

**Charter Review Commission
Administration Staff
Subcommittee Meeting
September 23, 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 1:00 P.M. on September 23, 2021.

Roll Call:

The following members were present:

Donna Barrett, Chairman
Cherie Burnette
Stephen Vieira

Members Absent: Cyril Schrage (Mr. Schrage arrived during the second interview portion of the meeting.)

Citizens: None present.

Call to Order:

The meeting was called to order at 1:02 PM by Chairman Donna Barrett.

Approval of Minutes:

MOTION WAS MADE BY STEPHEN VIEIRA AND SECONDED BY CHERIE BURNETTE TO APPROVE THE MINUTES FROM AUGUST 16, 2021.

MOTION CARRIED: 2:0

Agenda Items:

I. Citizens Input – None.

II. Old Business

a. During the last meeting there was a question raised about the Sheriff being elected or appointed and Chair Barrett checked with the Sheriff's Department and found that there is not one appointed Sheriff in Florida. There are Police Chiefs appointed for cities only. Sheriffs are only appointed if removed, resigned, or died while in office. Amendment 10, voted on in 2018, established that all Constitutional Officers within the County shall be elected – Clerk of Court, Supervisor of Elections, Property Appraiser, Tax Collector and Sheriff.

Note: Amendment 10 BALLOT SUMMARY: "*Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even- numbered years from March to January; removes*

legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement."

FYI – the Board of County Commissioners have requested applications for Alternates for the Charter Review Commission and Tuesday they will be reviewing eight applicants and choosing three.

The committee members discussed plans for meeting to finalize thoughts for the Final Report due back to the Commission by the end of January.

III. New Business:

a. 1:00 P.M Interview with Craig Rudy, Director of Utilities.

Introduction: I have been employed by the County for three years. Before that I was teaching electrical engineering in Tennessee for five years and prior to that, I served twenty-five years as an active-duty officer for the Navy.

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 specific duties as they relate to our mission statement is to provide water and wastewater to the citizens of Charlotte County. After reviewing the Charter, I do not have any recommendations for the re-structuring of the Charter to improve my ability to provide services. The way the Charter is structured works well with the Board of County Commissioners acting as the Utility Board; the budget process and administrative leadership all work well with the Utility Department.

2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter? The ability of the Board to set MSBU's is important for the projects that Utility does; I've seen strong improvement over the last three years concerning the debt structuring and debt services required for grants, loans, etc. Other improvements have been the reserve policy to maintain a strong credit level; finance committee meetings along with putting in writing that utility funds can't be transferred to the County and that we must maintain 90 days of reserves. All positive changes over the past few years.

3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government? No. I think having an Elected Administrator would be the wrong direction for the County. That person is responsible for a multitude of services in the breath of this County, so having experience working within the County is vitally important. Someone coming up through the ranks like the current Administrator, who really understands the ins and outs of County government is important. You would not get that same breath of knowledge with an elected Administrator. Politics should not be a consideration in this position.

4. In your experience is the non-interference clause observed? Is the method of enforcement adequate? Yes, it is observed, and I have not seen it go to the extreme as listed in the Charter. It is handled very well with very little interference from the legislative branch.

5. How do you create the budget for your departments? It is an ongoing process. Our yearly operational and maintenance budget is \$90 Million dollars spread across 20 different work

centers. Our budget for next year is \$200 Million dollars – a tremendous amount of fiduciary responsibility is required. We constantly evaluate and reevaluate our needs and responsibilities all the time. With the current supply chain difficulties (due to Covid-19), we need to evaluate costs all the time.

With 20 different work centers, we start our budget process about a year out to determine what is a cost or operation to carry year to year (i.e., simple contracts for copiers or chemicals for the plants), then we look at the one-offs – such as an extra widget or extra study that needs to be done. I go through all these budget items with each work center. The Capital Maintenance programs – we look at all long-term maintenance, CIP (master plans), everything in the six-year CIP cycle. Finally, I sit down with my team and Budget Administrative Services, (Fiscal/Gordon Burger) to go over the budget line item by line item so that Mr. Burger understands it and can wrap it up into the comprehensive County budget.

6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's? I do not have any MSBU Boards, so it is not a problem I have looked at, so I have no recommendation. Education of the public that MSBU's exist would be the first step in outreach, rather than posting on a web page or the Board Agenda (only people looking for County information would find it there). The "normal" person is generally unaware that MSBU's exist or what they are. Charlotte Academy is a good place to start. We need public outreach. It is not in your face unless you are interested in County Government. At least with a large portion of the population not working (retired) you have potentially more people with the time to volunteer.

