

Lee group to explore whether charter needs changed

15 Lee County residents, a group of retirees, teachers, activists, attorneys and others, will meet for the next 18 months to debate ways to make county government work better

By CHARLIE WHITEHEAD

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Next month, a group of 15 Lee County residents will start discussing potential changes in the way Lee County government works — or doesn't work.

Thirteen of those people already have been appointed. Each of the five county commissioners appoints three members to the Charter Review Committee. The group of retirees, teachers, activists, attorneys and others will meet for the next 18 months debating ways to make county government work better.

Members include the son of a former county commissioner, a university vice president and two men who fought bitterly against adopting the charter 13 years ago. They're from Sanibel, Estero, Matlacha, Alva, Fort Myers and Lehigh Acres.

Brian Griffin campaigned against the county charter when voters approved it in 1994. He and Steve Maxwell jointly sued the county to stop the charter and succeeded in having it overturned, thanks to an advertising error. Voters approved it again in 1996.

Griffin and Maxwell were both appointed to the Charter Review Committee by Commission Chairman Bob Janes. Griffin said he'd like to reconsider some proposals floated by the previous two committees.

"I definitely do (have some ideas)," Griffin said.

Griffin argued in the early 1990s that the charter, advertised as a means to deliver power from the hands of government into those of its citizens, did the opposite.

"The charter purports to give power to the people," he said. "But if a person wants to do a recall, it needs 7 percent of the registered voters from the last general election. That means like 36,000 people signing a petition. Then it's a dime a name to run it through the election office. Then and only then does it go to election."

Griffin said he'd like to discuss lowering the number of signatures required to put something onto the ballot.

Another idea he likes is changing the Charter Review Committee to a Charter Review Commission. While a committee recommends issues for county commissioners to place on the ballot, a commission would bypass the county commissioners and be able to place issues directly onto the ballot.

Past issues have died when commissioners refused to forward them to voters. Four years ago, the committee passed on issues like non-partisan elections and single-member districts because members believed commissioners would simply reject them.

"With a committee, all the power remains with commissioners," Griffin said. "Last time around, that didn't work."

Lee County commissioners must live within their geographic districts, but are elected by county-wide vote. In single-member districts, they would be elected by votes solely within their districts.

The concept is designed to give minority voters more voice. The NAACP recommended against the approach four years ago, however, saying there simply were not enough black voters to make a difference. This year's committee will include Jarrett Eady, who chairs the county Black Affairs Advisory Board. Eady couldn't be reached for comment.

Fort Myers activist Marsa Detscher was appointed by Commissioner Ray Judah. She said she hasn't really thought about what changes she'd consider but looks forward to hearing proposals.

"I'm really interested and excited about it," she said. "I'll be interested to see how it plays out."

The first meeting of the Charter Review Committee is scheduled for May 24. All but two members have been appointed.

Janes appointed Eady, Maxwell and Griffin.

Commissioner Brian Bigelow has appointed Don Eslick of Estero and has two appointments left.

Judah appointed Lyn Welch of Estero, Detscher and Luis Rivera of Fort Myers.

Commissioner Tammy Hall appointed Raymond Rodrigues of Estero, attorney Beverly Grady of Fort Myers and Joe Shepard of Alva, a FGCU vice president.

Commissioner Frank Mann appointed Matthew Caldwell of Lehigh Acres, Jim Boesch of Estero and Frederick Morgan of Fort Myers.

Charter committee debates electing vs. appointing county manager

By CHARLIE WHITEHEAD

Thursday, August 23, 2007

Mike Ciccarone used to work for county government. As a land use attorney in private practice he now often works with county government. He says it's sometimes hard to tell who's in charge.

That's one reason Ciccarone, as a member of Lee County's Charter Review Committee, supports an elected county executive.

"What I do see an elected executive doing is being the chief policy advocate so we have a focus," he said. "I do think it's entirely appropriate the chief executive should be a politician, an advocate of what he thinks the county body politic should be."

Ciccarone said he frequently has clients who want to know who to talk to at the county - who's in charge. He hasn't got an answer.

Not everyone on the committee agrees. Marsa Detscher, a Fort Myers activist on the committee, said she sees an elected chief executive as just another layer of government.

"The county commission is the policy board," she said. "It is responsible for advocating policy. It's responsible for seeing that a professional county manager implements the policy. By introducing an elected county manager I believe you introduce politics into the day-to-day running of government."

Member Matt Caldwell said he's focused on money - taxes specifically. He said he doesn't feel the current county manager — 14-year veteran Don Stilwell — is held in check financially.

"My feeling is as an unelected manager, not answerable to the people, the county manager is not held in check," he said. "The department heads are not held in check to hold the line on taxes."

Eestero resident Don Eslick, chairman of the committee, said he thinks an elected manager and single-member districts, another change the committee's discussing, are linked. He said single-member commissioners would be more focused on their own districts, leaving the need for an elected manager to look at the bigger picture.

