

CHARLOTTE COUNTY

2010 CHARTER REVIEW COMMISSION

Final Report



July 27, 2010

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SECTION I

Introduction

This report is the final report of the Charlotte County 2010 Charter Review Commission (the “2010 CRC”). The 2010 CRC is an independent commission consisting of fifteen (15) members and three (3) alternates, appointed by the Board of County Commissioners and empowered to conduct a comprehensive study of all aspects of Charlotte County’s government. The 2010 CRC is authorized to place proposed amendments and revisions to the Charlotte County Charter on the ballot of the 2010 general election and such proposed amendments do not require prior approval from the Board of County Commissioners. The 2010 CRC has conducted a comprehensive review of the Charlotte County Charter, and has chosen to place eight (8) prospective Charter amendments on the 2010 general election ballot for consideration by the electorate. The 2010 CRC reached this decision after holding three (3) formal public hearings and one (1) public input meeting; and after receiving testimony from County officials, staff, constitutional officers, representatives of community organizations, members of the public, and other interested parties. There were ten (10) prospective Charter amendments considered during the public hearing process, with two (2) rejected by the CRC after public hearings.

This report contains a summary of the organization and approach followed by the 2010 CRC, a discussion of the various potential Charter amendment concepts that were presented and evaluated by the CRC’s four committees, the CRC’s evaluation and decision regarding the various committee proposed Charter amendments, the text of the proposed Charter amendments; and the final approved text and ballot language of the proposed amendments.

This report also contains a section which identifies additional considerations for organizational and procedural changes that the CRC decided were important for the Board of County Commissioners to hear; but did not warrant being elevated to proposed Charter amendments.

Finally, this report includes a section that recommends certain organizational and procedural items for future Charter Review Commissions to consider. The 2010 CRC believes addressing these recommendations will improve the overall process for the future members and the public.

SECTION II

CRC Organization and Approach

The 2009-2010 Charter Review Commission (2010 CRC) was appointed on August 25, 2009 by the Board of County Commissioners. At its initial meeting on September 17, 2009, the 2010 CRC elected as its Chairman, Ken Doherty, and as its Vice-Chairman, Kevin Russell.

As with prior Charter Review Commissions, the 2010 CRC decided in October, 2009 to form four (4) committees for the purpose of the study/interviews/recommendations phase of the process. The Committees and their respective Chairs were as follows:

- Administration/Staff – Julie Mathis
- Board of County Commissioners – Johnny Vernon
- Constitutional Officers – Maureen Garrard
- Other Boards/Agencies – Bill Folchi

The 2010 CRC also approved the hiring of Ann Pinder to serve as the CRC’s Administrative Support, and selected Robert H. Berntsson, Esq., on November 19, 2009, as its legal counsel.

Unlike prior commissions, the 2010 CRC decided that it was important to receive Public Input at the beginning of the process; and, as a result, held its first “Public Hearing” on January 21, 2010. Subsequently, the four (4) committees began the work of studying their respective portion(s) of the existing Charter, along with a review of how the BCC implemented the voter approved 2004 Charter Amendments.

With the charter review process being very schedule driven, the 2010 CRC at its meeting on February 18, 2010 approved the following list of critical milestone dates associated with completing the CRC’s responsibilities in keeping with the timeframes established by Florida Statutes:

<u>Activity</u>	<u>Deadline</u>
1. CRC Reviews / Approves the Critical Dates List	2/18/2010
2. “BCC” Report and CRC OK’s “Housekeeping” Revisions	3/18/2010
3. CRC Votes on “BCC” and “Housekeeping” Amendments	4/15/2010
4. SPECIAL CRC Meeting - Final Reports from Other Committees	5/13/2010
5. CRC Votes on Recommendations from Other Committees	5/20/2010
6. 1 st CRC Required Public Hearing	6/03/2010
7. 2 nd CRC Required Public Hearing	6/17/2010
8. 3 rd CRC Required Public Hearing	7/01/2010
9. CRC Final Vote - BCC Agenda/Documents	7/15/2010
10. BCC Mtg. – CRC Presentation/Amendments & Report	7/27/2010
11. CRC Regular Meeting (if needed)	8/19/2010
12. CRC Regular Meeting (if needed)	9/16/2010
13. CRC Final Regular Meeting	10/21/2010
14. Election	11/02/2010

The following are the reports produced from the 2010 CRC’s four (4) original sub-committees and the combined (i.e. Administration & BCC) Joint Focus Sub-Committee:

**Administration / Staff Sub-Committee
Final Report**

CHARTER REVIEW COMMISSION
CHARLOTTE COUNTY ADMINISTRATION CENTER
18500 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA 33948



Charter Review Commission

**Administration Staff sub-Committee
FINAL COMMITTEE REPORT
May 13, 2010**

Committee Members:

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

I.

Introduction. The Administration Staff sub-Committee was charged by the

full Charter Review Commission to review that portion of the County Charter as it relates to the Administration Staff. Accordingly, this sub-Committee met three (3) times as follows:

December 17, 2009 - Organizational meeting

March 9, 2010 - Discuss officials to be interviewed and develop interview questions

March 19, 2010 - Conduct interviews with Charlotte County Administration staff –

Ms. Janette Knowlton, County Attorney

Ms. Kelly Shoemaker, Assistant County Administrator

Mr. Ray Sandrock, Assistant County Administrator

Mr. Roger Baltz, County Administrator

Mr. Gordon Burger, Budget Director

Mr. Robert Halfhill, Public Works Director

Mr. Jeff Ruggieri, Growth Management Director

Ms. Terri Kesner, Charlotte County Utilities

Each interview took approximately one-half hour, with the exception of the County Attorney and County Administrator which had been scheduled for one hour. The interviewees were asked to begin discussion by describing their duties and functions. In addition to some entity specific questions, each official responded to a general set of questions and a brief summary of responses follows. As the interview format was informal, questions were not asked or responded to in any particular order. Full interview responses can be obtained by reading the posted Minutes of the interview meeting and this Report is intended for summary purposes only.

II. Responses.

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?
As far as duties, all of the answers were specific to the positions of the respective interviewees. None could see an urgent need to change the Charter, most indicating that the current structure is sufficient to meet the needs and delivery of services. One respondent commented on the autonomy of the elected officials, mentioning a possible duplication of effort. Two said that the addition of two at-large Commissioners would be beneficial.

In the performance of your duties are you affected by the Charter?
All acknowledged that the Charter was the overriding document, but none had any issues in the performance of daily operations.

Have you had experience working under an elected Administrator and what is your opinion on an elected Executive form of government?
None of the interviewees had ever worked under an elected Administrator. All of the interviewees indicated that they would probably prefer the appointed Administrator structure, citing among other reasons the “de-politicizing” of the position as well as the ability to obtain an individual with the requisite qualifications.

Should there be a residency requirement for Department Heads?
Five of the interviewees were in favor, but stressed the need for flexibility on the issue. Two were not in favor, indicating that requirement limited the selection pool, and one had no opinion. In addition, it was pointed out by several that there are residency requirements already in place in the Administrative Code.

Should there be a limit set on Federal and State grants that create a continuing obligation? Of those interviewees that were asked this question, all responded that grants were evaluated carefully, including long term operational expenditures, and the Board was very attuned to the issue.

In your experience is the non-interference clause observed? Is the method of enforcement adequate?
The majority of responses indicated that the non-interference

clause is being observed and any problems which may arise usually result from an individual not being familiar with the process. These issues are addressed by either the County Administrator or the County Attorney and the correct channels are then followed. Only one response indicated that several infractions had taken place in the past but had been referred to Legal.

Is the Administrative Code current?

Yes.

Are economic impact statements faithfully prepared in accordance with requirements?

Of the respondents who were asked that question all responded that they thought they were adequate. It was confirmed that all such statements are reviewed by Legal, Budget and Administration.

The debts and reserve policy Amendments from the last Charter Review Commission were only recently implemented. Were you aware of this? The response from those interviewees who were associated with this implementation pointed out that Hurricane Charley was the main reason for this delay.

