

**Charter Review Commission
Constitutional Officers
Subcommittee Meeting
August 25, 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 25, 2021.

Roll Call

The following members were present:

Bill Schafer, Chairman
Patricia Aho
Don McCormick

Absent members: None

Citizens: None

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: None.
- III. New Business:

a. 1:00 p.m. Interview with William Prummell, Jr., Sheriff

Opening statement: I am in my 9th year of service. Since becoming Sheriff, I believe my office, local county government and all Constitutional Officers are working well together. We are blessed in Charlotte County as the vast majority of our citizens support what we do. I can't thank them enough as that support helps to keep morale up and is what our Deputies need today – a simple thank you goes a long way – and that is not in short abundance here in Charlotte County.

- 1. **Are there any changes to the Charter that would be beneficial to your work and your office?** The Charter has never positively or negatively affected me. When Amendment 10 passed that really cemented my role and those of the Constitutional Officers here in the County. **To clarify, Amendment 10 made you an Elected Official as opposed to Appointed.** The Amendment cemented the Constitutional Offices in the State Constitution so that each county will have an elected Constitutional Office.

2. What is your opinion of non-partisan elections for Constitutional Officers?

I am a Republican – have been since I could vote. However, I represent all the people. If partisan was taken away, it would not affect me, but I think it is important that it is in there as you might better understand my decisions if you understood what my background was and what my beliefs are. I never place my politics ahead of being your Sheriff.

3. What is your opinion on setting term limits for Constitutional Officers?

People set the term limits. When they feel the Officer is no longer effective, they choose someone else.

4. Do you have any ballot suggestions for alternative forms of funding?

Under Chapter 30 of the Florida Statute, we are limited – much of my funding comes from Advalorum taxes, but we do aggressively seek grants from federal, state, and local organizations. We partner with local organizations to help provide for programing and equipment. My Addiction Recovery Initiative is funded through the Archway Institute. Several years ago, I spoke with a Commissioner about a special taxing district for areas that use the law enforcement services more frequently. However, those areas are usually lower income districts. An additional tax I believe would be burdensome on those residents. I am not sure if that is a good idea.

5. The Jail is not part of your published Budget, correct?

That is correct. Per Florida Statute and the State Constitution the responsibilities of the Sheriff are as the Chief Law Enforcement Officer of the County, the Chief Court Officer of the County and to serve Civil Process. The Jail is ultimately the responsibility of the County and that is consistent throughout the State. Many Board of County Commissioner have entered into agreements with the Sheriff to run the Jail and the Communications Center (911). **In your opinion do you think the County is better off with an outside entity running the Jail or is it better with you running the Jail?** I personally prefer to run the Jail as it maintains a smoother operation between law enforcement and corrections. You need to be wary of for-profit management as they will walk out short notice if they are not making money. You are then left with a Jail full of inmates with no one to operate it. I believe it is more cost effective and efficient to be run by the Sheriff's department.

6. Do you feel that the Charter Review Commission is beneficial to your office?

Never affected me either positively or negatively.

7. Is your office funded by the State of Florida and/or the Charlotte County? Other than grants – funding basically comes from the County. Certain impact fees can be used for capital projects, but I have not had to ask for it – my funding comes from advalorum taxes. **Is any of your equipment under Fiscal?** No, we are separate. We do get some tax money for the E11 system but not as much as in the past due to increased cell phone usage. More taxpayer funding is needed to make up for the lost revenue.

8. What is your relationship in auditing by the Clerk of the Courts? Could the Clerk of Court Audit your space and parking needs? We are audited every year by the Board of County Commissioners who contracts with an outside source. Every five years all Constitutional Offices are audited. This is good for transparency and we've never had a bad audit. **What about evaluating needs under the 1% sales tax?** Good and bad idea – to audit the Sheriff department you need to have a background in criminal justice to understand

what I am asking for that will assist in efficiency, to protect staff or streamline things. Citizen review boards need to be trained constantly and will fall apart if they do not understand or keep up with the training.

9. What percentage of your budget is directly related to the following?

- a. **Law Enforcement and the Sheriff's Department:** My primary function is law enforcement and the courts which is 66% of my budget, of which 5% is directed to communications.
- b. **The Jail and Jail Staff:** The Jail comprises 30% of the Budget.
- c. **Buildings and Building Maintenance:** Building costs stay within the Public Safety Budget which is the case for all Constitutional Offices- .01% of Budget. Courts are 4% of my Budget – for security of the courthouse.
- d. **How does the fee from housing "out of county" inmates affect your budget?** Housing of Inmates is a contract with the Marshall Services and is .05 % off my budget. We use about \$500,000 – \$750,000 of this revenue to offset costs in the Jail. We usually make more revenue. Any monies remaining at the end of the fiscal year is returned to the County, as I am not allowed to retain any excess.

10. What is your relationship with Auditing by the Clerk of the Courts? Not financial but as a need's assessment or as a tool to evaluate whether you need another building or not.

No problem with that function. It would be good to happen to assess needs if requesting funding for a large capital project. The assessment would then provide the information that yes, the Sheriff needs the capital improvement project, or no, not needed.

The requirement by Statute is to provide all Constitutional Officers with facilities: The County will take our input for needs but all upkeeping falls on the County.

The County is trying to get out of the lease and rental business and over time all my facilities will be replaced. So far, the District 1 Office was replaced, the Jail expanded, and a new District 3 Office on Loveland with Forensic Office was completed. A new Headquarters is out for bid to get drafted and engineered so we can look at plans and costs – that will be on the Loveland property, but building it is three years out. A new training facility and District 4 Office will be built out at the Airport Road property. If there is funding left over from the 1% sales tax, we will go into Tier Two projects. The Murdock Office will be built over on Collingswood next to the new Fire Station that will be built there. If money is not available, the County is looking at other funding sources as rent and maintenance on these older building is very expensive and not cost effective. New buildings will allow upkeep to be less, and the County will be out of the rental business.

