

**2021-2022
CHARTER REVIEW COMMISSION**

March 23, 2022

A Charter Review Commission (CRC) Meeting was held at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida at 2:30 p.m. on March 23, 2022.

Call to Order

The Meeting was called to order at 2:30 p.m. by Chairman William J. Dryburgh.

Roll Call

The following CRC members were present:

William Abbatematteo	Donald McCormick
Patricia W. Aho	Theresa H. Murtha
Jeffrey K. Anlauf	Donna C. Peterman
Donna Barrett	Adam James Riley
Cherie A. Burnett	William B. Schafer
Steve A. Drake	Bob White
William J. Dryburgh	

Alternates

Rob Humpel, 1st Alternate

The following members were absent: Members Richard J. Pitz and Cyril F. Schrage and Alternates Suzanne Graham and James Coalwell.

Others present: Robert H. Berntsson, Attorney.

Citizen's present: None.

I. Approval of Minutes:

Member Donna Barrett noted a typographical error on page eight.

MOTION WAS MADE BY DONNA PETERMAN AND SECONDED BY DONNA BARRETT TO APPROVE THE MINUTES OF MARCH 9, 2022 WITH CORRECTIONS.

MOTION CARRIED: 12:0

II. Citizen Input on Agenda Items: None.

III. Discuss and Vote on proposed Charter Issues – continued from March 9, 2022

Continuation of Citizen proposals:

- Change membership make-up of CRC to less business members. **Failed to discuss due to lack of Motion.**
- Regarding the 1 % Surcharge – “perpetual tax” – there is a general unhappiness regarding the decision-making process: **Failed to discuss due to lack of Motion.**
- Elected Administrator: **Failed to discuss due to lack of Motion.**
- Elected Attorney: **Failed to discuss due to lack of Motion.**
- The non-movement of the Economic Development Director to be under Administration: **Failed to discuss due to lack of Motion.**

- Citizens Initiatives: Changing the percentage of signatures to initiate or repeal existing ordinances from ten (10) percent in Article II, Section 2.2 G (1) to: 5% for repeal of an ordinance, 7% for an amendment to an ordinance and 10% for a new ordinance.

MOTION WAS MADE BY CHERIE BURNETTE AND SECONDED BY WILLIAM ABBATEMATTEO TO CHANGE THE PERCENTAGE OF SIGNATURES TO INITIATE OR REPEAL EXISTING ORDINANCES FROM TEN (10) PERCENT IN ARTICLE II, SECTION 2.2 G (1) TO: 5% FOR REPEAL OF AN ORDINANCE, 7% FOR AN AMENDMENT TO AN ORDINANCE AND 10% FOR A NEW ORDINANCE.

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION FAILED: 1:11

- Adopt Lobbying Language using Lee County’s Ordinance No. 03-14 as a template.

MOTION WAS MADE BY WILLIAM SCHAFER AND SECONDED BY WILLIAM ABBATEMATTEO TO ADOPT LOBBYING LANGUAGE TO BE ADDED TO THE CHARTER.

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION FAILED: 0:12

- Board of County Commissioners. Excerpts from Schafer proposal:
 1. Election of County Commissioners: “The Board of County Commissioners shall be composed of 7 commissioners; 5 commissioners shall be elected (district-wide) from each of the existing 5 election districts. In addition, 2 new commissioners shall be elected upon a county-wide (at large) basis. All Commissioners must reside within their district of residence during their term of office.” **Failed to discuss due to lack of Motion.**
 2. The County Administrator – “ shall be appointed on the affirmative vote of a “Super Majority” (5 of 7 votes)...and removed with or without cause upon a “Simple Majority” (4 of 7 votes)...grounds for removal may include neglect of duty.” **Failed to discuss due to lack of Motion.**

3. The County Attorney – same above language as County Administrator. **Failed to discuss due to lack of Motion.**
4. The Director of Economic Development – same above language as County Administrator. **Failed to discuss due to lack of Motion.**
5. Residency Requirements: "Vacancies in Charlotte County elected offices shall be appointed by the Governor of Florida as provided by general law and the Florida Constitution. Candidates running for at-large elective office in the County of Charlotte must reside within Charlotte County for at least 6 months immediately prior to the time of qualifying to run for said office and remain a resident of Charlotte County during his/her entire term of office."
Failed to discuss due to lack of Motion.
6. Constitutional Officers: "There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. A county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of said county."

