

**CHARTER REVIEW COMMISSION
ADMINISTRATION STAFF SUB-COMMITTEE
Minutes of Meeting
March 19, 2010**

A meeting of the Administration Staff Sub-Committee of the Charter Review Commission was held at the Administration Complex, Room 106-B, Port Charlotte, Florida.

Roll Call:

The following members were present:

Julie Mathis (Chairman), Kevin Russell, Paula Hess, Ken Doherty

Absent members: *Bill Weller (Alternate)*

Call to Order:

The meeting was called to order at 9:00 a.m. EDT by *Chairman Mathis*.

Agenda Items:

- 1 **Approval of Minutes of meeting March 9, 2010** - The sub-committee proceeded immediately with the scheduled interviews and approval of Minutes will be addressed at a subsequent meeting.
- 2 **Interviews with Administrative staff in the County** had been previously scheduled, and the interviewees had been provided a list of proposed questions prior to this meeting. (The Agenda schedule as well as the question list have been previously appended to the Minutes of March 9, 2010).

Interview with Janette Knowlton, Esq., County Attorney

Chairman Mathis and the sub-committee members welcomed Ms. Knowlton and thanked her for attending.

Please describe your duties. Ms. Knowlton stated that her office represents the Board of County Commissioners, Administration, Department heads and all Advisory Boards. Her office operates as general counsel for the BCC and negotiates and drafts all contracts and Resolutions, reviews and analyzes all matters that are brought before the Board. Ms. Knowlton further indicated that her office covers employment law, environmental matters, utilities, solid waste and land use. They also handle litigation, prosecuting and defending all cases for the County. Ms. Knowlton said that her office retains outside bond counsel as well as outside counsel when necessary for matters involving Workers Comp. Ms. Knowlton further said that her office does not represent individual citizens, indicating that those requests are referred to the Bar. The office of the County Attorney has a \$1.5 million budget, there are eight attorneys in the office including herself, four secretaries and one paralegal.

Are there changes you could suggest for the Charter to improve your ability to deliver services? Ms. Knowlton could not think of any such changes.

Kevin Russell asked how she would describe her relationship with Administration, to which Ms. Knowlton replied that relationship was very good. She said she has made a point to make sure that her office is more a part of the team than in the past, indicating that she attends the weekly Directors meetings. In doing this her office is able to practice preventative law. In response to *Mr. Russell* she replied that she attends the meetings personally, bringing in other people when needed. Ms. Knowlton observed this practice has greatly enhanced communication. She gave an example of a recent meeting addressing the establishment of a social networking policy for the County, explaining the difficulties involving the Sunshine Law and maintaining instant messages. *Paula Hess* asked Ms. Knowlton at what point she became involved in zoning and land use matters as far as reviewing for legality. Ms. Knowlton responded that depended on the specific matter, indicating all matters are automatically reviewed before they go to the Board. She further responded to *Ms. Hess* by confirming that everything has been reviewed as far as contestability before it goes to Planning and Zoning and the BCC. In further response to the question of the Charter, Ms. Knowlton said that she is affected by it in the sense that her office enforces the Charter but as far as the daily operations of her office she does not know of any changes that are necessary.

Paula Hess then referred to a question about enforcement duties, asking Ms. Knowlton if she was aware that the debt and reserve policies Amendments were not faithfully followed from the last Charter Review Commission session. *Ms. Hess* asked about the existence of the Administrative Code, and was assured by Ms. Knowlton that it was adopted on July 22, 2008. Ms. Knowlton said she would make sure a copy was delivered to the CRC. (Note: the Administrative Code is a large volume and it was subsequently decided that it could better be viewed online at <http://www.charlottefl.com/Outreach/Admin/AdminCode/AdminCode20080722.pdf>). She indicated that the policies in the Code are taken to the Board for approval, and the procedures can be amended by Administration on an as needed basis, that last update having been made in February 2010. (Note: Amendment can be viewed online at <http://charlottefl.com/outreach/Admin/Admincode/addendums.pdf>). *Ms. Hess* asked Ms. Knowlton again about the enforcement of the debt and reserve policies, and Ms. Knowlton indicated that was a question to be directed to Administration. Ms. Knowlton elaborated that her office handles Charter enforcement in the sense that they make sure the Board is not exceeding any boundaries. *Ms. Hess* then asked Ms. Knowlton if she reviews Economic Impact Statements and Ms. Knowlton responded "yes". Ms. Knowlton outlined the process of these statements, saying that they are prepared by Department heads before an Ordinance comes forward and then are reviewed. *Paula Hess* observed that concerns have been raised that although the Economic Impact Statements may be legally sufficient they do not contain enough content. Ms. Knowlton disagreed, indicating that she has seen many that contain a great deal of detail as far as economic impact. She further responded to *Ms. Hess* that they are adequate, the Board does not usually question them and they are faithfully submitted. *Julie Mathis* asked if the degree of detail depended on who is preparing them, and Ms. Knowlton responded that was true, indicating that some Departments do not deal with a lot of Ordinances and therefore do not have that much experience in preparing an Economic Impact Statement. *Paula Hess* asked if staff had the expertise to compile an Economic Impact Statement and Ms. Knowlton replied that the respective Departments were best suited. *Ms. Hess* asked about these possibly going through Financial or Budget, and Ms. Knowlton said that they are already reviewed by Budget but she is not aware to what extent. Ms. Knowlton added that she thought a full ninety percent of Agenda items go through Legal, Budget

and Administration first, explaining that there were some items involving Purchasing that are fast-tracked. *Ms. Hess* said that they were just concerned that the Charter be followed as intended and *Kevin Russell* mentioned that this was brought up in the general membership meeting the day before. *Mr. Russell* referred to the fact that an inadequate or inaccurate product should not invalidate the Ordinance, further saying that some Economic Impact Statements are at times a guess and he did not feel the Ordinance should be undermined because of that. *Ms. Knowlton* agreed. *Ken Doherty* said he was concerned that the Board receive a correct perspective from an Economic Impact Statement and referred to a suggestion at the meeting the previous day that a volunteer Committee from the community could exist to work with the appropriate Departments in reviewing economic impacts. *Mr. Doherty* said that the intention of the previous Charter Review Commission, in putting this in the Charter, had been to make sure that the Board receive accurate information as far as community and internal County impact. *Mr. Doherty* said that this information would not necessarily come out at the public hearings. *Paula Hess* added that one of the aims of the CRC is to be business friendly and help make Charlotte County more attractive to new business, and Economic Impact Statements should show the impact on persons making application to the County. *Ms. Knowlton* mentioned that there is citizen's advisory to some extent, referring to the Building Industry Oversight Committee which fully vets any matter coming from Building Services. *Julie Mathis* agreed that she thought the BIOC had been very effective. *Ken Doherty* said that he was wondering if something should be placed in the Charter to formalize an oversight process, rather than depending on people to come forward.

Julie Mathis asked *Ms. Knowlton* if two readings of an Ordinance would affect her office, and *Ms. Knowlton* replied that it would not affect her office but would slow down the passage of the Ordinance. *Mr. Doherty* mentioned that there are quite a few areas in the country that have two readings, giving the public an extra opportunity to speak. *Ms. Knowlton* replied that her office had implemented something similar to that by changing the process so that the proposed Ordinance is attached to the Agenda for the meeting that sets the Public Hearing as well as the meeting that holds the hearing. *Paula Hess* asked how much discussion takes place in the Pre-Agenda hearing and how many members of the public attend. *Ms. Knowlton* replied that there is usually only handful and they are there if a specific matter concerns them. *Ms. Knowlton* said a lot of discussion takes place at Pre-Agenda, *Julie Mathis* adding that sometimes more discussion takes place there than at the regular meeting. *Ms. Knowlton* agreed with a statement by *Paula Hess* that this can be discouraging to the Public that attend a Board meeting and hear very little discussion on an issue, adding though that the Pre-Agenda is in the Sunshine and noticed so that public can attend. She added that there has been some discussion at Pre-Agenda of doing away with Pre-Agenda, saying that the process originally started as a Staff meeting and an earlier Commissioner sat in and then others followed. *Ms. Knowlton* confirmed for *Ms. Hess* that she had no objections to the matter of two hearings.

Have you had experience working under an elected Administrator and what is your opinion of an elected Administrator form of government? *Ms. Knowlton* replied that she had no experience working under and elected Administrator and did not have an opinion on it. *Paula Hess* explained that the CRC had been hearing that Government functions more efficiently under an elected Administrator and that is

why they were getting opinions on the issue. *Ken Doherty* explained that there were three options available for County government structure: An elected Executive similar to the Governor or the President, the appointed County Chair as currently exists, and a third option which provides for an elected Mayor who sits on the Board and appoints an Administrator to work for him. He further explained that the Mayor is part of both the Legislative and Executive branch, but only votes on the Board in the event of a tie. *Mr. Doherty* remarked that there is little support for one elected Executive but the third option is being viewed with interest. *Mr. Doherty* observed that Orange County government is structured that way. *Mr. Doherty* continued by saying this issue is being examined because of concerns being heard about accountability and the difficulties encountered by new business. He said it is being examined as it may now or in the immediate future be time for Charlotte County to be structured more like a municipality for the delivery of services. In response to a question from Ms. Knowlton about this option, *Mr. Doherty* said the Board would be exclusively Legislative and the person in charge would be elected, teamed with an appointed professional.

