

**Charter Review Commission
Board of County Commissioners
Subcommittee Meeting
October 20, 2021**

A meeting of the Charter Review Commission Board of County Commissioners Subcommittee was held at Charlotte County Administration Center, 18500 Murdock Circle, Room B-106, Port Charlotte, Florida at 11:00 A.M. on October 20, 2021.

Roll Call:

The following members were present:

William Abbatematteo, Chair
Richard Pitz
Donna Peterman

Absent Members: Jeffrey Anlauf.

Citizens Present: None.

Call to Order:

The meeting was called to order at 11:03 a.m. by Chairman William Abbatematteo.

Agenda Items:

- I. Approval of Minutes – Tabled until the next meeting.
- II. Citizens Input: None.
- III. Old Business: None.
- IV. New Business
 - a. 11:00 a.m. Interview with Hector Flores, County Administrator.

Chair Abbatematteo opened the discussion by stating that Mr. Hector Flores, County Administrator was asked to be interviewed by this subcommittee because he interfaces with the Board of County Commissioners.

1. Do you believe your position should be appointed or elected? I believe the position should be appointed as we are professional administrators and we generally come up through the ranks in various positions. We keep the politics out of our decisions and refer them to the Board of County Commissioners who are the policy makers. All the other 67 counties in Florida have appointed Administrators. **How do you manage interfacing with five bosses?** Good communication. We meet with the Commissioners once a week and have two board meetings a month to conduct the business of the County. We also hold public budget workshops and hearings where commissioners can discuss items among themselves. I try to communicate with each one of them daily and meet with each one once per week to speak about what is happening day to day and into the weeks ahead.

2. Non-interference with employees is in the Charter, but the Commissioners are the conduit for citizens' complaints. How is that handled? It is certainly discussed at our weekly meetings, but they will also call my office with any issues or forward any email to Administration to be handled. We want to be responsive to citizen inquires. The Charlotte County App (Char.Co.FL) has a program called Public Stuff (that is managed by Staff). The public can put the App on their phone that allows everyone to post a complaint or issue like a pothole. You can take a photo and send it directly to the Department Head who would handle that issue. Our goal is to get it in the hands of the person who can respond to that concern or question. **Is the non-interference clause in the Charter an obstacle to getting things done?** No. **What about a complaint about an Employee or department, do they bring it to your attention?** Yes, I will work with HR or the Department Director depending if it is an operational or personnel matter. We update the Board if needed, but the Charter is clear that the Board sets policy and we handle the day to day running of the operation.

3. About ten of the other County Charters have a Code of Ethics to handle various situations in the county. What is the process for handling an ethical complaint against an employee? HR begins an independent investigation and I am only involved at the end. I do not interfere with their investigation. We have union contracts that dictate those certain processes such as discipline or grievances. We apply that to everyone, even whistleblowers – that there will be no retaliation against anyone bringing a claim or allegation against me, for instance. I have an open-door policy but if someone brings an actionable item to my attention, I will take the appropriate action. If it is a criminal offense, we will involve the Sheriff department. **Is there a Whistleblower Policy?** There is no ordinance, but I would need to confirm what is in our HR Policies. **How would you feel if this policy was written into the Charter?** If not already in our HR Policies, I would incorporate the policy there. I would keep more pertinent information in the Charter. We also have an Administrative Code that addresses county-wide operational standards and a whistleblower policy could be in there also. We have recently revised and culled what is in our Administrative Code to make it more streamlined. It is important that we have this policy in place. I will forward the policy to this committee.

4. Regarding staff reporting procedures to the Board – are there any problems with the other two positions not reporting to the County Administrator. I have good relationships with the other two positions (County Attorney and Director of Economic Development) who report directly to the Board. For checks and balances I make sure that the Budget Director is good with any expenditure as well as the County Attorney (who makes sure everything is proper and legal) within the purview of what we need to do as a County. **Do you feel comfortable with this?** Yes. We stress to each other "early and often" to discuss projects and ideas. Ultimately the Economic Development Director must come to the Board after working with staff if there is a funding component (Fiscal) or drafting a purchase contract which goes through the Attorney's office.