“The administrator proposes,” he said. “The Legislature disposes. What we have here is the Legislature proposing. I just don’t think you can have leadership by committee.”

The committee meets monthly, discussing possible changes in the county charter. They will propose options next spring that county commissioners can choose to place before voters.



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Debate over single-district commission seats may head to court

By CHARLIE WHITEHEAD

Saturday, June 7, 2008

Members of Lee County's Charter Review Committee agreed Thursday night that people want change in county government, but they couldn't agree on what kind of change.

What the committee did approve and send along for county commissioners' blessing was a proposal that might let voters choose change — eventually.

The committee members split on whether to endorse single-member districts for county commissioners, which they said dominated public discussion during their year of meetings and public hearings.

"If the goal is to develop options and then hear what the public has to say, I find it hard to deny them their voice," said member Matt Caldwell. "I feel very strongly the public has spoken."

It took 10 of the 15 members to send a proposed referendum to commissioners for approval. Ten agreed they wanted some sort of single-member scheme, but they split on whether to expand the board to seven members.

Currently, Lee County commissioners must live within their districts, but are elected by county-wide vote. That system predates the 1965 Voters Rights Act. Critics say it's a Jim Crow leftover designed to disenfranchise black voters by preventing a black majority in a smaller district.

A federal court agreed in 2007, finding Glades County's system — identical to Lee County's — unconstitutional. There's been no challenge here — yet.

"I'm reasonably certain we're headed for court," said Willie Green, president of the local National Association for the Advancement of Colored People chapter.

Green was watching the charter review process closely. He said he didn't expect commissioners to put the issue on the ballot even if it was recommended, but wanted to let the process play out.

"I've been getting the calls since yesterday," he said. "I'm going to bring it to our board, but I pretty much know they're in favor (of filing a lawsuit)."

There's never been a black person elected to the Lee County commission. One — Melvin Morgan — was appointed by the governor to fill a vacancy, but she was defeated at the next election. Her son, Fred Morgan, is on the committee. He voted for single-member districts.

Member Raymond Rodriguez did too, saying the current system too often thwarts the will of the district voters.

Rodriguez said he researched past vote results to find 12 of 30 contested commission elections held since 1980 won county-wide by candidates who lost within their district.

"If this was a product, it should have a product warning label saying it fails 40 percent of the time," he said.

The committee did unanimously endorse a change that could eventually lead to more substantive amendments. As a Charter Review Committee, the current group can only recommend referendums for commissioners to place on the ballot. A Charter Review Commission would have the authority to put issues directly onto the ballot.

"I'm afraid until we become a commission, nothing of substance will ever get on the ballot," said member Mike Ciccarone, a local attorney. "I don't think any amendment that creates the possibility for real change is ever going to get on the ballot."

Ciccarone noted this is the third time an appointed committee has reviewed the charter.

"There's been no substantive change," he said. "That should tell us something."

One other amendment is headed for commissioners. The committee voted 12-3 to support making the supervisor of elections a non-partisan position, removing party politics from the race.

The review of the charter provoked strong sentiment in many, including former Libertarian Kim Hawk. Hawk said he registered as a Republican last December so he could vote for Ron Paul, and resents having to stay one to vote in primaries this fall.

"Sometimes I feel like I'm beating a dead horse, but I can't just stay home and do nothing," he said.

Hawk attended virtually every committee meeting, arguing for non-partisan races and for single-member districts.

"It's the only way I can sleep at night," he said.

County commissioners will hear the recommendations at a June 17 public hearing.

Lee delays vote on proposed charter amendments

NAACP branch president promises lawsuit if county doesn't include single-member district referendum

By CHARLIE WHITEHEAD

Tuesday, June 17, 2008

Lee County commissioners will vote on proposed county charter amendments next week.

The commissioners had planned on making a decision on the matter Tuesday, but delayed a vote because Commissioner Bob Janes, still recovering from a traffic accident, could not attend.

Commissioners are being asked by the Charter Review Committee to put two referendums on the November ballot.

One would make the supervisor of elections a nonpartisan position, if approved by the voters. That option is supported by supervisors across the state and by current Supervisor Sharon Harrington and not opposed by either major party.

The other referendum would, if passed, make the Charter Review Committee a Charter Review Commission. A committee can only recommend referenda for commissioners to place on the ballot. A commission, with 12 of its 15 members agreeing, could place issues directly onto the ballot.

Two commissioners, Brian Bigelow and Frank Mann, said they'd vote to put both on the ballot.

Most of those at Tuesday's public hearing, however, were there urging a referendum the committee did not recommend — single-member districts.

Lee County commissioners must live within districts, but are elected by a countywide vote. Critics say the system is a Jim Crow leftover designed to disenfranchise minority voters.

Lee County Branch NAACP President Willie Green thinks so, and has promised to sue to force commissioners' hands if they don't act themselves.

"I can promise you if you continue to go the direction you're going, you as custodians of the taxpayers' money will be wasting it," Green said.

The NAACP will sue, as happened in Glades County, and the result will be the same, Green said.