Kevin Russell asked Ms. Knowlton if she found it difficult to get direction from the Board, and she replied that she did not. Ms. Knowlton indicated her Office gets responses on the record so they are clear on direction. *Chairman Mathis* added that there was a perception that Ms. Knowlton and Mr. Baltz spent their time trying to get the support of three Commissioners. Ms. Knowlton said her Office has meetings with the Commissioners on a regular basis. In response to a question from *Mr. Russell* she indicated that in presenting issues to the Commissioners it is an informational meeting and she has never asked how they plan to vote on an issue. Ms. Knowlton continued that her Office takes direction from the Board meetings, never assuming a direction, adding that it is important that the Commissioners hear each other's opinions as well as public input in deciding their votes. *Mr. Russell* said he agreed with *Chairman Mathis* in her statement about public perception, adding that it might not be a correct perception. Ms. Knowlton agreed that it was not. *Chairman Mathis* observed that in these times of increased methods of communication it seems that communication is almost worse, using an example of reduced attendance at BCC meetings because people were following it on the computer. *Mr. Russell* supported this and also said that one of the dynamics the CRC was dealing with was the inability of an individual Commissioner to handle a matter on behalf of a citizen. *Paula Hess* said this was one of the reasons they were considering an elected Mayor/appointed Administrator option.

In your experience is the non-inteference clause observed? Is the method of enforcement adequate?
Ms. Knowlton replied that a Commissioner was able to call a Department head on any matter but prohibited from giving direction. She said that if that is violated her Office will step in, indicating that she also steps in on matters regarding the Sunshine Law. Ms. Knowlton said that she will make her opinion known to them even if she is not asked. Discussion ensued about the difficulty encountered by Department heads and the frustration encountered by individual Commissioners in trying to please constituents. In response to a question from *Paula Hess*, *Mr. Doherty* said that theoretically the County Mayor/Administrator option would clear everything up as the citizens could go to the Mayor who could go directly to the Department heads in conjunction with the Administrator. *Kevin Russell* expressed his concern over the power that this elected Mayor could have and problems resulting from possible personality conflicts. *Mr. Russell* also expressed his concern that the size of the Board would need to be expanded, which would be a costly proposal. *Chairman Mathis* returned to the question of non-interference, referring to Ms. Knowlton's statement that ideally Department heads would go to Mr. Baltz who in turn would go to Ms. Knowlton and she would go to the Commissioners. Ms. Knowlton said that nothing has ever risen to the level of Charter violation. She said there may be times when a

Commissioner asks a Department head to look into something and that should be handled in the normal course of business and should not result in the re-prioritizing of workloads. Ms. Knowlton said if there is ever a cause for concern she and Mr. Baltz or she alone will go to a Commissioner. *Chairman Mathis* asked Ms. Knowlton if Department heads ever went to the Commissioners with complaints and Ms. Knowlton replied that she had not heard of that happening. *Kevin Russell* mentioned that with the present volume of foreclosures there are probably challenges for Code Compliance. Ms. Knowlton acknowledged that was an issue, mentioning also the reduced personnel in that Department. She indicated that necessary changes were under discussion. In response to *Paula Hess*, Ms. Knowlton stated that there are no problems with observance of the non-interference clause.

Chairman Mathis asked Ms. Knowlton how she thought budget cuts were affecting the County. Ms. Knowlton replied that people are working harder and increasing workloads. Ms. Knowlton said this might be a topic to bring up with Mr. Baltz, but she was not opposed to answering saying that all of the efficiencies had been made and she did not see how further cuts could be tolerated. *Chairman Mathis* mentioned a survey for community review submitted by the County this week indicating there could be another \$11 million deficit and said this survey listed various services and projects which may be cut. Ms. Knowlton observed that demand for services remains the same despite the need for cuts.

Should there be a limit set on Federal and State grants that create a continuing obligation? Ms. Knowlton said that really did not involve her office. She did say that the Board was keenly aware of the issue, saying that Mr. Starr brings up the question every time a grant is reviewed, cautioning the consequences to the hired personnel when the grant expires.

Should there be residency requirements for Department heads? Ms. Knowlton indicated that she thought residency requirements were a good idea for both Department heads and the County Attorney. She confirmed that there were residency requirements in place for elected positions and the Administrator, acknowledging that the argument could be made that this limits the selection field. Ms. Knowlton said that there were residency requirements in the Administrative Code for Department heads, but nothing relating to the County Attorney. (Note: a copy of this portion of the Code was provided by Ms. Knowlton and is attached to these Minutes as Attachment "A").

Ken Doherty said that in previous interviews a specific Department head had been mentioned as building a home in another County. Ms. Knowlton again spoke in support of residency requirements.

Ms. Knowlton said she had reviewed the Charters of both Palm Beach and Sarasota counties in thinking of housekeeping issues, saying the non-interference clause was standard in the ones she reviewed. She said she liked the residency requirement for the County Attorney, mentioning that Sarasota also specified the County Attorney had to be licensed to practice law in Florida for a minimum of five years, with which she also agreed. As far as enforcement issues, Ms. Knowlton mentioned that Sarasota County Charter Section 3.8 deals with citizens' rights for judicial review. In response to a question from *Paula Hess* she said that the Charter for Charlotte County was limited to enforcement of the non-interference clause and the Sarasota County Charter is broader. Ms. Knowlton said she had also

reviewed housekeeping issues relevant to the Charter Review Commission and mentioned residency requirements for members. *Paula Hess* said that had been discussed at the general membership meeting the previous day and it was decided that an Amendment would be proposed to handle it. There was brief discussion among the members present about proof of residency. Ms. Knowlton said that the other issue she looked at was establishing CRC budget, saying that may not need to be handled in the Charter. *Chairman Mathis* agreed, elaborating that previous discussion had determined that rules and procedures would be established at each organizational meeting for Charter Review Commission sessions. Ms. Knowlton acknowledged that there had never been any issues and said that she hoped that subsequent CRC sessions would be mindful of budget considerations.

Kevin Russell asked Ms. Knowlton her opinion on a continuing Charter Review Commission, a body which would not meet frequently but could serve as a type of oversight committee. *Paula Hess* added that this was also discussed in reference to pursuing a possible change of government structure, giving the Commission sufficient time to implement such a change if accepted. *Chairman Mathis* observed it would also be helpful for further research and study of the issue if that turns out to be the direction the CRC takes. *Kevin Russell* said that he had a concern over the short length of time that the Charter Review Commission was in session. *Paula Hess* agreed.

Kevin Russell mentioned the problem of alternates not attending meetings, and Ms. Knowlton agreed that it is critical for them to attend. She indicated that she could provide the language for "failure to attend" that is used for Advisory Board membership (Note: a copy of this is attached to these Minutes as Attachment "B"). There was brief discussion and it was determined that because of the possible large amount of Amendments to be proposed this issue would likely be handled by some other method than Charter amendment.

This concluded the interview with Ms. Knowlton and the members thanked her for her time and input.

The members briefly discussed the issue of Amendments after Ms. Knowlton left, observing that even changing a few words in the Charter required an Amendment and each one needed to be stated separately, not lumped together.

Interview with Kelly Shoemaker, Assistant County Administrator

Chairman Mathis and the sub-committee thanked Ms. Shoemaker for attending.

Please describe your specific duties. Ms. Shoemaker said that the job description for her position is as assigned by the County Administrator, adding that she specifically has Public Safety, Facilities Construction and Maintenance, Environmental and Extension Services, Building Construction Services, Parks and Recreation and Cultural Resources as her assigned Departments for oversight. Ms. Shoemaker said that the Administrator has also assigned her to be the Federal and State legislative liaison. In that role she monitors activities in Tallahassee, and on the Federal side she recently attended a meeting in Washington D.C. with the other Commissioners where they worked on the legislative agenda.

What if any local government restructuring could be proposed for the Charter that would improve your ability to deliver services? Ms. Shoemaker said that she views the Charter as an overriding document that instructs the Administrator. Ms. Shoemaker added that it does not drive her on a daily basis but from an organizational standpoint her office has conversations and frequent discussions on how to best perform their duties, indicating that they also have frequent meetings with the public and outside organizations to get a feel for community needs at any given time. She indicated they would then bring back information obtained in these discussions to the respective Departments to meet those needs.

In reference to the non-interference clause, *Kevin Russell* asked if Administration ever received direct inquiries from the public and if it was made known to the public that they could come to Administration with their concerns. Ms. Shoemaker replied that they do receive inquiries and said that when speaking or otherwise meeting with the public she hands out her business cards and advises that her office is available for assistance. Ms. Shoemaker indicated that people who are seen on a regular basis are going to turn more to the Department heads that they know. Ms. Shoemaker further observed that MSBU's have enhanced the connection in the community between members of the public and the MSBU Advisory Boards. *Paula Hess* asked if members of the public were more likely to approach a Commissioner than someone in Administration and Ms. Shoemaker replied that happens on a regular basis. In response to a question from *Kevin Russell*, she indicated that she personally meets with the Commissioners weekly, increased frequency depends on the workload. Ms. Shoemaker described the typical process in handling an inquiry involves a citizen sending an email to a Commissioner, at which point that Commissioner will forward that email to those that they know are involved in the issue (which includes members of the Administration team as well as the applicable Department head). Ms. Shoemaker said that this can increase response time, emphasizing that these emails are informational only and do not contain instructions from the Commissioner. *Paula Hess* asked if Ms. Shoemaker thought the non-interference clause was faithfully followed, and Ms. Shoemaker replied that in her twelve plus years with the County she had never encountered a situation which rose to the level of Charter violation.

