

**Charter Review Commission
Administration Staff
Subcommittee Meeting
August 16, 2021**

A meeting of the Charter Review Commission Administration Staff Subcommittee was held at Charlotte County Administration Center, 18500 Murdock Circle, Room B-106, Port Charlotte, Florida at 10:00 A.M. on August 16, 2021.

Roll Call:

The following members were present:

Donna Barrett, Chairman
Stephen J. Vieira
Cherie Burnette
Steve Drake

Members Absent:
Cyril Schrage

Citizens: None present.

Call to Order:

The meeting was called to order at 10:18 AM by Member Stephen Vieira. (Chair Barrett arrived during the first interview.)

Approval of Minutes:

Minutes were approved by consensus.

Agenda Items:

I. **Citizens Input** – None.

II. Old Business

a. Selection of Additional dates for Interviews:

The members reviewed the scheduled provided and chose October 7, 2021 at 3 p.m. for the last interview to be held with County Administrator, Hector Flores.

III. New Business:

a. 10:15 Interview with Ben Bailey, Community Development Director

1. What are your specific duties and in the performance of those duties what, if any, local government re-structuring could be proposed for the Charter that would improve your ability to deliver services?

My duties in the Community Development Department are to oversee the departments of Building, Planning and Zoning, Code Enforcement and Contractor Licensing. As to the structure in terms of the Charter I believe we are okay at the Director Level. This structure is conducive to Charlotte County and standard throughout the State of Florida. **How will the recent Code Enforcement changes regarding a change from anonymous complaints affect you?**

This change has only just been adopted so we will be monitoring the situation closely, to see if it affects the number of the cases of reported code enforcement violations in the future. Many people don't want to list their name and address on a complaint, especially if it concerns a neighbor. Health complaints will still remain anonymous. We may need to be more pro-active in the future which would require more employee time as investigations are time intensive.

2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter? Yes, I have read the Charter. There is not a whole lot for me in the terms of job performance. The big thing for me is the interference clause. The Board of County Commissioners are very good about not calling me. Since you came from Lee County do you see much difference in the Charter in Lee County vs. the Charlotte County Charter?

No, they both are basically set up the same with little to no difference.

3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government? No, I have not - in Lee County the Council is elected but the City Manager is appointed. I also worked in Long Boat Key and they also have an appointed Administrator. I do not have experience in working under an elected Administrator and would have some hesitancy with this role. For instance, if the person is not performing well, you are stuck with them until the next election as opposed to the Board jumping in right away to deal with the performance issue and settle it sooner rather than later. I would not have an issue working under someone Elected but feel the appointed Administrator would result in a better balance of powers.

4. In your experience is the non-interference clause observed? Is the method of enforcement adequate? Yes – non-interference is observed well. If something questionable comes up, our Administration or County Attorney jump in quickly to remind the Commissioners to go through the proper chain of command. Commissioners may call me with questions but are good about not directing me to do things.

5. How do you create the budget for your departments? We work closely and have a good relationship with Fiscal. There are quarterly Budget meetings where adjustments are made as needed. All my Departments are funded from the General Fund except for the Building Department which is a Special Enterprise Fund – all the revenue comes from Building permits. We need to provide a good forecast for what we think development will be in the future. We watch closely to see what Planning and Zoning is doing. We have an Oversight Committee which watches, and reviews permit numbers and staffing Our Fiscal years begins October 1 – the current budget resets at that time. We operate on a two-year Budget cycle. Do you budget on dollars or projects? We budget based on money not on projects. By money I mean staffing and the manpower needed to complete the project – the money budgeted comes from the developer of the project. As to the Departments that are funded under the General Fund, we are very conservative in General Fund expenditures. We can always go back to the Board of County

Commissioners to hire more staff as needed, but it always a delicate balance to staff appropriately and conservatively. Most of our expenses is in our investment in staff.

6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's?

I am not involved with MSBU/TU's, so I have no guidance to give. My knowledge is limited. I thought the question meant committee involvement. I like to involve technology to get people more involved and to keep them informed. Should I have knowledge? The funds are within Public Works for their benefit. Some representation from Community Development might be good to know what is going on. Planning and Zoning is further down the line from Community Development as we are not involved with the project itself. Community Development is not involved with public infrastructure. If we were to attend, I would find it hard to staff the many meetings as it is labor intensive.

