

# Charter Review Commission Meeting

## September 9, 2015

The Charter Review Commission Meeting was held at Charlotte County Administration Building at 18500 Murdock Circle, Room B-106, Port Charlotte FL

The meeting was called to order at 3:30 p.m.

Chairman Dryburgh announced Thomas (Skip) P. Conroy III and Thomas J. Rice would not be with us today.

Roll Call

### The following Commission Members were present

William C. Abbatematteo  
Katherine D. Ariens  
Jim M. Brown  
William Dryburgh, Chair  
Paula Hess  
John Hitzel

Donald McCormick, Vice Chair  
Frank C. Weikel  
Jerry J. O'Halloran  
Thomas J. Thornberry  
Julie Mathis  
W. Kevin Russell

### Alternates Present

Raymond A Corcoran

Attorney Robert Berntsson was also present.

Members Thomas P. Conroy III, Thomas J. Rice, Stephen J. Vieira and Alternate John M. Davidson were not present.

Citizens present: William B. Schaefer and Eugene Leapley

#### I. Citizens Input – William B. Schaefer

I have a handout and was not able to make enough copies for everyone, therefore; Mr. Chairman I will give you one copy and you can make copies if you wish and pass it out. My name is Bill Schaefer and I live in Punta Gorda, I was here six years ago, making a presentation similar to this. First, I will give you a little bit of my background, I do not look positively on term limit, I think it is my right to vote and also my obligation to vote, so a remedy of that sort, I am absolutely against. The last time I was here I spoke to people about single member districts versus at large districts, I think that is very important and I am an advocate of single member districts. There are 20 Charter counties in Florida out of 67 and 13 have some form of single member districts, and we do not. On the handout, one is a five district wide commissioner document and the other one is a seven commissioner document, which I advocate for. I have been here 14 years and I see a consistency of people being re-elected. You will see that I addressed trying to stabilize this county and frankly I like the county just the way it was when I came here and hopefully through my lifetime we can maintain it just the same as it was when I came here. If everyone would read the handout and wish to get back to me or if someone has a question, I would be glad to answer it.

Paula Hess stated I have a question please Mr. Chairman, in fact I have several; critics of elections by districts say it leads to interferal arguments that brings home the bacon attitudes which causes commissioners to be devoted only to their own district, to be re-elected and they are very often re-elected over and over again. What do you have to say to that?

William B. Schaefer stated I do not believe that is going on here.

Paula Hess stated are you familiar with Collier County, where they have election by district.....

William B. Schaefer stated sure.

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Paula Hess stated I have heard, however, we will investigate it further that is a problem a lot of people think they have down there.

William B. Schaefer stated okay, let me ask you this of the 20 districts or the 20 counties in the state of Florida, out of 67 that have home rule Charter, why is it 13 have some form of single member district, if they are so bad.

Paula Hess stated I did not say they were bad, I was asking you to answer this question about interferal fighting, maybe they like it that way.

William B. Schaefer stated well, see they can't be interferal fighting, if you look at the handout where it talks about seven commissioners and I understand we are talking about 160,000 to 200,000 dollars more every year, that is what it will cost us for these other two people, for that cost I think we get stability, the stability is the chairman of that commission.....

Paula Hess stated that leads to my second question, you said when you came here you liked it very much, we have always had this system, for the last 40 years.

William B. Schaefer stated I do not think it is that far back, I believe it was done in 1986, that is not 40 years ago.

Paula Hess asked did we have election by district when you came here?

William B. Schaefer stated no, you said we have always had this.

Paula Hess stated I think we had at large, I will have to check it further, but I have been here 40 years and I think it has been that way.

William B. Schaefer stated but the commission did not exist 40 years ago, home rule Charter started in 1986, I believe.

Paula Hess stated we always had commissioners.

William B. Schaefer stated because the state ran it. The state has its own set of rules, one of the reasons you do home rule is so you "home rule". You can disagree with me and that is your right to do, I am here hoping that I can convince people. I will give you an example, I have seen insistence where they wanted to terminate someone, two people stop it. That is what happens on a commission, so they are not accomplishing something. Let's talk about Murdock, should we get into that discussion on how that happen, I do not think there is a person here that will defend that Murdock was right.

