

**CHARTER REVIEW COMMISSION
CHARLOTTE COUNTY ADMINISTRATION CENTER
18500 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA 33948**



Board of County Commissioners Subcommittee

**FINAL REPORT
January 5, 2022**

Committee Members:

William C. Abbatematteo, Chairman
Jeffrey K. Anlauf
Donna C. Peterman
Dr. Richard J. Pitz

Introduction:

The Board of County Commissioners Subcommittee was charged by the full Charter Review Commission to review the portion of the Charlotte County Charter as it relates to the Board of County Commissioners. Accordingly, this subcommittee met eight times as follows:

June 9, 2021– Organizational meeting to select subcommittee chairperson.

August 4, 2021 – Organizational meeting to establish ground rules, interview topics and meeting dates.

August 18, 2021 – Meeting to finalize topics for discussion and whom to ask for interviews.

September 22, 2021 – Interview with Economic Development Director, Dave Gammon.

October 20, 2021 – Interview with Administrator Hector Flores and Clerk of the Court, Roger Eaton.

December 9, 2021 – Interview with County Commissioner Ken Doherty.

**December 16, 2021 – Interviews with County Commissioners Joseph Tiseo, Stephen R. Deutsch, Christopher Constance, and Bill Truex.
January 5, 2022 – Review and Adoption of the Final Report**

A complete schedule of interviews, topics and questions from those interviews is attached.

Charlotte County Board of County Commissioners Interviewed:

District 1: Ken Doherty

District 2: Christopher Constance

District 3: Bill Truex

District 4: Stephen R. Deutsch

District 5: Joseph Tiseo

Each interview took approximately sixty (60) minutes. Each interviewee had been provided the list of topics prior to the meetings. Full interview responses can be obtained by reading the posted meeting minutes of the interviews at the Charlotte County Charter Review webpage.

Questions asked of the Five Board of County Commissioners:

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?

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?

How do you feel about having an elected Administrator?

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. Can you direct one of the three subordinates directly outside of an official meeting?

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 single

member districts and that more candidates would run. We have had some races where the commissioner has run unopposed. What's the point of the re-districting that was just done if you all run "at-large"?

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. At what point do we need more commissioners? Back in 1986 each commissioner represented 14,000 citizens, today it is approaching 40,000. Do you feel the number of commissioners is sufficient for the future with the population growth we are experiencing?

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. Regarding Casino Gambling, several other counties have it in their charter so that via local referendum they can accept or reject it. The concern 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. What if we would be pro-active and put it into our Charter?

What is the standard for County Funds being given to certain Non-Profits, NGO's ? How do you Audit the funds given to entities or projects funded through the one percent cent sales tax (School Board)? Who makes sure it was spent appropriately? Should we put into the Charter that we prohibit the sales tax money from going to another taxing district?

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?

What do you think about term limits for Commissioners?

What do you think about the Charter Review Commission being elected?

What do you think about partisan elections for Commissioners?

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? Would you object to having a lower percentage put on the ballot again?

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. Who enforces?

Is there a county policy that prohibits the use of county offices and staff by non-county entities? Is there a written policy? If not, should we have a policy?

Other Interviews: Specific to the Position (questions attached)

Dave Gammon, Economic Development Director

Hector Flores, Administrator

Roger Eaton, Clerk of the Court and Comptroller

Each interview took approximately sixty (60) minutes. Each interviewee had been provided the list of topics prior to the meetings. Full interview responses can be obtained by reading the posted meeting minutes of the interviews at the Charlotte County Charter Review webpage.

Recommendations - Charter:

Based on the interviews with all the Board of County Commissioners, our research, discussions, and feedback from citizens in our community, the Board of County Commissioners subcommittee has recommended the following issues be incorporated in the Charlotte County Home Rule Charter.

1. Term Limits for all County Elected Officials and Boards (excludes Constitutional Officers):

The subcommittee **does** recommend that the Board of County Commissioners be limited to three consecutive terms in office.

2. Economic Development Office: Return to the Executive Branch of Government:

The subcommittee agrees with the separation of powers between the Legislative and Executive functions of Charlotte County Government. The committee **does** recommend that the Economic Development Office return to the executive branch of government which affects the Charlotte County Charter, Article II, Section 2.3 B (1) *County Department Heads* and F *Director of Economic Development*.

The subcommittee also recommends either returning to the language of the 2004 Charter (for the above items) or adding a Division of Powers clause— see example from Brevard County:

“Section 1.5 Division of Powers. The County hereby establishes the separation between legislative and executive functions of Brevard County government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.”

3. Casino Referendum needed for Casino Gambling:

The subcommittee **does** recommend language regarding casino gambling be added to the Charter.

To be modeled upon language used in Clay, Orange, Osceola, and Seminole County Charters, which in part reads:

“ Reservation of Power by the Electorate: The citizens of Clay County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any State-wide or multi-County referendum on the question.”

(This excerpt is only one of four or so paragraphs that we are recommending.)

Recommendations – Non-Charter:

Based on the interviews with all the Board of County Commissioners, our research, discussions, and feedback from citizens in our community, the Board of County Commissioners subcommittee has recommended the following issues be considered by Administration and the Board of County Commissioners.

1. **Procedures for review and oversight of County Funds given to other government entities, NGOs, Non-Profits, civic groups, etc.:**

The subcommittee **does make a recommendation** to the Board of County Commissioners and Administration that they review procedures for oversight of County Funds given to other government and non-governmental entities and make sure all mechanisms are in place and address it administratively as needed.

2. **Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.:**

The subcommittee **does make a recommendation** and the committee’s preference is to handle this issue administratively in lieu of a charter revision.