Have you had experience working under an elected Administrator, and what is your opinion of an elected Executive form of government? Ms. Shoemaker indicated that her experience extended to Charlotte and Sarasota counties, and she had not worked under an elected Administrator. *Ken Doherty* said that this question was being asked of everyone to obtain their opinions, and he explained the three options of governmental structure as he had done in the previous interview. Ms. Shoemaker said that although her experience has only been with an appointed Administrator, as a member of ICMA (the International County/ City Managers Association) she has done a lot of reading and said from what she has read there is a lot to be said about the appointed Administrator. Ms. Shoemaker observed that she thought the success was because it enables delineation between the policy making side and the daily operations. She continued that although she was not totally familiar with the form that *Mr. Doherty* was describing, she thought it was important that it be able to achieve that same degree of division between the two sides. Ms. Shoemaker said that she thought having a professional with the ability to perform the daily operations was important, comparing the position to that of a CEO. Ms. Shoemaker said that she could only speak to the positive aspects of the current structure. *Ken Doherty* observed that under the current structure the Board of County Commissioners is legislative and quasi-Executive with no authority to execute. He continued that the County Mayor/Administrator option would return the Board to a purely legislative capacity which in turn might be a potential benefit to the public. *Mr.*

Doherty again stated that a sole elected Executive would allow for too much power and might not result in the qualified professional that is needed to run County government. Ms. Shoemaker said that she thinks a lot comes down to the issue of establishing priorities. She said that over the last few years, probably due to the economic downturn or just the normal cycle of things, little time has been able to be devoted to planning. She also cited the consequences of Hurricane Charlie as well as simply being located between the two larger entities of Sarasota and Lee counties. Ms. Shoemaker said that if she were asked her priority, it would be to allow the policymakers time to establish a long range vision. *Ken Doherty* said that it may be time to look at structuring Charlotte county more like a municipality as it is transitioning from the rural community of earlier times. Ms. Shoemaker replied that she thought the difficulty of having a County mayor was that there is only one municipality in the County, adding that having other areas incorporate would make it easier. Ms. Shoemaker used an example that in some areas the City is responsible for recreation and the County takes care of parks. *Paula Hess* pointed out that Charlotte County acts like a huge municipality and provides all the same services, so why not structure it like a municipality. Ms. Shoemaker agreed with the concept but said that geographically it would be difficult. She mentioned that there is a lot of discussion currently underway about restructuring, in preparation for the next budget review. If consolidations are made and positions cut, it will be even more difficult for Departments to reach out effectively throughout the county. Ms. Shoemaker said she did not see what a Mayor would be able to do any differently than the current Administrator system. Ms. Shoemaker also raised a concern that a Mayor might spend too much time appeasing "squeaky wheels". Ms. Shoemaker stated again that she thought the priority would be to establish a long range plan, regardless which form of government was proposed. *Ken Doherty* and *Kevin Russell* observed that lack of money is making it difficult to get out of this pattern. Ms. Shoemaker asked if they would propose that Administration become more involved, thus freeing up the time for Commissioners. She referred to Charlotte Assembly from previous years and other outreach endeavors, which could aid in developing a planning document. *Chairman Mathis* agreed. *Ms. Mathis* also mentioned to Ms. Shoemaker, in terms of outreach, that despite the amount of content on the Administration web page a large portion of the community is not computer friendly and relied on news print. Ms. Shoemaker replied that they have had the most positive comments from the weekly column submitted by Mr. Baltz. She also said that an enormous amount of people follow the BCC meetings on television. *Kevin Russell* observed that public relations has been a casualty of the economy and the flow of information has been affected, adding an extra burden to the Commissioners. Ms. Shoemaker said that she tries to keep an eye on what is going on in government in the rest of the state, mentioning that Sarasota county has added a television show. Ms. Shoemaker said that they have a list of great ideas which cannot be implemented without funds. *Paula Hess* observed the difficulty in Charlotte County results from its large area and divergent interests, saying this was another reason they are looking at the alternative form of government. In response to the issue of the County spending money, Ms. Shoemaker said that although a beautification project on U.S. 41 was passed along with the sales tax at an earlier election, by the time it actually started the County was in the current economic downturn and the public was not happy with the money being spent. She said this was a perfect example of the need for regular communication. *Ms. Hess* mentioned the lack of institutional history, with which Ms. Shoemaker agreed. *Ms. Hess* said that one of the reasons they were interviewing everyone was to get their opinions to see if the Charter could help, acknowledging that there are pros and cons to every situation.

Should there be a limit set on Federal and State grants that create a continuing obligation? Ms. Shoemaker said that if a need is expressed by the community and a grant is made available, then certainly that grant should be accepted. Ms. Shoemaker further said that they are examining all grants carefully when it comes to criteria. She indicated that some people were of the opinion that the County should be applying for a lot more grants, but said that the County does not meet the requirements for the majority of them. Ms. Shoemaker said that when initially examining them to see if it is worth the time and resources to fill out the application, they also carefully look at the cost impact to the organization when the grant expires. She pointed out that most grants have an ending date and personnel is contracted with the understanding that their position ends when the grant expires. If a grant is continued or a new one obtained, then a new contract is written.

Should there be residency requirements for Department heads? Ms. Shoemaker indicated that there are residency requirements in the Administrative Code. Ms. Shoemaker said that she completely understands residency requirements but flexibility for circumstances needs to be considered. She gave an example of a candidate who may need to care for a parent in a neighboring County and moves in with that parent. Ms. Shoemaker said it would be a shame to lose a good candidate if no flexibility was offered.

Kevin Russell asked about the Administrative Code. Ms. Shoemaker indicated that she uses it frequently and it is current. She confirmed that the Code is available online.

Chairman Mathis asked if there were any suggestions that Ms. Shoemaker had for the Charter. Ms. Shoemaker said she had considered that there might be a need for a bonding or audit requirement in the Charter. Ms. Shoemaker also said that there mention in some Charters of an elected Charter Review Commission and asked if this body had considered that. *Ms. Hess* replied that it was brought up by one member of the public that the same people are seated each time, but it was the consensus of the CRC that experience is helpful and necessary for at least a portion of the membership. *Ms. Hess* and *Mr. Doherty* also mentioned a lack of applicants for the position. Ms. Shoemaker said that she thought it was in bigger cities that the CRC is elected, which presumably have a large pool from which to choose.

Chairman Mathis asked if there were any further questions for Ms. Shoemaker. *Paula Hess* asked Ms. Shoemaker if she had any comment on the debt and reserve policies and she did not. In response to the question of the quality of economic impact statements, Ms. Shoemaker said that the County Attorney's office could better answer that as those statements are associated with Ordinances. *Paula Hess* asked Ms. Shoemaker to elaborate on her suggestion for bonding and audit requirements, and Ms. Shoemaker replied that she was referring to possible limits on bonding and frequency of audits which would be a part of the debt policy.

This concluded the interview and the members thanked Ms. Shoemaker for her time and input.

Interview with Ray Sandrock, Assistant County Administrator

Chairman Mathis and the members welcomed Mr. Sandrock.

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

Mr. Sandrock said that the Departments which report to him are Public Works, Budget and Administrative Services, Growth Management, Human Services and currently the PIO function. Mr. Sandrock continued that his main focus is working with Gordon Burger and bridging the gap from his previous position with Budget, making sure that all processes continue and improve. Mr. Sandrock said that he reaches out to all the Departments in making them work in a day to day role. *Chairman Mathis* asked if he was affected by the Charter in his daily work, and Mr. Sandrock responded that he was in the sense that the Charter is the guiding document. *Paula Hess* if there was any restructuring which he could propose to improve the Charter. Mr. Sandrock replied that he did not have any suggestions for restructuring the organization but did have some ideas to share. The members invited him to discuss these at this time. Mr. Sandrock referred to his budget background and the enhancement and credibility that could be brought by a citizen's input committee with regard to how the County should focus their funds. *Paula Hess* asked how these committee members would be chosen. Mr. Sandrock observed that the makeup of the group would determine the success, and said that as he does research of budget struggles across the country he has found that citizen input is crucial. Mr. Sandrock said that in some cases services have been ranked and a matrix has been built to take the available dollars and distribute them in a process that involves citizens and Commissioners, resulting in a well defined outcome. He said that the Commissioners have a difficult job determining how to spend the money without some real help. Mr. Sandrock did not know if this was a matter for Charter restructuring, but said it was something to be considered. *Paula Hess* mentioned that the Charter Review Commission was considering a continuing citizens committee to monitor Charter enforcement. *Ken Doherty* observed that this type of committee to which Mr. Sandrock was referring could also help in evaluating the Economic Impact Statements, the quality of which have been another matter of concern to the CRC. Mr. Sandrock mentioned that through the last years they have been working through some economic stimulus grants which require an in depth analysis, saying that they have been working with Sarasota County and using some software that helps take the scope of work and project it into outcomes to the community. He said that there are tools available to help obtain a more quantifiable outcome for decision making. *Kevin Russell* asked if there was enough time available in the Budget office to hold meetings with a proposed citizens group, review the information and present it to the Board. Mr. Sandrock said that it would be a challenge in the first year but well worth the effort. Mr. Sandrock and *Kevin Russell* briefly discussed a group that they had been a part of several years ago, indicating that if that group had continued it would have been very close to helping produce the type of product that is required in budget analysis. Mr. Sandrock brought up the issue of millage rates, saying that a citizens input committee could provide credible support when presenting a possible increase to the community. *Paula Hess* again mentioned recruiting qualified people with the necessary expertise. Mr. Sandrock said that the members of the committee on which he and Mr. Russell had previously served had been appointed by the Board, and he would look into the recruitment in Sarasota. (NOTE: Information about

the Sarasota County Budget Task Force can be found at <http://www.scgov.net/CFPO/BudgetGuide/BudgetTaskForce.asp> and associated links).

