

CHARTER REVIEW COMMISSION

November 10, 2021

A Charter Review Commission (CRC) Meeting was held at the Ann & Chuck Dever Regional Park, Large Multi-Purpose Room, 6961 San Casa Drive, Englewood, FL 34224 at 3:00 P.M. on November 10, 2021.

Call to Order

The Meeting was called to order at 3:07 p.m. by Chairman William J. Dryburgh.

Roll Call

The following CRC members were present:

Patricia W. Aho
Jeffrey K. Anlauf
Donna L. Barrett
Cherie A. Burnett
Steve A. Drake
William J. Dryburgh

Donald McCormick
Theresa H. Murtha
Richard J. Pitz
William B. Schafer
Cyril F. Schrage

Alternates

Rob Humpel, 1st Alternate
James Coalwell, 3rd Alternate

The following members were absent: William C. Abbatematteo, Donna C. Peterman, Adam James Riley, Bob White, and Suzanne Graham.

Others present: Robert H. Berntsson, Attorney.

Citizens' present:

David Kesselring.

I. Approval of Minutes:

MOTION WAS MADE BY RICHARD PITZ AND SECONDED BY DONNA BARRETT TO APPROVE THE OCTOBER 13, 2021 MINUTES.

MOTION CARRIED: 8:0 (Note 2 voting members - McCormick and Schafer, and 2 Alternates – Humpel and Coalwell arrived later after this vote.)

II. Citizen Input on Agenda Items:

Citizen David Kesselring provided a written document to the Charter Review Commission regarding a proposal for an opening statement to the Charter.

"We, the people of Charlotte County, in order to secure for ourselves the benefits and responsibilities of home rule and in order to provide for a county government to provide for the

protection of our life, liberty, and property, do under God adopt this charter and as part thereof adopt the following". In addition, Citizen Kesselring provided a sample "Bill of Rights for the People of Charlotte County" as an additional proposal. (See attachment made part of this document.)

Citizen Kesselring stated that many people are not happy with our government, that they are not heard, and that the government does not have integrity. Mr. Kesselring also stated that it was this Board's duty to be a place where people can come and express the type of government they want with rights such as due process, run a private business, elected legal counsel, make medical decisions, freedom of information, truth in government, transparency in government, representative form of government, citizen's input, clean water, choose own charities, property rights, parental rights, removal of unacceptable county employees and the people's right to protest.

III. Old Business:

a. Sub-committee Reports:

i. Administrative Staff: Chair Barrett reported no update except the subcommittee will be meeting next week on November 18th to discuss their proposal to the Commission and Final Report.

ii. Board of County Commissioners: Member Pitz reported the subcommittee will finish their interviews in December and will bring their report to the Commission in January.

iii. Constitutional Officers: Chair Schafer reported the subcommittee has two meetings set up on November 22nd and December 13th to discuss their report and then will present their findings in January.

iv. Other Boards: Chair Murtha reported that the subcommittee was compiling their information and has a meeting scheduled for November 18th to discuss their report.

Chairman Dryburgh commented on his disappointment that no public from the Englewood area came to this meeting. Previously there were citizen comments to the Board of County Commissioners that these procedures should be held in various parts of the County. This meeting was noticed several times in the paper. Chairman Dryburgh acknowledged that he is chair of the Parks and Recreation Board and continued with a brief description about some of the activities that happen in this facility (Ann and Chuck Dever Regional Park) we are meeting in and recommended to the Commission members to come back to visit and walk the trails.

IV. New Business:

a. Approval of Big W Law Firm Statement for Services provided: November 1, 2021 Statement for Services in the amount of \$450.00.

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY JEFF ANLAUF TO APPROVE THE BIG W LAW FIRM'S STATEMENT FOR SERVICES IN THE AMOUNT OF \$450.00.

