

Clearwater, Florida, January 30, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Clearwater Public Library, Meeting Rooms A and B, 100 North Osceola Avenue, Clearwater at 3:40 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Robert C. Decker
Louis Kwall
Roger Wilson

Late Arrival:

Katie Cole
George Jirotko

Absent:

James F. Coats, Sheriff
Karen Burns

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

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AGENDA

1. Welcome
2. Approval of Minutes
3. Fire Services
 - ✓ Discussion of Options
 1. Single Countywide District
 2. Authorization for Regional Policy
 3. Abolishment of Independent Districts
 - ✓ Consideration of Options
4. New Issues
 - ✓ Discussion of Options
 1. Requirement for the “dual vote”
 2. Policy on Future CRCs
 3. Growth/Planning Information (Wilson)
 4. Council of Governments/Strategic Planning (Harrell)
 5. Authorization for Repeal of the Charter
 - ✓ Consideration of Options
5. Annexation
 - ✓ Review of January 9th Actions and Revised Amendments
6. Future Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order; and related that Sheriff Coats and Karen Burns would not be in attendance; whereupon, he commented upon the passing of commission member Roy Harrell; and requested that a moment of silence be observed.

Thereupon, Chairman Bomstein referred to the ordinance that mandates the replacement of members; whereupon, Commissioner Latvala related that she had appointed Mr. Harrell; and that the Board of County Commissioners (BCC) is required to approve her new appointee within 30 days.

In response to query by Senator Sebesta, Attorney Churuti related that Mr. Jirotko has reviewed Judicial Code of Ethics opinions; and indicated that he will be able to continue his service on the commission.

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MINUTES OF MEETING OF JANUARY 9, 2006 – APPROVED AS CORRECTED

Chairman Bomstein presented the minutes of the meeting of January 9, 2006 and noted a scrivener's error in the middle paragraph of page ten. He indicated that the corrected minutes should read, "Responding to Chairman Bomstein's call, Councilmember Bill Jonson..."; whereupon, after receiving no response to a request for additional modifications, he declared the minutes approved as corrected.

FIRE SERVICES

Discussion of Options/Consideration of Options

Mr. Spitzer referred to the following fire service options for consideration by the members:

- Single countywide district – recommended by MGT; provides for a single point of management, command and policy development for fire service countywide.
- Countywide fire standards – authorizes the BCC to set fire standards and policy either countywide or within service regions.
- Unincorporated area dependent district(s) – the four independent districts would be abolished; assets and functions would be transferred to the county.

Mr. Spitzer provided an overview of the required legislative action and various mechanisms by which each option could be approved; and referring to an opinion by attorney C. Allen Watts with the law firm of Cobb & Cole, a copy of which has been filed and made a part of the record, he indicated that it is Mr. Watts' opinion that if the consolidation of county, special district and municipal fire services is approved by special act and confirmed by the voters, compensation for the transfer of assets would not be required. During discussion and in response to queries by Councilmember Bryan and Mr. Wilson, Mr. Spitzer and Attorney Churuti provided input with regard to the statutory provisions governing special districts; whereupon, Chairman Bomstein commented that a single independent fire district in the unincorporated area would be run by the county; that smaller cities could contract with the county for fire service; and that representatives of certain independent fire districts have expressed concern with regard to the potential

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cost increase for fire service should the consolidation be approved; wherein discussion ensued.

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At this time, 4:06 P.M., Katie Cole entered the meeting.

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Referring to Item No. 2 on the agenda, authorization for a regional policy, Mr. Spitzer indicated that the members had directed that Chuck Kearns, Director of EMS and Fire Administration, provide detailed examples of how the plan would work; whereupon, Mr. Kearns presented an overhead program consisting of various maps that featured a suggested five service area approach, and current and proposed ladder truck deployment locations, copies of which have been filed and made a part of the record, wherein the following highlights were discussed:

- cost savings would occur through attrition; the five service area approach would have one chief and the remaining chief positions would be given new titles such as chief assistant or deputy chief
- the number of fire stations would be grouped where geographically relevant and pertinent, and the services provided would be taken into consideration
- ability to set standards would result in a cost savings of approximately \$6 million over a six-year period
- savings would be realized partly by going from 17 to 14 ladder trucks as per Insurance Services Office (ISO) coverage ratings
- most appropriate resources could be dispatched through priority dispatch and interrogation of 911 callers

During discussion, Councilmember Bryan referred to the suggested ladder deployment map and noted that ladder trucks would be decreased in the City of St. Petersburg, thereby lowering fire service standards; and that the city has more tall buildings thus requiring ladder trucks; whereupon, Mr. Kearns responded that the current system is

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extraordinarily effective; and that the reason for the study as requested by the Chairman is to ascertain system efficiency through standardization.

