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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 5:02 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman
Louis Kwall, Vice-Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Ricardo Davis
George Jirotko
Mayme Hodges
Elizabeth Mannion
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Everett S. Rice, Sheriff
Jim Sebesta, State Senator
E. D. Armstrong, III

Also Present:

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
Sarah Richardson, Senior Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Geoff Hamlin, Legal Assistant
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
David Goodwin, City of St. Petersburg
Robert Jackson, Mayor, City of Largo

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Kurt Spitzer, KS&A
Other interested individuals
Barbara Harb, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Discussion of new issues for consideration by CRC
5. Continuation of Discussion on Countywide powers
6. Issues review and entertainment of motions
 - Pinellas Planning Council
 - County Administrator
 - Responsibilities for Finance/Accounting and Audit
7. Presentation and discussion of process: Charter Review vs. Charter Revision vs. Amended/Restated Charter
8. Initial discussion of parks and recreation services
9. Other Business
10. Adjourn

CALL TO ORDER

Chairman Decker called the meeting to order at 5:02 P.M.

MINUTES OF MEETING OF MARCH 8, 2004 – APPROVED

Commissioner Latvala moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of March 8, 2004 be approved.

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PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Clerk of the Circuit Court Karleen F. De Blaker, appearing as a private citizen, expressed concern with the lack of citizen input relative to suggestions or changes to the Charter; and urged the members to solicit input from the public and to report the Commission's activities via the press or public service information vehicle. Mrs. De Blaker suggested that: 1.) Section 4.02 be amended to include a sentence stating that an individual Constitutional Officer or independent agency may employ an outside attorney if desired and that an external attorney should be employed when representation by the County Attorney does, or might, constitute a conflict; 2.) Section 6.03(a) be amended to establish a CRC every eight or ten years, rather than the current six years, noting that city charters are reviewed every five or six years and that the State Constitution is reviewed every 20 years; and 3.) the calendar of the CRC be changed from the present time frame of January through July to the period July through December to make it easier for the legislative delegate to the CRC to attend meetings. She then noted for the record that some written information had been provided to the CRC members prior to the meeting; and that copies have been filed and made a part of the record.

Thereupon, in response to query by Mr. Wilson as to whether there were any members of the press present, an individual in the audience indicated that he represented the St. Petersburg Times.

DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC - NONE

CONTINUATION OF DISCUSSION ON COUNTYWIDE POWERS

Mr. Spitzer referred to previous discussion relative to countywide powers, noting that spreadsheets summarizing the current powers of the Board of County Commissioners (BCC) provided for in the Charter as presently worded, and countywide powers of other Florida charter counties had been provided; whereupon, he conducted a PowerPoint presentation entitled *Charter Discussion Issues*, a copy of which has been filed and made a part of the record.

During discussion with regard to current local boards and authorities indicated in Mr. Spitzer's presentation, it was noted that several were inactive; whereupon, in response to query by the members, Attorney Churuti indicated that the CRC does have the ability to propose an amendment to abolish, revise or amend a board or council at the local level. Mr. Wilson requested that staff explore the matter for further discussion at the next CRC

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meeting; whereupon, Mr. Spratt indicated that many of the authorities referred to in the presentation are, in fact, the BCC. Mr. Spitzer indicated that he would prepare a more thorough description of the governing body and its composition and powers; whereupon, Attorney Churuti stated that her office represents 56 boards and that she would provide the members with information regarding each of them.

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At this time, 5:25 P.M., Mr. Harrell entered the meeting.

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Responding to query by Mr. Kwall, Chairman Decker indicated that roads and transportation will be discussed at the April 12 and 26 meetings; whereupon, Mr. Kwall suggested that reduced transit fares for persons over the age of 65 be considered.

Continuing his presentation, Mr. Spitzer outlined the countywide powers existing in the Pinellas County Charter and provided examples of countywide powers in other Florida county charters; whereupon, in response to query by Mr. Jirotko, Attorney Churuti stated that the regulation and sale of fireworks is overseen by the Countywide Fire Protection Authority and it is under this authority that the fireworks ordinance was adopted. In response to query by members, Attorney Churuti provided background information relative to the special act granting countywide authority to regulate the hours for sale of alcohol and indicated that not all of the cities agreed on the issue; that the requirement for a dual referendum for countywide regulatory ordinances was added by the legislative delegation prior to the adoption of the special act; that the provision could possibly be removed by placing it directly on the ballot without first going to the legislature; that issues have arisen whereby a County ordinance takes precedence over a city ordinance; and that the annexation provision of the charter is currently in litigation.

At the request of Chairman Decker, Councilman Bryan explained the position of the City of St. Petersburg with regard to countywide signalization; whereupon, discussion ensued relative to potential savings to the Cities of Clearwater and St. Petersburg; possible funding sources; the willingness of the County to assume the responsibility for countywide signalization; having a forum for cities and the county to submit issues to be voted upon; and the possible effect of the American Assembly process.

