
 - a. **1:00 p.m. Interview with Vickie L. Potts, Tax Collector**
 - 1. **What is your opinion of non-partisan elections for Constitutional Officers?** No comment. I would vote on it if it was on the ballot. As a citizen, it is known I am a Republican. I believe in a fair and equitable elections and in the two-party system. "Believe" might not be the right word but it is the right thing. I have seen many changes from the 1970's to today. It has gone from a Democratic County to a Republican one but remains a conservative County.
 - 2. **What is your opinion on setting term limits for Constitutional Officers?** Totally against, especially at the State level which has nothing to do with our Charter. Elections at the

local level are Term Limits itself when you are graded on your performance. Seen time and time again with elected officials that are elected, serve one term and then are out.

3. **Do you have any ballot suggestions for alternative forms of funding?** Not unless you want to discuss MSBU's, then yes. MSBU's need to be readdressed because they are an unequable fee, and the State law says if you don't pay your taxes you will lose your home. Properties in the same area are assessed the same rate for each home although the values of the homes are different. Maybe it should be based on percent of income. If use millage rates the citizen would pay the barest minimum (lower valued homes). People struggle to pay property taxes – the fairest assessment is garbage collection. Non valorum assessments puts a hardship on the people less able to pay; up to an extra \$500 to \$800 dollars. City of Punta Gorda does not have MSBU's but there is a city tax. The County has over 3000 empty lots that are not required to put up for tax certificate. Taxes only good up to 7 years per Statue. County forgives taxes after the 7th year. Is it a fair tax in that everyone pays the same rate – is it equable to the citizen? If it is based on income, is it fair to base on value and income? Our County has been under MSBU's too long to make the adjustment to millage rates.
4. **What are your observations regarding the relationship of Constitutional Officers and the Board of County Commissioners?** Excellent with Board of County Commissioners! Good Administration and excellent communication between all. Everyone works well together which is very nice.
5. **What Charter amendment would you propose is needed to improve the efficiency of your office?** None. We are separate. Local government sets the standards of separation of powers.
6. **Do you feel that the Charter Review Commission is beneficial to your office?** Today, No. Before Amendment 10 it was very important to the Constitutional Officers. Now that we have Amendment 10 our Board of County Commissioners and Charter Review Commission like the elected officials as elected officials, that's your responsibility. No change to the Charter to be like other large counties. The Charter Review Commission did not want to model Charlotte County after other large counties – i.e., to have appointed Constitutional Officers by their Board of County Commissioners.
7. **Is your office funded by the State of Florida and/or the Charlotte County?** Running of this office is based on fees collected. Charlotte County pays us a fee to collect taxes, as well as MSBU's, licensing, etc. This is based on statue. We have a \$6 million a year budget but return 2-2.5 million back to the County in excess fees each year. None goes to the State. Excess revenue is revenue collected over expenditures. **Fee for service means a balanced budget?** Yes, budget goes to zero at the end of year (September) and begins with zero in October. **How much autonomy do you have?** Our budgets are approved by the Florida Department of Revenue and compared to other county budgets. Budget is based on population, number of transactions and services you provide. All Tax Collectors don't provide the same services like tourist tax, business tax, concealed weapons permitting. Budget is based on your potential funding ability. The State sets the fees, but the fees go to the county in which purchased. The State provides the office with all materials it needs -computer programs, printer for driver's license, photos taken, forms, cards, registrations. Need more toner! Equipment and software are at no cost to the office. County wins in some way.

Statutorily – \$.50 fee on each vehicle registration goes to the State to provide materials back to this office. This fee is broken into many parts and divided among different entities.

8. **What percentage of your budget is directly related to buildings and maintenance?** We pay for repair and maintenance on office equipment and space like the recent cleaning for Covid contamination. We pay for all furniture and things like electrical outlets. State statute does provide for the purchase or building of our own building. Not necessary due to growth – yet. This department brings in the most people into the office. I would like this building. The County owns our space and is responsible for providing same. Kiosk in places is a third-party vendor. Also, space in AAA – lease office space in their building for zero dollars. Our Population is growing enough to need more building space. I don't have a 5-year growth plan – last 6 months growth in registration of out of state vehicles is very large. Parking is the biggest complaint I get – the lack thereof.... Employees and County vehicles parking in the public parking lot – not okay – I tell them to walk. **Growth in Babcock?** – kiosk and vertical attendant planned.
9. **What is your relationship in auditing by the Clerk of the Courts?** None – we are audited by the State. All elected officials particate with auditing the County and the Board of County Commissioners – we pick who will audit – the 5 Constitutional Officers are the audit committee.

Could the Clerk of Court Audit your space and parking needs? – This has been done by Facilities which did a good job. County space research with hire professionals...found some wasted space due to the construction of building.

There is much county property all over that could be sold and you could build your own building.

Final Comments:

Good functional Administration and Department Heads; the Board of County Commissioners listens to them.

I like the County Charter. I believe it is good to have everything spelled out in writing, so everyone knows the rules. Good that it is reviewed and changed if needed. Helps us in achieving excellence.

