

JUNE 13, 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	Ronald Inge
Andrew Sund - Vice-Chairman	Doug J. Congress	Liza King
Richard Akin	Keith Dean- <i>Absent</i>	Randal Mercer
Noel Andress	Eric Feichthaler- <i>Absent</i>	Maryanne Preston
Carl Barraco Jr.- <i>Absent</i>	Ismael Hernandez- <i>Absent</i>	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 5:02 p.m., followed by the Pledge of Allegiance.

LEE COUNTY COMMISSIONER CECIL PENDERGRASS PRESENTATION ON VOLUNTARY ANNEXATION:

Commissioner Pendergrass presented the Commission with proposed Amendments to Charter regarding Voluntary Annexation and stated that he was there as a County Commissioner and that the item was not being brought forward by the Board of County Commissioners. He stated that he wanted to bring attention to the item stating there is a great burden on the City of Fort Myers and Lee County as the area is growing at such a rapid pace. Commissioner Pendergrass stated the idea is for Cities and County to be able to work together in the planning of infrastructure. He stated good government is government that works together. Commissioner Pendergrass stated the voluntary annexation process would help to better plan for infrastructure such as: roads, sewer and water. Commissioner Pendergrass stated that he felt it important to have the discussion about jurisdictional authority now, before the County gets any bigger. He stated that at the end of the day we all suffer with insufficient/improper infrastructure and it also affects resident’s quality of life. This also affects the fire departments long term growth and funding as well as placement of future fire stations, which in turn, also affects the placement of Emergency Medical Services (EMS).

PUBLIC COMMENT:

Chairman Shaw called for Public Comment, and there were four speakers.

COMMISSION DISCUSSION:

Vice-Chairman Sund asked if the voluntary annexation would be commercial properties, developments, or City or County owned land. Commissioner Pendergrass stated this would not affect any previously acquired property or any property in the process of being acquired. He stated moving forward in the future this would include residential or commercial. Mr. Noel Andress suggested having a study conducted to show the different options in order to negotiate. Commissioner Pendergrass stated the Lee County Board of County Commissioners would be the governing body to make the decision whether to annex or not. Ms. Maryanne Preston asked about the language “must be approved by the municipality’s governing board prior to petitioning the Board of County Commissioners” and if that could be changed to reflect who they have to go to first to get approval. Assistant County Attorney Joe Adams stated the individual would still have to go through the process with the City first. Once the City gives their approval of the annexation, it would then move to the Board of County Commissioners for approval. There was discussion regarding an independent fire district and the need for an Interlocal Agreement (ILA). Commissioner Pendergrass added that this process would allow for additional public input. Deputy County Attorney Andrea Fraser gave clarification of a question from Mr. Ronald Inge regarding the placement of an ILA, stating the ILA is between the City and the Municipality. She stated there could be an ILA between the Municipalities and the Fire District without being annexed and that is contemplated in the language under Part B. Mr. Noel Andress stated that he would like to know more about the subject, what the options are and stated that he felt this is a very viable topic as the County is continuing to grow and infrastructure will be a continued concern. Mr. Richard Akin stated that he would like to take a closer look at Part B with regard to signing an ILA before receiving approval from the Municipality or Board of County Commissioners. He feels this would be an onerous and expensive process especially if applicant does not know whether they are going to be approved or not. Assistant County Attorney Joe Adams stated there are

three other Chartered Counties that have provisions in their Charters on this issue. He stated that he would send those out to all the Board members before the next meeting. Attorney Adams stated that the Charters from the other counties are not centered on the infrastructure issue as much as it is centered on preventing urban sprawl.

Mr. Ronald Inge stated that he feels this is something that the Board needs to take some time debating and needs to understand the dynamics of how the annexation works in terms of the various providers. There needs to be an understanding of how all this will flow if an annexation takes place and who would have the responsibility to provide those types of services. Mr. Randel Mercer stated procedure equals elongated timelines. He stated that he is concerned with the additional procedures with the municipalities that come into play that ultimately expand the timeline which ultimately means additional costs for the applicants. Mr. Noel Andress stated that taking a look at the other Charter Counties and the language they used in their Charter when they addressed this issue is a great start. He stated that he would like to see something that is streamlined and cost effective to everyone, because right now it is not cost effective.

OTHER COMMISSION MEMBER ITEMS FOR DISCUSSION:

Mr. Andress stated that he would like to bring in some speakers to talk about an Ethics Commission. Mr. Andress spoke about an incident at the airport with a cleaning company that was caught by the Clerk of Court through an audit. He stated that he would like to invite the Clerk of Court and Comptroller Kevin Karnes to come and speak about audits and ethics. Mr. Andress stated that right now there is nowhere for someone to report if they saw something that could be improved or if someone was abusing something in the government. Such as, employees at the airport handing out their parking passes to family members which was once again discovered by an audit by the Clerk of Court. Mr. Andress stated the same thing is happening in the community and there is nowhere for someone to go to report an issue. Deputy County Attorney Andrea Fraser asked the Commission if they in fact wanted to conduct a study and if so, what would the study contain. Mr. Kevin Besserer stated that he was not sure what the Commission would learn or gain from a study. Chairman Shaw agreed and stated there needs to be a budget in order to bring in specialists and a study could take a long extended amount of time which might be outside the available time limits.

Ms. Liza King asked if there could be a review of the Charter section by section. She stated she was trying to understand the plan as it relates to reviewing the Charter. Deputy County Attorney Andrea Fraser stated that she hoped everyone had already read the Charter. She stated it is written fairly simply and is not complicated. She stated if anyone on the Commission Board had not read it yet, she encouraged them to do so. Attorney Fraser stated if anyone on the Commission has any questions regarding any section of the Charter to please reach out to her office so their questions could be addressed. Chairman Shaw suggested everyone on the Commission take the time prior to the August meeting to review the Charter. He stated there can be a discussion regarding the Charter in the beginning of the August meeting. Vice-Chairman Sund stated that he would like to add onto the list of topics for discussion at the August meeting the topic that Property Appraiser Caldwell brought up at the May meeting, which was the appointed Chief County Executive versus the elected Chief County Executive. He stated he would like to obtain other county Charters that have elected County Manager in place to review and discuss.

Deputy County Attorney Andrea Fraser stated she will make available to the Commission the items regarding the Commission on Ethics from eight years ago.

PUBLIC COMMENT:

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

ADJOURNMENT:

Vice-Chairman Sund moved to adjourn the meeting, seconded by Mr. Ronald Inge, called and carried.

The Chairman adjourned the meeting at 6:00 p.m.