

March 8, 2004

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 8:33 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
E. D. Armstrong, III
Ricardo Davis
George Jirotko
Mayme Hodges
Elizabeth Mannion

Late Arrivals:

Everett S. Rice, Sheriff
Roy Harrell

Absent:

Louis Kwall, Vice-Chairman
Jim Sebesta, State Senator
Roger Wilson

Also Present:

Robert B. Stewart, County Commissioner
Karleen F. De Blaker, Clerk of the Circuit Court
Claretha N. Harris, Chief Deputy Director, Finance Division
Myriam Irizarry, Chief Deputy Director, Court and Operational Services
Division
Robert W. Melton, Chief Deputy Director, Internal Audit Division
Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Council (PPC)
Richard Hough, Pinellas County Sheriff's Department
Robert Jackson, Mayor, City of Largo
Kurt Spitzer, KS&A
Gale Sittig, Local Government Finance Consultant
Other interested individuals
Arlene Smitke, Board Reporter

March 8, 2004

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. CRC Meeting Times, Schedule, and Issues for Discussion
5. Continued Discussion of Audit, Accounting and Financial Systems
 - Gale Sittig, Local Government Finance Consultant
 - Susan Churuti
6. Discussion of Powers of the County Administrator
7. Discussion of City-County Powers
 - William Mischler, President, Mayors' Council of Pinellas County
 - Steve Spratt
8. Other Business
9. Adjourn

CALL TO ORDER

Chairman Decker called the meeting to order at 8:33 A.M.

MINUTES OF MEETING OF FEBRUARY 23, 2004 – APPROVED

Mr. Armstrong moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of February 23, 2004 be approved; whereupon, following discussion, with input by Mrs. De Blaker, Mr. Decker requested that Mr. Spitzer forward verbatim transcripts of the previous meetings to the members via e-mail or hard copy, as applicable.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Thomas Smith, Safe Water Alliance Pinellas, presented a proposal to amend Section 2.06 of the Pinellas County Charter with regard to drinking water.

March 8, 2004

CRC MEETING TIMES, SCHEDULE, AND ISSUES FOR DISCUSSION

Chairman Decker indicated that the current schedule of the CRC of two-hour, bi-monthly meetings may not be sufficient to allow completion of its tasks in the necessary time frame; whereupon, following discussion, Mr. Jirotko moved, seconded by Mr. Armstrong and carried, that the meeting schedule be adjusted as follows: the first meeting of the month will be held from 8:00 to 11:00 A.M. and the second meeting of the month will be held from 5:00 to 8:00 P.M.

Chairman Decker stated that although the deadline for submission of new issues to the CRC was several months away; he was encouraging members to submit additional topics as early as possible to allow staff sufficient time to research them.

Referring to previous discussions regarding the Pinellas Planning Council (PPC), Chairman Decker confirmed receipt of resolutions from the Cities of Seminole and Belleair Beach supporting the PPC as an independent planning agency and submitted them to the clerk to be filed as part of the record.

CONTINUED DISCUSSION OF AUDIT, ACCOUNTING AND FINANCIAL SYSTEMS

At the request of Chairman Decker, Mr. Spitzer introduced consultant Gale Sittig and presented an overview of her experience in the field of government finance and accounting.

Ms. Sittig began her comments by stating that she believes the finance and accounting functions and the auditing function are two distinct issues; that the finance area as a functional department can carry out budget and capital planning along with payroll and accounting or there can be a separate budget office; and, after recounting some of her personal experiences, said that although an integrated operation is what she would recommend, she believes an organizational structure will be successful if the individuals involved are working as a team and protecting the financial interests of the County.

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At this time, 8:50 A.M., Mr. Harrell entered the meeting.

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March 8, 2004

Responding to query by Mr. Davis, Mr. Spitzer said that as stated in the Florida Constitution, the Clerk of the Circuit Court is the accountant, recorder, and custodian of county funds.

Continuing with the audit function, Ms. Sittig stated that after conducting an examination of a department and assessing its performance and financial controls, the internal auditor can act as a facilitator for change in a positive way; that the auditing function must be independent and above the organizational structure; and that although it is her opinion that the internal auditor report to the commission, it would be essential to establish the auditor's responsibilities in the charter and fill the position with the right person who has the backing of the commission and administration. In response to a question by Councilman Bryan, Ms. Sittig noted that external auditors are not comfortable discussing financial management; and that the safeguard of public money requires proper purchasing and auditing practices and the need for checks and balances in the process.

Attorney Churuti referred to her memoranda entitled *Role of the Clerk of Circuit Court – Auditor and Accounting* and *Charter Amendment Process*, copies of which have been filed and made a part of the record; reviewed their content pointing out that the Board of County Commissioners (BCC) cannot audit the five constitutional officers nor create an independent county auditing department; and responding to queries by Councilman Bryan, indicated that the BCC is permitted to hire an independent outside auditor; that the CRC has the power to create an independent county auditing department, however, it would have no more power than the BCC currently has and cannot in any way diminish the Clerk's powers, duties, and responsibilities unless the Clerk's position is abolished or split; and that the ability to change the status of a constitutional officer would require a Special Act of the Legislature and referendum.