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Thereupon, Attorney Churuti advised that the Florida Constitution requires a dual referendum for the transfer of functions or powers; that under Chapter 125, interlocal agreements are not considered dual referendum requirements; and that the legislature has made a specific finding with regard to law enforcement contracts, that a dual referendum is not required if both governing bodies agree.

Alluding to comments by Mr. Harrell with regard to submission of issues through a forum between the cities and the county, Mr. Spitzer related that the Chairman of the Mayors' Council declined to make a presentation to the CRC until the Council has had an opportunity to discuss the issues; that the spreadsheets he referred to earlier in his presentation have been distributed to all of the mayors for their review and comment; that the Mayors' Council will meet prior to the next CRC meeting; and that perhaps the Council may make a presentation at that time.

ISSUES REVIEW AND ENTERTAINMENT OF MOTIONS

Pinellas Planning Council (PPC)

Chairman Decker related that a joint meeting of the BCC and the PPC has been scheduled for March 30; that it has been suggested that the CRC defer further discussion until after that meeting. He distributed a handout authored by Mayor Robert Jackson, Chairman of the PPC, on behalf of the PPC, a copy of which has been filed and made a part of the record. Mr. Kwall moved that further discussion relative to the PPC be deferred; whereupon, Councilman Bryan interjected that in addition to the three recommended options with regard to the structure of the PPC, some of the cities are suggesting that the transfer of County powers to the PPC be included as an option for consideration. Following discussion, Mr. Jirotko moved, seconded by Mr. Kwall and carried, that the PPC discussion be tabled; and that it can at some later date be removed from the table. Upon call for the vote, the motion carried unanimously.

County Administrator

Mr. Spitzer indicated that the two issues under consideration with regard to powers of the County Administrator are the authority to hire and terminate senior staff unilaterally and the inclusion in the charter of a non-interference clause, and noted that the charter now requires the concurrence of the BCC for the hiring or termination of senior staff; and that a non-interference clause is not currently in the charter; whereupon, Councilman Bryan moved, seconded by Mr. Harrell, that the County Administrator be authorized to hire and terminate senior staff. Following discussion with regard to separation of the hiring and

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termination issue; whether termination be with or without cause; the definition of "senior staff" and the number of staff included in said definition, Councilman Bryan amended his motion to be that the County Administrator be granted authority to hire senior staff unilaterally; and the seconder concurred. Upon call for the vote, the motion carried unanimously.

Thereupon, Councilman Bryan moved, seconded by Mr. Harrell, that the County Administrator be granted the power to terminate senior staff unilaterally without cause. Following discussion, the motion carried 9-1, with Mr. Kwall casting the dissenting vote.

At the request of the Chairman, Mr. Spitzer summarized what a non-interference clause would address and noted that alternatives in wording of the clause could be provided prior to the final vote of the CRC. During discussion, Attorney Churuti read into the record the proposed referendum question and stated that the item will be presented to the members at the next meeting for their review; whereupon, Mr. Jirotko moved, seconded by Mr. Harrell, that subject to refinement, a non-interference clause be added to the charter. Upon call for the vote, the motion carried unanimously.

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At the direction of the chairman, there being no objection, the meeting was recessed at 6:15 P.M. and reconvened at 6:30 P.M.

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Mr. Spitzer referred to his memorandum dated March 16, a copy of which has been filed and made a part of the record, and indicated that the Pinellas County Charter has not made any changes to the Constitutional Officers, including the Clerk of the Circuit Court; that approximately one-half of the 19 charter counties have made some changes; and that in terms of the Clerk of the Court, most counties that have made changes have moved the responsibility for finance and accounting either to the County Administrator or to a position under the County Administrator. He outlined the options available for the CRC to entertain and noted that any recommendations that abolish the constitutional status of a County officer must be approved by the legislature as a special act, in addition to approval by the electorate; whereupon, Mr. Wilson moved, seconded by Ms. Hodges, that financing, accounting and audit activities remain as they are.

Thereupon, Mr. Harrell expressed concern as to the County Administrator being able to properly function and the extent that the motion would hamper him from doing so; whereupon, Mr. Jirotko suggested that the audit function of the Clerk remain the same;

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and that a County internal performance auditor function be created. Mr. Spratt clarified that he was not suggesting that the Clerk not have an audit function; that his proposal was for a coordinated audit plan; that such a plan would prevent opportunities for overlap and duplication; that he favors the Leon County model of setting up an audit committee of experts appointed jointly by the Clerk and the BCC to formulate an audit plan; and cited a recent example where a coordinated effort would have been helpful. In response to query by the members, Mr. Spratt indicated that the audit committee would be composed of lay people who are experts in their fields and provided further details relative to the function of the audit committee.