7. Should there be a residency requirement for Charlotte County Executive Staff?

Yes, based on personal experience. It is important to be a resident and live where you work when you have an Executive position. Sometimes you lose perspective if you do not live locally. When I worked in Ft. Myers, I lived in Charlotte County. I worked 9-5 and then I went home. I did not have a feel as to what happened in the community after hours. I did not live and experience Lee County as I should, and it is something you miss out on. If you do not live where you work, it does not affect you personally. There is value to having a residency requirement. If you live here it gives you more creditability to the citizenry.

8. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County?

As a region we are all pretty much the same – some may have At Large Board members and others Single District members. There are pros and cons to both depending on demographics and culture. The issues with At Large could be missing out with Minorities not being voted in on boards. Not sure if this is an issue in Charlotte County, some counties have a mixture that provides balance. Some districts have considered it, but it all depends on demographics.

Ben gave an overview of the Oversight Committee he mentioned previously:

The Oversight Committee began in 2002. Agendas deal with issues to promote good relations between government and the building industry. All are welcome to come to these monthly meetings on the 4th Friday of the month at 8 am. Some agenda items include, permitting reports, staffing reports, utility department needs regarding backlogs ,etc., licensing reports– contractors, Fire Department- prevention, Department of Health – septic systems. Communication is key to everyone involved in keeping good working relationships between all. The meetings are open to the Public and all are welcome to attend. **End Interview.**

b. 11:00 Interview with John Elias, Public Works Director

John began with a brief overview of his 32 years working for the County. He began as a Construction Operator, then became an Equipment Operator, moved to Field Supervisor then to Engineering as Project Manager (where he supervised the sales tax sidewalk program for many years), John went back to Maintenance and Operations as the Manager for 4 years and then became the Public Works Director two years ago.

What are your specific duties and in the performance of those duties what, if any, local government re-structuring could be proposed for the Charter that would improve your ability to deliver services? I supervise four divisions; it was five when I became Public Works Director and I restructured it into four at that time. I oversee all Solid Waste, except for Punta Gorda. I oversee Mosquito Control/Aquatic Weed which is not a large department but receives many requests for services, especially from new residents, which are extraordinary. I oversee Maintenance and Construction – right of way projects and added signs and marking and lighting when restructured; Engineering – more glamorous or controversial –i.e., sale tax projects, beach renourishment, sidewalks, road resurfacing, road widening like on Olean.

To be honest -I did not understand how the County was structured and operated through the Charter. I was not familiar with the Charter, so I read it in preparation of this meeting. I can't think of anything to change, but also not knowing how much you can change I can't make a suggestion at this time.

2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter? Yes, as part of this review and in the past, parts of it. Defines the roles of Board of County Commissioners and Staff and our interaction and how we do business in the County.

3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government? No, but it seems to work well here in Charlotte County.

4. In your experience is the non-interference clause observed? Is the method of enforcement adequate? Yes. I have not personally seen where it had to be enforced. But there are lots of times when it is on the cusp of not being observed, but it is not malicious not intentional. I get calls on questions from the Board of County Commissioners. Being new to the position, I have had to learn the process and understand that they are not instructing me to do things. I try to be good on updating Administration anytime I might see them. It is a political position so you to address appropriately. I assume the clause is adequate with reminders from Attorney.

5. How do you create the budget for your departments? I will answer for #7 as well. The needs with estimates are developed and provided to the Fiscal Department who determines if funding is adequate. I have many budgets within my operations, (Capital, Sales Tax, 50 MSBU's). There are many ways the budgets are created. Staff within the divisions do most of the legwork and then asked me to review. MSBU's budgets are more complex, and we are trying to change that.

For example, with the approximately 35 MSBU's with Boards, some areas (usual rural) have low level of expectations and others (like Harbor Heights and Deep Creek) have more expectations and are trying to effect changes such as branding that are sometimes difficult to manage or budget for. Eventually, Advisory Boards see the challenges we face as we work together.

We are providing different Tiers of services depending on the assets available in a MSBU. Capital maintenance vs. routine maintenance – cutting grass is expensive but routine. We work on long term agreed upon levels of services depending on the assets of the community. If there are extra discretionary funds available, we identify needs and then plan and assess for it.