Paula Hess asked would Murdock not have been approved if we had elections by district?

William B. Schaefer stated I think it might be.

Paula Hess stated; well, it might be, but you cannot say so.

William B. Schaefer stated let's go a step further, we are talking about raising a city right now, the way that city is designed they want to take 60 percent of the ratable in the entire county and put it in one city.

Paula Hess stated; well that is another subject and that is not up to the commissioners.

William B. Schaefer stated it has a major impact on all of us.

Chairman Dryburgh stated; we do not want to get into a debate here, this is something we will take up among the full group here at a later time.

John Hitzel stated Mr. Chairman, considering the number of pages here I purpose that we take the time to read this and have Mr. Schaefer come back at a later meeting to answer questions.

William B. Schaefer stated I really believe that presenting to a group like this which to say the least is diverse, different people they were selected differently, I know when they selected me on a committee there were plenty of people that probably said I did not belong there, but I am a citizen, as is everyone else here and you have an opinion and if I can bring a way up to make our commission run more smoothly, prior to the commissioners we have right now, it was not a smooth running organization, some of the laws in Florida causes that, because people cannot talk to each other, but we can talk to each other and maybe we can make a set of rules here that make it possible to protect the tax payer and at the same time make it easier for the commissioners to actually represent someone, but when I walk into a group of five commissioners and say who is my representative and they all sit there and say, Not Me, we represent everybody, is what I hear.

Chairman Dryburgh stated, Mr. Schaefer, I appreciate your zeal and what you are presenting, everybody has a copy now, we obviously have to interview the five commissioners and the Constitutional officers and members like that, and document your position and as Mr. Hitzel said we would like to get you back and maybe answer a few questions.

Jerry J. O'Halloran stated Mr. Chairman, can I ask one question?

Chairman Dryburgh stated sure.

Jerry J. O'Halloran stated on a general nature, I have been following this a little bit and thank you for putting all this work and effect into this, but one concern I have is if we have individual districts, is that you would have a representative representing different people, but that particular commissioner by definition would probably not know too much about the rest of the county, so I think the way the system is structured today at least it forces the commissioners out into these other areas and learn more about the county as a whole and therefore; have a better opinion as to the direction the county should move. I do not need an answer to this, just my thought process....

William B. Schaefer stated one of the recommendations I am making here is that any redistricting is done by the Supervisor of Elections, nobody else, they have the data, they are independent and the last time we did some redistricting because there was a major 25 percent difference between the smallest population and the biggest.

Jerry J. O'Halloran stated thank you, I appreciate it.

Chairman Dryburgh stated we will discuss this as a group, Mr. Schaefer, thank you. Mr. Leapley, do you have something for our group?

Eugene Leapley stated thank you for the opportunity, my name is Gene Leapley and I thank you for letting me be here today and I would like to influence you on the limited term and would like to present five points to show what you get with limited terms on all phases of government, whether it is local, state or federal and I am going to do the overall picture of what that entails in my mind and I recommend that you really consider doing this as best you can.

The new members, who are generated by this limited term, tend to be more reviewing of existing rules and remove those that do not really need to be there. Big government, even local requires business experience and the constitution was basically written in English, it was for civilian participation, it was not for professionals and what we are getting into is professionalism and that is not good for our type of business of being a representative of a free public. Basically the argument what is better, quantity or quality, I prefer quality and quality happens when you keep getting reviews on a person's performance. Another concept that pertains to limited terms is the growing perception that getting bigger government operations needs to attract business people, because that is what government is today, it is the biggest business in town, with the result of more effective use of money, by people who know how to handle a budget. Another concept is a business personal experience with large budgets often have to take a reduction in pay with a government job, but are willing to except the lower pay for a short while as a patriotic duty to a cause, like serving the public and they will do that and limited term encourages them to contribute to the public good. To summarize, limited terms provide a continuous review, new ideas and procedures on how less pre-committed notions result. Big business of government requires experienced personnel, especially in budgeting. A more qualified person will be more interested in doing his patriotic duty with the knowledge he will only be obligated for a certain amount of time, a reduction in the influence of lobbyist and big money influence even in this type of community. The constitution was written in plain English for the average citizen for a citizen government. I really use to believe management was the way to go, professional management really had a better handle, but it is not true in government, we are not getting it, so let's try something else.

