

**Charter Review Commission  
Administration Staff  
Subcommittee Meeting  
August 26, 2021**

A meeting of the Charter Review Commission Administration Staff Subcommittee was held at Charlotte County Administration Center, 18500 Murdock Circle, Room B-106, Port Charlotte, Florida at 1:00 P.M. on August 26, 2021.

**Roll Call:**

The following members were present:

Donna Barrett, Chairman  
Cherie Burnette  
Cyril Schrage  
Steve Vieira

Members Absent: None

**Citizens:** None present.

**Call to Order:**

The meeting was called to order at 1:00 AM by Chairman Donna Barrett

**Approval of Minutes:** None

**Agenda Items:**

**I. Citizens Input** – None.

**II. Old Business**

a. None.

**III. New Business:**

a. 1:00 P.M Interview with County Attorney, Janette Knowlton.

**Introduction:** I am Miami born and raised but moved around during my college years. I ended up in California and graduated from the University of Southern California. I went to Loyola Law School, Los Angeles. I was a partner in a private firm performing Public entity work (Los Angeles County Sanitation). In 2000 our family moved to Charlotte County and in 2004 I was appointed County Attorney.

**1. What are your specific duties and in the performance of those duties what, if any, local government re-structuring could be proposed for the Charter that would improve your ability to deliver services?** I represent the Board of County Commissioners, all the County Staff, and all the Advisory Boards. Anything that goes before the Board such as a letter is

reviewed by my office. I have seven other attorneys I supervise, so I do not do all the work myself. I have a variety of specialists – Land Use, Litigation, Utilities – I oversee the whole department.

I do have a recommendation but would preface my comments by saying I hold the Charter sacred and that the Charter is bigger than the people involved. My comments are not directed to any individual. **Section 2.3 F Director of Economic Development– should be deleted.** I believe this position should report to the County Administrator for the purposes of better communication and coordination. In addition, no other county in Florida has the Director of Economic Development reporting to the Board of County Commissioners. **Why was the change made in 2010?** The former economic director in 2010 was terminated by the Administrator but had already started the process of becoming independent. The Board at that time agreed. I believe there is a reason that no other county does it this way and that it is a dysfunctional framework. Please refer to the 2016 CRC Final Report where the Administration Staff subcommittee made this recommendation, but it did not go further with the entire Commission. For instance, with the CRA -Community Redevelopment Areas of Parkside, Murdock Village and Charlotte Harbor, the Administrator is the Director, but the Economic Development Director does all the activities which sometimes leaves the Administrator as the last in line to know what is happening. It is a disadvantage to the Administrator. Another instance is when a new proposal before the Board of County Commissioners is not vetted by Administration and Legal before the entity is meeting with the Board. Then the Board may have to back-step if something negative is found through vetting. This is not a good position in which to put the Board.

**2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter?** I have read the Charter many times and must refer to it often. My job is affected by it – agenda item needing three votes or crafting an ordinance or the non-interference clause. It definitely affects my job.

**3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government?** No and I have never talked about it with others who do, but in my opinion the position would become more political. The Administrator and I try to make all our decisions outside of the political framework.

**4. In your experience is the non-interference clause observed? Is the method of enforcement adequate?** Yes. Mostly observed. Sometimes a Commissioner needs to be reminded after a meeting. Never intentional. I do not think the provision for enforcement works or is practical. Article II Section 2.3 C – the only benefit is having it in the Charter. The “injunction” terminology under (2) and (3) does not work and is problematic. Leaving Part (1) in is sufficient.

**5. How do you create the budget for your departments?** My budget is simple as we are considered a Service Department. All my department has is staff. I budget for salaries, equipment, and the West Law Library used for research. We use Performance Based Budgeting for basing salaries on a curve, depending on the percentage of increases that the Board authorizes. We budget for outside consultants - \$50,000 outside counsel/ experts – large cases only. Should additional funds be necessary, it would be approved by the Board and then it becomes part of their budget.

