

MAY 09, 2023

The Charter Review Commission Meeting was held on this date in the First Floor Conference Room 118, Lee County Administration Building East, 2201 Second Street, Fort Myers, Florida with the following Charter Review Commission Members:

CHARTER REVIEW COMMISSION MEMBERS:

Nathan Shaw - Chairman	Kevin Besserer - <i>Absent</i>	Ronald Inge
Andrew Sund - Vice-Chairman	Doug J. Congress - <i>Absent</i>	Liza King
Richard Akin	Keith Dean	Randal Mercer - <i>Absent</i>
Noel Andress	Eric Feichthaler - <i>Absent</i>	Maryanne Preston
Carl Barraco Jr.	Ismael Hernandez	Maribel Sanchez

LEE COUNTY ATTORNEY:

Deputy County Attorney, Andrea Fraser
Assistant County Attorney, Joe Adams

CALL TO ORDER:

Chairman Shaw called the meeting to order at 5:01 p.m., followed by the Pledge of Allegiance.

PUBLIC COMMENT:

Chairman Shaw called for Public Comment, and there were no speakers.

HONORABLE MATTHEW CALDWELL DISCUSSION:

Lee County Property Appraiser, Matthew Caldwell came forward to discuss his views on the structure, interplay between, and oversight of the legislative and executive branches of County government. Mr. Caldwell stated that the Lee County Charter Review was the first group that he served politically. While serving in 2006, Mr. Caldwell stated that thirteen of the fifteen Charter Review members agreed that the current organization of Lee County government required change, however, they were unable to agree on what that change would be. That same issue was experienced in 2015, when again the Charter Review members were unable to agree on the changes required to best serve Lee County residents. Mr. Caldwell stated that if the same issues were to fall upon the Charter Review Commission this year, it would be his recommendation that the Charter be dissolved.

Mr. Caldwell spoke to the Commission regarding current Lee County resident statistics, including the population growth Lee County has experienced since the 2020 Census. Lee County's current population totals exceed those of the states of Delaware, South Dakota, North Dakota, Alaska, and Vermont. The government structure that Lee County follows today was passed in 1996, and contains a non-interference rule limiting the communication between members of local government and now contains term limits for County Commissioners. Mr. Caldwell stated, that while the government structure served the residents of Lee County at the time of its adoption, the regulations put forth no longer serve the best interest of County residents and governmental leaders. Mr. Caldwell emphasized that Commission member have few limits on the types of government structure, rules, and regulations it can explore, and encouraged members to keep an open mind and explore the numerous different types of government that can best serve County residents and government officials.

Mr. Caldwell stated that there is a need for the non-interference structure to be addressed, and it is his opinion that the way the non-interference structure is written and operates takes the worst feature of the Articles of Confederation, and somehow makes it even worse. Executive Branch members are currently appointed by the Legislative Branch, resulting in no independent political accountability, and the Commissioners are restricted from having any direct interaction with anyone other than the County Attorney, County Manager, and their personal assistant. Mr. Caldwell continued that as a community that is headed towards a million residents, puts Lee County at a level larger than four states, and demands a necessity to have a fully functional set of independent branches of government. Mr. Caldwell stated that the focus needs to be deciding which way best will serve the residents of Lee County, if the County is going to stick with a charter and have distinct executive and legislative branches with non-interference policies then it becomes critical to empower the legislative branch at the County level to gain their own advice on policy, budget, and legal positions which the current charter prohibits them from doing.

Mr. Caldwell expressed his support of permitting single member districts for County Commissioners, and explained that current County Commissioners are required to run election campaigns larger than most congressional campaigns due to the size, and population of Lee County. According to Mr. Caldwell, allowing

for single member commissioner districts provides for better district representation, and allows County Commissioners to be more available to residents. Noel Andress expressed concern over districts being unequal in population size, and therefore holding less political capital. Mr. Caldwell stated that Florida Statute dictates that districts contain equal numbers of residents, and while some districts would contain more land mass, the County redistricting process would guarantee that all County Commissioners represented roughly the same number of Lee County residents.

Mr. Caldwell concluded his presentation by advocating for a blended commission representing both single member district Commissioners and county-wide district Commissioners so that County residents receive the best of both perspectives. Mr. Caldwell stated that there will be regional issues that the Commissioners will face larger than any single district, and officials will not want to be held victim to doing what is best for the region but not for the district. Government at the State level consist of two branches that represent drastically different size constituencies, this is done to obtain two different perspectives; what is good for the district, and what is good for the region. Mr. Caldwell thanked the Commission for their time, and urged members to focus not only on the issue of single member districts but to explore all facets of local government during their time on the Charter Review Commission.

OTHER COMMISSION MEMBER ITEMS FOR DISCUSSION:

Lee County Commissioner, Cecil Pendergrass came forward to speak on the annexation of County land by local municipalities in Lee County. Commissioner Pendergrass stated that the largest problem that Lee County is currently experiencing is population growth and the need to restrict municipalities' annexation attempts. Currently the County has no input on annexation attempts, and Commissioner Pendergrass feels that the Charter Review Commission has the power to give the county a voice when it comes to annexation. Commissioner Pendergrass stated that he would like to come back to the Commission in the future and provide a full presentation.

Charter Review member Noel Andress requested a future discussion on the rules and regulations regarding public comment and participation at Hearing Examiner meetings, and Lee County Board of County Commissioner Zoning and Comprehensive Plan meetings, as well as a discussion on the possibility of enforcing an expiration date on Lee County Community Development Services Development Orders. Chairman Nathan Shaw requested that all members promote public participation and attendance for future Charter Review Commission meetings through social media, and Assistant County Attorney Joe Adams reviewed the public engagement actions that the County is using to inform Lee County residents as to the location of meetings, and topics of discussion. Chairman Shaw announced that the next Charter Review Commission Meeting will take place on Tuesday, June 13, 2023 at 5:00pm in the First Floor Conference Room 118, Lee County Administration Building East, 2201 Second Street, Fort Myers, Florida.

ADJOURNMENT:

Ronald Inge moved to adjourn the meeting, seconded by Noel Andress, called and carried.

The Chairman adjourned the meeting at 6:01 p.m.