

**Charter Review Commission  
Administration Staff  
Subcommittee Meeting  
October 7, 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 3:00 P.M. on October 7, 2021.

**Roll Call:**

The following members were present:

Donna Barrett, Chairman  
Cherie Burnette  
Rob Humpel

(Rob Humpel, 1<sup>st</sup> Alternate, was welcomed as a new member to the Charter Review Commission. Former member Stephen Vieira resigned from the Charter Review Commission effective September 27, 2021.)

Members Absent: Cyril Schrage.

**Citizens:** None present.

**Call to Order:**

The meeting was called to order at 3:00 PM by Chairman Donna Barrett.

**Approval of Minutes:**

**THE MINUTES FROM AUGUST 23, 2021 WERE APPROVED BY CONSENSUS.**

**Agenda Items:**

**I. Citizens Input** – None.

**II. Old Business** – None.

**III. New Business:**

a. 3:00 P.M Interview with Hector Flores, Charlotte County Administrator.

**Introduction:** Thank you for having me today and for your Volunteer time here and elsewhere, it is very greatly appreciated. I have lived in the County since 1979 and consider myself a hometown kid. I have worked within the County for twenty-five years, starting in the Budget/Administrative Services department for ten years and then transferred to Public Safety to be their financial/business manager for nine years and then moved to Administration. I have had

a lot of good mentors that have helped me along the way. I hold the best interests for the community being a hometown kid and ask people to hold me to that.

**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?** Section 2.3 A of the Charter is where the policy states the Board of County Commissioners sets the policies, the Administrator executes those policies, handles the day-to-day operations of the County – implementing the daily, weekly, monthly and into the five-year plans, the policies, and regulations that the Boards sets forth. The Board has the ability to bring them on an Agenda and adjust them – I bring them drafts, revisions, recommendations to help them make the decisions for the polices and rules, then implement them and their strategic plans, the Budget and other projects that we bring to them for approval every year.

**Restructuring of local government as it relates to the Charter?** I don't see any immediate need for restructuring. The structure works. Our form of government is tried and true. There are 67 Counties in Florida and they are all similar – we all provide the same type of services to the Public across the board.

**2. Have you read the Charlotte County Charter and how is your job performance affected by the Charter?** Yes. It defines how I will do my job. It is effective in defining the different areas of government, especially the separation between the Board, Administration, Attorney and Economic Development and how we prepare the Agenda. We take the Charter and Board policies and develop that into our Administrative Code and Standard Operation Procedures (SOP's) which gives us the framework on how we operate the County.

**3. Have you had experience working under an elected Administrator, and what is your opinion on an elected Executive form of government?** No. All 67 counties in Florida have an appointed Administrator. My opinion would be to leave it that way. I understand politics and know it is effective, but I feel you want to have a professional Manager in this position. It allows for consistency if they will have the longevity to be there.

**4. In your experience is the non-interference clause observed? Is the method of enforcement adequate?** Yes, it is observed. The method of enforcement I leave to legal experts and refer you to Charter Section 2.3 C - the injunctive process. In my experience we have not gotten to that stage here. Our relationship with this Board and the previous one has been clear, and we observed the clause, and we remind each other of the Charter. I ask my Directors to let me know when Commissioners reach out to them directly. Commissioners usually reach out to the Administrative Staff with questions first before the Directors. The system we have in place works and overcomes any concerns that might arise.

**5. How do you create the budget for your departments?** It is a long process. The Budget department begins its work in early January and ends on October 1. We get input from Advisory committees, stakeholders with budgets, MSBU's, and public hearings. We build from prior year's budgets using historical actual figures. We have a conservative approach to our Budget. It is an all-encompassing process – departments are pulling together their budgets before meeting with Administration around April. We bring the proposed Budget to the Board in May or June. We have workshops before the final two Budget Hearings in September after which the final Budget is brought to the Board for the final approval and adoption.

**6. How can we make the process of committee involvement be more effective regarding the MSBU/TU's?** I call them "Resident Driven Benefit Units" created for communities that wanted/needed extra enhancements (street lighting, drainage, beautification, etc.). The units could come to the County saying they wanted to be assessed for these improvements. To make them more effective we would need additional education and outreach so folks can understand what they are about. We want those advisory committees to be representative of the communities and for the most part they are. More education and outreach by the County are needed to explain the benefits of the MSBU's and participating in the process.

**Member Rob Humpel furthered the discussion by asking: MSBU's/Tu's have always been a contentious topic. How long has the County had them?** At least 25 to 30 years and maybe more. It was the way we developed with pockets of residents before we got to planned growth. You had groups of residents who came together for needed services and this was a way to get it done. Yes, it can be contentious as possibly not everyone in a unit wants the same thing. For the most part it works as we have 50-60 MSBU's that are active. **Any idea how many other counties have similar funding units?** Other counties do use them but not to the extent that Charlotte County does. We are the leader in this, and many counties reach out to learn about our process with MSBU's/TU's. MSBU's answer the question, "Who should pay if the benefit only serves a small percentage of the County?" The work programs the County brings to the unit is usually a health and safety issue for the public or our county engineer recommend infrastructure improvements like road paving or utilities due to the "end of life" cycle.

**Chair Barrett commented that it would be helpful if the County had a 101 class on MSBU's – most of us have no clue what they are and if we are in one.** I must remember to explain that it is more than drainage and road paving; it is fire and rescue, sanitation, waterways, and dredging. Thank you, that is a good reminder.