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At this time, 4:20 P.M. George Jirotko entered the meeting.

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During continuing discussion and in response to queries by the members, Mr. Kearns related that consolidation of the 911 center, the radio system, and the ambulance service leads staff to believe that the fire service standardization process would be of benefit; that a new fire ladder truck costs approximately \$906,000.00; and that the most common complaints received by the public are why does a fire truck respond when an ambulance is called, and why do so many public safety vehicles respond to accident scenes. Responding to further queries, Mr. Kearns suggested that governance could be instituted through joint power authorities or agreements between government agencies; and that each district could theoretically increase its standards; whereupon, Mr. Spitzer pointed out that Item no 2 does not specify five districts; but that it provides service delivery areas designed to provide the most cost efficient and effective fire protection system within the area based upon standards of coverage established by the BCC after review and recommendation from area fire protection service providers.

At the request of Chairman Bomstein, Mr. Kearns provided an overview of the National Fire Protection Association 1710 standard ratings; whereupon, lengthy discussion ensued pertaining to the reasons for the proposed fire service change. At Mr. Spratt's request, Mr. Kearns distributed a document titled *Impact of Enacting Countywide Fire Standards Authority Presented to the CRC on November 7, 2005 for January 9, 2006, CRC Meeting* that provides a description of the standards issues that may be part of the new authority, a copy of which has been filed and made a part of the record; whereupon, Mr. Spratt noted that currently there is no act that prescribes authority.

During lengthy discussion, Mr. Kearns suggested that a fire advisory board be established consisting of citizens and industry experts; whereupon, Mr. Spitzer noted that while the draft does provide for recommendations from fire service providers, it could be amended to include a broader panel that would offer advice to the BCC.

In response to Chairman Bomstein's call for persons wishing to speak, the following individuals offered their comments and concerns:

John Little, President, Pinellas County Council of Fire Fighters
Chief James Angle, President, Pinellas County Fire Chiefs Association – distributed letter dated January 30, 2006

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Kenneth Cramer, Executive Director, Pinellas County Fire Chiefs Association
Marshall Cook, Pinellas Park
Bill Israel, Gulfport
Eric Seidel, Oldsmar
Assistant Fire Chief James Large, City of St. Petersburg
Chief Jeff Bullock, Largo Fire Department

In response to Ms. Cole's comments regarding the American Assembly recommendations that Chief Angle referred to in his letter, a copy of which has been filed and made a part of the record, Commissioner Latvala stated that the BCC would have to become the countywide fire authority in order to carry out the recommendations; whereupon, Chairman Bomstein provided a synopsis of the options for consideration by the members. During further discussion, Senator Sebesta recommended that the members consider placing rule-making authority in the bill for implementation purposes.

Councilmember Bryan moved, seconded by Mr. Wilson, that Item No. 3, consolidation of the unincorporated area into one fire district be approved. During discussion pertaining to the language and intent of the proposed bill, Attorney Churuti pointed out that the option is not a charter issue; but that it would require the members to ask the legislature to adopt a special act. Upon call for the vote, the motion carried 7 to 3, with Commissioner Latvala, Mr. Jirotko and Mr. Kwall casting the dissenting votes.

Commissioner Latvala moved, seconded by Mr. Wilson, that Item No. 2, authorization for a regional policy, be approved. Following discussion pertaining to the American Assembly recommendations, the establishment of a standards council, and the setting of standards by individual municipalities, Senator Sebesta called the question; whereupon, the motion carried 9 to 1, with Councilmember Bryan casting the dissenting vote.

Chairman Bomstein requested discussion regarding Item No. 1, the single countywide fire district; whereupon, hearing none, he closed the fire service discussion.