Are there any changes you could suggest for the Charter to improve your ability to deliver services?

One response mentioned the possible need for bonding and audit requirements. Two interviewees mentioned that some counties have an elected Charter Review Commission, but did not specifically recommend this change. One respondent indicated that it might be more efficient to have a Hearing Examiner in place of Planning and Zoning. There was a suggestion for a two-year Budget. There was also a recommendation for a citizens Budget Task Force. In addition two respondents indicated that the addition of two at large Commissioners would be beneficial (as above mentioned).

III. Findings.

Other than some specific suggestions which have been brought out in the above summary, this sub-Committee did not receive any input from the Administration Staff/Department Heads which would indicate their desire for change. Public input, submitted through email, indicates there may be a need to require two readings of a proposed ordinance, allowing sufficient time for public research and response. With regard to the issue of adding Commissioners, this and other structural changes are deferred to the actions of the Jt. Focus Sub-Committee.


IV. Recommendations.

Participate in the Joint Focus sub-Committee to move forward in researching a proposed change to an elected Executive branch of government, specifically the elected County Mayor/ appointed Administrator structure.

Establishment of a Financial Advisory Committee to serve as a budget task force which would enhance and add credibility as to how the County should focus funds with respect to the budget process. This task force could also review and consult on the quality of the debt and reserve policies as well as economic impact statements.

Recommend two readings of an ordinance or other measure to facilitate the ability of the BCC and the public to study and understand a proposal prior to the vote.

Submitted by


Julie Mathis, Chairman

**Board of County Commissioners Sub-Committee
Preliminary Report**



**CHARTER REVIEW COMMISSION
BOARD OF COUNTY COMMISSIONERS SUB-COMMITTEE
PRELIMINARY COMMITTEE REPORT
February 17, 2010**

Members: *JOHNNY VERNON (Chairman)*
WILLIAM DRYBURGH
MICHAEL GRANT
TOM RICE
FRANK WEIKEL

The Board of County Commissioners sub-Committee was formed for the purpose of reviewing that portion of the County Charter as it relates to the Board of County Commissioners. On January 28, 2010, this Committee interviewed each of the five (5) Commissioners. The Commissioners were asked to respond to a list of questions which had been previously formulated by this Committee and submitted to them.

On February 17, 2010 this sub-Committee met to review these responses and through discussion develop their preliminary recommendations to submit to the full membership of the Charter Review Commission. These recommendations, as well as the consensus/comments of the interview responses of the Board of County Commissioners, are indicated on the attached pages. (NOTE: The full interview responses of each Commissioner are shown in their entirety in the **Minutes of the meeting held January 28, 2010**. Likewise, the full scope of the discussion among the sub-Committee members can be obtained from an examination of the **Minutes of the meeting held February 17, 2010**).

BCC sub-Committee Preliminary Report
Page Two

1) Should the Board of County Commissioners be structured any differently?

Consensus of the Commissioners during interview:

The majority opposed any change to the current structure.

Sub-Committee Recommendation:

Unresolved, please refer to Question 9 below.

2) What are your thoughts concerning single member districts plus two at-large (not to exceed five (5) total)?

Consensus of the Commissioners during interview:

The majority opposed any change.

Sub-Committee Recommendation:

It is the recommendation of this sub-Committee to leave the Board of County Commissioners as it currently exists.

3) Should the Board of County Commissioner elections be non-partisan?

Consensus of the Commissioners during interview:

The majority of the Board of County Commissioners opposed change.

Sub-Committee Recommendation:

It is the recommendation of this sub-Committee to keep the BCC elections partisan.

4) Should the Board of County Commissioners be subject to term limits?

Consensus of the Commissioners during interview:

A majority of the Commissioners were opposed to term limits, but two responded that they would be in favor of eight to twelve years (2 to 3 terms) if enacted.

Sub-Committee Recommendation:

It is the recommendation of this sub-Committee to set a limit of three(3) elected terms, assuming that an appointed term cannot count against the total.

BCC sub-Committee Preliminary Report
Page Three

5) What are your thoughts concerning BCC election ballot rotation of names?

Consensus of the Commissioners during interview:

There was no interest in pursuing this

Sub-Committee recommendation:

This sub-Committee finds no reason to examine this

6) Is there a need to regulate BCC election financing in the Charter?

Consensus of the Commissioners during interview:

None had any interest in changing

Sub-Committee recommendation:

This sub-Committee finds no reason to regulate BCC election financing in the County Charter.

7) Would you like the Charter Review Commission to recommend any Charter amendments relative to the Board of County Commissioners?

Comments of the Commissioners during interview:

Changes in the Sunshine Law provisions

A requirement for Directors and above to live in Charlotte County

Sub-Committee recommendation:

The Sunshine Law is beyond the authority of the CRC

This sub-Committee recommends that residency requirements be handled through an ordinance of the Board of County Commissioners and not through Charter amendment.

BCC sub-Committee Preliminary Report

Page Four

8) What are your thoughts concerning the County Administrator's position becoming elected?

Consensus of Commissioners during interview:

A majority of the Commissioners were opposed to an elected Administrator; however two commented that the current system is dysfunctional.

Sub-Committee Recommendation:

This sub-Committee is not resolved on this topic and recommends that another meeting be scheduled to further examine the concept of an elected Administrator. The CRC membership and Robert Bertsson, Esq., counsel for the CRC, will be encouraged to attend this meeting and invitations will be issued to specific entities in the business community. In addition, this sub-Committee recommends that Mr. Bertsson be requested to prepare a list of pros and cons relative to this issue.

9) Would you like the Charter Review Commission to recommend any Charter Amendments relative to any other portion of Charlotte County government?

Comments of the Commissioners during interview.

Appointed Sheriff as opposed to elected.

County take back the jail so that the Sheriff's Dept. is no longer the franchise.

Appointed School Board.

Sub-Committee Recommendation:

This sub-Committee recommends that the Sheriff remain an elected position.

This sub-Committee recommends that the jail franchise issue be handled by ordinance of the Board of County Commissioners if desired.

The School Board issue is beyond the scope of the CRC

**Board of County Commissioners Sub-Committee
Final Report**



CHARTER REVIEW COMMISSION

**CHARLOTTE COUNTY ADMINISTRATION CENTER
18500 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA 33948**

**Charter Review Commission
Board of County Commissioners Sub-Committee
FINAL COMMITTEE REPORT
May 13, 2010**

Committee Members:

Johnny Vernon (Chairman)
William Dryburgh
Michael Grant
Tom Rice
Frank Weikel

I. Introduction. The Board of County Commissioners sub-Committee was charged by the full Charter Review Commission to review that portion of the County Charter as it relates to the Board of County Commissioners. Accordingly, this sub-Committee met four (4) times, as follows:

December 17, 2009 - Organizational meeting to establish dates and develop interview questions
January 28, 2010 - Conduct interviews with each of the County Commissioners
February 17, 2010 - Develop preliminary Report
March 3, 2010 - Discuss further research and possible action on the issue of an elected Administrator.

(Note: The details of the meetings are reflected in the respective Minutes).

II. Summary. This sub-Committee presented a Preliminary Report to the Charter Review Commission at the general membership meeting held on February 18, 2010. That Preliminary Report is expressly incorporated herein by reference, and the full content including recommendations can be seen in an examination of the Minutes of the meeting held on February 18, 2010.

Several of the recommendations were voted on by the Charter Review Commission at the general membership meeting held on April 15, 2010. The voting

results and accompanying discussion can be seen in an examination of the Minutes of the meeting held on April 15, 2010, but are summarized as follows for the purpose of presentation in this Final Report:

A. It is the recommendation of this sub-Committee to keep the Board of County Commissioner elections partisan. This recommendation was **approved** by majority vote.

B. It is the recommendation of this sub-Committee to set a limit of three elected terms for Commissioners, assuming that an appointed term cannot count against the total. This recommendation received eight votes in favor and seven against. This vote was taken to obtain an indication of member opinion and the question will be revisited and if necessary ballot language will be refined.

