

Clearwater, Florida, February 28, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole
Roy Harrell
George Jirotko
Louis Kwall - via Conference Call
Roger Wilson

Absent:

Karen Burns
Robert C. Decker

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Barbara Sokolowski, Board Reporter

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AGENDA

1. Welcome
2. Presentations
 - Commissioner John Morroni
 - Commissioner Karen Seel
3. Overview of Pinellas County Government
4. Pinellas Assembly Process
5. Review of MGT/Assembly Reports
6. Overview of Local Boards, Authorities and Districts
7. Administrative Matters
 - MGT Report - Estimated Cost to Update
 - Responses for Legal Services
 - Discussion of Calendar
8. Other Business
9. Adjournment

WELCOME

Chairman Bomstein called the meeting to order, and welcomed the members.

PINELLAS ASSEMBLY PROCESS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 4 be considered; whereupon, Assistant County Administrator Elithia V. Stanfield referred to documents titled *Pinellas Assembly Task Forces' Report Summary*, and *Pinellas Assembly Timeline*, copies of which have been filed and made a part of the record, and provided an overview of the Pinellas Assembly process and the overall conclusion. She stated that a letter had been sent from the chairs of the Board of County Commissioners (BCC) and the Mayors' Council requesting resolutions for areas of

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agreement topics for further discussion; that 12 resolutions have been received to date; and that staff would be following up with the remaining municipalities and preparing a final document. In response to query by Mr. Wilson, Ms. Stanfield indicated that nearly everyone was in agreement with the recreation, law enforcement and healthcare areas; and that in regard to annexation, one area agreed upon was relative to providing sufficient notice to the community during the process. Following comments by Chairman Bomstein, Ms. Stanfield suggested that the task force chairs be invited to attend the meetings as the CRC begins to consider each of the task forces' recommendations.

PRESENTATIONS

Commissioner Morroni

Commissioner Morroni summarized the issues that he felt needed to be addressed by the CRC, which included home rule, transportation, less legislative involvement in local government issues, duplication of services, and a reduction in the number of special districts. Referring to comments by Commissioner Morroni with regard to the Pinellas Suncoast Transit Authority (PSTA) issue, Senator Sebesta indicated that he is in favor of a countywide bus system; that there is considerable opposition to the issue; that he would like to meet with the affected parties as soon as possible after the legislative session ends to discuss the matter in a public hearing forum; and that he agrees that transportation is the number one issue in the county; whereupon, he provided examples of two transportation projects that have been fully funded.

Discussion ensued with regard to the PSTA and issues associated with the failure of the bill to change the make-up of the PSTA Board, prioritization and funding of projects, and local versus federal funding, during which Commissioner Morroni indicated that the BCC has recently voted on its transportation priorities; and Commissioner Latvala indicated that the BCC would address funding issues.

Commissioner Seel

Commissioner Seel expressed appreciation to the members for the time commitment they have made to serve on the CRC; whereupon, she referred to an e-mail received from Mr. Harrell, a copy of which has been filed and made a part of the record, and stated that the county is embarking on strategic planning; and that she would like to see the legislative delegation, constitutional officers, the cities, and the county work together to determine if there are matters that can be mutually agreed upon. She described the Pinellas Assembly process, and stated that the time period was lengthened

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so that the issues could go out to the cities in order to obtain their input; that resolutions by the cities have been requested to indicate whether they endorse the agreed-upon issues; that complete consensus has not been attained; that the topics from the Pinellas Assembly continue to be the most important relative to transportation, law enforcement, emergency medical/fire services, and annexation. In response to query by the members, Commissioner Seel indicated that the length of the process was an issue with the Pinellas Assembly; and that home rule is an important issue; whereupon, Attorney Churuti interjected that the matter was placed before the electorate on two occasions, and was voted down each time.

Chairman Bomstein recommended that the members consider the specific issues in redeveloping the county that the current charter prohibits, and whether there are matters that have been overlooked relative to charter revisions that would enable the redevelopment process to proceed more smoothly; stated that at a recent meeting with the new members there was discussion regarding addressing the systemic issues of the charter, the involvement of the legislature in the charter amendment process, and the restrictions versus the functional issues of the charter.