In your experience is the non-interference clause observed? Is the method of enforcement adequate?
Mr. Sandrock said that in his ten years experience, most of which as a director, he has never been given a directive from an individual Commissioner.

Should there be residency requirements for Department Heads? Mr. Sandrock indicated that he was in favor of them, adding that he would consider extenuating circumstances rather than lose a good candidate for a job.

Chairman Mathis asked Mr. Sandrock about the debts and reserve policies Amendments passed by the last Charter Review Commission session and not implemented until September 2009. Mr. Sandrock said that he was happy to talk about that, mentioning that the recommendations were brought about as a result of interviews with Budget officials during that session. He mentioned personnel changes but indicated that it was pursued and he had it very close to bringing to the Board in 2007. Mr. Sandrock said that at that difficult time they were actually experiencing what the debt policy is about. Mr. Sandrock said that in 2002-2003 there was a contingency reserve of \$752,000. He said that right after Hurricane Charley they had a contingency reserve of \$12.5 million. Mr. Sandrock said that today the policy is in place and they have a contingency reserve of a little of \$9 billion and they have also established a fiscal stabilization reserve. Mr. Sandrock said another factor as far as implementation was that the people who had been tasked with working on it had to focus on other things when the hurricane hit. *Paula Hess* explained that the CRC was not trying to place blame but to analyze the production of the debt and reserve policies and the Economic Impact Statements. She mentioned that the only enforcement in the Charter was for non-interference, which appears to not be an issue. *Ms. Hess* asked Mr. Sandrock if he thought the formation of a citizens oversight committee would assist in reviewing and enforcing the issues. Mr. Sandrock agreed that might be helpful, acknowledging that in the case of the debt and reserve policies such an oversight committee would have given him the avenue of communication to let it be known that he was working on it but there were extenuating circumstances. *Chairman Mathis* mentioned that the CRC was also considering putting a date on implementation of Amendments. *Ken Doherty* mentioned the concern that the work expended on getting the Amendments passed was meaningless if they are not implemented, acknowledging that there may have been logical reasons. Mr. Sandrock replied that there were logical reasons but no way to communicate back, saying that adding a date would put it into a framework. He said that it was very important that the Charter Review Commission had these policies placed in the Charter. *Mr. Doherty* asked Mr. Sandrock if he could suggest a date for the Board to adopt these policies annually, asking him about an arbitrary date of April 1st. Mr. Sandrock said that a September date would work better in the Budget process. (NOTE: Mr. Sandrock subsequently contacted *Mr. Doherty* and agreed that April 1st would be an appropriate date to set). *Kevin Russell* asked Mr. Sandrock if he thought that the debts and reserves policies Amendments would have a beneficial effect, saying that he remembered the contingency reserve figure of \$752,000 and he thought at the time that it seemed low for a County this size. Mr. Sandrock agreed that they would have a beneficial effect, elaborating that in the reserves policy the wording of "strive for" does not force a certain level but sets parameters. Mr. Sandrock said that in building the policy they looked around the State for range and consistency.

Chairman Mathis asked Mr. Sandrock if he had any more suggestions for this sub-Committee to consider in addition to the citizens input committee for the Budget. Mr. Sandrock mentioned the concept of a two year Budget process, indicating that Gordon Burger may mention that later in the day during his interview. Mr. Sandrock said he saw this two-year framework as helping with the labor intensive process as well as providing a tool for long term vision. Mr. Sandrock acknowledged that it is very difficult at this time to make any projections because of the economy, changing population figures, etc.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government? Mr. Sandrock said that his only experience had been working with an appointed Administrator. *Ken Doherty* briefly outlined the three available options for County government structure, as he had done with the previous interviewees. *Mr. Doherty* said that the County Mayor/appointed Administrator option was being considered as a possibility because in transitioning from a rural community Charlotte County might be able to better deliver services if structured like a City. *Mr. Doherty* stated as he had earlier that this would allow the BCC to function as a purely legislative body rather than legislative and quasi-Executive as it now does. Mr. Sandrock indicated that one concern of his would be electing a person with the necessary qualifications to run the day to day operations. *Mr. Doherty* replied that this was the advantage of the elected Mayor/appointed Administrator team. Mr. Sandrock asked how much power the elected Mayor would have, and it was discussed that this was one of the shared concerns. *Ms. Hess* emphasized that the BCC would be able to pursue policy making and critical long range planning. Mr. Sandrock agreed with that, but referred back to the earlier question about non-interference. *Mr. Doherty* and *Ms. Hess* confirmed that the Mayor would have the ability to direct staff. *Ms. Hess* said that Orange and Volusia counties had this form of government they are examining and from what they are hearing it works very well. *Mr. Doherty* asked Mr. Sandrock if he saw Charlotte County being structured more like a City. Mr. Sandrock acknowledged that would make it much easier for the County if other areas were to obtain their own Charter, and discussion ensued among the members that this would probably not happen. *Kevin Russell* asked Mr. Sandrock to speak about MSBU's. Mr. Sandrock indicated that there has always been divided opinion on whether or not these are good for the County. He indicated there was going to be an upcoming presentation to the Board about an MSTU. He said that regional MSBU's have been shown to be too expensive. Mr. Sandrock observed that a more traditional way to pay for roads is through general taxation. He said that in this County there are areas of sufficient density to pay for improvements and other areas that never seem to have enough money for the basic services. Mr. Sandrock continued that the County Commissioners have a very difficult job in this regard, and they now require maximum support for any assessments. He pointed out that there have not been that many assessments in recent years, but also there is work that is not being done. Mr. Sandrock stated that one way of handling this would be to go to the more traditional MSTU, with a millage rate and appropriate cycle for completion of services. He said that these funds could be supplemented through gas taxes and perhaps other sources of revenue, but the base would be the MSTU millage rate. Mr. Sandrock said this method will provide more consistent funding and delivery services. He indicated that it would put the Board in a bad position to make the decision on going to MSTU, saying that he maintains this issue

should be presented to the voters. *Mr. Doherty* said that he was part of the concept when it was initiated years ago, and the original plan called for only three MSTU's.

Should there be a limit set on Federal and State grants that create a continuing obligation? *Mr. Sandrock* replied that not only with grants but with any way that money is spent the long term operational expenditures need to be considered. *Mr. Sandrock* gave an example of grants to build sidewalks, which create an ongoing obligation of maintenance. He also mentioned stimulus grants they have received with allow the hiring of personnel who are then discontinued at the expiration of the grant. *Mr. Sandrock* indicated that all grants are carefully evaluated. In response to a question from *Ms. Hess*, he said that his concern is with grants which require an ongoing obligation from the County, for example staffing and maintaining a facility that is built with grant money. *Mr. Sandrock* said that he really did not think that limits need to be set as the situation today has caused the County to be very cautious. He mentioned that the Board has indicated that this year they would like to look at Human Services, which is mostly grant funding for housing and social services.

Kevin Russell brought up again the issue of MSBU's. *Mr. Sandrock* replied that it was always a difficult issue when discussed, which in itself indicates that another process needs to be examined. *Ken Doherty* remarked that with the declining tax base there is a problem with MSBU's. *Mr. Sandrock* said that they need to find a method over and above the citizens driving the level of service, indicating his concern that there needs to be basic levels established for health, safety and welfare. *Ken Doherty* agreed. *Mr. Sandrock* said he thought the County was heading in the right direction when considering MSTUs and focusing on safety and concurrency rather than a wish list.

Paula Hess asked if Economic Impact Statements were reviewed by anyone with economic backgrounds so they could be analyzed for adequacy. *Mr. Sandrock* replied that every Agenda item goes through Budget, an analyst, an assistant Director and a Director, the Office of the County Attorney, etc. *Ms. Hess* asked *Mr. Sandrock* if he finds them adequate, mentioning that sometimes they indicate that there is not economic impact or they only show the impact on the County and not the applicant. She gave an example of mitigation for dirt mining. *Ken Doherty* asked for elaboration on that issue also. *Mr. Sandrock* said that when he reviews an Ordinance he looks at it from the community perspective, for instance job creation. He said that he looks at direct impact but limits his analysis to a reasonable extension. He gave an example of his analysis of the Stadium, saying that he looked at it from the standpoint of tourist tax, revenue etc. for the County but did not extend that to multipliers for people shopping at the Mall or eating in restaurants. *Ms. Hess* observed that *Mr. Sandrock* has the background to do that, she was referring to other Departments which may not have that expertise. *Mr. Sandrock* replied that they are all reviewed by Budget and the office of the County Attorney. He said that if there are questions about the quality of the product, then it might be good to look at the process. *Mr. Sandrock* said from his perspective the process and form are good.

Kevin Russell asked *Mr. Sandrock* to get back to the sub-Committee regarding the Sarasota Budget Task Force (a link to which has been provided previously in these Minutes). This concluded the interview and the members thanked *Mr. Sandrock* for his time and input.