C. It is the recommendation of this sub-Committee to make no change concerning the rotation of names on the BCC election ballot. This recommendation was **approved** by all present.

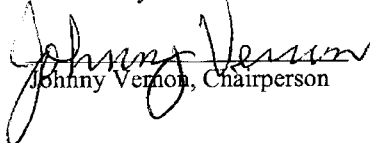
D. It is the recommendation of this sub-Committee to make no changes regulating election financing. This recommendation was **approved** by all present.

Additionally, the issue of residency requirements for County Commissioners was handled by a proposed "housekeeping" amendment and **approved** unanimously. A proposed amendment to require the BCC to do an annual review of all operations in the County was also **approved** unanimously.

III. Recommendations.

It is the recommendation of this sub-Committee to participate in the Joint Focus sub-Committee and move forward in researching a proposed change to an elected Executive branch of government, specifically the elected County Mayor/appointed Administrator structure. Among other things, this action will overlap into the following issues and specific recommendations are thus deferred on : (a) single member Commission districts (b) addition of two at-large Commissioners (c) any other matter relative to the structure of the Board of County Commissioners.

Submitted by:


Johnny Vernon, Chairperson

**Constitutional Officers Sub-Committee
Final Report**



**Charter Review Commission
Constitutional Officers sub-Committee
Final Committee Report
May 13, 2010**

Committee Members:

Maureen Garrard (Chairperson)
Andy Dodd
Joseph Goggin
Suzanne Graham
Patricia Kelly

I. Introduction. The Constitutional Officers sub-Committee was charged by the full Charter Review Commission to review that portion of the County Charter as it relates to the Constitutional Officers. Accordingly, this sub-Committee met seven (7) times, as follows:

December 17, 2009 - Organizational Meeting to establish future meeting dates
January 28, 2010 - Organizational Meeting to develop interview questions
February 18, 2010 - Interview Ms. Vickie Potts, Charlotte County Tax Collector
March 4, 2010 - Interview Hon. Paul Stamoulis, Charlotte County Supervisor of Elections
March 18, 2010 - Interview Mr. Frank Desguin, Charlotte County Property Appraiser
April 15, 2010 - Interview Sheriff Bill Cameron, Charlotte County Sheriff
April 29, 2010 - Interview Ms. Barbara Scott, Charlotte County Clerk of Courts; Committee discussion following meeting to develop Final Report

Each interview took approximately one hour. The Constitutional Officers were asked to begin discussion by describing their duties and functions. In addition to some entity specific questions, each Constitutional Officer also responded to a set of general questions and a description of their opinions follows. The full interview responses can be obtained by reading the posted Minutes of the respective meetings.

II. Summary. Overall the Constitutional Officers were against changes in their status as Constitutional Officers as checks and balances would be stronger with the current system. All but one were strongly against term limits as their offices provide a professional administrative function as opposed to legislative. They were of split opinion about the ability to make their offices truly non-partisan. The Supervisor of Elections would be most logical to consider for non-partisan status.

III. Questions.

A. What is your opinion on non-partisan elections for Constitutional Officers? Opinion

was divided. One response said that there was really no such thing as non-partisan, that was just a way for the candidate to avoid identifying with a specific set of values or political beliefs: two responses were strongly in favor of partisan elections, indicating that partisanship is a way for the voter to identify the candidate as far as values and political beliefs; one opinion remained neutral but added that true non-partisanship would be hard to achieve; one opinion was that partisanship should be removed as the Constitutional offices are professions.

B. What is your opinion on term limits for Constitutional Officers? Four opinions were that term limits are not necessary. The reasons for this included the opinions that the voters determine the limit and also that the Constitutional Officers are not lawmakers, they are carrying out a function. One opinion was in favor of a two (2) term limit.

C. What is your opinion on changing the Constitutional Officers to an appointed rather than elected position? Four respondents were not in favor, all citing the system of checks and balances among other reasons. One respondent acknowledged arguments in favor of both.

D. What are your observations regarding the relationship of the Constitutional Officers and the Board of County Commissioners? All respondents indicated a good relationship exists., both among themselves and with the Board.

IV. Final Recommendations.

A. By majority vote this sub-Committee recommends the Charter should not be changed to impose term limits on the Constitutional Officers.

B. By majority vote this sub-Committee recommends the Charter should be changed to make the Supervisor of Elections a non-partisan office.

C. By majority vote this sub-Committee recommends the Charter should not be changed to convert Constitutional Officers to Charter Officers appointed by the Board of County Commissioners.

V. Highlight Comments from Interviews.

Ms. Potts, Charlotte County Tax Collector, described her office as being responsible to the citizens of Charlotte County and the Governor ; her Office enforces the laws of the State of Florida independently from any other local government; they enforce State laws locally and independently of any other influence other than any State agency for which they are an agent

Ms. Potts responded that she did not feel there was such a thing as non- partisan. She feels the public is misled as that implies a candidate does not want to share their true thoughts and political values.

She replied that an elected official creates a public trust, and that having elected Constitutional officers has created a sense of balance in local government. She feels it also has created a system of checks and balances that make it harder for corruption.

Ms. Potts asked that the Charter Review Commission do no harm. She indicated that Constitutional Officers are very important and the checks and balances that have been put into place in the Constitution are essential to the separation of powers.

Mr. Desguin, Charlotte County Property Appraiser, indicated this structure was good as far as the system of checks and balances. He said that his office performs annual reevaluations as of January 1st of every year, and his preliminary rolls have to be in Tallahassee by July 1st . Mr Desguin stated that although the Office of the Property Appraiser is independent and elected, everything they do is dictated by State law and the budget is overseen by the State.

Mr. Desguin replied that he thought these officers should be non-partisan, because it is a profession.

Mr. Desguin said that his number of positions have decreased a little over time. Mr. Desguin said he made a conscious decision after the Hurricane not to add any permanent staff.

Hon. Paul Stamoulis, Charlotte County Supervisor of Elections, said that office hours had been cut due to budget considerations. He indicated that his office had voluntarily cut their budget this year by fifteen (15%) percent, going from fifteen employees (fourteen full time, one part time) to eleven employees. Mr. Stamoulis stated that there has been a lot of cross training and he gave a lot of credit to his staff.

Mr. Stamoulis said that he believed in two (2) terms, saying that it is personal feeling. Mr. Stamoulis said it seems like people are clamoring for less professional politicians. He sees no reason why someone cannot do a job in two terms and then turn it over to someone else.

He then referred to an issue in Sarasota in 2006. Mr. Stamoulis related that before a thorough investigation was made the Legislature passed a law getting rid of the machines and helping them buy new paper trail machines. Mr. Stamoulis indicated that the current machines can only be used until 2012 and then all new ADA compliant machines must be bought.

Mr. Stamoulis said that counties have asked for an extension until 2016 in the hope that technology will produce something better during that additional time. He said that if that extension is not granted he is going to have to go to the Board of County Commissioners in 2012 to ask for \$200, 000 to \$300,000 in order to put the new machines into the sites.

Mr. Stamoulis replied that the precincts in Charlotte County had been consolidated nicely. Mr. Stamoulis indicated that he reviewed the scheme in Charlotte County and found that some criteria for consolidating were not met and that the situation occurred as a result of Hurricane Charlie. He further indicated that no one had ever challenged it, but he knew that it needed to be handled as an election could be challenged if it were not. Mr. Stamoulis said that there would be changes in election sites this year to bring it into compliance with the law.

With regards to vote by mail, Mr. Stamoulis replied that it depends on the type of election. He said that in the primary it was forty six percent, in the general it was thirty four percent and in the Presidential preference primary it was ten percent.

Sheriff Cameron, Charlotte County Sheriff, said that training has always been strong in Charlotte County, and indicated that now instead of losing candidates to other counties they have a waiting list. Sheriff Cameron added that Charlotte County is now regarded around the State as an industry leader.

He pointed out that the Constitutional Officers are carrying out a function and are not lawmakers, adding that there could be an argument in favor of term limits for the Board as they are legislators.