Our Administration is good – we work well with them.

b. 2:00 p.m. Interview with Paul L. Polk, Property Appraiser

1. **What is your opinion of non-partisan elections for Constitutional Officers?** Partisan Candidate lets the Voter knows some beliefs and ideas to help pick the most qualified applicant. My issue is with "Write-in" candidates who do not file, pay fees, or get signatures – but can alter election results.
2. **What is your opinion on setting term limits for Constitutional Officers?** We all have term limits – don't do your job and you are terminated. My job is very technical. Every day I answer to the property owners. Every year the tax role is submitted to the Florida

Department of Revenue. Every two years an in-depth study of the tax roll is done. The tax roll could be turned down if values are not correct. Setting values for Advalorem taxes is a major source of funding for the County. The School Board relies heavily on funding from Advalorem taxes. Trim notices are looked at. People may not like it but there is an appeal process in place.

Every August I am putting out what we do – public judges if we are doing our job correctly or not. If not, I am voted out. Property Owners are the judge and there are multi levels of oversight on what I do.

3. **Do you have any ballot suggestions for alternative forms of funding?** Non-advalorum. There are 213,00 accounts in Charlotte – 102,000 parcels where Non-advalorum fees are higher than Advalorem taxes: 98, 000 where taxes are higher than Non-advalorum fees. There are lots of vacant lots where the fees are higher than taxes on lots, i.e., \$13 vs. \$300.00.
4. **What are your observations regarding the relationship of Constitutional Officers and the Board of County Commissioners?** Good – Clerk of Court – Trim Notice – Value Adjustment Board processes. We all work closely – seam-less sharing of information. Board of County Commissioners schedule hearings. Tax Collector – work well together with getting the trim notice processed and the taxes, once certified, sent out. Homestead Exemption is researched through Supervisor of Elections – voter rolls. The Sherriff is accommodating – if we need travel to the island, they take us out via their boats. We have great relationships all around. We have a good Board of County Commissioners – they understand what our function is in budget, taxing and funding and then passing along the information to the public.
5. **What Charter amendment would you propose is needed to improve the efficiency of your office?** None, to my understanding of what the Charter does. We follow the rules of the Florida Constitution, Florida Statutes, and the Department of Revenue. We are governed by Legislation and must implement quickly so we are challenged at times.
6. **Do you feel that the Charter Review Commission is beneficial to your office?** The Charter does not impact the running of this office.
7. **Is your office funded by the State of Florida and/or Charlotte County?** Funded by the County 99%. Once the Budget is developed and the Department of Revenue approves, then it goes to the Board of County Commissioner to approve. We have a Department of Revenue approved \$5.6 Million Budget that must be funded by the Board of County Commissioners. There is an appeal process should the Board of County Commissioners not approve the budget. Most of our funds goes to personnel and insurance – little goes to administration. We have great benefits to offer hires. Property Appraisers are difficult to hire across the state.
8. **What percentage of your budget is directly related to buildings and maintenance?** Offices supplies and IT are all funded through our budget. The IT department of all Constitutional Officers work well together to transfer data between offices. We don't pay rent – 3 locations – all provided by the County. Space requirements: we have furniture from when this building was built. The new building out in Englewood worked out well– seamless process with future expansion space. Third floor needs revamping in the

future. Lot of people in office (spacing now with Covid and dividers for privacy). Time and money are the issue. Two years ago -estimate to just look at it what needs to be done was \$15,000. We buy new vehicles every other year – we are on the road every day looking at properties.

- 9. How do you enforce Homestead, Veterans, and Survivor’s exemption eligibility?** Enforce? We look at rentals – short term/Air B & B is an issue. We do check short-term rentals. Renting part of the house – 50% exemption. Court Case – primary resident lives there and rents the lower half. It’s a process in questions asked when filing for homestead– investigate if sold or still have the home and claiming exemption. It is possible to check with the Clerk of Court to check data through jury summons. **How do you check a Veterans Exemption?** It is a Veterans Disability– paperwork is required, and we have a good working relationship with Veterans Administration.

**CC TV just shot a video of Paul Polk talking about the TRIM Notice.

c. 3:00 p.m. Interview with Paul Stamoulis, Supervisor of Elections

"Not allowed to opine on anything that might appear on the ballot so will not give his opinion but will give two sides of the issue."

