

**Charter Review Commission
Board of County Commissioners
Subcommittee Meeting
December 9, 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 December 9, 2021.

Roll Call:

The following members were present:

William Abbatematteo, Chair
Richard Pitz
Donna Peterman
Jeffrey Anlauf

Absent Members: None.

Citizens Present: None.

Call to Order:

The meeting was called to order at 11:00 a.m. by Chairman William Abbatematteo.

Agenda Items:

I. Approval of Minutes:

MOTION WAS MADE BY RICHARD PITZ AND SECONDED BY JEFFREY ANLAUF TO APPROVE THE MINUTES FROM SEPTEMBER 22, 2021 AND OCTOBER 20, 2021.

MOTION CARRIED 4:0

II. Citizens Input: None.

MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY RICHARD PITZ TO CLOSE CITIZEN INPUT.

MOTION CARRIED 4:0

III. Old Business: None.

IV. New Business:

a. Commissioner Bill Truex asked to reschedule his interview from today to Thursday, December 16th at 2 p.m. The Committee members were able to accommodate this request and the Commissioner will be notified.

a. 11:00 a.m. Interview with Commissioner Ken Doherty.

Commissioner Doherty opened this interview with remarks relating to his history with the Charter, having been on the original committee that drafted the Charter and then serving several times on the Charter Review Commission in the following years.

I was assistant county engineer/administrator from 1979 to 1984. I left county employment in 1984. That same year the county commission wanted to consider the concept of adopting a county charter, a provision that was approved in the revised Florida Constitution in 1968. This would allow the county to operate as a municipality. It is all about providing services – if you do not have a charter, there are certain services you cannot provide unless you request them from Tallahassee and get a special act. The Board put together a commission (a structure we still use today) to see what they could recommend. I was working in the private sector but was chosen to serve on this first commission and served as the vice-chairman. I was reappointed to serve on the first Charter Review Commission in 1992 and then 1998, 2004 and finally in 2010 when I served as Chair of the Commission. Over the 26 years I served with the Charter, it was a great opportunity to see what was happening in the county and if there was something to correct via amendment to the Charter. Over the years there have been 29 amendments of which I participated in all but two. It is important to look at what you are trying to correct – is there a problem – an issue with the organizational structure? What if anything is broken or what needs to be fixed. When we began, we had a lot of grand ideas but came to realize that the Florida Legislature had done a good job setting things up and we ended up with a thin Charter – only ten pages long. Only Leon County is like us with one municipality (66% of the citizens lives in the municipality). Palm Beach County has 38 municipalities, Pinellas has 24 and Broward has 31. Only 11% of the population lives in the City of Punta Gorda. In Charlotte County there was major population growth in the 1980's that required more services. Charlotte County went from a population of 35,000 citizens in 1973 , doubling every ten years to the current 189,000. It is all about providing local services which caused the county commission to look at the charter for providing those services (roads, utilities, public safety). If you can provide the services the citizens need, you can keep running the government as it is currently. When that can no longer happen, and the county commission can't provide the services, then something else needs to be done like incorporation of a new city to provide the services.

Is there anything in the Charter that is restricting your ability to get the job done in providing services to citizens and is there anything that is not in the Charter that should be to provide those services? From your position as a Commissioner, what is wrong with the Charter, if anything?

Our organizational structure follows a private sector corporate analogy. The county commission are the Board of Directors, (we set the policies but are prohibited from directing operations), the Administrator is the CEO (he runs the place), and the citizens are the shareholders. We have excellent administrators – a deputy and assistant administrator who have divided up the departments and remain on top of the management. I don't know of any services we are not providing that citizens have requested. We have flexibility within the organization to address things as they come up. This Board works well together - we are all different but work collectively when we meet together. We listen to each other and may even change each other's mind on an issue. So no, we have the adequate structure and are providing the services, but that is not to say that 6 or 12 years

down the road that this won't change.

We have had some discussions concerning the Economic Development Office (EDO) and how the Director of Economic Development reports to the Board of County Commissioners and not to the Administrator. What is your perception about that? I was the one who promoted that change in the 2010 Charter Review. We interviewed the current director, Mr. Rudd at that time and asked how we are doing on getting some new businesses in town. We were told about the issues with setting up meetings with the county administrator (who is sometimes too busy) so it takes a long time. I was frustrated at that time from working on economic development issues for over 20 years. So, I said the middleman is causing you the problem as he has a different role within the organization – he is concerned with operations and risk management while EDO is the investment arm in getting business to come into the community. I suggested to the Charter Review Commission that we needed to do something different and put EDO/Director under the arm of the county commission, so he has a direct line to the commissioners without having to go through the administrator for permission. We put it on the ballot and the people voted for it. I know there are mixed feelings about it even today – it certainly is unique. Not many communities have this structure. You need to look back at what have been the successes in this community since 2010 when it was changed. We have great people in Administration. Could it work going back, probably. Now is probably not the time to go back, as it is working well. The key is for the EDO/Director to keep up the proper communication with Administration and the Attorney's office early in the process, so they all work together as a team. This is what is happening now. As a commissioner I need them all to play their roles independently, but collectively. I think it is okay to keep it the way it is right now as it is working, but it is challenging. The organization moves slowly and real estate moves quickly.