11. Will there be a permanent facility out at Babcock Ranch? A District 5 Office will eventually be built out there. We currently work out of a doublewide trailer right now. We are in conversations with Babcock Ranch to build a police and fire department building. The agreement was to build a building once 5,000 certificates of occupancy were issued. This is being re-evaluated due to the number of buildings being built in the area.

We look at our strategic plan every year due to the exploding growth of the County and how the Sheriff's department will grow along with it and keep up with the growth. Redistricting

and re-zoning in the county is being looked at as we are still operating under plans developed in 1990 which have not changed but the population and the increased number of calls to certain areas have changed. It is easier to hire staff over time rather than a large number all at once which would be a huge increase to the budget. It is difficult to hire as it is right now.

End Interview.

b. 2:00 p.m. Interview with Roger D. Eaton, Clerk of Court

Opening Statement: Thank you for having me today and I look forward to answering your questions. It is an honor and privilege to be here today and serve.

- 1. What is your opinion of non-partisan elections for Constitutional Officers?** People need to know where you stand and who you are, what your core values are so they can make decisions at the polls. I think it is important for people to know a candidate's party affiliation.
- 2. What is your opinion on setting term limits for Constitutional Officers?** I believe there are term limits every four years. At the local level you need people with experience, especially in my position. I believe in efficiencies. Other counties come to see how we do our jury process and how we budget. I believe in the process and that the citizens get the chance to vote every four years.
- 3. Where does your operating funding source come from?** My funding comes from both the State and County. The Court is funded by the State. The support for the County, (i.e., minutes and board functions), the County pays directly. Official records mandated by Statute creates the revenue we bring in. We have a budget process, and the County pays directly. I have reduced my budget 10.8 percent between 2016-2021. Every year there has been a reduction; this year's budget is reduced 2.6%. Everything is electronic which does not happen in all counties. We try to keep as paperless as possible. The expectation of the Public is to have everything in real time, on-line and have it on their phone. **Who maintains the servers?** If it is County records, it is provided for in my budget. If it is Court records, then it comes out of a different budget. The servers are physically here but much more information is being sent up into the Cloud. We have many back-ups to preserve the documents – the electronic image becomes the original to be preserved for years.
- 4. What Charter amendment would you propose is needed to improve the efficiency of your office?** Please see **Article 3, Section 3.2** *"No person shall be qualified as a candidate for the office of sheriff, property appraiser, tax collector, clerk of the circuit court, or supervisor of elections unless such person has resided for a least six (6) months in Charlotte County immediately prior to qualification."* This residency requirement was not observed in my last election. We have this in place in our Charter and no one enforces it. It needs to be enforced so that it never happens again. It was embarrassing. This also happened in another election regarding the Airport Authority (not governed by our Charter). If we will not enforce Charter rules, why have them? It is not fair to have this rule and then not enforce. I do not want it to happen to anyone else – to challenge and then be ignored.

5. Please explain your auditing function as the Clerk of the Courts. Internal Audits I am constitutionally responsible for as Clerk of Court – different County Boards and their aspect of responsibilities; Financial Audits – Ashley Brown – 3rd party -(Charlotte County) audits all the Constitutional Officers (budgets and appropriations). My office does not audit the budgets of the Constitutional Officers. We audit functions, while still looking at financials but do not audit budgets and expenses. Department of Financial Revenue Services audits us every 6-7 years; they also perform the Child Support audit which happens annually. Cherry Becker is the company that audits the County, but we work with them because our office handles the financial systems. We audit different functions of the county. For example, we just audited the Libraries to see how they were performing and how they were handling their cash operations on a day-to-day basis. We also audit P-cards that the County uses. Audits are generally done on a particular length of time such as one year.

Improvement of Audit functions: I am proud of two recent improvements: 1) Audits are on-line. Prior to 2017 audits were not available except in person in the office; 2) Follow-up to audits (the recommendations) and what resulted (to put some teeth in it). The audits are then emailed to the Board of County Commissioners and they look at them. Internal audits include key personnel of the County such as Hector Flores and Gordon Burger.

We do not have the authority to Audit the other Constitutional Officers. **The Space Audit at the courthouse saved \$20 million – what about auditing the other Constitutional Officers in the same manner?** I've been in discussion with Hector Flores about doing the same for the Administration Building – County owned buildings are the County's responsibility to do space studies. The Clerk's office worked with a third party for our space audit, giving them our needs. By making the records electronic, we freed up valuable space.

Final Comments:

Need to continue to make government accessible and easier for the average citizen to navigate and understand. I have constant contact with the other Constitutional Officers and County Administration to assist them to do things efficiently and with good customer service.

Member Aho asked if this is the Charter issue as Mr. Eaton sees it: *Who enforces the Charter and how is the Charter enforced?* Yes.

How are the Servers protected? Much effort is expended in protection of the information: Training of staff (with fake fishing attacks); Educational videos (review protocols/security alerts); Fun training and quizzes; and up- to- date technology. The costs are high to keep our records safe and is a large portion of the Clerk's budget. We are the keeper of the records.


Thank you. I enjoy my job and I have a lot of new ideas that would like to implement.

End Interview:

IV. Discussion:

- a. Discussed taking some time to research and review the Charter, meeting several weeks out.
- b. Discussed the possibility of proposing changes that would not hurt anyone and makes the Charter more transparent.

V. Adjournment: Chairman Schafer adjourned the meeting by consensus at 2:20 PM.

 12/8/21

William Schafer, Chairman Date

Constitutional Officers Sub-Committee