Chairman Dryburgh stated Mr. Leapley, thank you very much.

II. Approval of Minutes of August 12, 2015 Meeting

Chairman Dryburgh stated that the minutes were emailed to everyone, are there any corrections or additions to the minutes? Paula Hess motioned for approval and Frank Weikel seconded. Chairman Dryburgh stated any discussion? All in favor say I. Everyone said I.

III. Approval of Expenses

Chairman Dryburgh stated Tammy is passing out a copy of the expenses of our attorney and in the future I will send that out by e-mail so you will have it. It was motioned and seconded for approval of expenses. Chairman Dryburgh stated any discussion? All in favor say I. Everyone said I.

IV. Old Business

Chairman Dryburgh stated on subcommittee discussions, where are we at this particular point?

Julie Mathis stated Mr. Chairman, our subcommittee is meeting tomorrow and Friday and we are done.

Chairman Dryburgh stated so you are meeting with the Administration staff?

Julie Mathis stated correct.

Chairman Dryburgh; Mr. Abbatematteo.

William C. Abbatematteo; We are going to get together and go over our calendars and submit some dates, so we can begin our interviews.

Chairman Dryburgh stated is that going to be this month?

William C. Abbatematteo stated probably not September, if that is what you are asking.

Chairman Dryburgh stated Katherine?

Katherine D. Ariens stated our committee is meeting and will be wrapped with everything done on November 16th.

Chairman Dryburgh stated we definitely have to get our discussion of our meeting dates for November, we have to get that squared way in December, so we don't have a problem.

Jim M. Brown stated what is the date again, that you.....

Katherine D. Ariens stated November 16th, we will be finished and submit our review of our minutes.

Chairman Dryburgh stated unfortunately, Tom Rice is not here.

W. Kevin Russell stated I will speak for Tom, we have a schedule of meetings going forward regarding the Chamber of Commerce, the Airport Authority and the other agencies, we are supposed to meet, those dates have been set. I trust the parties have been notified and we should be done by the end of October.

Chairman Dryburgh; Good deal, okay; we are moving right along.

V. New Business

Chairman Dryburgh stated we scheduled the next meeting for November 11th, as you know we had discussed that, but we found out the county is closed that day after we left here and looking at the stuff Tammy sent out to everybody it looks like the dates of either November 6th or November 13th, looks like works well for just about everybody, so what is your pleasure?

Julie Mathis asked are those Fridays?

Chairman Dryburgh stated they are both Fridays.

Julie Mathis stated I am going for the 13th.

Jim M. Brown stated the 6th or the 13th.....

Paula Hess stated either date is okay with me.

Several people; Either one for me.

Rob Berntsson asked so do you want to make a motion for the 6th?

Chairman Dryburgh stated Julie?

Julie Mathis stated okay, move for the 6th.

Chairman Dryburgh asked; Do we have a second?

Several people stated Second.

Chairman Dryburgh stated any discussion? All in favor say I. Everyone I. So the 6th, it will be.

VI. Discussion

Jim M. Brown stated I have a question about the schedule that was issued initially, mine is all crossed out because we changed a lot of dates, could we publish a new schedule.

Chairman Dryburgh stated we can; Tammy, can you send an updated schedule to everyone, please. Yes, Bill.

William C. Abbatematteo asked what Bill Schaefer had given to you, are you going to make provisions to have it may be scanned or....

Chairman Dryburgh stated the only stuff he gave me is this, I can give it to Tammy and have her scan it and we will send it out to everybody.

William C. Abbatematteo stated sounds great, thank you.

Chairman Dryburgh stated I know there is one mistake and it has to do with Orange county, because I just happened to check into that one last week on my own. Orange County elects five individual districts, but they have a mayor, and they have a mayor at large, and in this particular case it is a she and she then is responsible for all citizens in the districts or individual.

William C. Abbatematteo asked if she is ceremonial or does she actually.....

Chairman Dryburgh stated; No, she has all the power.