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At the direction of Chairman Bomstein, there being no objection, the meeting was recessed at 6:00 P.M. and reconvened at 6:23 P.M.; whereupon, the Chairman noted that Mr. Davis had left the meeting.

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Alluding to discussion with Mr. Spitzer during the break, Chairman Bomstein related that the next meeting would be held on April 24, 2006 at 5:00 P.M.; and that three public hearing meetings would be scheduled before a final vote is taken.

NEW ISSUES

Discussion of Options/Consideration of Options

1. Requirement for the “dual vote”

Mr. Spitzer related that the charter requires a dual vote for adoption of charter amendments that establish countywide policy or standards; that both votes occur at the same election but are counted in two different ways; that a positive vote must be obtained countywide and by the electors within the city government, and that Pinellas County has the only charter in the State of Florida that requires a dual vote. Attorney Churuti commented that the state constitutional dual vote provision would remain; and in response to queries by the members, provided an overview of how a dual vote would impact moving forward with the countywide fire standards issue; indicated that she is not aware of any failed issues since it was implemented; and related that the dual vote requirement was passed as a last-minute amendment by the legislative delegation.

Following discussion, Commissioner Latvala moved, seconded by Senator Sebesta, that the requirement for the dual vote be removed from the Pinellas County Charter. Upon call for the vote, the motion carried 8 to 1, with Councilmember Bryan casting the dissenting vote.

2. Policy on Future CRCs

Mr. Spitzer indicated that the amendment extending the current CRC did not make adjustments to the schedule for subsequent CRCs; and that the next commission is scheduled to meet in 2010. He related that the proposed amendment requires the BCC to appoint commission members at least 12 months prior to the completion of its work; that beginning in 2012, the CRC will meet every eight years, consistent with presidential elections; that the membership will remain the same; and that staff of local government or a county constitutional officer may not serve on the CRC; whereupon, Commissioner Latvala moved, seconded by Mr. Wilson, that the proposed language be amended to indicate that elected officials be prohibited from serving on the commission.

During discussion, Mr. Kwall suggested that the county attorney be relieved of any responsibility to the commission; and that independent council be appointed; whereupon, at the Chairman's request, Mr. Spitzer continued with the proposed amendment language, and related that the next CRC meeting would be held in 2012; that the commission would remain in existence until the day of the election; that three public hearings would be required; and that the commission may employ staff and retain consultants.

Thereupon, discussion continued pertaining to the motion to prohibit elected officials from serving on the commission; whereupon, in response to query by Senator Sebesta regarding the rationale behind her motion, Commissioner Latvala stated that elected

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officials have the poorest attendance; that the friction and disruptions between the city and the county have precluded an honest and open debate of the county charter; and that future commissions may be successful if comprised solely of citizens. Chairman Bomstein concurred; and added that the process encourages all parties to be heard in an effort to gather input in the decision-making process; whereupon, Mr. Wilson called the question, and upon call for the vote, the motion carried 8 to 1, with Mr. Decker casting the dissenting vote.

Discussion continued with regard to staffing; whereupon, Mr. Kwall reiterated his opinion that the commission should have its own council; that the county attorney should represent the county; and in response to query by the Chairman, indicated that the matter should be mandated and not left as an option for the next commission. Deliberations ensued wherein Commissioner Latvala pointed out that the County Attorney's Office is most familiar with charter issues; that the BCC is responsible for commission expenses; and that the independent council expense would be huge, and Mr. Decker concurred. Messrs. Bryan, Wilson and Kwall commented that an independent attorney should advise independent commission members; that eliminating elected officials and retaining the county attorney is setting the stage for potential abuse; and that the County Attorney's Office writes the legislation for the commission, but changes the intent of what was voted upon. Senator Sebesta opined that as the new commission would be unfamiliar with the process, it would be very appropriate for the county attorney to continue to serve; and Mr. Jirotko suggested that future commissions be given the option to hire its own council; whereupon, during further discussion and at the Chairman's request, Mr. Spitzer clarified the proposed amended language; and indicated that although the county attorney is not prohibited from providing legal advice, the decision-making authority is shifted from the BCC to the CRC.