He referred to the purposeful system of checks and balances in County government. Mr. Cameron continued by saying that he especially would not be in favor of an appointed Sheriff, indicating that the Sheriff is the only protector of the Constitution at the local level just as the Attorney General is at the State level.

Mr. Cameron indicated that there have been no raises in three years, they are holding insurance costs and retirement costs, and he cut 20 positions last year.

Mr. Cameron also mentioned utilizing skills among the inmate population, giving as an example a painting project that was done whereby the County bought the paint and some inmates with painting experience did the job.

Ms. Barbara Scott, Charlotte County Clerk of Courts, indicated that her budgets have decreased and her Office utilizes volunteer workers in some capacities.

Ms. Scott spoke in favor of partisan elections for the Constitutional Officers, and was opposed to changing the Constitutionals to an appointed position. Ms. Scott indicated that she would favor a period of research in any proposals to change the structure of County government.

Ms. Scott expressed her concern about the interpretation of the non-interference language in the County Charter, specifically referring to the fact that it was not meant to prevent Commissioners from speaking with Department heads.

All of the Constitutional Officers spoke about Budget cuts and the difficulties these imposed on their respective offices. All of them indicated that they had been able to continue to deliver services effectively with less money and less staff.

Submitted by

A handwritten signature in black ink, appearing to read 'Andy Dodd', written over a horizontal line.

Andy Dodd, Acting Chairman



**CHARTER REVIEW COMMISSION
18500 Murdock Circle
Port Charlotte, Florida 33948**

**CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
JT. FOCUS SUBCOMMITTEE
Final Committee Report
May 13, 2010**

Committee Members:

Julie Mathis	Johnny Vernon
Kevin Russell	Tom Rice
Paula Hess	Bill Dryburgh
Ken Doherty	Frank Weikel
Bill Weller (alt)	Michael Grant

I. Introduction: The full membership of the Charter Review Commission authorized the Administration Staff sub-Committee and the Board of County Commissioners sub-Committee to meet jointly for the purpose of examining a possible change of governmental structure. Specifically, the form of government being examined was that of an elected County Mayor/ appointed Administrator. This and other available structures had been discussed at previous general membership and sub-Committee meetings and a full text can be obtained from a review of all posted Minutes. Since the Legislative and Executive branches are affected, this issue integrates the focus of both sub-Committees.

II.Meeting Schedule: The Joint Focus Sub-Committee met on the following dates:

April 7, 2010
April 21, 2010

III. Findings:

In previously conducted interviews, the Administration Staff sub-Committee had asked each interviewee if he or she had experience working under an elected Administrator. All indicated that they had not. Likewise, in previously conducted interviews the Board of County Commissioners sub-Committee had asked each Commissioner their opinion of an elected Administrator and all but one had indicated that they would not be in favor of that.

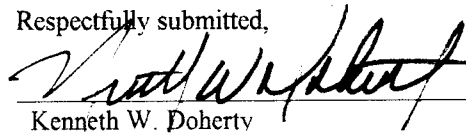
Further, none of the interviewees had any previous knowledge of the elected County Mayor/ appointed Administrator form of government. This raised the concern that considerable time would be required to properly inform the electorate if this proposal were to be placed on the ballot.

Through research it was determined that two models warranted further study, to-wit: Orange County and Pinellas County. An examination of the data available from Pinellas County indicated that their Charter Review Commission had asked to be reconstituted for a period beyond their normal session, and had received voter approval. This request for reconstitution was presumably for the purpose of allowing time for further research and study into the question of a change of government structure. From an examination of the data available from Orange County, Robert Berntsson, Esq. prepared a timeline of the transition process.

IV. Recommendation:

By majority vote it is the recommendation of this combined focus sub-Committee to request voter approval of reconstituting the Charter Review Commission for a period of two years. This request will be for the purpose of studying the change of structure, including all related considerations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth W. Doherty", written over a horizontal line.

Kenneth W. Doherty

**Other Boards / Agencies Sub-Committee
Final Report**

CHARLOTTE COUNTY
CHARTER REVIEW COMMISSION
18500 Murdock Circle
Port Charlotte, Florida 33948



Charlotte County Charter Review Commission
Other Boards and Committees Subcommittee

Final Report
May 13, 2010

- I. Introduction.** The Other Boards and Committees (OBAC) Subcommittee was chartered to interact with government and civic entities that are not explicitly mentioned in the Charlotte County Home Rule Charter but are nevertheless involved in public policy and might be effected by changes proposed. The group met 7 times during the period from February 18, 2010 to April 6, 2010 and met with 9 different groups. In our first organizational meetings we developed a list of agencies to meet with and a list of topics for discussion for each meeting. In addition to the agency specific topics, we decided to include some of the general questions being covered by the overall Charter Review Commission (CRC). This report presents a concise summary of the operation and findings of the Subcommittee. It includes our impressions from the meetings with the subject organizations as well as general opinions gleaned from discussions with various civic groups. The details of each meeting were captured in the minutes and are not repeated herein.
- II. Subject Organizations.** The organizations we met with include:
- a. Punta Gorda Chamber of Commerce, Charlotte County Chamber of Commerce, Englewood Chamber of Commerce.
 - b. Charlotte County Public School Board
 - c. City of Punta Gorda
 - d. Englewood Water District
 - e. Enterprise Charlotte Economic Development Council
 - f. Babcock Ranch
 - g. Charlotte County Airport Authority

We met with each group for approximately an hour. The discussion topics were provided in advance. In general the focus of the discussion with each group was economics and

operations. We were looking for ideas that would improve the economic outlook of Charlotte County and enable County Government to operate more efficiently.

- III. Findings.** Listed below are concise statements which summarize the opinions gathered from the meetings we conducted. These issues are important to the future of Charlotte County and should be resolved. Changing the Charter may be the proper course of action in addressing these issue but they may also be resolvable by operational changes.
- a. Charlotte County uses the slogan: "Open for Business" but does not present a consistent, easy to follow set of procedures that enable business people to make capital investments in a timely manner. The permit system should be streamlined and made more business friendly.
 - b. The Economic Development Office is organized as a function under the County Administrator at the same level as all other county functions and therefore operates at the same pace and is given the same level of importance.
 - c. The BCC meeting procedure is not Business Friendly. The schedule is too unpredictable and the lead time does not permit sufficient preparation. When a businessperson wants to address the BCC meeting he/she often wastes the best part of a day not knowing when the issue will come up for discussion. The agenda should be organized to be more respectful of citizens time..
 - d. The lack of qualification standards for elected office coupled with low compensation may not attract the most qualified candidates except for those who are financially independent..
- IV. General Questions.** The following are the consensus of opinions expressed by members of the subject groups on possible changes to the Charter of general interest.
- a. Single Member districts are not appropriate for Charlotte County
 - b. The present form of government is appropriate for Charlotte County.
 - c. Elected County Administrator is not appropriate for Charlotte County
 - d. Five county commissioners elected at large seems to be the right mix for Charlotte County.
 - e. Term limits for elected officials are not appropriate for Charlotte County Commissioners.
- V. Recommendations.** In our discussions we developed the following suggestions that should be moved forward to a change in the charter or a change in the operation of the County Government in some other form.
- a. **Economic Development Office (Don Root).** The future of business in Charlotte County is dependent upon the success of this organization. It is presently organized under the County Administrator. It's operation is sufficiently different from the other departments reporting to County Administrator to warrant a change in organization.

The time frames required to react to opportunities developed by the Economic Development Office are too short to be accommodated by the County Administrator. It is therefore our recommendation that the Don Root and his organization be organized to report directly to the BCC.

- b. **CRC Organization.** The operation of the CRC requires long and frequent evaluation and deliberations. It requires public input and education of the of the public into the details of plans for change of the charter. It is our impression that the timeframe of one year does not properly support the quality of result that should be derived from the CRC's operation. We therefore recommend that the home rule charter be modified as follows:

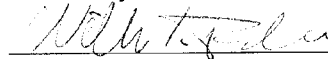
The Present wording of the first sentence of **Sec. 4.2, C. (1)** is:

“A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eleven (11) months before the general election occurring in 1998 and at least eleven (11) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot.”