MOTION CARRIED 10:0

V. Discussion: Chair Dryburgh opened the floor for discussion on any Charter issue the Commission members might need answered, especially by Charter Attorney Robert Berntsson. Member Barrett asked what is the due date for the committee's recommendations to the Commission? Chair Dryburgh stated that those reports are slated to be discussed beginning at the January meeting. Member Murtha asked if the reports should be submitted a week before the January 12th meeting? Chair Dryburgh confirmed that the reports needed to be submitted in advance of the meeting for the Administrative Assistant to send out the information to everyone. Attorney Berntsson suggested a target date of January 5th be the date to get the reports into the CRC Administrative Assistant. This is not a requirement but a suggestion. This date would allow the information to be disseminated in advance to the members for review before the January 12th CRC meeting. Member Barrett asked about next steps. Will we discuss and vote on all recommendations? Attorney Berntsson reminded the members of the timing in the next months. Our March meeting will be held in Punta Gorda and we would not want to be voting on specific issues before the last Public meeting in Punta Gorda. We should discuss the issues at the January and February meetings. The purpose of coming to the various locations was to gain more Public Input so we do not want to try to decide things at these meetings. Chair Dryburgh informed the group that the final meetings will be advertised (paid) in the newspaper for final Public Input on the Charter recommendations. Traditionally the Public has come to those advertised meetings. Member Murtha suggested maybe an article be written for the paper about the work the Commission is doing or maybe a press release.

Member Schafer asked when do we see the unchanged and changed things incorporated within the Charter itself? Attorney Berntsson stated we would have ballot questions that are specific to each section of the Charter. There are State requirements such as: number of words in the question, the number of words in the title, and how the question must fit onto the ballot. For instance, if one committee has five recommendations and all five are voted on and approved by the CRC, then I would write up the ballot questions. Member Schafer asked when do we see the changes we suggest in the context within the Charter itself? Chair Dryburgh replied that you do not unless you do so yourself. Attorney Berntsson commented that we do not revise the Charter into a document like it has been passed before it is passed. Member Schafer replied that one section may have impact on another section as different sections can work together. Chair Dryburgh stated that Attorney Berntsson has done this before and understands those issues and how it works, and that once Attorney Berntsson writes the Ballot question(s) the Commission members will have a chance to review it for any changes. All public comments that we have previously received as well as the public comments on the proposed amendments will also be debated on at our meetings and voted on by this Commission.

Discussion continued among the members about readership of the local paper and the lack of response from the Public to our noticed meetings in the newspaper with various ideas shared by the group. Comments ranged from: a diminished readership of the paper, people being generally happy about our government; that citizens believe tax money is being spent wisely, the variety of possibilities in radio advertising, to using Facebook. Member Barrett stated that there are many avenues for people to get their information today. In marketing to the public it is very difficult to choose the right method, but

if we remain constant to what we are doing with the county website and the newspapers – we are doing what we can. Chair Dryburgh reported that was the same basic issue the 2015-2016 Charter Review Commission faced with their meetings. Member Schrage (who was on the first Commission that wrote the Charter), reported that the same issues were faced by the very first Charter Commission. Chair Dryburgh commented that unless there is a major issue to discuss, the public just does not come out. Member Schafer commented that this group is unique in this situation and what this Commission passes as Ballot Questions is exempt from Commissioner scrutiny and that what we pass must be passed through with no changes by the Board of County Commissioners. Most people have no idea of what the true function of this Commission is and why these meetings are being held. To advertise would not help attendance. These meetings are different - it starts here and ends here and is one of the few things the Voter has true control over and that is not advertised.

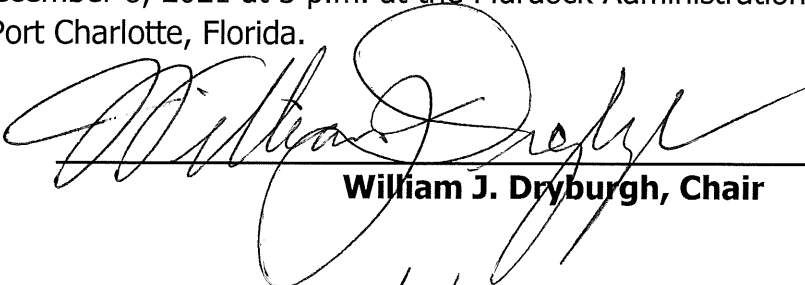
Chair Dryburgh invited those subcommittees that needed to meet within their groups to stay and discuss their business.