Following lengthy discussion, Mr. Jirotko moved, seconded by Mr. Wilson, that the BCC shall provide space and staff assistance; and that supplemental staff, including consultants and experts, may be retained by the commission; whereupon, upon call for the vote, the motion carried unanimously.

Chairman Bomstein requested and received consensus by the members regarding the public education issue which states that future CRCs would remain in existence through the general election for the purpose of supervising educational efforts.

Discussion continued and, in regards to a requirement that a future commission hold three public hearings in the event of proposed amendments, Mr. Wilson moved, seconded by Ms. Cole and carried, that two public hearings be required; whereupon, Councilmember Bryan suggested that the language indicate *at least* two public hearings. Chairman Bomstein then requested and received consensus by the members that the language be approved as amended.

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3. Growth/Planning Information (Wilson)

Mr. Spitzer related that the issue mandates monitoring and analysis of population growth in the county followed by the submission of a report to county and city governments; whereupon, Mr. Wilson provided an overview of the proposed program; and indicated that reports would be submitted on a monthly or bimonthly basis.

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At this time, 7:09 P.M., Mr. Jirotko left the meeting.

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Following discussion, Commissioner Latvala moved, seconded by Mr. Wilson, that the issue be adopted as a non-binding recommendation to the BCC, with strong encouragement by the CRC to move forward with the recommendation.

Discussion ensued regarding the frequency of the reports; whereupon, the Chairman noted that the matter would be decided by the BCC should it adopt the recommendation. Upon call for the vote, the motion carried unanimously.

4. Council of Governments/Strategic Planning (Harrell)

Mr. Spitzer provided an overview of the draft amendment; whereupon, Commissioner Latvala noted that the description of the council's purpose resembles the functions of the Pinellas Planning Council; and related that the operating cost would be relatively high.

It was the consensus of the members that no vote be taken.

5. Authorization for Repeal of the Charter

Chairman Bomstein related that should a future commission attempt to adopt a new charter, a mechanism would be required to repeal the current charter; whereupon, he expressed concern with regard to how the voters would perceive the wording of the proposed amendment. Discussion ensued pertaining to an Attorney General's opinion previously provided to a charter commission; and in response to queries by Councilmember Bryan, Attorney Churuti provided an overview of the special act process; and indicated that staff recommends that the commission approve the proposed amendment.

Following further discussion, Mr. Wilson moved, seconded by Mr. Decker, that the proposed amendment be approved. Discussion continued pertaining to the ballot question language; whereupon, Mr. Kwall and Senator Sebesta suggested that the news media be contacted as soon as possible in an effort to explain the proposed amendment.

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Thereupon, upon call for the vote, the motion carried unanimously.

Responding to query by Councilmember Bryan regarding the county administrator's ability to terminate exempt employees, Attorney Churuti related that the issue had been voted on; and that a final vote would be required.

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At this time, 7:41 P.M., Mr. Decker left the meeting.

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ANNEXATION

Review of January 9th Actions and Revised Amendments

Deviating from the agenda, Mr. Spitzer discussed Senate Bill 1608, an initiative that would pre-empt many home rule charter county powers; and indicated that a draft resolution has been prepared and distributed to the members for their consideration, copies of which have been filed and made a part of the record; whereupon, Mr. Wilson moved, seconded by Senator Sebesta, that the resolution be adopted. Following discussion and upon call for the vote, the motion carried 6 to 1, with Councilmember Bryan casting the dissenting vote.

Mr. Spitzer referred to the action taken at the January 9 CRC meeting regarding annexation issues; and indicated that the amendments had been codified into one bill; and Attorney Churuti explained how the amendments were divided. Attorney Bennett referred to page two, Item No. 2 b., of the proposed bill, and indicated that it is a substitute proposal; whereupon, he explained that a freeholder election requires electors; and that the draft amendment proposes a compressed collection time of 30 days in which to gather the appropriate number of written consents. Discussion ensued regarding the 30-day window; and in response to query by Ms. Cole, Attorney Bennett related that Item No. 1 pertains to non-referendum referendums, Item No. 2 to both referendum and non-referendum referendums, Item No. 3 to referendums, and Items nos. 4 and 5 to both referendum and non-referendum referendums; whereupon, Chairman Bomstein pointed out that the proposals were adopted at the January 9 meeting; and Councilmember Bryan interjected that these proposals are significantly different than those adopted; and requested that a City of St. Petersburg attorney be allowed to explain the differences, and Chairman Bomstein concurred.

