

Charlotte County Charter Review Commission

Agenda

Wednesday, February 9 , 2022 @ 3:00 p.m.
Charlotte Harbor Event and Conference Center
Myakka River Rooms AB
75 Taylor Street, Punta Gorda, FL 33950

Commission Members:

William C. Abbatematteo, V-Chair
Patricia W. Aho
Jeffrey K. Anlauf
Donna L. Barrett
Cherie A. Burnette
Steve A. Drake
William Dryburgh, Chair
Donald McCormick

Theresa A. Murtha
Donna C. Peterman
Richard J. Pitz
Adam James Riley
William B. Schafer
Cyril F. Schrage
Bob White

Alternates:

Rob Humpel, First Alternate
Suzanne Graham, Second Alternate
James Coalwell, Third Alternate

3:00 p.m. Call to Order and Roll Call

- I. Approval of Minutes from January 12, 2022
- II. Citizen Input on Agenda Items
- III. Presentation of the Administration Staff Final Report: See Attached.
- IV. Presentation of the Board of County Commissioners Final Report: See Attached
- V. Old Business
- VI. New Business
 - a. Approval of Big W Law Firm Statement for Services – February 1, 2022
- VII. Discussion
- VIII. Adjournment

Administration Staff Sub-committee

Charter Recommendations:

1. Article II Sec 2.2 D Authority- change annual review to “ in conjunction with budget process”
2. Change Charter Review Commission to review 10 years.
3. Add the same employment language as the Administrator to the position of County Attorney
 - a. Sec 2.3 Executive Branch; D. County Attorney
 - i. (2) The county attorney shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of ability and qualifications and shall resident within the county while so employed.
 - ii. (3) The county attorney’s salary shall be set by the board of county commissioners.
 - iii. (4) The county attorney may be removed with or without cause upon affirmative vote of four (4) members of the board of county commissioners or upon the affirmative vote of three (3) members at two (2) separate meetings held at least two (2) weeks apart. Grounds for removal shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.
4. Add the same employment language as the Administrator to the position of Economic Development Director
 - a. Sec 2.3 Executive Branch; F. Director of Economic Development
 - i. (2) The economic development director shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of ability and qualifications and shall resident within the county while so employed.
 - ii. (3) The Economic Development Director’s salary shall be set by the board of county commissioners.
 - iii. (4) The Economic Development Director may be removed with or without cause upon affirmative vote of four (4) members of the board of county commissioners or upon the affirmative vote of three (3) members at two (2) separate meetings held at least two (2) weeks apart. Grounds for removal shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.

Non-Charter Recommendations:

Regarding the issue of the Change Memo and the lack of time sometimes involved in researching new information, especially for Economic Development projects, the Administration Staff subcommittee recommends:

- The County Attorney and County Administrator approve these changes in advance.
- County Administrator to review with Economic Development their change memo procedures.
- For County Administration to outline and define the procedures for Economic Development projects to be vetted through various relevant county departments prior to Board of County Commissioner meetings where actions would be taken.

Board of County Commissioners Sub-committee

Charter Recommendations:

1. **Term Limits for all County Elected Officials and Boards (excludes Constitutional Officers):**

The subcommittee **does** recommend that the Board of County Commissioners be limited to three consecutive terms in office.

2. **Economic Development Office: Return to the Executive Branch of Government:**

The subcommittee agrees with the separation of powers between the Legislative and Executive functions of Charlotte County Government. The committee **does** recommend that the Economic Development Office return to the executive branch of government which affects the Charlotte County Charter, Article II, Section 2.3 B (1) *County Department Heads and F Director of Economic Development*.

The subcommittee also recommends either returning to the language of the 2004 Charter (for the above items) or adding a Division of Powers clause– see example from Brevard County:

“Section 1.5 Division of Powers. The County hereby establishes the separation between legislative and executive functions of Brevard County government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.”

3. **Casino Referendum needed for Casino Gambling:**

The subcommittee **does** recommend language regarding casino gambling be added to the Charter.

To be modeled upon language used in Clay, Orange, Osceola, and Seminole County Charters, which in part reads:

“ Reservation of Power by the Electorate: The citizens of Clay County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and

such referendum must be separate and apart from any State-wide or multi-County referendum on the question."

(This excerpt is only one of four or so paragraphs that we are recommending.)

Non-Charter Recommendations:

1. Procedures for review and oversight of County Funds given to other government entities, NGOs, Non-Profits, civic groups, etc.:

The subcommittee **does make a recommendation** to the Board of County Commissioners and Administration that they review procedures for oversight of County Funds given to other government and non-governmental entities and make sure all mechanisms are in place and address it administratively as needed.

2. Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.:

The subcommittee **does make a recommendation** and the committee's preference is to handle this issue administratively in lieu of a charter revision.

"The subcommittee inquired about the previous use of county facilities and staff serving as the office, point of contact and record keeping for a 501(c)(6) for several years, and although the subcommittee was told that this practice has stopped after the hiring of a new department director, this arrangement is not officially prohibited by the County, as far as memorializing it in any written policy, code or resolution by the County Administration or Board of County Commissioners. To avoid a repeat of this practice, which we felt is not a legitimate use of public funds, personnel, and property, we prefer and that the Board of County Commissioners or Administration handle this internally by adopting and issuing a written county-wide prohibition of such uses by any county department or personnel, and that such policy is communicated to all county departments and personnel via the standard distribution process for such matters.

Furthermore, if this recommendation is adopted by the Charter Review Commission, we would like to submit this one particular matter to the Board of County Commissioners and the Administration contemporaneously upon such adoption to give the County an opportunity to respond to the Charter Review Commission regarding this recommendation, and upon assurances that the County has agreed to adopt such a prohibition administratively, we will forego any further discussions about addressing this as a Charter revision."

3. 1% Sales Tax:

The committee **does make a recommendation** to the Board of County Commissioners and Administration to review the process by which they make decisions (to select projects) regarding the allocation of the one percent sales tax dollars.