Glades County had an election system that mirrored Lee County's until the county was sued in 2004. A federal court ruled the election system — the same one in use here — unconstitutional.

"These are tough economic times and I surely hope my commissioners know they don't need to waste money in court," Green said.

The committee itself was deeply split on the single-member district issue.

"The public that cared to show up, that came to the public hearings, wanted single-member districts," committee member Matt Caldwell said. "If that's not how most of the county feels, I would let that play out at the ballot box."

Commissioners will hold a second public hearing on the proposed referenda Tuesday at 5 p.m.



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Lee commissioners kill single-member district idea

By CHARLIE WHITEHEAD

Tuesday, June 24, 2008

A divided Lee County Commission Tuesday night voted not to put the issue of single-member districts before voters this fall.

The vote could spark a lawsuit from the National Association for the Advancement of Colored People, which promised to sue over the issue in federal court.

"Tomorrow I'll call our national office and I'll call the ACLU about an injunction against the commissioners for depriving the citizens of Lee County of the right to vote," said Willie Green, president of the Lee County NAACP chapter.

Commissioners listened to impassioned pleas — including from Commissioners Brian Bigelow and Frank Mann — but refused to put the issue on the November ballot.

"Our obligation at this historic moment is to give people the opportunity to select the form of government they want," Mann said. "It's not about how we feel. It's not our government. It's the people's government and they have the right to change it."

Mann said if he didn't vote to put the issue on the ballot, he'd feel too paternalistic and condescending to go home.

Fort Myers Councilman Levon Sims said the neglect of neighborhoods along Martin Luther King Jr. Boulevard — the Dunbar community — shows the need for better representation.

"Get in your car and ride down MLK to the east," he urged commissioners. "You will become depressed. We're talking about year after year after year of neglect."

Others, however, argued the solution is not single-member districts.

"Voting takes away tyranny and promotes equality," said Steve Maxwell, who sat on the county Charter Review Committee that narrowly voted against recommending the referendum to commissioners. "I want to be able to vote for five people."

Other Charter Review Committee members noted single-member districts was the dominant issue for those who attended their meetings and hearings. Nevertheless, it came up one short of the 10 votes needed for a recommendation.

"I'm disappointed six committee members didn't see it that way," committee member Matt Caldwell said.

"The overall perception was single-member districts were a vitally important issue for the public of Lee County," committee member Anita Cereceda said.

Under the county's current system, commissioners must live within districts but are elected by a county-wide vote. In single-member districts, they would be elected only by those voters living within their district.

Commissioners did approve two ballot questions recommended by the committee, referendums that will go to voters. They are to make the Lee County Supervisor of Elections a non-partisan seat and changing the Charter Review Committee to a Charter Review Commission.

A committee can only recommend referendum questions to commissioners. A commission, by a vote of 12 of 15 members, can place referendums directly onto the ballot.

That can't happen until 2016, which is when Mann said commissioners would next consider single-member districts.

"It's going to be eight years before this comes back," Mann said. "Don't tell me we're going to bring it up. It won't happen."

Commissioners Tammy Hall, Bob Janes and Ray Judah voted to not put the issue on the ballot.

"I truly feel single-member districts are divisive and create fiefdoms," said Judah. "I think it dilutes voting power. I think anyone, regardless of ethnicity, can win elected office."

But only one black person has ever served as a Lee County commissioner. She was appointed mid-term in the early 1980s and was defeated at the polls at the next election though she carried the vote in her own district.



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2010 vote could change Lee elections procedure

By CHARLIE WHITEHEAD

Thursday, November 26, 2009

BONITA SPRINGS — A fundamental change in how county commissioners are elected may be coming to Lee County in 2010.

By a split vote at a meeting this week, Lee County commissioners agreed to consider putting single-member districts on next year's ballot.

Under this approach, county commissioners would be elected by voters only within their own districts. Currently in Lee County, commissioners must live within geographic districts, but serve countywide and are elected by countywide vote.

Two years ago, commissioners rejected a single-member ballot initiative by a 3-2 vote. The vote Tuesday again was 3-2, but Commissioner Bob Janes had changed his mind.

"I think eventually it's going to happen," Janes said.

Janes said he gave the issue a great deal of thought and caught a lot of "smoke, light and heat" after the 2008 vote. That vote was prompted by the recommendations of the county Charter Review Committee. The committee had supported single-member districts by a 9-6 vote, but its rules called for a two-thirds (10-5) vote for a formal endorsement.

In fact, one of Janes' appointments to the committee -- one who supported the change during 14 months of meetings -- quit right before its final vote. His replacement felt differently and produced the 9-6 vote.

Supporters of single-member districts contend they allow minority candidates -- both political and racial -- a louder voice in the process. Courts have in fact ordered single-member districts in other Florida counties.

Joan Patterson, a Lehigh Acres Democrat who lobbied the committee and then commissioners for the change, said with fewer voters voting for each commissioner, each vote would mean more.

"I want my vote to count as much as the next person's," she said.