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At this time, 7:46 P.M., Mr. Decker returned to the meeting.

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Thereupon, Attorney Bennett referred to Item No. 5 and discussed an additional change regarding the enclave provision; whereupon, City of St. Petersburg Chief Assistant Attorney Mark A. Winn expressed his concerns with regard to the discrepancies referred to by Councilmember Bryan. In response to query by Mr. Decker, he indicated that he has spoken with Attorney Bennett who has invited him to offer suggestions for the final ballot language.

Discussion continued with regard to the method of mailing and the resulting expense incurred; whereupon, Attorney Bennett related that Pinellas Planning Council Executive Director David P. Healey has indicated that a large number of properties could be affected in referendum and non-referendum referendums, significantly increasing the mailing cost.

Discussion continued wherein Councilmember Bryan asserted that the actions taken by the commission in approving the amendments clearly intend to discourage annexation; that the state has adopted annexation laws that the commission is attempting to change; and pointed out that over 900 annexations have been successful; whereupon, Chairman Bomstein commented that citizens who are being annexed involuntarily should be protected; and Mr. Wilson noted that the current state law is tilted in favor of the cities; and that the bill is being proposed out of respect for citizens who may not want to be annexed. Following discussion regarding the annexation process, and in response to the Chairman's call for individuals wishing to speak, City of Clearwater Vice-Mayor Bill Jonson, and Hoyt Hamilton, Clearwater, expressed their opinions and concerns.

Following the speakers' presentations, Chairman Bomstein requested that the attorney for the City of Clearwater submit alternative language for review by staff; and added that the intent of the commission is to address the forced, involuntary annexation of properties that are not protected.

Chairman Bomstein related that the county attorney has recommended that three separate bills be considered; that Items nos. 1 and 5 would be stand-alone bills; and that Items nos. 2, 3 and 4 would be combined into one bill; whereupon, discussion continued regarding the process for moving the bills forward for approval.

Thereupon, Mr. Kwall moved, seconded by Commissioner Latvala, that the annexation amendments be composed in three separate bills. Upon call for the vote, the motion carried 7 to 1, with Councilmember Bryan casting the dissenting vote.

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MISCELLANEOUS

Deviating from the agenda, Commissioner Latvala referred to the unrest in the community regarding redevelopment efforts; and suggested that a charter initiative be explored that codifies that park and preservation lands cannot be sold without passage of a referendum; whereupon, Attorney Churuti commented that in response to Commissioner Latvala's request, staff has been conducting an inventory of all county-owned property; and that any issues that may be associated with park and preservation lands will be identified.

During discussion, Mr. Wilson pointed out that he had previously provided Attorney Churuti with public parks language that may be appropriate; and Attorney Churuti acknowledged that she has the original language that addresses maintenance of park and preservation lands; and indicated that staff will work with the language in that regard.

Chairman Bomstein requested and received consensus by the members to have staff move forward with language that will be addressed at the April meeting; whereupon, Attorney Churuti stated that she would email the language to the members for their review; and that any comments may be directed to Mr. Spitzer.

FUTURE BUSINESS

Referring to the meeting scheduled for April 24, Mr. Kwall suggested that an earlier starting time be considered; whereupon, Chairman Bomstein indicated that upon review of the agenda and meeting material, a time certain will be determined. Attorney Churuti suggested that no public comment be taken in that public input would be obtained at the upcoming public hearings, and no objections were noted.

With regard to the issue of the county administrator having the ability to terminate exempt employees, Councilmember Bryan indicated that he may have been absent from the meeting when the matter was addressed; whereupon, he requested that Attorney Churuti provide him with the language that was voted upon.

In response to the Chairman's query regarding other business, Mr. Spitzer indicated that Chief Assistant County Administrator D. Gay Lancaster has advised him that several factually incorrect statements have been made with regard to the water system in the Lealman area; and that he will provide the members with an email correcting the record.

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ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 8:33 P.M.