5. The Tourism Department looks like Economic Development Office (EDO) in that it contributes to raising revenue for the County. What is the distinction as to why Tourism reports to you and not Economic Development? Under a prior Charter the EDO did report to the Administrator until changed. EDO's task is to bring in new business to strength the economy and increase the tax base – they are the deal makers and risk takers. Once a deal is put together, the County Administrator reviews the projects and terms of the deal with the different departments that are affected. If any part of the deal is not workable due to legal, monetary, or otherwise we want to know it early. We work with a Tourist Development Council (a rotating Commissioner sits on the

council). Their ideas come through their strategic plan. The Bed Tax funds tourism operations and a portion of the debt on the Charlotte Sports Park.

6. Our Charter has no separation of powers clause. We are unique. You report to five bosses, but they are not in charge of your day-to-day operations. Your job is independent in this regard. Operationally, reporting to five bosses is difficult. This issue comes before the CRC every time we meet. What would you think of returning EDO to being under your management, are you capable? Yes. I would use the same approach – “early and often”- to understand the terms of the deal whether operational or economic development. What goes behind are the resources I am responsible for – land, money, staff, and other departmental resources.

7. Are other staff allowed to interact with the Commissioners? Yes, the Deputy County Administrator and the Assistant County Administrator do on a rotating basis with each Commissioner once a week. Staff is allowed contact if I am aware – not everything is through me.

8. Other than what is approved at the end, the final economic package is an operational matter and not a legislative matter. Yes. The Commissioners will make the final policy decision. They may follow our recommendations or deny it or make a hybrid of it. Unless a new business is seeking an incentives package (proposed through EDO), everything else is worked through Administration and the appropriate departments.

9. When does EDO come to you – before or after talking to the Commissioners? Sometimes at the same time, sometimes before, especially when reviewing information with the departments. I want to be in a position if asked by a Commissioner that I have looked at a proposal, that the Budget and Legal Departments have reviewed it and we know the consequences.

10. Do you have any other suggestions or input from the Charter about the Commissioners or any other provisions in other Charters we should look at? No. The Charter is very clear about separation and policy versus operational. One thing to consider: Per the Charter, when we put out our Agenda, it must be published seven days in advance for the public to view. EDP follows the same procedure but as they put together deals, it is dynamic, and some conversations continue past the posting timeframe. We address that with Change Memos which the Board approves before every meeting and those changes are incorporated into the Agenda. This may hinder EDO when there are no more discussions. We limit Change Memos to very important items. This affects all departments.

End Interview:

b. 11:45 a.m. Interview with Roger Eaton, Clerk of the Court

Chair Abbatematteo opened the discussion by stating that Mr. Roger Eaton, Clerk of the Court was asked to be interviewed because he interfaces with the Board of County Commissioners with financing and auditing. Our Charter is slim in comparison to the other 19 Florida Charters, and we are looking to see if there should be any additional language to increase our home rule. Questions will be about processes in auditing.

1. How are any remaining funds allocated in the County at the end of the year and what

is the authority? Speaking from the perspective of my department. Every year you create a budget and live within that budget. Things happen like attrition or new projects come up, but you try to stay within the four corners of your budget. At the end of the year, you may be in the position where not all the funds were expended. In my office I give the excess funds back. Over my last five years in office, I have given over two million dollars back to the County. Just because I have it, I do not spend it, while I could. I can't speak for the other Constitutional Officers, but I do know in looking at their numbers that not everyone gives back at the rate that I do. I am proud of that. Regarding the One Percent Sales Tax, prior to making decisions on the vote, they have projects that are lined up to receive funds from the One Percent. I have not seen where it has deviated and was spent on other projects unless it was approved.