7. Should there be a residency requirement for Charlotte County Executive Staff? Yes. If you live here, you have a vested interest in your local area. You are interested in your current projects (as a resident) and can even check on the progress. You know and understand the area that you are making decisions for in those potential work programs.

8. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County? No.

Do you have anything else? No, it was a good chance for me to review the Charter. It is structured very well, and it really works.

End Interview:

(Note: Chairman Barrett had to leave the meeting and Chair of the meeting was turned over to Stephen Vieira.)

b. Interview with Emily Lewis, Deputy County Administrator

Introduction: I have been employed by the County for 16 years. I have a bachelor's in business from the University of Florida and a master's in public administration from Hodges University. Previously I worked for a Fortune 500 company (private sector) for a number of years before coming into Public Service. I started with the County as the Family Services Manager and Human Services – in 2007 we consolidated, and I took on several different divisions, I moved into Administration in 2012 as Legislative Manager – doing all internal lobbying for the County at the

State and Federal levels. I was promoted to Assistant County Administrator in 2018 and then Deputy County Administrator when the County Administrator retired two years ago.

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 specific duties include serving as #2 for the County Administrator when he is out or unable to perform the duties, I step in. My primary duties are managing the day-to-day operations of our County. I oversee the Public Safety Department (Fire, EMS, Animal Control), Community Services (Parks and Recreation, Libraries), Legislative Affairs, Tourism, Public Information, Public Works and Grants and Special Projects. Most operational departments (except for Utilities and Community Development) fall under my supervision.

There is no need for restructuring, but CRA's (Community Redevelopment Agency) falling under Administration would be helpful. There is a planning component to that which would be important for our office to be working more closely on for those citizen master plans or redevelopment area plans. CRA's currently report through Economic Development Office (EDO) to the Board. There is a role that EDO plays and is important and separate from Administration. By nature, we are non-risk takers, we look to see how we run a more efficient operation, saving taxpayer dollars, and not making risky ventures, while the role of EDO is more of a risk-taking venture. It's a good separation but where we have a lot of overlap is with the CRA's because they deal with infrastructure improvements and redevelopment of a community that in most cases is already existing – that is where it is helpful for us to have more oversight and can ensure the coordination happens within our departments.

2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter? Yes. My job performance is enhanced by the Charter as it creates clear delineations between what the role of our policymakers are and what our role as the Administrator are for the County. The Charter gives us good separation of powers between the policymakers and from those who administer the policies and the workings of 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. I favor the structure of the appointed Administrator. We get elected every other Tuesday at the end of the Board meeting if we are doing a good job. In essence we are re-elected every week by our job performance. The Board can make that decision concerning our positions at any time. If the position was elected, (four-year term) years could go by before changes can be made. There are performance risks should certain functions not be handled correctly and not being addressed until the next election cycle. **Do you think the two types creates allegiant issues for the County?** I think it inserts politics into a part of the organization that should remain a-political. It is our responsibility as Administrators to give the best professional opinion/advice to the policymakers who make the decisions. An elected officer creates the impression of who will support whom and creates conflict.

(For the record, Cyril Schrage joined this meeting as a committee member at this point.)

4. In your experience is the non-interference clause observed? Is the method of enforcement adequate? Yes, for the most part it is observed. The Board of County Commissioners know where the line is and about not crossing it. We also remind them frequently. It is everyone's job to ensure compliance. The County Attorney is the lead in

maintaining this compliance. The method of enforcement in the Charter might be problematic as I don't see it going to the Court. I don't know that it makes sense, but I don't know what the solution might be – Censorship – or whatever the Board would consider? It would have to be egregious for the Board to go that route in taking it to Court. **Is it something that could be handled in Executive Session, among themselves?** We have a broad Sunshine Law in Florida and your method of taking it to the Chairman would be a violation of the Sunshine Law. It would need to happen in a public forum which would be messy. Executive Sessions are matters for Litigation only, not personnel matters. **Member Cyril Schrage asked: When a Commissioner is elected, are they sent to some type of training for government officials with basic procedures?** The Florida Association of Counties has a certification program for newly elected Commissioners – it is a series of educational opportunities for them. It is not mandatory but highly encouraged and all our Commissioners have gone through this program. We also have a new Commissioner orientation training in-house. This involves a list of procedures that walks them through the Charter, the Board Rules for Governing procedures, Who's Who in the organization and how to get basic or historical information they need to know.