Discussion ensued with regard to other county models; whereupon, in response to query by Mr. Kwall, Mrs. De Blaker stated that she has had no experience with the audit committee concept; that the BCC and the County Administrator have always been invited to add audits to the audit plan; and that another model that she felt was very effective is that of splitting the duties of the Clerk between two elected officials, which would continue to provide checks and balances. In response to query by Councilman Bryan, Mrs. De Blaker stated that an audit request from the BCC or the County Administrator would be performed as a courtesy; that it has not been her practice to give advance notice of an audit, but that the County Administrator does receive notice.

Following further discussion, Mr. Spitzer indicated that he could provide different options for the makeup and qualifications of audit committee members; whereupon, Councilman Bryan moved, seconded by Commissioner Latvala, that the original motion be amended to include the concept of an audit committee jointly appointed by the BCC and the Clerk.

Thereupon, in response to query by Ms. Mannion, Attorney Churuti advised that the Clerk is an independent state Constitutional Officer; that the powers of the Clerk cannot be limited unless the status was amended from a Constitutional Officer to a Charter Officer. During further discussion relative to the creation of parallel systems; establishment of an audit committee by interlocal agreement between the BCC and the Clerk, Attorney Churuti indicated that there is an issue as to whether an interlocal agreement could bind a future elected official; whereupon, Mrs. De Blaker stated that currently the BCC utilizes primarily a financial external auditor; and that the BCC and the County Administrator are afforded an opportunity annually to recommend any department they wish to be audited.

Responding to query by the members, Mr. Spratt indicated that the amount spent on external audits is in the six-digit number range; that the impetus for the requested change is to improve the coordination of auditing activity; and that the charter can set up a structure that provides for cooperation. Following discussion, Councilman Bryan

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withdrew his amended motion; whereupon, Ms. Hodges and Mr. Jirotko called the question.

Thereupon, Chairman Decker reiterated that the motion being considered is to make no changes to the financial and auditing duties of the Clerk. Upon call for the vote, the motion carried 8-2, with Commissioner Latvala and Mr. Davis casting the dissenting votes.

PRESENTATION AND DISCUSSION OF PROCESS: CHARTER REVIEW VERSUS CHARTER REVISION VERSUS AMENDED/RESTATED CHARTER

Attorney Churuti referred to her memorandum dated March 11, 2004, a copy of which has been filed and made a part of the record, and reviewed the questions and answers relative to the authority of the CRC to repeal Pinellas County's limited home rule charter and replace it with a full home rule charter, which would fully vest home rule powers with the County, and described the process for achieving that goal.

During discussion, Councilman Bryan stated that he concurred with Mrs. De Blaker's suggestion to change the review of the charter to more than six years; and Commissioner Latvala said that she felt the time was appropriate to create a new charter amending the language to make it more relevant. Mr. Harrell indicated that there needs to be a proper forum for discussion of the issues between the cities and the county; whereupon, in response to query by Chairman Decker, Mr. Spratt reported on the status of the Pinellas Assembly task force recommendations and noted that the position of the BCC and Mayors' Council should be known by August. Mr. Harrell clarified that his recommendation was for a forum of government officials, not private citizens.

Alluding to comments by Mr. Wilson, Attorney Churuti read the ballot question adopted by the last CRC and noted that the legislature adopted House Bill 1139 in 1999 delegating power to the CRC to place amendments directly on the ballot for presentation to the voters without prior referral to or approval by the legislature, with the exception of the constitutional status of Constitutional Officers and the dual referendum requirement; whereupon, Ms. Mannion moved, seconded by Mr. Jirotko, that the CRC consider Mrs. De Blaker's suggestion to change the time frame for the CRC in order to allow the legislative delegate to attend the meetings. Following discussion, Chairman Decker clarified that the motion was to change the time frame of the CRC calendar so that it does not conflict with the legislative session. Upon call for the vote, the motion carried unanimously.

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INITIAL DISCUSSION OF PARKS AND RECREATION SERVICES - DEFERRED

Chairman Decker expressed a desire for the item to be addressed along with the roads and transportation discussion, which would allow additional time for Mr. Spitzer to prepare for both subjects; whereupon, in response to query by Commissioner Latvala, Mr. Spratt explained that the issue involved insertion of the word "programming" to the enumerated powers in the current charter.

Thereupon, Commissioner Latvala moved, seconded by Mr. Kwall, that the word "programming" be added to the language of the current charter in terms of control of county-owned property. In response to query by the members, Mr. Spratt provided a definition of "programming," and Attorney Churuti stated that draft language with regard to most of the issues has been prepared and can be made available to the members for review prior to the May 24 meeting.

MISCELLANEOUS

Following discussion with regard to the availability of members for the May 24 meeting, Chairman Decker directed that everyone bring their calendar to the next meeting to confirm the schedule for decision sessions, and no objections were noted.

OTHER BUSINESS - NONE

ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 7:40 P.M.