William C. Abbatematteo asked does she sit as her own council person?

Paula Hess stated they have the most power. I would like to point out Bill, that in our minutes we are going to discuss with the commissioners, elections by district, non-partisan elections, term limits, elected mayor, appointed sheriff and then we are going to ask them if they see anything that they would like to change, so if anybody in the general population here, if the commission. would come up with something they would like us to discuss with the commissioners or require of them, let us know, because we thought we would discuss with them the general topics that come up from the public, the one that has come up already.

Donald McCormick asked could I ask for clarification, you use the term elected mayor, are we talking about electing the chairman of the county commission?

Paula Hess stated we are talking about an elected mayor, we had a pre-discussion about that at our last meeting, it is a powerful person who is also a commissioner, but he is the mayor.

Donald McCormick asked so he is called the mayor of the county. So how would he stand in relation to the administrator?

Paula Hess stated he probably has a lot of the administrator's duties.

Donald McCormick stated; Thank you.

Paula Hess stated; and the last time we got extensive reports about it, we very carefully thought about it, didn't we Frank, putting it on the ballot, but one of the commissioners came with a great lobby to oppose it and knocked it down really with the general public, but there is a few counties that it is very, very successful and we did a lot of research on it and so that is why we put it on our questions to ask the commissioners.

Thomas J. Thornberry stated sorry, it did or did not make it on the ballot.

Paula Hess stated it did not.

Thomas J. Thornberry asked why did the commissioner lobby to not.....

Paula Hess stated well, he brought a whole lot of people to the public hearing that we had and I would say that the commission caved.

Frank C. Weikel stated we are going to get into some strong arguments.

Paula Hess stated yes, some strong arguments against it.

Chairman Dryburgh stated well, some people may not know about before, towards the end here we are going to have three public hearings in different parts of the county and what Ms. Hess is talking about is the particular commissioner brought a lot of people with him and they countably argued and also even though it is us they can come out with the commissioners and sit, which is what this particular commissioner did to us.

Thomas J. Thornberry stated this is automately the authority of this group.

Chairman Dryburgh stated this is the authority of this group, correct.

Frank C. Weikel stated doesn't the commissioners have to approve our recommendations?

Paula Hess stated; No.

Rob Berntsson stated they forward it onto the Supervisor of Elections, it is ceremonial almost, they do not have the ability to reject it, we send in our questions, they approve it to go on the ballot.

Frank C. Weikel stated it should come from them.

Rob Berntsson stated right, it has to come from them. I would just add; one of the reasons I think that this commission has been given a longer term was one of the drawbacks to changing it to a different form of government was the timing that everybody had to study it and look into implementing it and I think that was one of the main reasons why the time was added, so that question did go on the ballot to start us six months earlier than previously, but there was no question that went to the voters on that change of format.

Chairman Dryburgh; Jerry.

Jerry J. O'Halloran stated Mr. Chairman, my apologies first of all for coming in late. Clarify for me if you would please, every visitor that comes in here is going to be allowed to make a presentation, is there a time limit, or how does that work.

Chairman Dryburgh stated I think at the most, fifteen minutes should be enough to make a presentation, but it is up to the group, I would think that the most would be fifteen minutes and we can ask them questions, but we do not necessarily have to, just like they do at the commission meetings or city council, you can just make some notes and discuss among ourselves at a later date.

Julie Mathis stated didn't we talk about it in the beginning in our organizational meeting that at the public hearings we would do three minutes?

Chairman Dryburgh stated if I am being very direct, I apologize for that, but I think it is up to my discretion if we want to go a little bit further here and then get an integrate plan to present it.

Julie Mathis stated I am not saying today necessarily, but I think when we go to public hearings.....

Chairman Dryburgh stated; Exactly.

Julie Mathis stated considering how many people, we are going to have to have a restricted time limit.

Chairman Dryburgh stated yes; we are going to have to.

Rob Berntsson stated I would suggest that you have a standing time limit and then you have the discretion to grant further time if someone comes in, like today with a package that they prepared, you can say we will give you some more time, you should have a standard time that you allow for public input, but you have the discretion to extend that time.