Sales tax initiatives and how the budget and monies are allocated is another budget concern. Advalorem assessment— mosquito control is millage based. We have lots of different pots of money and it is very complex to manage. MSBU's, like them or not, they allow people who live here to fund maintenance and capital projects otherwise not normally could be afforded.

Is there a way to shorten up time (18-24 months) for Capital projects, like in Harbor Heights where there was a special assessment for water drainage?

Our challenge has been that we have not been allowed to grow (downturn in economy). We've gone from 120 workers in the field down to 70. We have drastically reduced the number of people servicing our MSBU's and the County and drastically increased the areas we service and maintain. We have the MSBU's, they have funding, and we know the work that needs to be done. We are waiting on the City Works, (asset management program) that replaced another program from 2004. The program identifies your assets and work programs and allows you to do projections. It allows you to grow and manage in a way that is data driven, to show that we have the funds. We develop 50 work programs every year. Then we look at our planned Actuals where we never have enough staff to do the planned Actuals, it is a planned work program. I hope to equalize the plan in the future. I only have 5 crews in the County to clean drainage and my intent is to increase that. What people see as a drainage problem may be due to other issues – nuisance water, which different from water being in your house. We have a hierarchy on how to treat drainage requests.

6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's? Constantly more outreach – the average person does not get involved unless something is going wrong. There are four meetings a year. They make decisions about budgets which might annoy a neighbor – this is not a Charter issue – but it is a challenge to keep people involved and letting people know what's happening in their neighborhood – **Should they have more than four meeting per year?** I'm working with the Board and Administration on this process. We do not accomplish any more by meeting more often. We might need a special meeting sometimes – four times a year is enough. With members required not to miss a certain number of meetings, attending is sometimes a challenge for the volunteer. We require people to attend in person, during Covid restrictions this was a challenge, but we used TEAMS. We want the people who live in the community to make the decisions.

7. How does Public Works create the Project Lists? Answered previously.

8. Should there be a residency requirement for Charlotte County Executive Staff?

Yes. You should live in the community where you work.

9. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County? No. While MSBU's are complex, we handle them well and people from other parts of the county call to ask questions about them. The MSBU's are unique funding programs for this area. I've spoken at State and National forums and I get overwhelming requests as to how we do things. Newer communities now define the development and how the services are in place. We deal with what challenges we were left with.

We may look at combining Utilities and Public Works in the future. The two departments are working well right now but might be a consideration for the Charter.

Anything we could help you with? – not really – red tape issues for processes. Environmental regulations – nothing to change. **End Interview.**

- Committee moved to recess until 1:00p.m.
- Committee resumed meeting at 1:00 p.m. Present: Donna Barrett, Stephen Vieira, Steve Drake and Cherie Burnett

c. 1:00 Interview with Dave Gammon, Economic Development Director

Topic of discussion at the last CRC meeting: For clarification - Does the Charlotte Desoto Building Industry Association have any affiliation with the EDP? No. Have we been members at any time? No – not in my five years. EDO staffs EDP but are not members.

The interview began with Dave describing his background. I've been in real estate for many years and grew up with parents in the real estate industry. Because of my background I was brought to Charlotte County to help bring businesses to the area and was hired into the Economic Development Office.

1. What are your specific duties and in the performance of those duties what, if any, local government re-structuring could be proposed for the Charter that would improve your ability to deliver services?

The Mission of our office is ..."to grow and diversify our tax base by attracting new businesses" so residents don't have to pay all the taxes. We reach out to our existing businesses to see if they need assistance in growing their business, i.e., with grants. The structure works well with me reporting to the Board of County Commissioners. It is valuable to us to talk and work on direction – we have good one-on-one discussions. We are encouraged to be bold and take risks as opposed to the Administrator and Attorney who are more concerned with risk management. We look at the County as what could be rather than what is. No need for any restructuring except with Fiscal – maybe they could report directly to the Commissioners to provide more independence. This would take Administration out of the risk and liability. The Charter helps and does not hinder my performance as it gives me a direct link to the Commissioners. We have the autonomy we need and we work well with the Commissioners.

2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter? Yes. My job is "At Will" along with the Attorney and Administrator. I report to the Commissioners daily and meet with them once a week. My performance is judged weekly followed by an annual performance review which is performed in Public.

3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government? No. It would be a bad thing if the Administrator was elected. It works great the way it is currently. Commissioners are elected for a reason – they are the voice of the people. Administration, Legal and EDO reports to them which is a good way to support their relationship with the people.

