

**2021-2022
CHARTER REVIEW COMMISSION**

February 9, 2022

A Charter Review Commission (CRC) Meeting was held at the Charlotte Harbor Event and Conference Center, Myakka River Rooms AB, 75 Taylor Street, Punta Gorda, FL 33950 at 3 p.m. on February 9, 2022.

Call to Order

The Meeting was called to order at 3:05 p.m. by Chairman William J. Dryburgh.

Roll Call

The following CRC members were present:

Patricia W. Aho	Donna C. Peterman	<u>Alternates</u>
Jeffrey K. Anlauf	William B. Schafer	Rob Humpel, 1 st Alternate
Cherie A. Burnett	Cyril F. Schrage	
Steve A. Drake	Bob White	
William J. Dryburgh		
Theresa H. Murtha		

The following members were absent: William Abbatematteo, Donna Barrett, Donald McCormick, Richard Pitz, Adam Riley, Suzanne Graham, Alternate and James Coalwell, Alternate.

Others present: Robert H. Berntsson, Attorney.

Citizen's present: Joseph Bonasia, Melissa Martin, Charlene Brown, Susan Mulder, Pam Saks, and Bill Kitsch.

I. Approval of Minutes:

MOTION WAS MADE BY BOB WHITE AND SECONDED BY WILLIAM SCHAFFER TO APPROVE THE MINUTES OF JANUARY 12, 2022.

MOTION CARRIED: 10:0

II. Citizen Input on Agenda Items:

a. Joseph Bonasia, (a non-Charlotte County resident), addressed the CRC as a resident of Lee County, living in Cape Coral, about his experience with promoting a clean water amendment for Cape Coral's Charter Review Commission, recognizing all citizens right to clean water. Mr. Bonasia provided their Charter Review Commission with information from the Orange County Charter and an Amendment

written specifically for Cape Coral (like what has been done for Charlotte County). Cape Coral's Charter Review Commission ultimately decided to let the State of Florida handle water quality issues. Mr. Bonasia reported that we have over 4,000 bodies of water that are designated as impaired (polluted) and over 9,000 miles of rivers and streams with fecal bacteria. Red Tide is exploding. The State is not doing their job and that is why Orange County passed another legal tool (Charter Amendment) to protect their water. Please consider this recommendation from your citizens.

b. Melissa Martin – stated she was born and raised in Florida and that water is important to her. As an attorney she has studied this issue and noted that we continue to have many water issues even though we already have a mountain of environmental law on the books. Ms. Martin commented that there is no legal accountability to make sure those laws are legally enforced. What this Amendment does is provide a shield around Charlotte County that enables you as citizens and the County or business (that is affected by this issue) to say "stop", your lack of enforcement is harming my interests; my rights to my property values; or the ability to take my family swimming where we want to or used to. These are interests we need to protect. This is a cause of action that allows you to bring the issue into Court which is immune to politics or heavily resourced entities. It gives the power to the Judge to determine what is the fair resolution in this case. The Judge could declare injunctive relief to stop the harm. I believe it is an issue worth discussing and I am here to help.

c. Charlene Brown – stated that she is a fifteen-year resident of Charlotte County, making her living on the water as both a fishing guide and a tour operator educating people about our natural environment. She has been through several Red Tide events, the worse being in 2018. Ms. Brown is also a volunteer animal rescuer for Peace River Wildlife Center and other wildlife centers where she has rescued countless sea birds sick and dying from toxic Red Tide. Ms. Brown believes the residents of Charlotte County as well as the local wildlife have a right to clean water and would appreciate if you would consider the Clean Water Amendment presented by the citizens.

William Schafer commented upon the lack of sanitary conditions and contamination in the Harbor from upstream and not necessarily from here. Much money has been expended on lawsuits that could have been better spent on sanitary improvements. Chairman Dryburgh reminded the members that they will have a chance to comment on each issue as it is brought forward for discussion and vote. There will be three advertised public hearings (as part of our regularly scheduled meetings) on April 27th, May 11th, and May 25th, 2022.

Chair Dryburgh remarked that due to our time sensitive schedule we must finish presenting all the subcommittee reports by our next meeting no matter what personal issues arise. The members present agreed by consensus to complete the Final Report presentations at the next meeting.

III. Presentation of the Administrative Staff Sub-committee with the following recommendations: Administration Staff sub-committee member Cyril Schrage presented the subcommittee's report due to the absence of their chairperson, Donna Barrett. Member Schrage remarked how impressed he is with the dedication of our county employees, especially the ones the subcommittee has interviewed. Considering the original Charter was developed and adopted in 1985, there have been very few serious changes to the original document.

The subcommittee interviewed a number of the staff, and there is a summary of their responses in our Final Report. Our committee recommendations are as follows:

Charter Recommendations:

1. Article II Sec 2.2 D Authority- change annual review to " in conjunction with budget process"
2. Change Charter Review Commission to review every 10 years.
3. Add the same employment language as the Administrator to the position of County Attorney
 - a. Sec 2.3 Executive Branch; D. County Attorney
 - i. (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 be a resident within the county while so employed.
 - ii. (3) The county attorney's salary shall be set by the board of county commissioners.
 - iii. (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 meetings held at least two (2) weeks apart. Grounds for removal shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.
4. Add the same employment language as the Administrator to the position of Economic Development Director
 - a. Sec 2.3 Executive Branch; F. Director of Economic Development
 - i. (2) The economic development director 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 be a resident within the county while so employed.
 - ii. (3) The Economic Development Director's salary shall be set by the board of county commissioners.
 - iii. (4) The Economic Development Director 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 meetings held at least two (2) weeks apart. Grounds for removal shall include flagrant neglect of duty, physical or mental incapacity, conviction for the commission of a felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance.