2. Does your office audit any of the funds given by the County to other entities (School Board, non-profits)? There are different auditing functions that happen within Charlotte County. First are Internal Audits – internal processes within the County (for example Fleet); Second there is an auditor that looks at the budgets for the Constitutional Officers and the County (Ashley Brown and Cherry Becker) – they are third party auditors that look at budgets and finances. I also have the Department of Revenue that does my Court budget. I have three different budgets for the Clerk's Office (Courts, BCC -Administration (payroll and minutes) and Recording). I have State, local, and internal audits. We do a comprehensive financial reporting (CAFR). **Does the audit look into the money given to an outside entity and that it is spent correctly?** I would have to investigate that as the document is hundreds of pages, as every dime that is spent is in there. But I do not believe it is done with such detail.

Received a follow-up email from Mr. Eaton:

"Thank you so much for the opportunity to meet with you yesterday. As discussed at our meeting, the Clerk's Office does not have the authority to audit other agencies outside the Board of County Commissioners. We can audit other agencies that enter contract with the Board of County Commissioners, when a "Right-to-Audit" clause has been included. The scope of that audit would be limited to the outside agency's obligations under said contract.

In the meeting you brought up non-profits and the Charlotte County School Board. I had my audit division review contracts. We found a right-to-audit clause in a few of the non-profit contracts, but no such clause in the school board funding interlocal government.

I hope this further explains the scope and oversight of our internal auditing function."

3. In your role as Comptroller, when the County gives supplemental funds (grants) to any entity (Constitutionals, non-profits) (non-budget), do they sign a document that they will use the funds as prescribed and kept in a separate fund subject to audit? Yes, in any invoice or agreement you must sign-off for everything. My responsibility for auditing lies only within the County. I do not have the authority to audit the other Constitutional Officers. They are audited by a third party, Ashley Brown. When we do audits, we are looking for written procedures because how else does everyone know to follow the rules. That is always one of our audit recommendations. We also find they may have written procedures and then not follow them for some reason. We ask where is your written procedure, your Agreement? **How would initiate creating that policy in the County?** That is a question for Administrator Hector Flores, but I am sure they have some such requirement. **Would you or the County Commissioners have to approve such a protection going forward?** That would be the Board of County Commissioners as I am limited in the scope as

Comptroller.

4. When the County issues grants, do the grantees have to send in periodic reports? Yes, they do, but we do not see many grants in my office. We get money for child support and jury duty and I must report and sign off on that. I would be shocked if the County did require such reporting.

5. Are there any issues related to the Charter that you would like to bring up with this subcommittee? Yes, relating to the last election concerning residency. **Article III Sec. 3.2 Residency Requirements.** An issue came up in my last election and at an airport election where someone not living in Charlotte County went through the process and election. The Charter states a candidate must have six months residency prior to qualification, and they didn't. The issue that was raised was the lack of enforcement or enforcement body in the Charter. Why have a rule if we are not going to enforce it? You can make changes concerning the audit functions, but if there is no method to enforce it, who will follow it?

In my role as auditor, I need to be open and transparent. I put the Audits online when I came into office. I follow the rules and would like to raise this issue for your consideration; to put more teeth in it, otherwise do not have it.

6. Who do you think should enforce? I think the Charter should – maybe have a Charter Review Board. The Supervisor of Elections cannot enforce or verify qualification.

7. Do any of the other counties have enforcement rules? Yes.

End Interview:

V. Discussion:

- Discussed EDO role with school board and airframe power plant. Dave Gammon viewed that as an opportunity to foster economic development by educating a future labor force.
- Discussed EDO reporting to County Administrator – takes away Sunshine issues. Violates every management principal. If it is a good idea, then all the other counties would be doing it.
- Exploring Term Limits.
- Exploring Election at Large.

VI. Adjournment:

The meeting adjourned by consensus at 12:34 p.m.

The next meeting is scheduled for December 9, 2021 at 11:00 a.m.


12/9/2021
 William Abbatematteo, Chairman Date
 Board of County Commissioners Sub-committee