How do you feel about having an elected Administrator? I don't think we need to do that – we looked at it closely back in 2010. I don't see the need for it. Under the current structure it is working right now. Maybe in the future when we have multiple municipalities with residents in the range of 500,000 but I do not see the need now.

Chair Abbate Matteo commented that Charlotte is the only charter to put part of our operations under the Legislative Branch where the EDO/Director reports to 5 bosses. This defies the principals of management and the unity of command. This role is a built-in obstacle to efficiency.

Commissioner Doherty agreed. Back in 2010 there was much frustration with the multiple personalities involved in EDO, so the change was proposed and approved by the voters. It is working now, but will it be good into the future, that is the unknown. The current staff personalities work together well now, but that could change in the future.

I would be open to the concept of it going back but I would hate to change now as everyone is working well together. The results are good, so it is worthy to keep the reporting structure the same.

Explain the communication process under the Sunshine Law in communicating with your direct reports. Using the Attorney as an example as she reports we are being sued. The Attorney would notify us individually. If a decision needs to be made, the Attorney will call a

meeting. To understand our communication process, this is generally how we share information. Our weekly activities include weekly "One-on-Ones" – mine is 8 a.m. on Monday mornings. I meet with Administrator Hector Flores and Assistant Deputy Administrator Emily Lewis or Assistant Administrator Clare Jubb and Attorney Jeanette Knowlton in my office – Jeanette Knowlton starts off with her list of issues and topics, then the deputy or assistant administrator talk about their list, then Hector Flores and his list and then finally I bring up my list. We meet for one hour and the same staff do the same meeting with each of the other commissioners. They do not all happen on the same day but are usually done by late Tuesday afternoon due to availability. **Can you direct one of the three subordinates directly outside of an official meeting?** I can ask, but then I generally bring those items up at the end of a commission meeting under "Commissioner Comments". If we bounce something off Administration, Legal or Economic Development then I can inform my colleagues at these meetings if I have asked for some activity. The Chair will then ask the others if it is okay with them concerning this request. If I want to direct one of the subordinates to do something, I need to have two other commissioners agree with me. I cannot do so individually.

Commissioners are elected "At-Large". How do you view your role? Do you just represent people in your District, or do you represent everybody? We have received comments from people saying they would have more say if voting for commissioners was via districts and that more candidates would run. We have had some races where the commissioner has run unopposed. The "At-Large" concept makes us accountable to everyone. It is more difficult as a candidate as you need to campaign from one end of the county to the other. It makes me work for everyone and be accountable to everybody. I am just as focused in all areas as I am in Deep Creek where I live. I believe the "At-Large" gives citizens better representation. **What's the point of the re-districting that was just done if you all run "at-large"?** Redistricting is performed per State Law every ten years after the census to make sure the population of each district is about the same. I had an excess of 2600 residents due to some of the areas exploding with growth and I had to give up some areas to other commissioners. You mentioned commissioners running unopposed – that has only happened recently. Prior to my being elected in 2012 I can recall only one commissioner in 40 years running unopposed. I think this relates to the phenomena of this existing board. This unit, this board that you have elected is working well together. I have gone through two elections unopposed which is unheard of in the last fifty years.

When the Charter was founded in 1986, we had roughly 70,000 citizens. Now, each district has about 38,000 citizens. When people talk about representation, it is easier to know the lesser number of people in your district as opposed to the 189,000 disbursed all over the county. I think the difference with local government is accessibility- I am here every day. I can be reached by phone; I have meetings and even meet in people's home to discuss their problems. In local government, citizens do have more opportunities to meet their representatives.

At what point do we need more commissioners? Back in 1986 each commissioner represented 14,000 citizens, today it is approaching 40,000. All five of us commissioners are working together for the entire population. The question to ask is when does the organization lose the ability to react and provide the services as the population increases? I don't know that you will get more efficiency and services provided with more commissioners. They are the policy makers; it is the people who run the organization that gets the job done. You need more of the workers – Fire,

EMS, Public Works, Public Safety – that is what is directly related to the population. The operational side of the county is what is directly related to population growth.

We have had people raise the need for a Citizen Bill of Rights, Clean Water as well as a need for a referendum on Casino gambling. Right now regarding casino gambling and whatever the Governor was working on with a tribe has been halted in the courts. I don't see this as a charter amendment. I would like to see how the State lands on this issue, how they address casino gambling. Much of our Home Rule has been eroded. **Several other counties have it in their charter so that via local referendum they can accept or reject – the fear is if the State passed it in the next session, it would be too late in 6 years to put it into our Charter. They are trying to be pro-active and get out in front of it.** I need to do more homework on this issue. In general, I believe in the people voting.

