

# Charter Review Commission Meeting

## December 16, 2015

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

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

Chairman Dryburgh announced Thomas J. Rice and Raymond A. Corcoran (alternate) would be absent today.

Roll Call

### The following Commission Members were present

William C. Abbatematteo	Paula Hess	W. Kevin Russell
Katherine D. Ariens	John Hitzel	Thomas J. Thornberry
Jim M. Brown	Julie Mathis	Stephen J. Vieira
Thomas (Skip) P. Conroy III	Donald McCormick, Vice Chairman	<b><u>Alternate</u></b>
William Dryburgh, Chairman	Jerry J. O'Halloran	John M. Davidson

Attorney Robert Berntsson was also present.

Member Frank C. Weikel was not present.

Citizens: None

I. Citizens Input – None

II. Minutes of November 6, 2015 Meeting

Chairman Dryburgh – The minutes were emailed to everyone, are there any corrections or additions to the minutes? Paula Hess motioned for approval and Donald McCormick seconded. Any discussion? All in favor say I. Everyone said I. Opposed (None)

III. Approval of Expenses

Chairman Dryburgh – You should have a copy of our expense report. Any discussion, if not I attend motion to approve. Julie Mathis motioned for approval and John Hitzel seconded. All in favor say I. Everyone said I. Opposed (None)

IV. Old Business

Katherine D. Ariens – The Constitutional Officers Subcommittee's Final Report has been drafted and will be given to Tammy to type and forward to the other subcommittee members. We have no recommendations that will come before the full Commission.

Paula Hess read an interview results summary for the Board of County Commissioners Subcommittee and is Attachment #1 of these minutes.

Chairman Dryburgh – Do you feel there are some items that will go before the voters?

Paula Hess – We just interviewed them for their opinion like any other citizen. They find the Charter adequate, most of them thought constitution should be kept simple, straight forward with no unnecessary additions. They realized that the MSBU/TU's is a big product for discussion and feel they are handling it. As Commissioner Constance stated that the review and sun-setting was very much overdue and if we wanted to put that in the Charter so other Commissions would have to do it; that was a good idea.

William C. Abbatematteo – Mr. Chairman, the other issue was if we wanted to take some initiative and draft some language about putting the Charlotte Assembly into the Charter. We thought by shortening the period, memorializing it into the Charter would not only strengthen the process of the Charlotte Assembly, but would maybe in the eyes of the citizens show we have been responsive to what we have heard from some of them. They all cannot make Commission and Pre-Agenda meetings, they just cannot do it. Here is a way for over 100 citizens to get involved.

Paula Hess – The negative that Commissioner Constance expressed was it would take a whole day of citizen's time. As expressed; working people cannot take a day off and Saturday is a day with their children. There are many issues that would need to be addressed to get input from the whole community, instead of the same select few who can make the meetings.

Chairman Dryburgh – In January let us discuss those two items, putting that language in the Charter.

William C. Abbatematteo – What I would suggest, some of us have served on the Charlotte Assembly in the past and I would be glad to sit on another subcommittee to help draft some primarily language and discuss what did and did not work, changes we would like to see.

Paula Hess – And how you would recruit the members, a lot of details have to be worked out. It is worthy of discussion to see what the rest of the Commission thinks about it. Also, the subcommittee that was interested in the MSBU/TU's maybe they could draft some language regarding periodic review and sun-setting. There is a citizen that does not think the Commissioners should have the right to create them, that it should be put on the ballot. We did ask that question yesterday of Commissioner Constance and he was very reluctant to putting it to the vote because very much of it is important infrastructure. Additionally, there are some people who want to eliminate them.

Donald McCormick – Mr. Chairman, regarding that point, Gordon Burger has a very interesting presentation on the function of how the MSTU works to meet our needs for infrastructure. I think the entire group should listen to him and understand them exactly. He has a way of looking at their value and the way it works in our community.

Paula Hess – I agree with you, some of us live in areas that are not effected by them and do not really understand them.

Donald McCormick – In addition, I think the entire Commission should hear Janette Knowlton's views regarding MSBU/TU's.