In response to query by Senator Sebesta, Mr. Spitzer stated that the definition of home rule is that the electorate is empowered to adopt the same sort of amendments in the future as any of the other 18 charter counties; that the only systemic differences in the Pinellas County charter and other charter counties are the requirement that amendments affecting the transfer of policy to the countywide level must be adopted by a "dual vote," and the provision that any amendments affecting the constitutional officers must first go to the legislature for approval before they can be placed before the voters for their consideration; and that home rule authority would be vested to the voters. Discussion ensued with regard to voluntary and non-voluntary annexations, during which Attorney Churuti indicated that non-voluntary annexations are governed by Chapter 163.

OVERVIEW OF PINELLAS COUNTY GOVERNMENT

County Administrator Stephen M. Spratt conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided an overview of the functions of Pinellas County government. He noted that the BCC has a strategic planning effort underway relative to how the government would be structured, and to position itself to deal with priority problems; whereupon, he described six strategic focus areas, and stated that public opinion research has been conducted; and that the information may be of help to the CRC as it goes through its deliberations.

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In response to query by Councilmember Bryan, Commissioner Latvala stated that the focus areas referred to by Mr. Spratt were for informational purposes; and Mr. Spitzer indicated that some issues from the BCC process may be passed on to the CRC for its consideration. In response to query by Mr. Harrell, Chairman Bomstein indicated that public safety would be discussed only to the extent that the charter inhibits a current ability to effectively and efficiently run the county.

Discussion ensued regarding consolidation of services, during which Attorney Churuti indicated that the type of consolidation being considered would determine whether legislative approval would be required; and that each issue would necessitate an independent opinion; whereupon, Chairman Bomstein indicated that the matter would be discussed further at the CRC's next meeting.

OVERVIEW OF LOCAL BOARDS, AUTHORITIES, AND DISTRICTS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 5 be considered at this time. Attorney Churuti referred to documents titled *Analysis of Special District Dissolution and Boards, Authorities and Special Districts*, copies of which have been filed and made a part of the record. She reviewed the process for dissolution of special districts and provided background information relative to the creation of special districts, noting that special districts were created prior to the adoption of the Charter, and stated that the legislature made a decision to regulate special districts and define the districts as dependent or independent; that special districts defined by the Department of Community Affairs (DCA) as independent can only be amended by the legislature, whereupon, she identified the 16 special districts and indicated which were designated dependent, independent, or undefined. In response to query by Councilmember Bryan, Attorney Churuti indicated that every Florida county is regulated by Chapter 189 and has to go to the legislature regarding matters related to independent special districts; and that Pinellas County has had four special districts dissolved.

Continuing her presentation Attorney Churuti stated that a 1999 legislative charter change allowed for charter amendments to be placed directly on the ballot, and returned the legislature's powers, other than those related to constitutional officers, to the county; that it is unclear whether those powers were given back to the CRC; that Pinellas is the only Florida county that has the additional "function, service, power or regulatory authority" dual referendum requirement; and that the Pinellas Park Water Management District is in the process of being dissolved. Responding to query by Chairman Bomstein and Mr. Wilson, Attorney Churuti indicated which special districts imposed a tax, and

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stated that Chief Assistant County Attorney James L. Bennett has prepared a matrix relative to special districts.

Thereupon, Chairman Bomstein stated that Attorney Bennett will provide an in-depth discussion of the matter at the March 7 meeting; and Attorney Churuti added that Senior Assistant County Attorney Dennis Long may be providing assistance in the presentation.

REVIEW OF MGT/ASSEMBLY REPORTS AND MGT REPORT - ESTIMATED COST TO UPDATE - CONTINUED TO MEETING OF MARCH 7, 2005

Chairman Bomstein directed that agenda Item No. 5 be continued to the meeting of March 7, as well as the accompanying MGT Report - Estimated Cost to Update listed under agenda item No. 7, Administrative Matters.

RESPONSES FOR LEGAL SERVICES

Chairman Bomstein referred to an issue raised at the last meeting relative to engaging a neutral attorney from outside the area, and stated that it was requested that Mr. Spitzer provide a list of potential attorneys and their hourly rates for the members' consideration; whereupon, Mr. Spitzer related that he contacted three firms; that he has received proposals from the firms of Gray Robinson, and Cobb & Cole, which included the resumes and hourly rates for Thomas J. Wilkes, P.A., and C. Allen Watts, P.A., respectively; and that should the members wish to proceed further, the attorneys could be invited to attend the next meeting.