Interview with Roger Baltz, County Administrator

Chairman Mathis and the sub-Committee members welcomed Mr. Baltz.

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? Mr. Baltz indicated that he has complete respect for the Charter Review process. He explained that his duties are governed by the Charter and State Law. Mr. Baltz said that he has served as a County Manager, a City Manager, a Town Manager and a Department Director in different parts of the country, and has seen the delivery of services under various forms of local government. He mentioned models where government is structured into bureaus, or ones that have Assistants with certain functions assigned to them. Although he has not worked in them, Mr. Baltz said there are forms of contract government which have a small amount of County or City employees but most of the services are contracted out. He said he has seen a few such contract communities in Nevada and California, indicating that although unique that system has downfalls which include accountability to citizens. Mr. Baltz said that in the performance of his job he tries to evaluate and provide services as efficiently as possible. As far as any changes to the Charter, Mr. Baltz said currently the County is structured into thirteen distinct Departments and the County has the ability to structure sufficient to meet its needs.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government? Mr. Baltz replied that in his working life he has not worked under an elected Mayor who was the executive officer and also expected to manage daily operations. Mr. Baltz said he was the City Manager in Crystal River, Florida which had an elected Mayor but that Mayor did not have those duties. *Ken Doherty* outlined the elected Mayor/appointed Administrator option form of government which has been described in earlier interviews, asking Mr. Baltz if he thought this city-like structure would be beneficial for Charlotte County. Mr. Baltz said he has not worked under this hybrid model, but it sounded like a consolidated form used in Jacksonville where the Mayor hired a Chief of Staff. Mr. Baltz said that personally he likes the appointed Administrator structure as it has an element of “de-politicizing”. He added that he is in this profession because of his belief in the importance of government, and removing the politics also removes the need to repay political favors and increases accountability. Mr. Baltz acknowledged that accountability also exists with an elected Executive, but it is more immediate with an appointed Administrator who serves at the discretion of the elected officials. He said that a system of checks and balances exists when there are elected policy makers and an appointed official tasked with implementing those policies. Mr. Baltz acknowledged that he was a product of the system he has worked under but thinks it is the best model, adding that no matter what form of government is chosen the important factor is the people who fill the positions. He said that he appreciates the differences of opinion and debate that are inherent in politics, saying that dynamic is a problem only when it leads to stalemate and polarization. *Paula Hess* described that this option which is being discussed would allow the Board the time to be policy makers and develop a much needed plan for the future of the County. She asked Mr. Baltz if he thought re-structuring with this in mind was a good idea, and *Ken Doherty* added this would remove the quasi-Executive role of the Board. Mr. Baltz observed that in his experience the citizens would always go to

the elected Official with problems, no matter the efforts to direct them elsewhere. In response to the matter of setting a direction for the future, Mr. Baltz said he thought the key was establishing priorities and being willing to direct resources to those priorities. He added that he thought the current system allows that to happen. He continued that he realized other systems might work well, which the CRC may determine in their research, but in his opinion it was possible to do strategic planning and identify priorities under the present system. Mr. Baltz referred to and agreed with an earlier comment by *Ken Doherty* that the County was having to act like a City for the delivery of services, saying that having additional municipalities would greatly improve and alter the situation.

Paula Hess asked Mr. Baltz if he had any comment on having seven Commissioners, two elected at-large and five by District. Mr. Baltz said he had not heard much talk on that issue and was neutral on it. Returning to discussion of form of government, Mr. Baltz said that he thought there was a better product when there is a system that requires people to work collegially and build consensus. *Paula Hess* asked if consensus was built at Pre-Agenda meetings, saying there has been some concerns brought forth that issues are decided at those meetings and there is little discussion at the actual Board meeting. Mr. Baltz replied that Pre-Agenda meetings take place on the Monday morning before Commission meetings and are noticed and open to the public. He said they usually last about thirty minutes but he has noticed that the current Commissioners like to have a complete understanding of Change Orders so there is usually additional discussion when those arise. Mr. Baltz said that no decision is ever reached at Pre-Agenda.

Kevin Russell asked Mr. Baltz how he set priorities and decided which issues to pursue and take before the Board. Mr. Baltz said that after every Board meeting he produces a list of directives, which documents all comments and need for follow-up. He said that every Thursday he holds a Directors meeting and assigns responsibilities for those directives. Mr. Baltz says that he also has weekly individual meetings with four of the Commissioners and one weekly meeting that includes the County Attorney which is the preference of the fifth Commissioner. In this manner he takes input from the Commissioner. Mr. Baltz says that many things are driven by the work that they do, such as a regulatory issue or an organizational change. Mr. Baltz says that he uses his judgment on what to do. He said that when hired he advised the Commissioners that he was not a “yes” man. Mr. Baltz continued that in setting priorities there is another tool that he has used, which is a goal setting Workshop that is held in January. He said that at that Workshop the Board establishes priorities and he uses those daily to determine his focus. He pointed out that one such priority is economic development and another is public safety, to name a few. Mr. Baltz said that last year the Commissioners were very clear with him that they wanted to see the size of Government and spending reduced. Mr. Baltz said that they reduced a little over \$50 million in the Budget as a result. Mr. Baltz explained that sometimes an elected official will bring an issue forward and request that staff time and resources be spent on it. Mr. Baltz said that he will determine whether or not he thinks that should be done, saying that it is his job to deal with the reaction of the elected official. He also explained that many issues are driven by staff, using an example of CCU and EES coming to him with suggestions of how they can use sludge material. Mr. Baltz said he examined the idea and instructed them to proceed with their research so he could take it to the Commissioners.

In your experience is the non-interference clause observed and is the method of enforcement adequate? Mr. Baltz said that the Charter has some very good language about non-interference. He

indicated that different officials have different reactions to that, and he has instructed and relies on his staff to let him know if any problems arise. *Paula Hess* asked Mr. Baltz if he thought the method of enforcement was adequate and Mr. Baltz replied that he thought it was. *Ms. Hess* asked about measures to enforce other areas of the Charter and Mr. Baltz replied that he thought injunctive relief was built into the Charter. He asked if *Ms. Hess* was referring to the formation of a specific oversight committee and she responded that she was. Mr. Baltz then referred to an earlier comment by *Ken Doherty* about possible violations of the non-interference clause, urging *Mr. Doherty* to make it known to those parties that such matters should be brought to his immediate attention. Mr. Baltz indicated that there were also provisions in the Administrative Code for that. Mr. Baltz said he has stressed with the Departments the need for open and productive communication with County Commissioners, cautioning that communication needs to be properly channeled through Administration. He said that he has also spoken with his staff about the distinction between a request for information and a specific directive. Mr. Baltz said he is not aware of any violation occurring. *Paula Hess* again asked Mr. Baltz his opinion on a citizens oversight committee to enforce other Charter amendments including the quality of Economic Impact Statements, etc. Mr. Baltz said he was not opposed, observing that this would essentially be a standing committee. *Ms. Hess* said that part of this discussion arose from the delayed implementation of the debt and reserve policies Amendments. *Chairman Mathis* mentioned that they had also discussed putting in specific dates, and Mr. Baltz agreed this was a good alternative because in his experience he finds that making something time certain will insure performance. *Ms. Hess* mentioned the Sarasota Budget Task Force that Mr. Sandrock described, and Mr. Baltz said that he had worked in communities that had one and thought it was a positive thing. He agreed with *Ms. Hess* that the citizens feel a certain amount of reassurance when they feel the Budget has oversight from such an entity. He agreed with *Ms. Hess* that recruiting appropriately qualified people to serve on this committee was key. Mr. Baltz mentioned the Building Industry Oversight Committee with which he has monthly meetings, indicating that there is a person on that who specifically reviews expenditures. Mr. Baltz said that may be something like the oversight committee which is being discussed, on a smaller scale.

Should there be residency requirements for Department heads? Mr. Baltz said that he supported that requirement, saying that there situations requiring flexibility. He gave an example of a staff member employed by a resort community which had only highly priced homes, saying that it would make sense to allow that individual to purchase an affordable home in a neighboring community. Mr. Baltz indicated that is not the situation in Charlotte County. Mr. Baltz also pointed out that he felt it was important for a person employed by the County to sink their roots into the community. He recognized that the residency requirement can be waived by the County Administrator and said that during his tenure he has not waived it.

Chairman Mathis asked Mr. Baltz if he had any matters he would like the sub-Committee or the CRC to address. Mr. Baltz responded that in a Curmudgeon Club meeting he had attended that morning there had been some discussion of requiring two readings of an Ordinance. Mr. Baltz also mentioned that in Sarasota County the Charter Review Commission members are elected, and also that it is a standing Commission. Mr. Baltz also mentioned that some Charters put into place their own form of land use regulation, specifying that Comprehensive Plan changes have to be voted on. He said this is similar to Amendment 4 which is currently under discussion. Mr. Baltz said that he could not offer any specific suggestions for change to the Charlotte County Charter, adding that he found the concept intriguing of a

citizens oversight committee. Mr. Baltz added that a unique feature of the Charlotte County Charter required him to obtain the approval of the Board when hiring Department directors. He did not suggest this needed to be changed. *Chairman Mathis* explained that some of the items discussed will not be proposed for an Amendment, but all information and ideas received will be incorporated into the final Report to the Board of County Commissioners. *Paula Hess* said that she regards as a disaster the proposed Amendment to require voting on land use, and asked Mr. Baltz if the County had any plans to publicize against it and/or explain the costs and other consequences. Mr. Baltz replied that there would be a presentation to the BCC on Amendment 4 on Tuesday, March 23rd at 9:00 a.m. He indicated that Mr. Ruggieri of Growth Management would be speaking on the topic. *Chairman Mathis* added that it was the number one topic among the Chambers of Commerce and the builder's associations and assured *Ms. Hess* that it would be explained in detail to the voters.