Paula Hess – Even Commissioner Doherty could come, since he created them. Also, Commissioner Constance did say, which surprised me about MSBU/TU's, he said as he travels around the State they are very envious of the fact that we are able to create districts here in Charlotte County. His opinion was they are a very useful tool and was against eliminating them. In fact, they all were against elimination and stated in most areas it works very well and the people who are against them usually do not participate or serve on any of the committees. We also asked about the churches and they all said neither of them had really thought much about it, but were afraid that it might have an effect on the area of revenue; we would have to study each district individually to see if the churches could be exempted.

Julie Mathis – I suggest Mr. Chairman that we invite Gordon Burger to our January meeting.

Chairman Dryburgh – Okay and also we can have Janette Knowlton come and talk to us.

William C. Abbate Matteo – Regarding the churches we brought that up in recognizing the constitution and the courts differentiate churches from grocery stores or any other business. There is certainly a constitutional distinction and people who choose the freedom of religion and go to a church that is constitutionally protected; they support the church through their tithing if they choose to. So as a church goer you are paying taxes both in your home and at church. That is why we thought it was worthy to take a look at, but certainly not exempting them from the road tax but other taxes.

Chairman Dryburgh – We will discuss these issues further in January; and next is the Administration Staff Subcommittee.

Julie Mathis – We met with Janette Knowlton, Kelly Shoemaker, Ray Sandrock, Gordon Burger, Gary Hubbard, Claire Jubb, Tom Patton, Tommy Scott and Dan Quick. I will summarize our Final Report, we are done. We discussed working under an Elected Administrator and everyone stated that they would not like to see an Elected Administrator because it would make the process too political. They all believed the non-interference clause is being observed. The Administrative Code, annual debt policy and economic impact statements are all being followed. Are there any aspects you know from other communities about Charter Review Commission, only one other person had been involved with that. The two year budget cycle; everyone thought it was working and the budget cycle does not have an impact on the MSBU process. Should there be an entity for enforcement of the Charter; no, everyone believes it is working well. They also did not see any inefficiency that an independent body could oversee or correct. Should Commissioners be elected countywide or by district; everyone felt the ballot box should see how people are elected. The major question we discussed was the reporting structure of the Director of Economic Development. The subcommittee is recommending to the full board the Director of Economic Development report to the County Administrator instead of the Board of County Commissioners. From everyone we interviewed the reason was due to conflict of interest, confidentiality, there was really a feeling of it depends on who held the position and the Board of County Commissioners is not a part of the Economic Development agency. Also, there is a lot of pressure on the Director dealing with five Commissioners and it took a lot of time meeting with the Commissioners every week. This came from Mr. Patton and everybody else.

Stephen J. Vieira – Mr. Patton did say he spent roughly 20 percent of his time just strictly dealing with the Commissioners, which made his job less effective.

John Hitzel – I would like to add in fairness that Mr. Patton was on the fence; rather the reporting relationship should be to the Commissioners or to the Administrator.

Julie Mathis – To be honest, I think everybody was kind of on the fence, but when our subcommittee met we thought we should at least present it to the full committee so we could have a discussion on it, rather it moves forward or not. I think even some of us are on the fence.

Paula Hess – The confidentiality issue is very important because you can lose businesses. Even Mr. Brown pointed out that is a cardinal sin when you are negotiating with anybody. I agree with you, I think we should look seriously about putting it back in the hands of the Administrator.

Julie Mathis – I also think there is a feeling with Administration that they are out of the loop and they are really an integral part.

Donald McCormick – When you heard Mr. Patton's interview, the structure of what he has to do and the time involved, let us put evaluating the person back to the County Administrator. In terms of information and access to them I think they should have a non-charter structure to get better communication.

William C. Abbatematteo – When I read the Charter and saw that position reports to the legislative body, to me that is a red flag. It does not make sense they oversee an operational person and that is not how any organization should be managed. You cannot answer to five people, it does not work.

Julie Mathis – We are the only County in Florida that has the Economic Development Director reporting to the Board of County Commissioners.