We propose the following wording:

“A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least eleven (11) months before the general election occurring in 1998 and at least eighteen (18) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot.”

Submitted by



Bill Folchi, Chairman

SECTION III

Proposed Charter Amendments & Approved Ballot Language

On May 20, 2010, the 2010 CRC voted to proceed to the three (3) required Public Hearings on June 3, 2010, June 17, 2010 and July 1, 2010 with the following proposed amendments:

Charter Amendment No. 1 Removal of Residency from Commission District by County Commissioner.

Shall Article II, Section 2.2.A. of the Charlotte County Charter be amended to allow for a county commissioner's temporary removal from their elected commission district by reason of calamity or natural disaster and except for such temporary removal or redistricting, disqualification and vacancy of office when otherwise removing their residency out of said district?

YES for Approval

No for Rejection

Section 2.2.A. is amended by amending the last sentence to read: "Each candidate for the office of commissioner shall reside within the district from which such candidate seeks election for at least six (6) months immediately prior to the time of qualifying to run for that office, and during the term of office for each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from the district by redistricting may continue to serve during the balance of the term of office, and providing further that any such commissioner who shall be temporarily removed from the district from which such commissioner ran for office by reason of calamity or natural disaster shall be deemed to be residing in such district, provided such commissioner intends to return to said district. However, any commissioner who shall remove his or her residency from the district for which he or she is elected other than by reason of redistricting, or temporarily by reason of calamity or natural disaster without the intent to return, shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant."

SYNOPSIS: This proposed amendment came out of the CRC discussions as a "housekeeping" change. The current language in the Charter requires members of the Board of County Commissioners to reside in their district for at least six months immediately prior to the time of qualifying to run for that office, and during the term of office except for redistricting. The proposal clarifies the obligation for commissioners to remain in their district during their term of office unless there is redistricting or a natural disaster, such as a hurricane forces them to relocate temporarily. If a commissioner moves out of their district for any other reason, they are deemed disqualified to hold the office and the office will be considered vacant.

PRO: The revised language makes clear the intent of the Charter that members of the BOCC must remain residents in their district throughout their term of office with only two exceptions – redistricting or natural disaster.

CON: The Charter’s intent is clear enough without further explanation.

Charter Amendment No. 2
Annual review of operations by county commission.

Shall Article II, Sec. 2.2.D. of the Charlotte County Charter be amended to require the County Commissioners to conduct an annual review of all operations of the County, with input from the public, by April first of each year, and thereafter take action upon said review for improvement of the county and the welfare of its residents?

YES for Approval

NO for Rejection

Section 2.2.D. is amended by amending the last sentence to read: “In addition to its other powers and duties, the board of county commissioners shall conduct ~~continuing studies in the~~ an annual review of all operations of the county, including all programs and services provided, with input from the public, prior to April first of each year, and take action on programs as a result of this review for improvement of the county and the welfare of its residents.”

SYNOPSIS: The current Charter requires an annual review, but has not implementation date. The April 1st date is added for consistency with the larger annual review language.

PRO: The Amendment also adds public input into the review process and the date certain will allow the public and media to annually monitor the annual review of operations.

CON: The County is already doing this. Adding a date is micromanagement.

Charter Amendment No. 3
Debt and Reserve policies reviewed annually by April first.

Shall Article II, Sec. 2.2.J. and 2.2.K. of the Charlotte County Charter be amended to require the annual review of the debt policy and reserve policy to be done prior to April first of each year?

YES for Approval

NO for Rejection

Section 2.2.J. is amended by amending the first sentence to read: “*Debt Policy.* The county commission shall adopt and review annually, prior to April first of each year, a debt policy to guide the issuance and management of debt.”

Section 2.2.K. shall be amended by amending the first sentence to read: “*Reserve Policy.* The county commission shall adopt and review annually, prior to April first of each year, a reserve (stabilization funds) policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one (1) time expenditures and cost shifts.”

SYNOPSIS: Voters approved a Charter Review Commission proposal to require the County to conduct an annual review of its debts and reserve policies. However, the required review was not conducted until 2009. The addition of a date certain for completion of the review (April 1st) is intended to ensure staff prepares for this Charter requirement.

PRO: The date certain will allow the public and media to annually monitor the debt and reserve policies.

CON: The County is now doing this. Adding a date is micromanagement.

Charter Amendment No. 4

Maintaining residency requirements during term of office of Constitutional offices.

Shall Article III, Sec. 3.2. of the Charlotte County Charter be amended to require the sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections to maintain residency in Charlotte County during their terms of office?

YES for Approval

NO for Rejection

Section 3.2. is amended by adding a sentence to the end of the existing section to read: “Any person holding the office of sheriff, property appraiser, tax collector, clerk of the circuit court, or supervisor of elections who shall remove his or her residency from Charlotte County shall thereupon become disqualified to hold said office and the office of any such person shall be deemed vacant.”

SYNOPSIS: Constitutional Officers are elected County wide for terms of four years and must be a resident of the County upon election. However, there is no requirement for them to maintain that residency throughout their term. Language is added to provide that if the elected official removes their residency from the County, their office is deemed vacant and they will be replaced.

PRO: Constitutional Officers have a duty to the people of the County and should reside where they serve so that they are subject to the same ordinances and regulations as their constituents.

CON: This Amendment is not necessary, it fixes a problem that has never occurred.

Charter Amendment No. 5

Six month residency and registered voter requirement for Charter Review Commission

Shall Article IV, Sec. 4.2.C.(1) of the Charlotte County Charter be amended to require Charter review commission members and alternates to be registered voters of Charlotte County and reside for at least six months in the County prior to and during their term of appointment?

YES for Approval

NO for Rejection

Section 4.2.C.(1) is amended by adding a sentence to the end of the section to read: “Members and alternates of the charter review commission shall be a registered voter of Charlotte County and reside within the county for at least six (6) months immediately prior to the time of appointment and during the term of the appointment. Any member or alternate who shall remove his or her residency from Charlotte County shall be deemed to have resigned from the charter review commission.”

SYNOPSIS: The current Charter language has no qualifications for members of the Charter Review Commission. This language places a requirement for a minimum residency of six months in the County and for being a registered voter.

PRO: Members of the Charter Review Commission should be permanent residents of the County and interested enough in their government to register to vote.

CON: All taxpayers should have the same right to serve regardless of whether they are here full time, are American citizens or voters.

**Charter Amendment No. 6
Creation of Citizens Financial Advisory Committee.**

Shall Article II, Section 2.2. of the Charlotte County Charter be amended to provide for a Citizens Financial Advisory Committee, consisting of five (5) members to be appointed by the board of county commissioners to advise the commission on matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county?

YES for Approval

No for Rejection

Section 2.2.L. is created to read: "L. Citizens Financial Advisory Committee. The board of county commissioners shall establish by ordinance an appointed board of advisors to consist of 5 qualified resident electors to advise the commission of matters relating to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters affecting the county. The ordinance shall provide that each commissioner appoint one (1) member of the committee, whose term shall run concurrent with the appointing commissioner's term of office.

SYNOPSIS: County staff made the recommendation for this new Committee during interviews, as a valuable way to use the local expertise of citizens, and provide a sounding board for proposals with economic impact. The language is similar to the Sarasota County Charter which works well for them. Members would offer opinions on the budget, debt policies, economic impact of proposed ordinances, the reserve policy, and other fiscal matters affecting the county.

PRO: Our community has many citizens who have proven expertise in financial matters, and we should formally utilize them to better benefit from their advice. Creation of a formal Committee ensures their input is covered by the Sunshine Law.

CON: Citizens already provide private advice to Commissioners on issues of interest or concern to them. Committee is just another layer of government we do not need.

Charter Amendment No. 7
Commission agenda availability.