Proceeding to the second subject of city-county powers, Mrs. Churuti explained that the current provision is a result of action by the last Charter Commission; and that transfer of powers between counties and cities requires approval by dual referendum and a majority vote of the electorate.

At the request of Councilman Bryan, Mrs. De Blaker summarized current accounting and auditing procedures; noted that external auditors are selected by consensus of the constitutional officers, the BCC, and the administration; and that auditors are changed periodically following a proposal process. She pointed out that the current system provides necessary checks and balances; that only 19 of Florida's 67 counties have changed the financial responsibilities of the Clerk; noted that while the County Attorney represents all of the constitutional officers, she works for the BCC and is advisory to the County Administrator; and that occasionally it is necessary to hire outside counsel to represent the Clerk's office in order to avoid a conflict of interest; whereupon, at Mrs. De

March 8, 2004

Blaker's request, Mr. Melton distributed to the members an informational packet that he had prepared, a copy of which has been filed and made a part of the record.

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At the direction of Chairman Decker, there being no objection, the meeting was recessed at 9:47 A.M. and reconvened at 9:56 A.M.

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Councilman Bryan requested procedural clarification regarding voting on the issues; whereupon, following discussion and input by Mr. Spitzer, it was the consensus of the members that time will be set aside for discussion of each issue before proceeding; and that the PPC and the responsibilities of the Clerk and Administrator will be discussed during the first hour of the next scheduled meeting. Responding to a suggestion by Mr. Jirotko, Chairman Decker agreed to consider not having the bulk of the voting take place at the May 24 meeting, as several members will not be in attendance on that day.

DISCUSSION OF POWERS OF THE COUNTY ADMINISTRATOR

Mr. Spitzer referred to his memo dated March 2, 2004 regarding powers of the County Administrator, a copy of which has been filed and made a part of the record, and discussed the issue of granting power to the Administrator to terminate senior staff unilaterally and the inclusion in the Charter of a non-interference clause which separates the executive and legislative branches of County government.

Responding to query by Chairman Decker, Commissioner Latvala indicated that the BCC had voted to give Mr. Spratt authority to terminate supervisory staff at the time of his hiring; that it currently is policy only; and that authority should be included in the Charter. Following discussion, with input by Attorney Churuti, Chairman Decker requested that the County Attorney revise the wording of the proposed non-interference clause and distribute it to the members prior to the next meeting; and no objections were noted.

DISCUSSION OF CITY-COUNTY POWERS

Attorney Churuti clarified that it was the legislative delegation, not the CRC, which had initiated the dual-referendum requirement related to city-county relationships.

March 8, 2004

Mr. Spitzer called attention to spreadsheets detailing the countywide powers of other Florida charter counties and summarized the Powers section of the Pinellas County Charter; and conducted a PowerPoint presentation entitled *Defining City-County Powers*, copies of which have been filed and made a part of the record.

City of Largo Mayor Robert Jackson, representing the Mayors' Council of Pinellas County, indicated that he had not discussed the information contained in the *County Powers* document with the members of the Mayors' Council; that he will provide his initial response to the document at this time; and that following today's meeting, he will elicit comments from the Council to be submitted in writing to the CRC; whereupon, he reviewed each item and indicated concurrence, with the exception of the following points:

- 2.01. What powers might be added to the County Commission in the Charter?
- 2.04. There are occasions where regulatory authority vested in the County Commission conflicts with local interest and creates confusion; provide clarification.
 - a. Expand emergency communication system authority to police services.
 - d. Provide definition of "control."
 - e. The provider of fire services should receive revenue from lessees of airport property.
 - l. Review the issue of fire protection to ensure fair taxation.
 - s. Review land use authority for potential conflict with local interest.
 - t. The Mayors' Council will consider annexation policies at its next meeting.
- 2.06. The Mayors' Council is working with the County re Municipal Services Taxing Unit (MSTU) allocation procedures.

County Commissioner Robert B. Stewart noted that he has served on the St. Petersburg City Council, the BCC, and both the St. Petersburg and County Charter Commissions; and emphasized the opportunities available to the Commission to address the challenges

March 8, 2004

facing Pinellas County and the need for regional coordination among various governmental entities; whereupon, he suggested the following items for review by the CRC:

- dual referendum vote requirement
- transportation: traffic signalization; countywide mass transit – bus, light rail
- water
- annexation and elimination of enclaves
- impact fees
- smart growth and creating livable communities
- County Administrator versus Elected Official form of government
- strengthening or weakening of Charter provisions
- educating voters regarding Charter issues

Administrator Spratt reviewed the various items contained in the *County Powers* matrix; provided comments; and pointed out inconsistencies relating to Home Rule and powers controlled by Special Act of the Legislature.

OTHER BUSINESS

Commissioner Latvala suggested that the CRC may want to consider creating a new Charter, as opposed to modifying the existing document; and requested input from Attorney Churuti regarding timing and procedures for doing so; whereupon, Mrs. Churuti indicated that she will provide information prior to the March 22 meeting.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 11:06 A.M.