Mr. Baltz said that he has worked with elected officials who want to be involved in every detail of operations and some who do not, and he tries to gauge this level of involvement. He said it can be destructive if a Board perceives an Administrator and staff as pursuing their own agendas. *Chairman Mathis* returned to an earlier comment by Mr. Baltz that he makes his own determinations on whether or not to pursue an issue brought before him by a Commissioner, indicating that she thought this puts Mr. Baltz in a difficult position if he does not know the feelings of the other Commissioners. Mr. Baltz agreed with this insight and said that was the nature of his job. Mr. Baltz mentioned his weekly meetings and said that he works hard to treat all his Commissioners the same and make them aware of all issues. He said that as a result he is able to get a sense of their respective positions. *Paula Hess* observed that it must be difficult to obtain a consensus under the Sunshine Law, but she and Mr. Baltz agreed the benefits of the Sunshine requirements far outweigh the shortcomings.

Should there be a limit set on Federal and State grants that create a continuing obligation? Mr. Baltz said all grants are carefully evaluated and the Commissioners are very attuned to the issue of continuing obligation.

Mr. Baltz said that he thought Charlotte County had an effective Charter and an effective governmental structure.

This concluded the interview with Mr. Baltz and the sub-Committee thanked him for his time and input.

The sub-Committee remained convened at this time, reflecting on the interviews they had heard during the morning and the apparent acknowledgment by Administration that they do provide municipal services. *Mr. Doherty* observed that everyone was so caught up in daily operations that there was little time left to devote to examining changes or possible improvements. *Mr. Doherty* said this was a benefit of having the Charter Review Commission. *Chairman Mathis* agreed. *Mr. Doherty* again urged a joint meeting of both the Administration Staff and BCC sub-Committee, and administrative support was instructed to arrange this. *Mr. Doherty* said this joint focus will be solely for the purpose of moving ahead on the issue of a possible change of structure, as the effects will overlap both the Executive and Legislative branches. In all other respects the two sub-Committees will present their separate Reports and conclusions to the Charter Review Commission. *Paula Hess* said that a lot of interest has been expressed about the citizens oversight committee and she asked if that was something that would be

put in the Charter. *Ken Doherty* responded that it could be, and there was brief discussion about the number of Amendments that were being considered.

The meeting recessed for lunch at 12:15 p.m. EDT and at the suggestion of *Chairman Mathis* it was agreed that they would reconvene at 1:15 p.m to amend the question list and establish their focus for the remaining interviews.

The Administration Staff sub-Committee reconvened at 1:15 p.m. EDT and all members were present. *Ken Doherty* indicated that he may have to leave the meeting at 3:00 p.m. for family obligations. During discussion the membership decided to eliminate Question 5 (limit on Federal and State grants) and Question 7 (Administrative Code). They decided to keep Question 4 (residency requirements) and abbreviate Question 3 (elected Executive form of government) to just ask if the interviewee had ever worked under an elected Executive.

Interview with Mr. Gordon Burger, Budget Director

Chairman Mathis and the rest of the sub-Committee introduced themselves, welcomed Mr. Burger and thanked him for attending.

As Mr. Burger is several months new to the County, *Chairman Mathis* asked him where he came from and Mr. Burger replied he spent the previous thirty years in Hanover, Michigan in a position similar to the one he holds in Charlotte County. *Ms. Hess* asked Mr. Burger if he had worked under any governments structured differently than Charlotte County. Mr. Burger said that the difference that strikes him in this County is the independence of the Constitutional Officers. He said that he has not worked under an elected Executive. Mr. Burger indicated that he is not an advocate of elected officials at the local level, with the exception of the Legislature. He said it worked years ago in small communities where the voters knew the qualifications of the candidates, but he has observed the need for appointed professionals. *Paula Hess* asked him about the elected Mayor/appointed Administrator option that is being discussed, and Mr. Burger replied that he may have prejudices based on his experience. *Ms. Hess* confirmed that is why they are asking the interviewees and getting the benefit of their experiences. In response to a question from *Ken Doherty*, Mr. Burger confirmed that the number of elected Departments in Michigan was similar to here. *Paula Hess* asked Mr. Burger if he was affected by the Charter in his daily operations. Mr. Burger replied that he was in the sense that the Charter was the governing document, but he had not seen anything that directly affected him. Mr. Burger said again that the only thing that comes to mind is the autonomy of some of the elected officials, and in his opinion there is duplication of effort. *Ken Doherty* agreed with that observation, saying that over the years there has always been good cooperation between the Constitutional Officers and the Board. Mr. Burger agreed, saying that he too enjoys a good relationship with them.

What are your specific duties ? Mr. Burger said his title is Director of Budget and Administrative Services and he reports to Ray Sandrock. Mr. Burger said that essentially this is the Budget Office in terms of developing and monitoring the budget, and that currently they are consolidating all fiscal operations

within the BCC such as payables, receivables, IT, real estate services and purchasing. *Chairman Mathis* asked about Mr. Burger's idea of a two year budget process. Mr. Burger indicated that process was followed in his former position, the concept having been brought to that County from a former Administrator from Hillsborough County, Florida. Mr. Burger described the Budget as the most important function of an organization, but very time intensive. He said that the two year budget allows for longer range planning and the in-between year gives time for implementation. He mentioned the twenty five percent reduction in staff and said that having that in-between time would allow adjustment to the change. *Ken Doherty* observed that revenue and growth could be projected in a normal economic time, but asked Mr. Sandrock how he could go to a two year horizon in the current climate. Mr. Burger replied that a conservative framework was necessary, taking into account the projected reductions, adding that adjustments would be made at the end of the first year. Mr. Burger described that this happened in his previous County, saying that significant adjustments had to be made for the second year of the Budget but nevertheless the process was less intensive. *Ken Doherty* confirmed that this was not a set two-year Budget, that it was revisited at the end of the first year. *Paula Hess* inquired if Mr. Burger had ever worked with a citizens oversight committee and Mr. Burger replied that he had not, saying that he did not have a strong opinion on that one way or another. He acknowledged the importance of citizen input, saying that in his former position they did not rely solely on the Board to obtain that but they also did surveys, focus groups, etc. Mr. Burger added that he would not be opposed to such a group.

Kevin Russell asked Mr. Burger his opinion on the MSBU structure. Mr. Burger said that he could see why the system was put in place, adding that it was difficult in its present form. Mr. Burger said that it was his opinion that it was originally conceived to implement necessary infrastructure and capital in specific areas, but it had transformed into a system that was almost driven by the people in the MSBUs for their purposes. Mr. Burger likened the MSBU to a homeowner's association. *Chairman Mathis* asked Mr. Burger what he would suggest as an alternative. Mr. Burger replied that he thought infrastructure belonged to all and that it would be more equitable to spread the cost accordingly. Mr. Burger also commented on overhead associated to the cost of accounting for MSBUs. In response to a question from Mr. Doherty, he said that there are at least five positions in his office tied to MSBUs, adding that those positions would still be necessary but could be tasked differently. *Ken Doherty* said that he was part of the MSBU process when it was created and it was not intended to become this complicated.

Should there be residency requirements for Department Heads? Mr. Burger said he did not have a strong opinion, but that the requirement exists in the Code. He said that he would choose to live in the County anyway.

Paula Hess asked Mr. Burger if he had any suggestions for changes to the Charter based on his experiences in other areas, and Mr. Burger replied that he did not.

In your experience is the non-interference clause observed? Mr. Burger replied that in his experience it is observed.

Ken Doherty said that he had proposed to Ray Sandrock an arbitrary date of April 1st for the annual debt and reserves policies, and told Mr. Burger that it was possible this would be a proposed Amendment to the Charter. Mr. Burger replied that in his experience they reiterated their debt and reserve policies as part of adopting the Budget.

Chairman Mathis asked Mr. Burger his opinion on the quality of Economic Impact Statements associated with ordinances. Mr. Burger said that from what he has seen so far the Departments have done their fiscal evaluations and they are adequate. He added that they all go through Budget.

Chairman Mathis asked Mr. Burger if there was anything he would like to see changed, and he replied he would like to go to the two year budget. In response to a question from *Kevin Russell* he said that the only things here he found different in the Budget process resulted from State budget policies or the Constitution. He used as an example the requirement of the State to budget for full level of fund balances which requires budgeting for all of that as a reserve. Mr. Burger said that from his perspective this greatly over-inflates the Budget but he understands the reasoning behind it.

Chairman Mathis and the sub-Committee members thanked Mr. Burger for his time and input.

Interview with Mr. Robert Halfhill, Director of Public Works

Chairman Mathis and the sub-Committee welcomed Mr. Halfhill and thanked him for attending.

Chairman Mathis and the sub-Committee members welcomed Mr. Halfhill, introduced themselves and thanked him for attending.