MOTION WAS MADE BY WILLIAM SCHAFFER THAT FOR CONSTITUTIONAL OFFICERS "THERE SHALL BE ELECTED BY THE ELECTORS OF EACH COUNTY, FOR TERMS OF FOUR YEARS, A SHERIFF, A TAX COLLECTOR, A PROPERTY APPRAISER, A SUPERVISOR OF ELECTIONS, AND A CLERK OF THE CIRCUIT COURT. A COUNTY CHARTER MAY NOT ABOLISH THE OFFICE OF A SHERIFF, A TAX COLLECTOR, A PROPERTY APPRAISER, A SUPERVISOR OF ELECTIONS, OR A CLERK OF THE CIRCUIT COURT; TRANSFER THE DUTIES OF THOSE OFFICERS TO ANOTHER OFFICER OR OFFICE; CHANGE THE LENGTH OF THE FOUR-YEAR TERM OF OFFICE; OR ESTABLISH ANY MANNER OF SELECTION OTHER THAN BY ELECTION BY THE ELECTORS OF SAID COUNTY."

MOTION FAILED DUE TO LACK OF A SECOND.

Proposals coming from subcommittees:

- Article II Sec. 2.2 D Authority – change annual review to "in conjunction with budget process":

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY PATRICIA AHO TO RECOMMEND CHANGING CHARTER LANGUAGE IN ARTICLE II SEC. 2.2 D AUTHORITY TO "IN CONJUNCTION WITH THE BUDGET PROCESS".

Administration Staff Chairperson Donna Barrett explained that the proposal, (coming from the subcommittee) and as a request from staff, concerns the two-year budget process. This will make the Charter language consistent as to what is currently performed during the budget process

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 12:0

- Change Charter Review Commission to review every 10 years instead of six years:

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY WILLIAM ABBATEMATTEO TO CHANGE THE CHARTER REVIEW TO CONVENE EVERY TEN YEARS.

Administration Staff Chairperson Donna Barrett explained that the proposal, (coming from the subcommittee) would be a more efficient use of the time required to complete the review process if not done as often as every six years. Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 9:3

- Add the same employment language as the County Administrator to the position of County Attorney to Section 2.3 D:

"The county attorney shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of legal ability and qualifications, pursuant to requirements specified by ordinance, and shall reside in the county while so employed. (3) The county attorney's salary shall be set by the board of county commissioners. (4) The county attorney may be removed with or without cause upon the 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 felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance."

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY WILLIAM ABBATEMATTEO TO ADD THE SAME EMPLOYMENT LANGUAGE AS THE COUNTY ADMINISTRATOR TO THE POSITION OF COUNTY ATTORNEY.

Administration Staff Chairperson Donna Barrett explained that the proposal, (coming from the subcommittee after a recommendation made by the County Attorney, Janette Knowlton) would be to make the employment language consistent for the three positions reporting to the Board of County Commissioners. Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 9:3

- Add the same employment language as the County Administrator to the position of Economic Development Director to Section 2.3 F:

"The director of economic development shall be appointed on the affirmative vote of four (4) members of the board of county commissioners on the basis of ability and qualifications, pursuant to requirements specified by ordinance, and shall reside in the county while so employed. (3) The director of economic development's salary shall be set by the board of county commissioners. (4) The director of economic development may be removed with or without cause upon the 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 felony, violation of any statute relating to conduct of public employees, or such other grounds as may be provided by ordinance."

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY CHERIE BURNETTE TO ADD THE SAME EMPLOYMENT LANGUAGE AS THE COUNTY ADMINISTRATOR TO THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR.

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 11:1

Attorney Berntsson reminded the commission members that everyone serving on the commission must have their vote recorded per Florida Sunshine Law.

- Three consecutive terms for Board of County Commissioners: **Failed to discuss due to lack of Motion.**
- Return the Director of Economic Development position to reporting to the County Administrator:

MOTION WAS MADE BY WILLIAM ABBATEMATTEO AND SECONDED BY DONNA PETERMAN TO RETURN THE DIRECTOR OF ECONOMIC DEVELOPMENT POSITION TO REPORTING TO THE COUNTY ADMINISTRATOR.

Board of County Commissioner's Chairperson, William Abbate Matteo explained the proposal, (coming from the subcommittee) that it concerns the separation of powers between the legislative branch and administration and does not reflect on the current director. Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION FAILED: 2:10

- New Division of Powers Clause

MOTION WAS MADE BY WILLIAM ABBATEMATTEO AND SECONDED BY DONNA BARRETT TO INCLUDE A DIVISION OF POWERS CLAUSE IN THE CHARTER.