**7. Should there be a residency requirement for Charlotte County Executive Staff?** Yes. Per the Charter the Administrator does, the elected officials also as well as our HR policies for the Leadership Team. As Administrator I can waive the requirement but there haven't been any instances where I have done so. I refer to engagement and investing in the community – what better way to be vested than to live here? It carries more weight to live here and see the benefits of your work. This requirement is in our HR Policies and in the contracts for contractual employees.

**8. Are there any aspects you know from other communities that the Charter Review Commission should consider for Charlotte County?** Not that I am aware of. The Charter is important for Home Rule, to maintain our powers here locally, for the Board to make those decisions at the local level. I think most counties strive for that. For instance, the transparency for the Public by posting our Agenda for the Public to view seven days in advance of the meeting is an important part of the Charter.

**9. Do you feel Fiscal Services should report to you or to the Board of County Commissioners?** I am bias as I was in Fiscal and am now the Administrator. I believe it is in the right place – the Charter is clear in that the Board of County Commissioners sets the policy and the Administrators run the operations. Fiscal is a key part of the operations. We must bring a balanced budget to the Board and Fiscal is involved all the way from budget workshops to what we present to the Board. I feel it should be under the administrative side of the County.

**Member Rob Humpel asked: How do you feel about the Economic Development Director reporting to the Board of County Commissioners? How is the change from being under the Administrator working? Is it better or worse?** I had just started when that change of reporting to the Board was made. What is important is the communication between the groups, EDO, Administration, and the Attorney's Office. EDO takes the risks, Legal weighs in and My Team needs to weigh in, (Fiscal, Community Development). We look at the Rules and Regulations we must apply to the fiscal part. Barring confidentiality we need to know the terms of the deal so we can vet them. The Board looks to Administration and Legal to confirm how the deal looks so they can have their public discussions concerning any deal on the table. I think it could work either way – whether EDO was under Administration or not. I recently mentioned to the Economic Development Director, Dave Gammon, "early and often". We need to keep up communication so we can do what we need to do.

**Chair Barnett reference that Attorney Janette Knowlton is recommending that the position moves back under Administration. You have a valid point about EDO being the risk takers.**

**Member Burnette referenced that both Emily Lewis and Claire Jubb mentioned in their interviews that the reported change did not concern them as much as the time allowed for preparing for the presentation and the need to abide by the 7-day rule for Public Notice - to make it mandatory.** All departments abide by this rule but there is the "change memo" that can happen if a change is needed and we ask that it be kept to emergencies, such as a grant being due in the next day or an issue to handle before the next Board meeting. **Chair Barrett asked: Do you feel EDO has a lot of last-minute additions?** At times, it is the nature of the conversations they continue to have with developers and other parties – it's a fluid conversation where things can change so it is hard to stop the conversation seven days out. It is difficult, to lose a deal because the terms are locked in. For us, the process is to vet, to "check mark" the deal– the Board looks to us three asking "have you all worked together?" Has legal and fiscal looked at the deal? We all want to say, yes.

**Chair Barrett read the recommendations for Charter changes as presented by Attorney Knowlton for Administrator Flores comments.**

1. **Sec. 2.3 C Non-Interference – remove (2) and (3) and (4) take out the word "also".** These paragraphs go back to what I mentioned before about injunctive relief. I would leave this to legal recommendations. I can see them as being ineffective and that removing would make it cleaner for enforcement. I believe it is to make the enforcement stronger to be in place. If you have the rules you must enforce them. If that is the intent I would concur.

2. **D. County Attorney - add a #2.** *The county attorney shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of ability and qualifications and shall reside within the county while so employed.*

3. **D. County Attorney – add a #3.** *The county attorney's salary shall be set by the board of county commissioners.*

4. **D. County Attorney – add a #4.** *The county attorney may be removed with or without cause upon affirmative vote of four (4) members of the board of county commissioners, or upon the affirmative vote of three (3) members at two (2) separate board meetings held at least two*

(2) weeks apart. Grounds for removal for cause shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felon, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by the ordinance.

**These three statements are in the employment contract but would match the Administrator language in the Charter.** No issues for me. **The same additional language is recommended to be added to the Economic Development position, although Attorney Knowlton suggested bringing the position back under the Administrator.** I have expressed my opinion previously.

**Gordon Burger recommends in our Charter changing the language in Section 2.2 D. Authority to coincide with our two-year budget process.** *"In addition to its other powers and duties, the board of county commissioners shall conduct an annual (or biannual) 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 as a result of this review for improvement of the county and the welfare of its residents."* **Mr. Burger recommended new language to consider: "in conjunction with the budget process" or coincide with the budget process".**

I would agree – we have worked under that system for many years.

***The committee extend their appreciation to Mr. Flores for all his work years here in Charlotte County.***

**End Interview:**

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**IV. Discussion:**

1. Discussed Janette Knowlton's Charter recommendations and distribution of same.
2. Discussed new member Rob Humpel's understanding of the process and how to bring him current.
3. Discussed how and when to proceed to producing a final document. The week of November 15<sup>th</sup> will be checked for availability.

**V. Adjournment:**

**MOTION WAS MADE BY ROB HUMPLE AND SECONDED BY CHERIE BURNETT TO ADJOURN THE MEETING AT 3:40 p.m.**

**MOTION CARRIED 2:0**

Next meeting to be determined later.

*Donna Barrett* 11/18/21

Donna Barrett, Chairman Date

Administration Staff Sub-Committee