5. How do you create the budget for your departments? The budget is an ongoing process. It is all about leveraging and strategy on how to approach projects and spend dollars. We have gone to a two-year budget and it works wonderfully because we are flat in our everyday expenditures – no dramatic spikes in the way we do budgeting. This allows us to be strategic in the off years, moving forward the Boards initiatives, allowing us to do the planning for the capital projects and expenditures. The Budget begins in the Budget office with the development of the Budget Calendar. The departments load their budgets into the system; the Budget Office goes through them with a fine-tooth comb, and they sit down with the departments first to hear their justifications. The budgets are then brought to Administration and we again ask for each department's justifications. **Member Cyril Schrage asked: What kind of private funding is available?** We sometimes get large endowments/foundations and Human Services funding's. There are grants that we target and plan for them and other times there are new opportunities such as the Patterson Foundation. This foundation recruits you (no grant making cycle, nor can you apply) when they notice something you are doing and would like to explore the possibility of working with you. It just falls into your lap and you look to see how it fits. **You can't budget for it?** It must fit into our work plan for the year, so we are not adding additional work. We operate under a zero-based budget. The CARES Act was not budgeted nor planned for, but we were given \$34 Million dollars to spend in one year. We had the resources to program that money very quickly and have closed out that fund already. The American Rescue Plan (\$36.4 million) was another unexpected grant of funds of which we have received half with another half to be drawn down. The funding is coming through the Treasury department which is deciding the rules on how we can spend the money so we have not touched it yet.

6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's? I believe we have pretty good involvement. We have several MSBU's that do not have Boards due to lack of engagement. That is a challenge in the smaller communities where it is difficult to find people willing to commit the time. We need continued outreach to the community. **Daytime meetings are difficult for those who work....yes,** but there are some with evening meetings, our staff is flexible, but we only have two MSBU reps. for all Public Works, which is difficult to manage. We have a community of retirees that lends itself to daytime meetings. **How are the two MSDR's divided?** It is based on the work plans, but they try to get most into east or west county.

Member Cyril Schrage asked: What if it was put into the Charter that the Board of County Commissioners make the appointments to fill all MSBU Boards? The Board does appoint the volunteers who serve on the Advisory Boards after going through an application process. There is more of a problem getting the applications into the Board for selection. I think we can never do enough outreach. We even struggle getting out the news on the great things the County is doing. We have increased our media presence tremendously – “Next Door” was used for information on the 1% Sales Tax. We have just hired a social media manager who is fantastic. There will be less newspaper and more social platforms used in the future.

7. Should there be a residency requirement for Charlotte County Executive Staff? Yes. I feel very strongly that those positions should reside here; to make a commitment to and involvement in the community. It is an expectation from the Director level up and is part of the interview process. The Administrator does have the ability to allow a member of the Executive Team to live outside of the County. Currently, no one lives outside of the County.

8. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County? No. Our Charter is clean and simple and not too cumbersome. I have nothing to recommend from somewhere outside of Charlotte County.

9. Is there anything else about our Charter that you would like to suggest based upon your experience in the County? Any enhancements? Abiding by the Public Notice requirements for Economic Development Projects is an issue. The business world is fast and furious and that is good and bad. Sometimes it doesn't allow for a lot of investigation on what is required once the deal is signed. Change memos coming out two days before a meeting does not give us a lot of time to react to what's included in an Economic Development deal; what it is committing the County to do. I would like to see that enhanced, to ensure we have proper time for Public Notice, the proper time to research the deals, to vet them to make sure that we are implementing a deal that is doable.

Chair Stephen Vieira continued the discussion asking: How do you feel about the Economic Development Director reporting to the Administrator? I don't think that is appropriate either. We are risk mitigators; we are cautious with taxpayer dollars and conservative how we approach things to be good stewards. Economic Development is by nature a risk-taking venture and will always be at odds with us because of that. There is an important role for them to play but the challenging piece is the coordination of how the implementation happens. We need adequate notice to look for challenges and what needs to be done to overcome the challenges. The separation between us two is important.

Member Cherie Burnett asked: Do you think we need a new proposal requesting that you need more time to look at these projects before they are presented? A realistic notice would be seven to fourteen days. Sometimes we see these projects 30 minutes before a Board meeting. Per Charter requirement, the Agenda is published seven days in advance, however, a change memo can be issued if voted upon by the Commissioners giving us this potential of a shorter time span to vet the realities of the deal. Even if they met the requirements of the Charter, that the final deal should be published seven days before the meeting would help. I would take that.

End Interview:

IV. Discussion: None

V. Adjournment:

**MOTION WAS MADE BY CYRIL SCHRAGE AND SECONDED BY CHERIE BURNETTE TO
ADJOURN THE MEETING AT 2:08 p.m.**

MOTION CARRIED 2:0

Next meeting is scheduled for October 7, 2021 at 3 p.m.

 Donna Barrett 11/12/21

Donna Barrett, Chairman Date
Administration Staff Sub-Committee