By way of introduction Mr. Halfhill was a Florida native, a graduate of the University of West Florida and a military veteran. Some of his previous positions were Fleet Manager and Public Works Director in Hollywood, Florida; Director of Public Works in Greenacres City; Public Works Director in Escambia County and interim County Administrator for one year. Mr. Halfhill added that he had come to Charlotte County in the summer of 2009 from the City of Miami Beach, where he had been Assistant Director of Public Works and Director of Facility Management for about eight years. In response to a question from *Paula Hess*, Mr. Halfhill indicated that the size of Charlotte County was not difficult to manage, as most is congregated west of 1-75.

Should there be residency requirements for Department Heads? Mr. Halfhill responded that there should be, stating that one should claim ownership of the county in which they work. He indicated that where he came from in Miami Beach the prices were prohibitive, and *Paula Hess* agreed with that need for flexibility.

In your experience is the non-interference clause observed? Mr. Halfhill responded that in his experience the non-interference clause it observed, adding that his instructions come through the correct channels.

In response to a question from *Chairman Mathis* about the structures of government in which Mr. Halfhill had worked, he replied that he was used to working under a County Administrator. He indicated that he liked that system because the Administrator does not have to run for office - he or she may be unpopular with the populace but at the direction of the Commission can get the job done and not worry about re-election. *Paula Hess* explained to Mr. Halfhill that the CRC is looking into different forms of government as part of their job, mentioning the elected Mayor/appointed Administrator concept. Mr. Halfhill responded that Miami-Dade has a variation on that, and described Jackson County as having the Commissioners also serving as Department heads. Mr. Halfhill said that he thought a level of expertise was lost under that structure. In response to a question from *Ms.Hess* , he said that he thought the current system in Charlotte County was traditional and effective.

Ken Doherty mentioned to Mr. Halfhill that his job must not be typical for a Public Works Director of a County, indicating the single municipality. He elaborated that Mr. Halfhill must essentially be the Public Works Director for the County road system as well as the de-facto cities of Port Charlotte and Englewood. *Mr. Doherty* asked Mr. Halfhill if he perceived the County as functioning more like a municipality. Mr. Halfhill replied that Escambia County was very rural. He added that the difference between a City and County government is that the City has a higher level of service, mentioning his work in Hollywood and Miami Beach, both cities. He said that they did beautification, right of way management, higher level mowing, etc. , services not done in a County. He mentioned an even higher degree in Miami Beach, including pressure washing the bridges. Mr. Halfhill observed that Charlotte County is an urban County. *Paula Hess* explained that the current thinking is that the future of Charlotte County will be a County acting like a City as far as level of service, and that is why they are researching that structure for government and laying the groundwork. Mr. Halfhill replied that Escambia County was quite similar, with un-incorporated but distinct areas acting like cities with diverse needs. *Kevin Russell* asked Mr. Halfhill his opinion of the MSBU system they were using to address some of those needs, and Mr. Halfhill replied that he was very frustrated. Mr. Halfhill said that he had a \$31 million budget that comes from the MSBU system, and it is so compartmentalized that he cannot get his job done. He indicated that jobs cannot be completed when they overlap into another MSBU that does not have the money. Mr. Halfhill says he cannot have a standardized maintenance program and it is a waste of equipment , manpower and money when he has to mobilize in different areas of the County. He mentioned criteria for gas tax roads and said that a list is going to be submitted to the Board for validation and then there will be funding. Mr. Halfhill said that he did not think bridges belong in MSBUs, they are a County asset. He said he is currently trying to get them taken out of MSBU control and put in the gas tax, which requires a restructuring of the gas tax fund. Mr. Halfhill said that an MSBU

committee will try to dictate what maintenance needs to be done, which results in the delay of necessary items and potentially increased cost if done at a later time. *Paula Hess* asked Mr. Halfhill if the County was receptive to his ideas, and he said that they have been. Mr. Halfhill said he had made two requests to Mr. Baltz when he was hired. The first concerned the housing of the Public Works Dept. in trailers that cost the County \$100,000 a year, and Mr. Halfhill indicated that they were getting ready to move into an existing building in the South County annex. He said the second request was to restructure the MSBU system. Mr. Halfhill said that Mr. Starr was supporting the concept and that they would present it to the Board. Mr. Halfhill continued that they would then have to sell it to the MSBU groups as well as the general public, in an effort to go to a level system of assessment. He indicated this would remove restrictions on him and he could proceed with a maintenance plan which in a few years he would have every area at the same level. He said at that time costs would decrease, adding that right now the level of service is going down and costs are increasing. *Mr. Doherty* said that had been the plan when the MSBUs were created. Mr. Halfhill also observed that commercial business was not contributing to infrastructure maintenance and there were private residences in the County that were not paying. *Ken Doherty* and Mr. Halfhill also discussed County collector roads within the MSBU system and Mr. Halfhill said they were trying to get that criteria. Mr. Halfhill again mentioned that Public Works performs the evaluations and they should decide the required infrastructure maintenance, not the MSBU groups. In response to a question from *Paula Hess*, Mr. Halfhill indicated that there is still a need for MSBUs, citing an example where an MSBU may pay for an entrance-way sign. He expanded that the MSBU would continue to exist for the purpose of such things as parks, walking trails, lighting, etc. *Ken Doherty* added that MSBU's are not bad if properly managed. Mr. Halfhill added that in the process leading up to his presentation, he had compiled a "think tank" of people from all over the County and had held five separate and identical meetings at his offices, each inviting a different Commissioner. He said that he had done this so that it did not become a workshop. He said that he then began presentations to the MSBU's and indicated his success with some of the groups that had started off as a confrontation. Mr. Halfhill said that his plan is for level maintenance throughout the County. In response to a question from *Kevin Russell*, he said that the proposal currently calls for one MSTU with a lot of accompanying plans for equity. *Mr. Russell* then confirmed with him that the MSBUs would stay in place for the amenities mentioned earlier. Mr. Halfhill emphasized that he did not want to take away the individual identities for different areas.

In response to a question from *Kevin Russell* about his observations when coming to the County, Mr. Halfhill mentioned an incident when he had ordered a job to be done and Budget said he could not do that job. Mr. Halfhill observed that in his previous experience the operating departments determine what needs to be done and the financial section finds the money, whether through local option sales tax, bonds, etc. Mr. Halfhill said he was not talking about beautification, he was talking about rebuilding a road that was collapsing. He indicated that the approach is now changing with the addition of Mr. Burger. Mr. Halfhill spoke a little about the constraints of the local option sales tax and in response to a question from *Kevin Russell* he said that some of the sales tax money may be too site specific.

Chairman Mathis and the sub-Committee members thanked Mr. Halfhill for his time and input.

Interview with Jeff Ruggieri, Director of Growth Management

Chairman Mathis and the sub-Committee members welcomed Mr. Ruggieri and thanked him for attending.

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

Mr. Ruggieri described his position as being Director of Growth Management. He said that he oversees the Comprehensive Plan – creation and maintenance, the County Zoning Code – creation and maintenance, he is the excavation Administrator and oversees the county’s commercial excavation activities. He said that under the Charter he pretty much has all the tools he needs to perform his job. Mr. Ruggieri mentioned that from an efficiency standpoint he thought that Code Enforcement and Zoning should be under the same Department.

Chairman Mathis asked Mr. Ruggieri if he had always worked for government and Mr. Ruggieri replied that he had not.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government? Mr. Ruggieri replied that his only other government experience had been working for the City of Houston, a large bureaucracy, and he said that experience was really not transferable to working in Charlotte County at this level. In further response to the question, he said that he had given the issue some thought and in his limited experience he could not see how working under an elected Executive could improve the situation. *Ken Doherty* outlined for Mr. Ruggieri the options available and the elected Mayor/appointed Administrator structure that the CRC was interested in researching further. *Mr. Doherty* said that there is some feeling that this would provide a central figure and approve accountability.

In your experience is the non-interference clause observed? Mr. Ruggieri said that he thought it was, mentioning that perhaps a new Commissioner is not totally familiar with the process but once it is pointed out the proper channels are followed. *Mr. Doherty* observed that as elected officials the people come to them with many issues, not realizing that they do not have the authority to handle them. Mr. Ruggieri acknowledged that they would be freed up from that under the hybrid structure which *Mr. Doherty* had described. Mr. Ruggieri added that he likes to be able to make a decision and act on it swiftly, and he has observed when he was in the private sector the frustrations of waiting out a process and then getting an unfavorable answer which should have been delivered from the beginning.

Should there be residency requirements for Department Heads? Mr. Ruggieri said that he thought that sometimes limited the pool of good candidates. He said that although it is a good policy first and foremost in his mind was the hiring of the most qualified individual. Mr. Ruggieri observed that in the current climate having that requirement in the Charter was too limiting.

Kevin Russell asked Mr. Ruggieri about his observations when first coming to the County. Mr. Ruggieri said that he made some revisions to the Development Review Committee. Mr. Ruggieri also mentioned a BCC hearing he attended involving a developer's agreement, which he said should have been a Comprehensive Plan Amendment. Mr. Ruggieri pointed out that in all of the seven counties he has worked with in the State he thinks that Charlotte County has the fastest approval time on the entitlement side.