4. In your experience is the non-interference clause observed? Is the method of enforcement adequate? Yes, it is observed. The enforcement is harsh and I doubt anyone

would go down that road. With good communication, a word to the Commissioners and any breach would stop.

5. How do you create the budget for your departments? We work with Fiscal and begin by looking at the previous year's budget. We work through each line item and note whether the amount would work this year or not. We keep it line – COVID helped last year because we could not travel to trade shows and conventions which is a large part of our budget. We are funded out of the General Fund – we only bring in grant monies – for certain projects like Piper Road (\$700,000), not for our office. We bring money into the County but work out of the General Fund.

6. Should there be a residency requirement for Charlotte County Executive Staff? Yes. When I started here, I lived in North Port – I didn't know a lot of things. This is a small community. Residency is required under my Employment Contract as well as the Administrator and Attorney. I do not know if there is a residency requirement for the Director levels.

7. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County? Our office is more Business orientated so not involved in government. No thoughts to add.

8. Committee Involvement ? – It is very difficult to attract and fill volunteer committees, especially MSBU's. This is the way General Development set up Charlotte County – for blue collar citizens who did not want to be taxed when they got here. There are a lot of services that need to be funded. I believe we should tax people what it costs to live here.

How much input do you get from the CRA's? Joshua Hudson works for me and is the manager for the three CRA's – Murdock Village, Charlotte Harbor and Parkside. Only two have Advisory Committees – Parkside does not have one. Joshua works mainly with Murdock Village. Charlotte Harbor Advisory Committee has been hard to fill. Legislative Authority has been taken away from the Advisory Committees that makes some of their project decisions unnecessary for us to go to them. It is difficult to get people to volunteer and then meeting to get a quorum. We try to keep them informed. We went to them first to weigh in on selling land in the two areas, then present it to the Board of County Commissioners. It is difficult taking issues to the Advisory Committees before presenting to the Board. We would prefer that it be "fresh" for the Commissioners and maybe not already commented upon in the newspaper.

How do you feel Charlotte Harbor is moving along in general? Sunseeker changed everything. There will be many changes to the water district from the taxes it will raise. Everything should get done in the Charlotte Harbor redevelopment plan. Once it is completed, we will sunset the CRA as it will no longer be a blighted area.

Melbourne Street Area? - We went to the CRA before we sold the property. The property was sold to and we will be working with Whiskey Joes to build a small hotel and restaurant. This property is located at a very dangerous intersection. We are working with them regarding parking and the intersection. There are lots of opportunities with this property. We'll just have to see where the Board goes with it. We looked at six different proposals and reached a good compromise. It is too nice of a piece of property to be just a park.

What is the difference between the Economic Development Office and EDP? EDO is funded by the County and has five employees. EDP is a 501c3 corporation– a glorified Chamber – a businessperson’s chamber. It was formed years ago to help the EDO to attract businesses to Charlotte County. Their sole purpose is to support us in the Economic Development of Charlotte County. They financially support our office if we have to bring in clients – i.e., hotels, entertainment, etc. I can’t do that with my government budget. They are a “bank” for us, giving us funds to entertain (with rules) and it is reimbursement based. They are independent from us with their own Board consisting of many developers who benefit from this relationship. We do provide some staffing duties (minutes) however they are getting big enough to hire an Administrative person to assist them. EDP meets with the Commissioners once a month to keep them apprised of what’s coming in the future. **End Interview.**

IV. Discussion

- a. The committee review the question on MSCU/Tu’s #6 and decided it should just be asked in the future to Gordon Burger, Budget Director.
- b. The committee developed a new question to asked based on the response from one of the interviewees.
Do you feel Fiscal Services should report to Administration or to The Board of County Commissioners? (Budget and Administrator).
- c. Reviewed the County Policy on Residency (amended 2014). The committee decided to keep the question on Residency as different issues have been raised, i.e., the housing market. We may want to make recommended adjustments.

V. Adjournment:

MOTION WAS MADE BY STEVE VIEIRA, SECONDED BY STEVE DRAKE TO ADJOURN THE MEETING AT 1:45 P.M.

MOTION CARRIED 2:0

Next meeting is scheduled for Monday, August 23rd at 10:00 a.m.

 Donna Barrett 9-23-21

Donna Barrett, Chairman Date

Administration Staff Sub-Committee