In response to a query of the members by Chairman Bomstein, Commissioner Latvala, Messrs. Wilson and Harrell indicated they did not wish to proceed; whereupon, Councilmember Bryan and Mr. Kwall indicated that they felt there was a conflict of interest with Attorney Churuti in that she represents the BCC; and that their preference was to engage outside legal counsel for the CRC. Following discussion, Mr. Jirotko moved, seconded by Commissioner Latvala, that Attorney Churuti be retained as primary legal counsel; and that should an issue arise that the members wished to be advised on separately, local counsel could be sought. Further discussion ensued during which Commissioner Latvala called the question; whereupon, Mr. Jirotko clarified that his motion was to retain the services of the County Attorney's Office. Chairman Bomstein restated that the motion was to continue to utilize the County Attorney's Office as counsel to the CRC, reserving the right to seek outside counsel from time to time as

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deemed necessary by the members. Upon call for the vote, the motion carried 7 - 3 with Mr. Kwall, Councilmember Bryan, and Sheriff Coats casting the dissenting votes.

In response to query by Chairman Bomstein, Mr. Spitzer explained that the rationale for consulting the firms from which proposals were received was that he was aware of the firms' expertise in working with charter review commissions and county charter studies; whereupon, he provided information relative to the experience of the respective attorneys.

Following discussion relative to the hiring of an outside attorney, Attorney Churuti indicated that she would contact the cities' charter review commissions to find out which law firm represented them, noting that the City of St. Petersburg utilized its internal attorney's office; and Mr. Harrell agreed to request that local law firms submit any personnel they may have that have expertise in working with charter review commissions. Responding to query by Ms. Cole, Mr. Spitzer stated that his primary function is to serve as a facilitator, and advisor as to practices in other charter county jurisdictions.

Thereupon, Chairman Bomstein directed that Mr. Harrell and Attorney Churuti provide their findings to Mr. Spitzer; and that Mr. Spitzer distribute the information to the other members.

DISCUSSION OF CALENDAR

Chairman Bomstein referred to the meeting dates through August 15 and noted that two of the meetings will be held on Tuesday evenings, which he believes will not interfere with the BCC meetings; that he will assign alternate venues for approximately 50 percent of the meetings in order to provide greater accessibility for the general public to attend; and that he will provide the information at the next meeting.

OTHER BUSINESS

At the request of the Chairman, Mr. Harrell summarized his e-mail dated February 23 and stated that he felt there should be a maximum effort to gain consensus among all parties involved in the charter review process; and that he proposes a countywide strategic planning group comprised of the cities, the county, the constitutional officers, and the legislative delegation that only act with consensus, which would provide centralized strategic planning by the four entities.

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Chairman Bomstein referred to correspondence received from Mayor Robert Jackson, City of Largo, a copy of which has been filed and made a part of the record, and stated that the letter indicated that:

- the City supports the recommendation of hiring and use of an attorney independent of the County Attorney's Office
- the meetings should be televised
- the meetings be held in different locations
- the cities be communicated with throughout the process
- the removal of the dual vote requirement is not recommended

In response to query by Chairman Bomstein relative to serving on a subcommittee to work with the cities, Mr. Kwall indicated that he felt discussion should occur with the legislature first in order to determine what the delegation would or would not allow; whereupon, discussion ensued with regard to home rule and to whom the authority should be granted, during which Chairman Bomstein indicated that the process to effect change to the charter is encumbered by the requirement that the legislature first approve taking issues to the voters, and inquired of Senator Sebesta whether the legislature would be willing to relinquish the requirement so that citizens could vote on charter amendments resulting from the review process. Senator Sebesta indicated that there will be a delegation meeting in Tallahassee at which he would be happy to pose the question; that he recommends that some of the CRC members attend the meeting; and that he would notify the members once the date is set; whereupon, Chairman Bomstein indicated that the CRC would be represented.

During discussion regarding an appropriate process to communicate the issues to the affected parties, Mr. Wilson and Commissioner Latvala offered proposals; whereupon, Senator Sebesta reminded the members that in the 2007 session approximately one-half of the current legislative body will have changed; and that there would be a new voting bloc that may not be familiar with charter issues.

ADJOURNMENT

The meeting was adjourned at 7:22 P.M.