Shall Article I of the Charlotte County Charter be amended to require county commission agendas and supporting materials be available to the public at least seven (7) days in advance of commission meetings?

YES for Approval

No for Rejection

Article I of the Charlotte County Charter is amended by adding a new subsection 1.5 to read as follows:

“1.5 Commission agenda.

 The official agenda, and supporting documentation in the possession of the county, for every non-emergency meeting of the commission shall be made available to the public at least seven days before the commission meeting. Items may be added to the agenda by four-fifths vote of the commission or when deemed necessary by the majority in emergency situations.”

SYNOPSIS: The Charter currently has no requirement as to when the Commission Agenda must be published. The Charter Review Commission heard input that items were voted on by the County Commission without sufficient time for the public to be aware of and provide input before the vote. This Amendment requires the BCC Agenda to be available to the public at least seven days prior to the meeting.

PRO: The public has at least a week prior to the meeting to be aware of what the Commission will vote on and to provide input.

CON: There is ample time currently.

Charter Amendment No. 8

Economic Development Office Director reports to Board of County Commissioners.

Shall the Charlotte County Charter be amended to provide for a director of the office of Economic Development selected by the board of county commissioners who shall serve at the pleasure of the board and that this director shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners?

YES for Approval

No for Rejection

Section 2.3. is amended by adding a new subsection F. to read as follows:

“F. Director of Economic Development. There shall be a director of the Economic Development Office selected by the board of county commissioners who shall serve at the pleasure of the board. The director of the Economic Development Office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners.”

As part of this amendment, section 2.3.B. (1) and (2) shall be amended to clarify the County attorney and director of Economic Development are not under the direction of the County administrator, as follows:

- (1) The county department heads, with the exception of the county attorney and the director of Economic Development, shall be appointed by the county administrator, with the advice and consent of the board of county commissioners, and shall be responsible to the county administrator.
- (2) The county administrator shall have the authority to suspend or discharge any department head, other than the county attorney and the director of Economic Development, with or without cause. Procedures for the suspension or discharge of department heads shall be as provided by ordinance.

SYNOPSIS: The EDO reports to the County Administrator at present. This office frequently works on programs that are critically time dependent and involve decisions that are foreign to the normal operation of the County Administrator. This proposal eliminates one level of administration and enables the BCC to react quickly to developing opportunities. It also provides the BCC with the direct ability to replace the director of EDO for any reason including lack of results without approval of the County Administrator.

PRO: Shortening the chain of command will reduce the time needed to make mission critical decisions on developing opportunities. Placing the Director of EDO under the direct control of the BCC will enable the Commissioners to operate in direct support to win commercial opportunities that benefit Charlotte county.

CON: The BCC has sufficient control over the EDO by operating through the County Administrator.

Charter Amendment No. 9

Time to appoint Charter Review Commission.

Shall Section 4.2.C.(1) of the Charlotte County Charter be amended to require the Charter Review Commission be appointed eighteen (18) months rather than eleven (11) months prior to the General Election every six years?

YES for Approval

No for Rejection

Section 4.2.C.(1) is amended by amending the first sentence of the section to read: “A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least ~~eleven (11)~~eighteen (18) months before the general election occurring in ~~1998-2016~~ and at least ~~eleven (11)~~eighteen (18) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot.”

SYNOPSIS: The Charter presently requires the BCC to appoint the Charter Review Commission eleven months before the general election. This Amendment would require the BCC to appoint the CRC eighteen months before the general election. This change would enable the CRC to conduct the necessary organizational and information gathering procedures to present their findings to the public early enough for the public to provide feedback and enable stronger proposals to be presented.

PRO: The CRC currently meets for the first time in September of the year prior to the year in which its proposals will be voted upon by the public. At this time eighteen strangers have to organize, establish an administrative structure and develop a procedure for accomplishing the objectives of its mandate. All of the discussions of the Commission must take place in the Sunshine and must therefore be announced and advertised. The findings of the Commission must be presented in at least 3 public hearings by early July of the year in which its proposals are voted upon by the public. This requires that the Commission complete an extensive number of meetings, all of which must be advertised in advance and held in a public place, in the space of five months. The results of these meetings must be summarized, discussed and then condensed into a concise set of proposed amendments. The public would be better served if the operation of the Commission would provide more time for it to do its work.

CON: The past Commissions have gotten the job done in the required time and no change is required.

Charter Amendment No. 10

Reconstitution of Charter Review Commission

Shall Article IV of the Charlotte County Charter be amended by reconstituting the 2009-2010 Charter Review Commission to allow further in-depth study of the Charlotte County Charter, including the current form of government?

YES for Approval

No for Rejection

Section 4.2. is amended by adding a new section 4.2.D. to read as follows:

“D. Reconstitution of 2009-2010 Charter review commission.

(1) The members of the charter review commission appointed to serve in 2009-2010 shall be deemed members of a reconstituted 2010-2012 charter review commission, which shall serve

from November 3, 2010 through December 1, 2012. Vacancies shall be filled by the remaining members of the Charter Review commission, in the same manner as the original appointments.
(2) Except as otherwise provided in this Section 4.2.D., the provisions of Section 4.2.C. of the Charter shall apply to the operation of the reconstituted 2010-2012 charter review commission.
(3) This section 4.2.D. shall be repealed effective January 1, 2013.

SYNOPSIS: During this term the Charter Review heard input that other County governing options should be explored and debated in the community. As a result, the CRC discussed the three (3) forms of government allowed for Florida's charter counties per Chapter 125.84, F.S. The CRC concluded that the work effort needed to thoroughly study and review all of the options available, and to be in a position to make a responsible recommendation to the voters, would take much more time than was available to the 2010 CRC. In an effort to salvage the work that has been completed to date on this subject, the 2010 CRC voted to propose this "reconstitution" amendment to the voters. The intent is to see if the voters desire the current CRC to continue with their study to determine if possible legislative and/or executive changes to our county government would actually improve the county's organizational efficiency; and if so, how would such a change be implemented.

PRO: The CRC has a responsibility to study the operation of county government and, if needed, to identify ways in which the conduct of county government might be improved or reorganized. With public input indicating that the current structure has organizational issues it appears logical that the best approach to resolve this matter would be to "reconstitute" the 2010 Charter Review Commission so as to review to this matter in the most efficient manner possible.

CON: The Commission served its term and the next Commission can take up these issues.

NOTE: Upon completion of the July 1, 2010 Public Hearing, the 2010 CRC voted to approve the following amendments and ballot language to be proposed to the voters at the General Election to be held on November 2, 2010:

**Charter Amendment No. 1
Removal of Residency from Commission District by County Commissioner.**

Shall Article II, Section 2.2.A of the Charlotte County Charter be amended to allow for a county commissioner's temporary removal from their elected commission district by reason of calamity or natural disaster and except for such temporary removal or redistricting, disqualification and vacancy of office when otherwise removing their residency out of said district?

YES for Approval

No for Rejection

Section 2.2.A. is amended by amending the last sentence to read: "Each candidate for the office of commissioner shall reside within the district from which such candidate seeks election for at least six (6) months immediately prior to the time of qualifying to run for that office, and during the term of office for each commissioner shall reside in the district from which such commissioner ran

for office, provided that any commissioner who is removed from the district by redistricting may continue to serve during the balance of the term of office, and providing further that any such commissioner who shall be temporarily removed from the district from which such commissioner ran for office by reason of calamity or natural disaster shall be deemed to be residing in such district, provided, within six (6) months, such commissioner demonstrates their intention to return to said district. However, any commissioner who shall remove his or her residency from the district for which he or she is elected other than by reason of redistricting, or temporarily by reason of calamity or natural disaster without the intent to return, shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant. ”

Charter Amendment No. 2
Annual review of operations by county commission.

Shall Article II, Sec. 2.2.D. of the Charlotte County Charter be amended to require the County Commissioners to conduct an annual review of all operations of the County, with input from the public, by April first of each year, and thereafter take action upon said review for improvement of the county and the welfare of its residents?