What is the standard for County Funds being given to certain Non-Profits, NGO's ? It depends on the account we are talking about. The extension of the sales tax was voted on by the public and the school board received some funds (tier one) for upgrading security. That was on the list approved by the voters. The other dollars we give to organizations – like tourism events – we have a process and policy to follow for events like Waterfest and the Airshow. They must fill out an application and answer questions like what are the economic benefits? It must score a certain level before coming to the commissioners. It must go before the Tourism Council before that. We have had requests for capital dollars (pickleball courts), but we do not have a capital policy for non-profits. We must follow certain legal constraints and could not give them money for capital while we may have given them money for events. To make it legal a checklist must be completed and then the commission can consider funding. The Clerk of Court, our comptroller is always looking over our shoulder to make sure we spend appropriately. We do have sufficient checks and balances right now. When this Board is asked to give money to a private entity, we make sure we have a policy for it. **How do you Audit the funds given to entities or projects funded through the one per cent sales tax? Who makes sure it was spent appropriately?** Our county projects are monitored all the time, I do not know if we check on funding given to places like the School Board. I believe Administration gets with the School Board to confirm but I would have to check with Administrator Hector Flores. We do not track this at the Board level, it would be more in the Budget department's purview with Gordon Burger. That is an accountability question for the five elected persons who run the County School Board. Safeguards are in place for approving any spending done by the County.

In 2010 I came up with the idea of the Final Report which you are now referencing and will produce as a Commission. During the early years of the Charter Review it seemed we were starting from scratch and reinventing the wheel. I put together a Final Report in 2010 saying these are the recommendations from the 2010 Charter Review Commission: that you should have an Administration/Staff, Other Boards and Agencies, Constitutional Officers and Board of County Commissioners subcommittees, (as we were arguing in the early years about how many committees should review the Charter). This Final Report provided information that while all the issues did not rise to an amendment level, some important information could be communicated to the community, the Board of County Commissioners, and other entities of items to look at into the future.

What do you think about term limits for Commissioners? I do not think it is necessary. I trust the people to make the choice. I am planning on running in 2024 (I am in my third term now)

and if elected that would be my last term. It is up to the people to choose who they want to keep or get rid of. If any of us run unopposed it is because of the great way the current board works

together and how accessible we are to the voters. **What do you think about the Charter Review Commission being elected?** We only had 18 applicants for this Charter Review available for appointment, (15 members and 3 alternates). We are appreciative of you all for volunteering. To be elected I don't know. We are dependent in our system for people to get involved and willing to volunteer.

Our requirement for Citizen Initiatives is 10% which is at the top end and only a few counties are that high. Most counties are in the 5-6% range with one even being 3%. Do you think our percentage should be lower? We have restrictions on what can be used for ordinances that protect other people's rights. It was recommended in the 2016 to lower the percentage to 7% and it was defeated. It should be difficult to change as it is the commissioner's job to pass local ordinances. If there is a need for an ordinance, why aren't we passing it or why is the board refusing? If it is something important to the community and the Board is not addressing it, that is where you take care of the problem at the ballot box. I am not convinced that dropping it below 10% is the right thing to do as it is the role of the County Commissioners to handle that.

Roger Eaton asked the Charter review board to oversee the Candidates qualifications for Elections. There was no enforcement when a candidate violated the residency requirement. The Constitutional Officer requirements are set up by the State. At the 2010 Charter Review we put in residency requirements for the Commissioners, but the Florida Supreme Court threw that out – you simply must reside at the time of your election in that district. Article II, Sec. 2.2 - ... *"where the Florida Supreme Court held that candidates for county commission are required to establish residency within their district **only at the time of election**"*. That is one amendment that we put into our Charter that didn't last. **Who enforces?** I don't know – State Law? Florida Division of Ethics or Elections? The Complaint would be filed and then investigated – the Governor would then remove the offender from office.

Is there a county policy that prohibits the use of county offices and staff for non-county entities? The Family Services Center has non-profit organizations paying a lease/rental fee while located in the building. We want private organizations to use that building. **Is there a written policy?** Are you referring to EDO and a past issue? There is nothing in writing that I know of as it does not relate to my role. It could be in our Administrative Code. Please follow-up with the County Attorney or Administrator for that information.

Thank you for your time and service Commissioner Doherty.

End Interview:

V. Discussion:

- a. Discussed time issues with four interviewees during the next meeting with the Commissioners
- b. Discussed and agreed to a meeting on January 5, 2022 at 1:00-3:00 p.m. for the purpose of

discussing the committee's Final Report.

VI. Adjournment:

The meeting adjourned by consensus at 12:40 p.m.

The next meeting is scheduled for December 16, 2021 at 11:00 a.m.


William Abbate Matteo, Chairman 12/16/21
Date
Board of County Commissioners Sub-committee