Jerry J. O'Halloran stated I think we did agree to three minutes in the first meeting.

Chairman Dryburgh stated I was confused myself, was that only at the public hearings because a lot of people come up to the mic and that is where the three minutes came from.

W. Kevin Russell stated I think it is a little hard to compare these meetings which sometimes last twenty minutes to other meetings that are full, so I like the idea of discretion if you let someone speak.

Paula Hess stated Mr. Chairman, last time when we were seriously discussing some changes in the Charter we had an attorney do some research into the subject in other counties and brought back information, is it possible that we could do that again, as far as elections by district which seems to be forthcoming from the public as it has today and there are a lot of supporters of that as I understand it, how it is working in other counties where they have elections by district, can we do that?



Julie Mathis stated I feel like it is premature at this point, because we are not....

Paula Hess stated well, I am asking for in the future, if we can.

Chairman Dryburgh stated Ms. Hess is correct we had that to our preview last time, where we could look at it and had a lot of backup detail to it.

Paula Hess stated because I had an ex-legislature tell me that in Collier County it is not working at all and I would just like to see if that is the case, you know, as far as election by district.

Chairman Dryburgh asked any other discussion on any of this?

Jim M. Brown asked are we talking about in this meeting, I am not talking about the public meetings, we are limiting someone to three minutes?

Chairman Dryburgh stated that is what we were just discussing and Kevin was talking about that, we have a little more discretion here. Once we get to those meetings out there we will need to.

Jim M. Brown stated some people take three minutes to introduce themselves, if their subject matter is worthwhile give them five minutes, but three minutes is kind of....

Julie Mathis stated I think what Rob and Kevin was saying, certainly what Rob said, is we should have a set time and then if we want to extend it.

Jim M. Brown stated the census of the group is to extend....

Chairman Dryburgh stated I make a recommendation to the group that when they come here, we give them five minutes to make their presentation and when we go to the hearings outside we do three minutes.

Jerry J. O'Halloran; So moved.

Chairman Dryburgh asked; Is that good with everybody?

Frank C. Weikel stated I move that we allow five minutes with the Chair having the discretion to add another five.

Jim M. Brown; Second.

Chairman Dryburgh; End of discussion, all in favor say I. Everybody said I.

Julie Mathis asked for these meetings?

Chairman Dryburgh stated for these meetings, correct. If there is nothing else, I know a few of you want to breakup real quick in some discussions, let's do fifteen minutes.

Julie Mathis asked do we have to wait?

Katherine D. Ariens stated I think technically if you start with a quorum regardless if people leave or not, you still keep.....

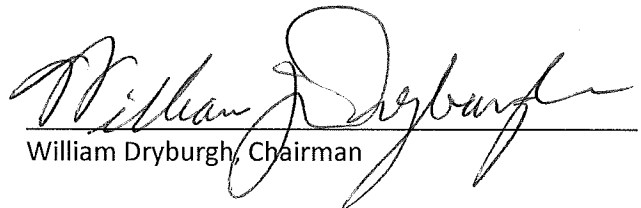
Rob Berntsson stated once you lose the quorum, you lose the quorum.

Donald McCormick asked; Mr. Chairman is there any business coming before us in the next half hour where we are going to be voting?

Chairman Dryburgh stated not that I am aware of. Therefore; do we want to adjourn? Everybody said I.

VII. Citizens Input – None at this time.

Adjourned at 4:41 pm



William Dryburgh, Chairman

**ATTACHMENT #1**  
**NOTES FROM BREAKOUT SESSION**

**BOARD OF COUNTY COMMISSIONERS**

The Committee discussed with Tammy Hoyt dates for interviews with the Commissioners. She will check and report back by email.

Mr. Brown expressed the desire to interview Administrative Staff on several of our questions. Mrs. Hess said our assignment is limited to the Commissioners, but we could ask Administrative Staff subcommittee to include selected questions in their interviews where appropriate.

Since that subcommittee had left, Attorney Berntsson was consulted on the proper method of contact. He advised a "no reply" email request to the Chair of the Administrative Staff subcommittee is permissible. Mrs. Hess will send the request to Chair Julie Mathis.

No further business. Meeting adjourned.