Chairman Dryburgh – Are we at the point to vote and bring to our attorney to draft the language and get it ready for the citizens?

W. Kevin Russell – I do not think so; I would like to discuss it more before we give it to Mr. Berntsson.

Paula Hess – I think it is worthy of discussion with the full Commission and open it up to the public that we are considering it and see if anybody comes forward.

Chairman Dryburgh – So without objection these will come up on our agenda in January.

V. New Business

Chairman Dryburgh – I received an email regarding citizens who come before us to speak but their topic has nothing to do with the Charter. I have asked Mr. Berntsson for his input.

Robert Berntsson – You have the ability to tell them what they are speaking about does not appear to be relevant to this group's mission. However; giving them their five minutes is at the discretion of the Chair. A committee member could certainly call a point of order that this is not relevant and explain to the citizen why it is not. If it is outside the scope of the committee it is clearly not something you have to take input on, it is just a matter of how you want to interact with the public on those issues and that is up to the board as a whole.

It was discussed as a whole Commission that citizen input is vital and important. If the citizen input is not relevant to the Charter they will be referred to where their input/comments would be more beneficial or find information that is needed. It was decided as a consensus future agendas would include the language, "Remarks must be related to the Charter". However the discretion would be that of the Chair and/or a member calling a point of order.

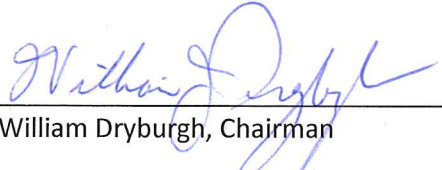
VI. Discussion

The full Commission decided to invite Gordon Burger, Janette Knowlton and Commissioner Ken Doherty to the next meeting to give their views and expertise on MSBU/TU's. Further discussion will be conducted on who the Economic Development Director should report to, how the Charlotte Assembly might be formulated for citizens to express themselves and should churches be taxed for services their members are already paying for. The Other Boards and Agencies and Constitutional Officers Subcommittees will be giving their Final Reports.

Chairman Dryburgh – Any further discussion? (None) Our next meeting is on January 20, 2016 at 3:30 p.m. in this conference room.

VII. Citizens Input - None

Committee adjourned at 4:32 p.m.

  
\_\_\_\_\_  
William Dryburgh, Chairman

## **ATTACHMENT #1**

### Interview Results Summary

The Board of County Commissioners Subcommittee has interviewed all five Commissioners, Commissioner Constance just yesterday.

On the topics of Elections by District, Non-Partisan Elections, Term Limits, Elected Mayor, Appointed Sheriff; none of the Commissioners favored any change to the Charter in those areas and gave reasons to leave the Charter as it is which can be found in the minutes of each meeting.

The suggestion from the Other Boards and Agencies Subcommittee to add language to Article II., H. regarding MSTU's and MSBU's to have periodic review and sun-setting, each said that is exactly what the Commission is doing now and realize it is long overdue. Commissioner Constance said to memorialize this in the Charter for future Commissions is worthy of discussion.

All thought the basic idea to have benefits paid for within the area instead of adding to ad valorem taxes is good and would not support elimination or putting it to the vote.

On the subject of Churches not being taxed, they wanted further stats on the effect of revenue loss on the taxing districts.

Commissioner Doherty, who as a staff member worked on the creation of these, expressed the desire to meet with the Committee that referred that question and did on October 23, 2015.

Each Commissioner thought the 2010 change to have the Economic Director report to the Commission is working well. They all are aware and careful that details of negotiations not be made public until completed.

The discussion of how inefficiencies in government could be addressed in the Charter, which is difficult to formulate, resulted in a suggestion by our Committee Chair that the Charlotte Assembly be scheduled every three or four years with the mission to make recommendations for improvement and critique areas where the Commission and staff could be held accountable. Each was neutral on this until language of the Charter proposal is made available.

No Commissioner had any suggestions for changes or additions to the Charter. All were welcoming, enthusiastic in their discussions with us and expressed gratitude to the entire Charter Commission.