Chairman Mathis asked Mr. Ruggieri if he had any suggestions for changing the Charter. Mr. Ruggieri responded that he thinks there should be two additional Commissioners, elected at large. *Paula Hess* asked Mr. Ruggieri what he thought about a Hearing Officer in place of the Planning and Zoning Board. Mr. Ruggieri replied that they have that in Lee County and people seem to like it because of the technical nature of the answer that results, indicating that there are no politics involved with this quasi-judicial situation. *Ms. Hess* and *Chairman Mathis* said that although that was not a Charter question they were asking all kinds of questions because in CRC final Report to the Commissioners any suggestions or recommendations could be included. Mr. Ruggieri spoke about the excavation process with a Hearing Examiner, saying it is a public hearing and one person is charged with rendering a decision. In response to a question from *Ms. Hess*, Mr. Ruggieri said that in the case of excavation that is the decision, not just a recommendation to the Board. He said that matters of land use and zoning go to the Board. The members present observed the process involving a Hearing Examiner would be beneficial to the applicants. There was additional discussion about the addition of two Commissioners and the cost of same. Mr. Ruggieri repeated his feeling that having additional at-large Commissioners could aid the decision making process. *Chairman Mathis* asked Mr. Ruggieri if he was familiar with the Building Industry Oversight Committee, mentioning that the CRC was considering a citizens committee similar to the Budget Task Force established in Sarasota. Mr. Ruggieri acknowledged that the BIOC has helped very well in resolving issues, adding that the same thing has happened with the DRC. Mr. Ruggieri said that currently his Department is working on the hospital District, working on ECAP, working on the South County gateway, comp land and the zoning Code. *Chairman Mathis* asked Mr. Ruggieri his opinion on MSBU's and Mr. Ruggieri responded that he thought they were a very good idea but had gotten out of hand. He referred to the fact that new proposals are underway. *Chairman Mathis* also asked Mr. Ruggieri his opinion on the Economic Impact Statements, and Mr. Ruggieri replied that they are probably effective but he thought that probably the more realistic approach was to measure cost to the County rather than applying additional multipliers. There was discussion that the statements were not achieving the original intent.

Chairman Mathis and the other members of the sub-Committee thanked Mr. Ruggieri for his time and input.

Interview with Terri Kesner, interim Director of Charlotte County Utilities

Chairman Mathis and the other members of the sub-Committee welcomed Ms. Kesner and introduced themselves. (*Ken Doherty* had left at the conclusion of the interview with Mr. Ruggieri, as he had earlier indicated he would be doing).

In a description of her position, Ms Kesner said that she was interim Director of Charlotte County Utilities and her Department was responsible for water, sewer and waste water services since

1991. *Paula Hess* asked Ms. Kesner if she was affected by the Charter in any way. Ms. Kesner replied that she had taken the opportunity to read the Charter and in doing so she determined it influences the employees' abilities to do their job. *Kevin Russell* inquired in what way, and Ms. Kesner referred to the non-interference clause and the Administrative Code as well as the debts and reserve policies that had been put in place. She indicated that as an enterprise fund these policies affect the Utilities, saying that they already had a cash reserve policy but are now affected by the debts and reserve policies as well.

In your experience is the non-interference clause observed? Ms. Kesner replied that she has found that times the Commissioners tend to micro-manage rather than focus on a long range picture. She responded to *Ms. Hess* that she has at times received directives, not just requests for information. Ms. Kesner indicated that she handles that by passing it on to Legal. *Ms. Hess* asked what she says to the Commissioner, and Ms. Kesner says they try to explain as best they can that directives are against State Statutes. When asked if these offenses are recent. Ms. Kesner replied that she can think of one in the last year but it happened more frequently when she was new to the Utility in 2003 and 2004. *Kevin Russell* asked for an example. Ms. Kesner elaborated that Florida Statute forbids them to waive usage of water that passes through the meter, even as a result of a break or theft, and on occasion a distraught customer will go to their Commissioner who in turn will come to her and ask for an exception. She said that despite all of the explanations they are sometimes very determined.

Mr. Russell asked how it is handled when a customer receives a large bill for something which they were not aware was happening. Ms. Kesner indicated that they offer payment plans and have ability to waive certain things off the account such as tampering fees, fines, penalties, etc. leaving just the actual usage. She confirmed for *Mr. Russell* that the charges apply to everything on the customer's side of the meter. Ms. Kesner gave a recent example of a break in a water line which occurred when someone drove over the customer's property, resulting in the loss of over 33,000 gallons of water. She said that fortunately CCU noticed it when they were in the area and cut off the meter before more damage could be done. Ms. Kesner indicated that the customer is still responsible for the charges as CCU had already paid Peace River Authority. In response to a question from *Ms. Hess*, Ms. Kesner said that when a customer refuses to pay a bill for no good reason CCU has no choice but to cut off the water. She said that in hardship cases, of which there are quite a few, they work with the customer closely and offer payment plans in any amount. Ms. Kesner said that they also try to connect the customer with charities or any other agencies which may be able to assist them.

Mr. Russell referred to Ms. Kesner's previous statement that her job was affected by other areas of the Charter. Ms. Kesner mentioned the Administrative Code and the debts and reserve policies as being the predominant ones. She said that there is no specific portion of the Code that affects the Utility, just general personnel things.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government? Ms. Kesner said that she had brought that question up for discussion in a Management Team on the previous day. She mentioned that she had not worked under an elected form but some had and they debated the issue. Ms. Kesner observed that under the current structure there is always the delicate balance of the selected Administrator doing his or her job and pleasing the BCC. *Mr. Russell* asked the nature of the comments received, and Ms. Kesner said that

opinion was split. She indicated that some had reservations that an elected Executive would become too political, although those opinions came from skepticism rather than actual experience. *Paula Hess* mentioned some of the positive comments that the CRC was hearing about a possible elected Mayor/appointed Administrator form such as the one in Orange County.

Ms. Hess asked Ms. Kesner her feelings on the addition of two at-large Commissioners (having the other five elected from Districts) and Ms. Kesner said that she was in favor of that, observing that would expand the viewpoint on the Commission. Ms. Kesner said that Southwest Florida Water Management District has that number and it does not bog down their deliberations. In response to *Ms. Hess*, Ms. Kesner said that would be an improvement, eliminating the current problem with the swing vote.

Mr Russell asked Ms. Kesner how the debt policy affects the Utility and her bonding. Ms. Kesner acknowledged the \$190 million debt, saying that the Clerk of Court is very involved with her Department in servicing that. Ms. Kesner added that because of the debt policy the County is extremely conservative in investments. *Mr. Russell* asked Ms. Kesner if she thought the debt policy had a positive impact. Ms. Kesner replied that she did not think that anything could have precluded the downgrading of the debt when the insurance companies were downgraded. She indicated that the debt policy establishes legal debt limitations and types of debt, adding that they usually opt for revenue and tax exempt bonds. Ms. Kesner said she thought it is a good debt policy.

Should there be a residency requirement for Department heads? Ms. Kesner said that she did not think so. She mentioned that the Peace River Water Authority has an Administrator and staff, and only one lives in Charlotte County. Ms. Kesner said that she has often said if those people live in Charlotte County they would think differently about how they handle the Water Authority. Ms. Kesner said that those people are also working for Manatee, Sarasota and DeSoto counties. She observed that when a person's paycheck comes from Charlotte County and that check is determined by what happens in the County, it does not matter where they live. Ms. Kesner said that she lives in Charlotte County but she has seen a number of Directors and others who do an excellent job but just live across the border. She said that she worked in DeSoto County prior to her current position and she nevertheless did her best job for them.

Ms. Kesner said that the only other comment she got from staff when soliciting ideas was regarding minimum qualifications for the Board. *Ms. Hess* replied that under the democratic process anyone eligible to run could do so.

Chairman Mathis and the sub-Committee members thanked Ms. Kesner for her time and input.

3 **.Public Input:** None

4 **Committee Comments:** None

5. **Adjournment:** The meeting was adjourned at 3:35 p.m. EDT

Julie Mathis, Chairman

ATTACHMENT 'A'

CHARLOTTE COUNTY
BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE CODE
3.00 EMPLOYEE RELATIONS

**3.05 RESIDENCY REQUIREMENTS & WAIVER PROCEDURE FOR
DEPARTMENT DIRECTORS**

ORIGINATING DEPARTMENT:
Human Resources

ADOPTED:
July 22, 2008

PURPOSE:

To define residency requirements for senior management and provide a waiver process for those who do not reside inside the County boundaries.

POLICY/PROCEDURE:

Senior Management is defined as the Administrator, Assistant Administrator, and each Department Head or Director of each County department.

All employees must be residents of the State of Florida as a condition of employment with Charlotte County.

Proof of residency must be provided in the form of either a current and valid Florida Driver's License or Florida Identification Card issued by the Florida Department of Highway Safety and Motor Vehicles.

Senior management employees are required to reside in Charlotte County within one year of their employment. The County Administrator may waive the residency requirement for senior management employees or may grant additional time to establish residence in Charlotte County.

Reasons for such action may include, but are not limited to:

1. Sale/rental of senior management employee's present place of residence,
2. Employment circumstances of the employee's spouse,
3. Schooling circumstances of the employee's children; and/or
4. Dependent care responsibilities of the employee and/or spouse.

All employees employed by the County prior to April 8, 1997, are exempt from the County residency requirement.

ATTACHMENT 'B'

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Sec. 4-6-981. Removal from office.

All advisory board members serve at the pleasure of the Board of County Commissioners who may remove any member by majority vote, with or without cause, at any time. Members who fail to attend three (3) meetings in a twelve-month period without cause and without prior approval of the chairman shall automatically forfeit appointment and the board of county commissioners shall promptly fill each vacancy from a list of qualified petitioners. The filling of any vacancy occurring in any office shall be for only the remainder of that term.