- 1. What is your opinion of non-partisan elections for Constitutional Officers?** Two views: In general, non-Partisan elections give advantage to the incumbent due to name recognition. The trend for over half of younger people is to reject party affiliation, reasoning they don’t like the infighting, or they don’t know what they are yet (i.e., Republican, Democrat, Non-Party). Lots of questions on why we can’t get along. Party affiliation speaks volumes to the voter. We have Partisan elections for the Judges and our office receives the most calls for opinions on the Judges. Hard to research Judges – must go to courthouse to research decisions.
- 2. What is your opinion on setting term limits for Constitutional Officers?** Two views: Founding Fathers did not intend for us to be a Full-time Politician – so beneficial. Longer in office, the more experience you have but also could get involved in cozy relationships - - Depends on the Nature of the Office.
- 3. Do you have any ballot suggestions for alternative forms of funding?** No suggestions. We are funded by the County but there are grants available for voting costs. The County sets our Budget -approve or disapprove/can’t change– if disapproved, then the Governor mediates between us. Never have been turned down. I run a tight office. Budget has increased due to expensive cost due to Cyber security – very expensive. We are providing training constantly. "Vote by mail" is a good way to save money and consolidate voting precincts. We divert 70% of voters before election day due to early voting and voting by mail. Our books are audited by the Clerk of the Court every year. The County Clerk serves as the auditor for all the Constitutional Offices in Florida. Clerk audits but an independent Audit is done at the end of the year. No charge for us but we could hire an independent auditor if we wanted to pay for one.
Private donations? – Palm Beach County received some (earmarked for something) Bill Gates donation? State does not look at Budget – just the County as they fund us. **I don’t accept private donations.**

- 4. What are your observations regarding the relationship of Constitutional Officers and the Board of County Commissioners?**
Excellent in Charlotte County – couldn't be better. Good example of how County Government works. Cooperation is phenomenal. We help each other. No bad press if elections go well.
- 5. What Charter amendment would you propose is needed to improve the efficiency of your office?** Voting Centers – do not currently comply with the law but we might be going that way in the future. We are living with the legacy of many people walking to their precinct to vote. With different requirements for voting in local elections we are down from 500 to 400 workers hired. We would have more accessibility to people and parking – why have local precincts? Consolidated precinct locations would need to be bigger We nailed the last elections. We started counting "vote by mail" 2 weeks in advance of election day. By 7:20 p.m. on election night you can go to my website and find the results of the "vote by mail" as we are finished counting (not like other states that just started counting when the polls closed). Paper ballots are the way to go. Must keep 22 months per Legislature and ask permission before destroying. Can be physically reviewed. Touch screens were nice, but the auditing was electronic – can't fool with paper ballots – sealed, signed and stored. We have a tight procedure.
- 6. Do you feel that the Charter Review Commission is beneficial to your office?**
Yes. Laws are not static – they need to be reviewed and improved upon. Excellent procedure. Changes for improvement are discussed and opened to Citizen input. Three ways to amend the Charter – Board of County Commissioners, Citizen initiative and Charter Review.
- 7. Would a change to the Charter making election of county commissioners non-partisan be more expensive than the current system, less expensive or about the same? If there is a difference in cost, can you estimate what that cost or saving would be?** No change in cost. Non-party affiliation election just means the political party is or is not listed on the ballot. Confusion about terminology as No party affiliation means you just run in the general election. Nonpartisan means there is no primary – two seats up for election.
- 8. Is your office funded by the State of Florida and/or Charlotte County?** Charlotte County funds this office. We get additional funds through Grants
- 9. What percentage of your budget is directly related to buildings and maintenance?**
Buildings are provided by the County. We are charged for the space, but it is a wash through the budget. They pay for updates like security.
- 10. What methods do you have in place to purge the voter rolls?** Every odd year we are required to send notices to people we have not heard from in two years. If the notice comes back, we send a second registered notice asking them to respond. If we do not hear back, they are put on inactive status. The voter record is purged after two election cycles if not heard from. If the voter died in Florida, we are notified automatically by the Dept. of Health. If voter dies out of state, we must rely on next of kin. Recently some states banded together to share this information – Florida just joined. Previously we had 6,000 suspected voters of not being around and we have now reduced it down to 12 due to a change in our notification letter. This was so successful that we recently received an Email from the Division of Elections

asking for a copy of our new letter stating they would like to send to all Supervisors of Elections in Florida and suggest they use it.

11. Who is responsible for determining the eligibility of candidates and how should it be enforced?

See Statute 99.061 7 c

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

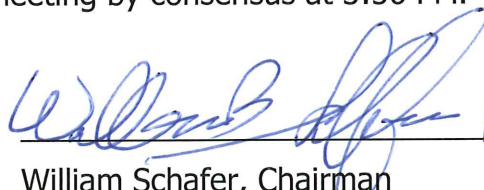
Only person in Charlotte County who cannot investigate is the Supervisor of Elections. Every other person can investigate and bring suit, opponent especially.

12. What is your relationship in auditing by the Clerk of the Courts? Interesting...we may be the only one audited by the Clerk of Court.

IV. Discussion:

- a. Cancellation of Scheduled August 18, 2021 Meeting. Approved by consensus.
- b. Loss of member: Discussion was held concerning adding another person to the committee with the recent resignation. It was felt that adding someone at this point might not be helpful since a good portion of the work is already done. Agreed by consensus to not ask for another committee member.
- c. Issues to consider from the interviews: Nothing to focus on unless looking at the audit functions such as having the Clerk of Court having to audit all the Constitutional Officers.
- d. Discussion continued regarding the issue with MSBU's.

V. Adjournment: Chairman Schafer adjourned the meeting by consensus at 3:56 PM.



William Schafer, Chairman Date 12/5/21
Constitutional Officers Sub-Committee