**6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's?** I think the community involvement works good except in areas where we can't recruit volunteers for an Advisory Board. Citizen involvements increase when they receive a bill and disagree with the Board. There are some Sunshine issues to consider: 1) No prohibition of a husband and wife serving on the same Advisory Board; 2) Members of MSBU's who also serve on HOA's, POA's or their Civic Associations – nothing to prohibit but it is a potential Sunshine issue. It could be addressed via Ordinances or Resolutions for the MSBU's.

**7. Should there be a residency requirement for Charlotte County Executive Staff?** Not for Directors – that is a question for the Administrator. It is a requirement for the Administrator and should be for the Attorney and Economic Development Director for consistency. All three positions should have the same wording in the Charter as the County Administrator; shall reside in the county, salary, and removal clauses for consistency.

**8. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County?** NO – I've looked at other Charters but have no recommendations other than to look at the Economic Development Director position.

**Minor Changes:**

Article II Sec 2.2 D Authority – Budget Director – Change **annual review** to every other year or in conjunction with the budget process.

**Could the Charter be Reviewed every 10 years?** That would be a reasonable change.

**Term Limits?** No. It takes a new Commissioner two years before they grasp the knowledge of items such as capital projects, impact fees and how the budget is created. The voters would take care of the matter of term limits in due course through the election process.

**Residency Requirement – Enforcement not in Charter – is there something our County can do for Constitutional Officers (referencing the issue from the past election)?**

Article 3 Sec. 3.2 – no recommendation. Referred to Article I 2.2A – County Commissioner's 6-month residency requirement (the Florida Supreme Court found it unconstitutional in 2016)– cannot put something on the ballot if it is found illegal. See Footnote: ..."candidates for county commission are required to establish residency within their district *only at the time of election.*"

Chair Barrett requested that Attorney Knowlton provide written document of the Charter changes she is recommending. That document will be attached to these minutes.

Chair Barrett read into the record comments made by a citizen at the June 9, 2021 Charter Review Commission regarding legal counsel and asked Attorney for any comments.

Citizen David Kesselring was present and spoke for three minutes on the Agenda item "Selection of Legal Counsel". Mr. Kesselring referred to the following sections from the Home Rule Charter as he commented on the language within these sections regarding the powers of the County Commissioners and the County Attorney and how their authority and actions seems to violate the Constitution of the State of Florida and/or general law.

Article 1. Sec.1.1; "...county and municipal powers of self-government granted now or in the future by the constitution, not inconsistent with general law...,"

Article 2. 2.3 D; "There shall be a county attorney selected by the board of county commissioners who shall serve at the pleasure of the board."

Article II. Sec 2.3 E. "an Administrative code shall be prepared..."

Article I. Sec. 1.2 A "The provisions of this home rule charter are not intended, and shall not be construed, to conflict with the constitution of the State of Florida, general law..."

Article II. 2.2 D "The adoption of all ordinances shall require the affirmative vote of a majority of the total membership of the board of county commissioners."

Article II Sec 2.1 "...form of government with strict separation of legislative and executive functions..."

Mr. Kesselring concluded by stating that the County Commissioners do not seem to follow the Charter and too much power is encompassed in the County Attorney, which he feels may require some changes to the wording of the Charter.

Article I 1.1. That is what a County Charter does.

Article II 2. 2.3 B Adm Code was voted on by the citizens.

Article II 2.2.1 I advise – I have no independent power – the Charter does not give me powers.

I don't understand most of the other issues.

**End Interview:**

**IV. Discussion:** None

**V. Adjournment:**

**MOTION WAS MADE BY CYRIL SCHRAGE, SECONDED BY STEPHEN VIERIA TO ADJOURN THE MEETING AT 2:08.**

**MOTION CARRIED 3:0**

Next meeting is scheduled for September 21, 2021 at 1 p.m.

 11-18-21

Donna Barrett, Chairman Date

Administration Staff Sub-Committee