Board of County Commissioner’s Chairperson, William Abbatematteo explained the proposal, (coming from the subcommittee) that it again concerns the separation of powers between the legislative branch and the executive branch. Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION FAILED: 4:8

- Casino Referendum:

MOTION WAS MADE BY WILLIAM ABBATEMATTEO AND SECONDED BY THERESA MURTHA TO INCLUDE A NEW CASINO REFERENDUM CLAUSE IN THE CHARTER.

Board of County Commissioner’s Chairperson, William Abbatematteo explained the proposal, (coming from the subcommittee) to adopt language used in four other county charters (Clay, Orange, Osceola, and Seminole), to be pro-active for Charlotte County in case the State of Florida legalizes Casino Gambling in the future. The referendum would allow the citizens of Charlotte County to have a say in the matter as to whether to adopt or not. Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 8:4

- Enforcement Language for the Charter (i.e., Residency): **Failed to discuss due to lack of Motion.**
- (2) Consecutive Terms for Board of County Commissioners: **Failed to discuss due to lack of Motion.**
- Balance the composition of the Charter Review Commission to ensure equal representation across the county. **Failed to discuss due to lack of Motion.**

**Non-Charter Amendments
Recommendations to the Board of County Commissioners:**

- Better Advertisement of Charter Review Meetings:

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY ADAM RILEY THAT THERE BE BETTER ADVERTISMENT OF CHARTER REVIEW MEETINGS.

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 10:2

- Change Memo procedure:

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY THERESA MURTHA TO ADOPT THE RECOMMENDATIONS REGARDING THE CHANGE MEMO.

Administration Staff Chairperson Donna Barrett explained that the proposal, (coming from the subcommittee after a recommendation made by County staff) 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.

Questions and clarifications on the issue were discussed concerning the merits of the proposal.

MOTION CARRIED: 12:0

At this time, Chairman Dryburgh and Commission Members agreed by consensus to vote on the following recommendations without motions since these are recommendations and not ballot questions.

- Review procedure for oversight of County funds given to other government and non-governmental entities: **Approved as a recommendation – 8:4.**
- ~~Prohibition~~ Create a policy on the use of County offices and staff for non-county entities, including NGO's, civic groups, 501c(3), 501c (6), etc.: **Approved as a recommendation – 8:4.**
- Two recommendations for the One Percent Sales Tax:
 - Review the process by which they make decisions (to select projects) regarding the allocation of the one percent sales tax dollars:
 - Review of one percent procedures; table of future costs with projects; balance proposed expenditures across the County.

After much discussion and the number of concerns raised, Attorney Bertsson suggested that the two issues be blended into one such as "The Charter Review Commission heard a number of concerns with regard to the selection and spending of One Cent Sales Tax proceeds." Attorney Bertsson suggested that he rewrite a draft for approval at the April 13, 2022 meeting. **Approved that Attorney Bertsson write a re-draft.**

- MSBU Costs – request a formal review process to provide options and suggestions (exemptions) to reduce burden: **Approved as a recommendation – 10:2.**

- Work with a partner to establish a forum/conference for leadership in the County: **Failed.**
- Better balancing of memberships on advisory committees and boards to be reflective of the County as a whole: **Failed.**

Recommendations to Future Charter Review Commissions:

- The ability to conduct interview meetings via "Zoom": **Attorney Berntsson advised that it is prohibited by law.**
- Improve public awareness of the CRC with encouragement to attend meetings: **Discussed previously.**
- Make the CRC a Standing Commission between reviews: **Failed.**

Attorney Berntsson informed the Commission Members that he will draft the five Ballot Questions and that the Charter Review Commission will vote on each one again at the April 13, 2022 meeting.

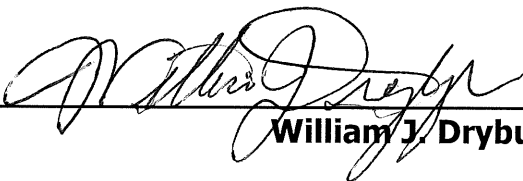
IV. New Business: None.

V. Discussion: None.

VI. ADJOURNMENT:

THE MEETING WAS ADJORNED BY CONSENSUS AT 4:07 P.M.

The next meeting will convene on April 13, 2022, at 3:00 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 4/13/2022