"The subcommittee inquired about the previous use of county facilities and staff serving as the office, point of contact and record keeping for a 501(c)(6) for several years, and although the subcommittee was told that this practice has stopped after the hiring of a new department director, this arrangement is not officially prohibited by the County, as far as memorializing it in any written policy, code or resolution by the County Administration or Board of County Commissioners. To avoid a repeat of this practice, which we felt is not a

legitimate use of public funds, personnel, and property, we prefer and that the Board of County Commissioners or Administration handle this internally by adopting and issuing a written county-wide prohibition of such uses by any county department or personnel, and that such policy is communicated to all county departments and personnel via the standard distribution process for such matters.

Furthermore, if this recommendation is adopted by the Charter Review Commission, we would like to submit this one particular matter to the Board of County Commissioners and the Administration contemporaneously upon such adoption to give the County an opportunity to respond to the Charter Review Commission regarding this recommendation, and upon assurances that the County has agreed to adopt such a prohibition administratively, we will forego any further discussions about addressing this as a Charter revision."

3. **1% Sales Tax:**

The committee **does make a recommendation** to the Board of County Commissioners and Administration to review the process by which they make decisions (to select projects) regarding the allocation of the one percent sales tax dollars.

Submitted by:

A handwritten signature in black ink that reads "William C. Abbate Matteo". The signature is written in a cursive style and is positioned above a horizontal line.

William C. Abbate Matteo, Chairperson
Board of County Commissioners subcommittee

2021-2022
Charlotte County Charter Review Commission
Board of County Commissioners Sub-Committee

Possible Items to Consider

Term Limits for all County Elected Officials and Boards (excludes Constitutional Officers).

Number of County Commissioners.

How Elected? At Large vs. By District or a Combination.

County Administrator: Appointed vs. Elected.

Economic Development Office: Return to Executive Branch of Govt.

Partisan Elections.

Casino Referendum needed for Casino Gambling.

Establish Ethics Board/Citizen Bill of Rights.

Procedures for review and oversight of County Funds given to other government entities, NGOs, Non-Profits, civic groups, etc.

Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.

1% Sales Tax.

Citizen's Initiatives.

Vacancies.

ECONOMIC DIRECTOR INTERVIEW QUESTIONS:

DAVE GAMMON, DIRECTOR

1. Regarding recent programs spearheaded by the Economic Development Office (Airframe and Power) explain how did this idea and others for the County are generated?
2. What are your thoughts on Term Limits for the Commissioners? Would changes on the Commission affect or change how you perform your job?
3. On a practical level how do you manage five bosses? Would it be easier if you reported to the County Administrator?
4. What does EDP do?
5. You meet with the EDP staff and they perform stuff you can't legally do like travel and entertainment.
6. With the success of the Airframe Power plant, is there anything else you are working on?
7. How do you feel about reporting to six bosses
8. Is there anything you can think of that would make your job easier or give you the ability to work better?
9. Tourism is supported by the bed tax which would sort of make them independent, but they do not report to the five commissioners. Why not?
10. Regarding Language for this position in the Charter:

"F. Director of Economic Development. There shall be a director of the economic development office selected by the board of county commissioners who shall serve at the pleasure of the board."

Is there anything you would like to change about that?

"The director of the economic development office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners."

Is there anything you would like to change with that language?

CHARLOTTE COUNTY ADMINISTRATOR INTERVIEW QUESTIONS

HECTOR FLORES, ADMINISTRATOR

1. Do you believe your position should be appointed or elected? How do you manage interfacing with five bosses?
2. Non-interference with employees is in the Charter, but the Commissioners are the conduit for citizens' complaints. How is that handled? Is the non-interference clause in the Charter an obstacle to getting things done? What about a complaint about an Employee or department, do they bring it to your attention?
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? Is there a Whistleblower Policy? How would you feel if this policy was written into the Charter?
4. Regarding staff reporting procedures to the Board – are there any problems with the other two positions not reporting to the County Administrator. Do you feel comfortable with this?
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?
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?
7. Are other staff allowed to interact with the Commissioners?
8. Other than what is approved at the end, the final economic package is an operational matter and not a legislative matter.
9. When does EDO come to you – before or after talking to the Commissioners?
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?

CLERK OF THE COURT, COMPTROLLER, INTERVIEW QUESTIONS
ROBER EATON, CLERK OF THE COURT AND COMPTROLLER

1. How are any remaining funds allocated in the County at the end of the year and what is the authority?
2. Does your office audit any of the funds given by the County to other entities (School Board, non-profits)? Does the audit look into the money given to an outside entity and that it is spent correctly?
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? How would initiate creating that policy in the County? Would you or the County Commissioners have to approve such a protection going forward?
4. When the County issues grants, do the grantees have to send in periodic reports?
5. Are there any issues related to the Charter that you would like to bring up with this subcommittee?
6. Regarding Charter Enforcement under Article III Sec. 3.2 Residency Requirements. Who do you think should enforce?
7. Do any of the other counties have enforcement rules?

BOARD OF COUNTY COMMISSIONERS SUB-COMMITTEE INTERVIEW SCHEDULE

Interview Date	Time	Interviewee
Wednesday, September 22, 2021	11:00 - 11:45	Dave Gammon, Economic Development
Wednesday, October 20, 2021	11:00 - 11:45	Hector Flores, Administrator
	11:45 - 12:30	Roger Eaton, Clerk of the Court
Thursday, December 9, 2021	11:00 - 12:00	Commissioner Doherty
Thursday, December 16, 2021	11:00 - 12:00	Commissioner Deutsch
	12:00 - 1:00	Commissioner Tiseo
	1:00 - 2:00	Commissioner Constance
	2:00 - 3:00	Commissioner Truex