Non-Charter Recommendations:

Regarding the issue of the Change Memo and the lack of time sometimes involved in researching new information, especially for Economic Development projects, the Administration Staff subcommittee recommends:

- The County Attorney and County Administrator approve these changes in advance.
- County Administrator to review with Economic Development their change memo procedures.
- For County Administration to outline and define the procedures for Economic Development projects to be vetted through various relevant county departments prior to Board of County Commissioner meetings where actions would be taken.

Chairman Dryburgh reported that he had two Commissioners speak to him regarding their concern regarding the Change Memo because in some of the projects, time is of the essence and there is not enough time to go through all the processes before they must vote on this change. For example, there were seven projects alone at the Airport that came about in a matter of hours. In full disclosure, this was brought to the Chairman's attention, and he wanted the Charter Review Commission to be aware. However, Chair Dryburgh stated the Charter Review Commission after discussion, may move the issue forward if they so choose.

Member Murtha asked if the non-charter recommendations can go forward as a recommendation by the subcommittee, or does it need the approval of the full Commission? Attorney Berntsson replied that it must be approved by the full Commission as they are ultimately the recommendations of the Charter Review Commission.

Member Schafer commented that when the Budget is set for the County as a whole, this is for a two-year period. If there is a contract negotiation during this time, do the employee negotiators already know the budget before the negotiations? Based upon experience, if the total amount available (for salaries) is known, then they would want to take it all. Chairman Dryburgh commented that this is not in our purview.

IV. Old Business: None.

V. New Business:

a. Approval of Big W Law Firm Statement for Services provided: February 1, 2022 "Statement for Services" in the amount of \$1012.50.

Member Schrage questioned why the Statement showed prior balances. Attorney Berntsson reported that the County's payment to his firm is usually one month behind, and he is fine with the system.

MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY WILLIAM SCHAFER TO APPROVE THE BIG W LAW FIRM'S STATEMENT FOR SERVICES IN THE AMOUNT OF \$1012.50

MOTION CARRIED 10:0

VI. Discussion:

Member Murtha requested that a list of the Charter issues put forth by the Public be sent to the Charter Review Commission so it can be reviewed in advance of the discussion and vote. Chairman Dryburgh stated that he has been provided this tracking information by our Administrative Assistant and directed Andrea Yerger to forward the documents to the Commission.

Member Schrage questioned how we will proceed with voting on the issues? Chair Dryburgh stated all final approvals need to be accomplished by the June 8th meeting. Both citizen recommendations and subcommittee recommendations will be discussed and given an "up" or "down" vote during our next meetings.

Member Schafer inquired about when taking votes on the issues, if the Commission attendance is poor like it is today, does the issue pass with fifty percent of the membership or fifty percent of those present? Attorney Berntsson replied that it would pass via the fifty percent present at the meeting. If there is a quorum present (8 members), it would need fifty percent of those present to pass.

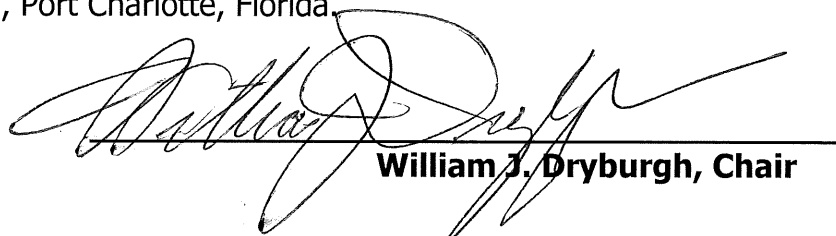
Member Peterman mentioned that she and Member Jeff Anlauf would be happy to present the report for the Board of County Commissioners subcommittee in the absence of the Chair. Chair Dryburgh replied that subcommittee Chair Abbatematteo requested that he be the one to present the report at the next meeting and the Chairman decided to honor the requested. The Board of County subcommittee Members Peterman and Anlauf agreed to the request.

The Chairman reported that Brandon Moody, Water Quality Manager had agreed to come to the next meeting to give a short presentation to enlighten the Commission and answer any questions the Commission might have regarding water quality in Charlotte County. Member Schrage commented that this issue would be more likely covered under an ordinance rather than as a Charter item, that this issue should be decided by the County Commission and not by a constitutional amendment. After much back-and-forth discussion, the members agreed by consensus to have this presentation postponed until after the subcommittee reports had been presented to see if there is a need (for educational purposes) for Mr. Moody to attend in person. March 23rd will be given to Mr. Moody as an alternative date to attend.

VII. ADJOURNMENT: Thank you Commission Members and Citizens for traveling to Punta Gorda to attend today's meeting. This is a long process, and we take your comments very seriously.

MOTION WAS MADE TO ADJORN THE MEETING BY CONSENSUS AT 3:37 P.M.

The next meeting will convene on March 9, 2022, at 3 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 3/9/2022