YES for Approval

NO for Rejection

Section 2.2D. is amended by amending the last sentence to read: “In addition to its other powers and duties, the board of county commissioners shall conduct ~~continuing studies in the~~ annual review of all operations of the county, including all programs and services provided, with input from the public, prior to April first of each year, and take action on programs as a result of this review for improvement of the county and the welfare of its residents.”

Charter Amendment No. 3
Debt and Reserve policies reviewed annually by April first.

Shall Article II, Sec. 2.2.J. and 2.2.K. of the Charlotte County Charter be amended to require the annual review of the debt policy and reserve policy to be done prior to April first of each year?

YES for Approval

NO for Rejection

Section 2.2.J is amended by amending the first sentence to read: “*Debt Policy.* The county commission shall adopt and review annually, prior to April first of each year, a debt policy to guide the issuance and management of debt.”

Section 2.2.K. shall be amended by amending the first sentence to read: “*Reserve Policy.* The county commission shall adopt and review annually, prior to April first of each year, a reserve (stabilization funds) policy to maintain a reasonable level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one (1) time expenditures and cost shifts.”

Charter Amendment No. 4
Maintaining residency requirements during term of office of Constitutional offices.

Shall Article III, Sec. 3.2. of the Charlotte County Charter be amended to require the sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections to maintain residency in Charlotte County during their terms of office?

YES for Approval

NO for Rejection

Section 3.2. is amended by adding a sentence to the end of the existing section to read: “Any person holding the office of sheriff, property appraiser, tax collector, clerk of the circuit court, or supervisor of elections who shall remove his or her residency from Charlotte County shall thereupon become disqualified to hold said office and the office of any such person shall be deemed vacant.”

Charter Amendment No. 5
Six month residency and registered voter requirement for Charter Review Commission

Shall Article IV, Sec. 4.2.C.(1). of the Charlotte County Charter be amended to require Charter review commission members and alternates to be registered voters of Charlotte County and reside for at least six months in the County prior to and during their term of appointment?

YES for Approval

NO for Rejection

Section 4.2.C.(1) is amended by adding a sentence to the end of the section to read: “Members and alternates of the charter review commission shall be a registered voter of Charlotte County and reside within the county for at least six (6) months immediately prior to the time of appointment and during the term of the appointment. Any member or alternate who shall remove his or her residency from Charlotte County shall be deemed to have resigned from the charter review commission.”

Charter Amendment No. 6
Commission agenda availability.

Shall Article I of the Charlotte County Charter be amended to require county commission agendas and supporting materials be available at least seven (7) days in advance of commission meetings?

YES for Approval

No for Rejection

Article I of the Charlotte County Charter is amended by adding a new subsection 1.5 to read as follows:

“Sec. 1.5 Commission agenda.

The official agenda, and supporting documentation in the possession of the county, for every non-emergency meeting of the commission shall be made available seven days before the commission meeting. Items may be added to the agenda by four-fifths vote of the commission or when deemed necessary by the majority in emergency situations.”

Charter Amendment No. 7

Economic Development Office Director reports to Board of County Commissioners.

Shall the Charlotte County Charter be amended to provide for a director of the office of Economic Development selected by the board of county commissioners who shall serve at the pleasure of the board and that this director shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners?

YES for Approval

No for Rejection

Section 2.3. is amended by adding a new subsection F. to read as follows:

“F. Director of Economic Development. There shall be a director of the Economic Development Office selected by the board of county commissioners who shall serve at the pleasure of the board. The director of the Economic Development Office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners.”

As part of this amendment, section 2.3.B (1) and (2) shall be amended to clarify the County attorney and director of Economic Development are not under the direction of the County administrator, as follows:

- (1) The county department heads, with the exception of the county attorney and the director of Economic Development, shall be appointed by the county administrator, with the advice and consent of the board of county commissioners, and shall be responsible to the county administrator.
- (2) The county administrator shall have the authority to suspend or discharge any department head, other than the county attorney and the director of Economic Development, with or without cause. Procedures for the suspension or discharge of department heads shall be as provided by ordinance.

Charter Amendment No. 8

Time to appoint Charter Review Commission.

Shall Section 4.2.C.(1) of the Charlotte County Charter be amended to require the Charter Review Commission be appointed eighteen (18) months rather than eleven (11) months prior to the General Election every six years?

YES for Approval

No for Rejection

Section 4.2.C.(1) is amended by amending the first sentence of the section to read: "A charter review commission consisting of fifteen (15) members and three (3) alternates shall be appointed by the board of county commissioners at least ~~eleven (11)~~eighteen (18) months before the general election occurring in ~~1998-2016~~ and at least ~~eleven (11)~~eighteen (18) months before the general election occurring every (6) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No elected officer shall be a member of the charter review commission."

SECTION IV

Organizational/Procedural Changes Forwarded to Board

Introduction: This section of the Final Report pertains to the Charter Review Commission's decision to forward certain organizational and procedural changes to the Board of County Commissioners that the CRC believes should to be considered by the Board of County Commissioners for implementation; but did not rise to the level of proposed Charter amendments. The following list was developed from the CRC's interviews of the various elected officials, county administration and staff, and numerous community organizations; as well as from individuals participating at the CRC's Public Hearings:

- Consider going to a two-year budget cycle.
- Consider spending more time on long range strategic planning rather than “day-to-day” operations.
- Consider monitoring and correcting, if possible, “duplication of effort” between BCC and Constitutional Officers.
- Consider the necessity of a policy prohibiting members of the BCC from participating in educational reimbursement programs.
- Consider establishing some method to address mis-statements made and to provide information back to members of the public who address the Commission meetings at public input.
- Consider going to two (2) formal readings/votes of County Ordinances, land use decisions, items pulled from the consent agenda and items added to the agenda.
- Consider during each general election cycle whether or not to propose any Charter Amendments to the voters.

- Consider establishing a Citizens Financial Advisory Committee to give input on matters relative to the budget, economic impact estimates for ordinances, the debt policy, the reserve policy and other fiscal matters of the County.

- Consider leaving the Charter Review Commission website active at all times for historical purposes and having a copy of the latest Charter Review Commission Final Report linked to the Charter on the website.

- Consider improving the “Open for Business” concept. The Charter Review Commission heard many comments including the following:
 - Projects need an expediter. There are too many doors and desks that must approve a project. The project will move from one desk or door to the next just to wait its turn on that desk before moving to the next for further process and approval. One stop shopping (ie., a Project Manager assigned to expedite plans through the permitting process) would be a great improvement.
 - There are unpredictable layers of codes. The outcomes are not consistent.
 - The process would be improved if Zoning and Building were under the same division or department.
 - Staff is not controlled by County Commissioners per the Charter. Commissioners may agree to help expedite a process but staff does not follow through if they disagree. The process of holding staff “accountable” needs to be implemented.


SECTION V

Recommendations to Future Charter Review Commissions


Introduction: This section of the Final Report pertains to the Charter Review Commission's decision to formalize certain organizational recommendations to future Charter Review Commissions. These recommendations were developed from the 2010 CRC's observations of the overall process and the need to increase organizational efficiency with the limited time available.