VI. ADJOURNMENT:

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY RICHARD PITZ TO ADJOURNED THE MEETING AT 3:37.

MOTION APPROVED BY CONSENSUS.

The next meeting will convene on December 8, 2021 at 3 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 12/8/2021

[To be added to the very beginning of the Charlotte County Charter]

We, the people of Charlotte County, in order to secure for ourselves the benefits and responsibilities of home rule and in order to provide for a county government to provide for the protection of our life, liberty, and property, do under God adopt this charter and as part thereof adopt the following

The Bill of Rights for the People of Charlotte County

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote frugal and efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. The people have the right to due process in all county hearings which includes the right to use the Constitution and all other laws which have historically been accepted as a defense in courts of law. The county shall also provide a public defender upon request.
2. The right to have and run a private business without fear of government shutdowns or any other violations of individual rights that could cause loss of business
3. As the Commissioners have their own group of attorneys that advocate for them, so should the people of Charlotte County. The people have a right to an elected legal counsel of their own seated at all of the meetings that include the Commissioners' attorney. This people's attorney will advise and advocate for the people.

David Kesselring

4. The people have the right to make their own medical decisions and to breathe fresh air. There is no legitimate authority in a free society to mandate vaccines or masks.

5. Every person has the right to transact and document business with the County with a minimum of personal inconvenience and without obstruction. It shall be the duty of the county administrator and the Board of County Commissioners to provide, reasonable convenient times and places for required inspections, and for transacting business with the county. All audits, reports, minutes, documents and other public records of the city and its boards, agencies, departments and authorities shall be open for inspection

6. Truth in government. No County employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

7. Every activity of Charlotte County government must be entirely transparent to all the people. All meetings affecting the public shall be video and audio recorded and made available to the public, the only exception being specific information during a current bidding process.

8. As is stated in the U.S. Constitution referring to guaranteed representative form of government in each state, so should be the government in Charlotte County. Our representatives may not delegate legislative authority and our Sheriff may not grant law enforcement authority that has been granted them by the voters to other individuals and/or entities.

9. Citizen input should be easy, accessible, and recorded at all meetings. Citizens should be guaranteed no LESS than 5 minutes for a single topic and 10 minutes for

multiple topics to air grievances or comments before commissioners and/or any other county boards.

10. The residents of Charlotte County have the right to clean water, including their own privately produced clean water.

11. The people of Charlotte County have the right to give their own donations to charities of their own choices. The County government shall not take tax money from one group of taxpayers and donate to the charities of other taxpayers.

12. A parent has a fundamental right to make decisions concerning the upbringing, education, and care of that parent's child.

13. For not only are there no human rights which are not also property rights, but the former rights lose their absoluteness and clarity and become fuzzy and vulnerable when property rights are not used as the standard. The people of Charlotte County shall live on their own or rented property without harassment from the government of Charlotte County other than for anything physically harmful to surrounding neighbors not inclusive of sustaining or increasing the property values of their neighbors. All laws, ordinances or rules that could affect property rights must be fully and specifically defined and not arbitrarily enforced.

14. No employment contract with county employees shall make it impossible for them to be removed if they are not properly and ethically serving the people or worse yet do any kind of injury be it physical or financial to any of the people.

(B) None of the aforementioned rights in any way negates any of the unlimited rights and includes those rights already naturally retained by the people, including all the

rights already protected in The Constitution of the State of Florida Article 1 Declaration of Rights and/or the U.S. Bill of rights.

(C) If there be any interpretive disagreements regarding any of these guaranteed rights, any decisions made must be in favor of we the people.

(D) Remedies for violations. If any public official or employee who can be proven to have willfully violated this article shall forthwith forfeit his or her office or employment.

(E) Remedies for violations. In any suit by a citizen alleging a violation of this Bill of Rights filed in the Charlotte County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office and/or employment.

(F) Construction. All provisions of this article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article shall be declared invalid, it shall not affect the validity of the remaining provisions.