- Review prior Charter Amendments and prior Charter Review Commission Reports to the Board and determine if they were implemented.
- Confirm with County Administration the CRC's approved budget within first sixty (60) days.
- Secure administrative support staff and legal counsel as soon as possible.
- Organize the study/interview/recommendation of committees/chairs within sixty (60) days.
- Hold at least one (1) Public Hearing/Input Meeting as early as possible in the process.
- Establish a schedule of critical meeting dates so that CRC members can adjust their personal schedules accordingly.
- Establish an attendance policy for CRC meetings and committee meetings. Remind voting members and alternates that it is very important that they attend meetings so that they can be informed of the matters under consideration; and, as it relates to alternates, being sufficiently informed so that they can move to "voting member" status if needed.
- Utilize the Synopsis- Pro/Con format developed by the 2010 Charter Review Commission explaining proposed amendments.
- Put "public input" on each CRC Agenda early in the meeting and prior to "Commission Comments"

**FINAL APPROVAL BY THE 2010 CHARLOTTE COUNTY CHARTER REVIEW COMMISSION
ON JULY 8, 2010:**



KEN DOHERTY, CHAIRMAN



ROBERT H. BERNTSSON, ESQ.
CRC General Counsel

Appendix A

List of Regular Meetings, Special Meetings and Public Hearings,

(Note: The minutes of all meetings and the recorded audio tapes are on file at the County)

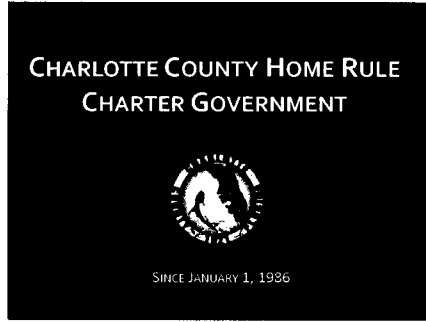
DATE**TOPIC**

9/17/2010	Organizational
10/15/2009	General Membership
10/27/2009	Spec. meeting to discuss atty selection process
10/29/2009	Spec meeting to populate sub-Committees
11/19/2009	General Membership
12/17/2009	General Membership
12/17/2009	BCC sub-Committee organizational
12/17/2009	Admin. Staff sub organizational
12/17/2009	Const. Officers sub organizational
12/17/2009	Other Boards and Agencies sub organizational
1/7/2010	Spec. Meeting to develop flyer for public
1/14/2010	Other Boards sub to discuss interview schedule
1/21/2010	General Membership and Public meeting
1/28/2010	BCC sub - interview all Commissioners individually
1/28/2010	Const. Off sub - develop interview questions
2/2/2010	Other Boards sub - further develop interview strategy
2/4/2010	BCC sub -no quorum ,meeting rescheduled
2/17/2010	BCC sub - discuss info obtained during interview
2/18/2010	General Membership
2/18/2010	Const. Off. Sub - interview Tax Collector
2/24/2010	Spec. meeting for public speakers
3/2/2010	Other Boards sub - interview 3 Chambers; School Board
3/3/2010	BCC sub - discuss future focus
3/4/2010	Const. Off sub - interview Spvr. Elections
3/9/2010	Admin Staff sub - develop interview questions and schedule
3/18/2010	Other boards sub - interview PG officials; Englewood Water
3/18/2010	Const. Officers sub - interview Prop. Appraiser
3/18/2010	General Membership
3/19/2010	Admin Staff sub - conduct all scheduled interviews

3/30/2010	Other Boards sub - interview EDO and ECEC
4/6/2010	Other Boards sub- interview Kitson ; Airport Authority
4/7/2010	Jt. Focus sub- discuss possible change of Co. Exec. Structure
4/15/2010	Const. Officers sub - interview Sheriff
4/15/2010	General membership
4/21/2010	Jt. Focus sub - discuss possible changes
4/28/2010	Other Boards sub - develop Final Report
4/29/2010	Const. Off. Sub - interview ; develop Final Report
5/13/2010	General membership special - present sub Final Reports
5/20/2010	General membership
6/3/2010	Public Hearing #1 - CHEC
6/14/2010	Spec meeting sub chairs to discuss presenting Proposals
6/17/2010	General membership and Public Hearing #2 - Murdock
6/21/2010	Spec. meeting sub chairs to finalize presenting Proposals
7/1/2010	Public Hearing #3 - Tringali
7/8/2010	Special general membership - finalize Report, final vote
7/15/2010	General Membership

Appendix B
**PowerPoint™ presentation used by speakers
and at Public Hearing**

Slide 1



Slide 2

Background on Home Rule Charter Government in Florida

Authority to create a "Home Rule Charter" was provided for the first time in the 1968 amended Florida Constitution.

A "Home Rule Charter" allows a county to enact municipal type laws, not specifically prohibited by state general law. Counties that do not use a Home Rule Charter must receive the State's approval via a special act of the Legislature.

A "Home Rule Charter" also allows a county to adopt the form of government as defined in Chapter 125.84, F.S.

Slide 3

Background

Currently, 20 of Florida's 67 counties have Home Rule Charters:

Alachua	Miami-Dade
Brevard	Orange
Broward	Osceola
<i>Charlotte</i>	Palm Beach
Clay	Pinellas
Columbia	Polk
Duval/Jacksonville	Sarasota
Hillsborough	Seminole
Lee	Volusia
Leon	Wakulla

Slide 4

Charlotte County Perspective

Counties in Florida	67
Total Voters *	10,433,849
Charter Counties	20
Charter Counties in Florida	
Charter Population	7,651,375
Charter Counties	20
Charter Counties in Florida	20

Slide 5

Overview of Charlotte's Home Rule Charter

Article I – Creation, Powers, and Ordinances of Home Rule Charter Government
Article II – Organization of County Government
Article III – Elected County Constitutional Officers
Article IV – Home Rule Charter Transition, Amendments, Revision, Effective Date

Slide 6

Section 4.2 – Home Rule Charter Amendments

<i>Amendments proposed by the board of county commissioners.</i>
Amendments to this home rule charter may be proposed <i>by ordinance</i> adopted by the board of county commissioners by an affirmative vote of a majority of the total membership of the board of county commissioners....

Slide 7

Section 4.2 – Home Rule Charter Amendments

Amendments proposed by initiative.

(1) The home rule charter may also be amended by initiative proposed by a number of electors equal to not less than 10 percent of the number of electors qualified to vote in the county or a portion thereof presenting a petition, provided that any such amendment shall increase but one tax subject to the liability connected therewith. Any charter amendment proposed by initiative shall be placed on the ballot for election by the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures have been verified.

Slide 8

Section 4.2 – Home Rule Charter Amendments


Amendments and revisions by charter review commission.

(1) A charter review commission consisting of three (3) members appointed by the board of county commissioners, at least eleven (11) months before the general election occurring in 1990 and at least eleven (11) months before the general election occurring every second year thereafter, shall be created to study, analyze and recommend amendments or revisions to the home rule charter and to make any amendments or revisions proposed. No elected officer of the board of county commissioners shall be an alternate on the charter review commission. The three (3) alternates shall be non-voting participants on the charter review commission and shall, in the order of their original selection by the county commission, fill vacancies on the charter review commission. Additional vacancies on the charter review commission shall be filled within thirty (30) days in the same manner as the original appointments.

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2010 CHARTER REVIEW COMMISSION

Boadi, Andy	Pick, Thomas
Doherty, Frank (chairman)	Purcell, Ryan (vice chairman)
Dunleavy, William	Wernon, Johnny
Falk, Bill	Zeckel, Frank
Garaud, Matthew	
Griffin, James	
Harrell, Michael	Wolter, Randall
Hooper, Joseph	Yanda, Cameron
Hess, Paula	Yost, Steve
Hoff, John	
Matlock, John	



Slide 10

Proposed Charter Amendments
(As of May 20, 2010)

Amendment No. 1 - Removal of residency from Commission District by County Commissioner.

Amendment No. 2 - Annual review of operations by County Commission.

Amendment No. 3 - Dept and Reserve policies reviewed annually by April first.

Amendment No. 4 - Mandatory residency requirements during term of County Institutional Offices.

Amendment No. 5 - Six month residency for registered voter requirement for County Review Commission.

Amendment No. 6 - Creation of Citizens Financial Advisory Committee.

Amendment No. 7 - Commission agenda availability.

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Proposed Charter Amendments
(continued)

Amendment No. 8 - Economic Development Office Director report to Board of County Commissioners.

Amendment No. 9 - Time to appoint Charter Review Commission.

Amendment No. 10 - For 12 months of Charter Review Commission.

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PUBLIC INPUT (ALTERNATIVES)

Public Hearings:

#1 - West County @ Timgah Center, July 1, 2010
10:00 AM Public Hearing 10:30 AM

E-Mail

Regular Mail - 10300 Murdock Circle, Room 140
Port Charlotte, FL 33948