



MEMORANDUM

TO: Members, Pinellas County Charter Review Commission –

Honorable Jim Sebesta
Honorable Everett Rice
Honorable John Bryan
Honorable Susan Latvala
Ed Armstrong
Ricardo Davis
Robert C. Decker
George Jirotko
Roy Harrell
Mayme Hodges
Louis Kwall
Elizabeth Mannion
Roger Wilson

FROM: Kurt Spitzer

DATE: February 7, 2004

RE: Pinellas Planning Council

The purpose of this memorandum is to provide background information to the CRC on the subject of the Pinellas Planning Council (PPC). You have scheduled the subject of the PPC for your meeting of February 9, 2003. It is likely that you will not be able to complete your discussion on this subject during that meeting due to the necessity to decide which (other) issues you want to review during the balance of your meeting schedule. That exercise may take some time. In any event, you can continue the PPC discussion during the meeting of February 23rd.

Background

The PPC was created by Special Act of the Legislature in the mid-1960s. Its enabling legislation has been amended several times since then. A 1987 decision of the Supreme Court declared the PPC unconstitutional in that it, in effect, was making “zoning” decisions by non-elected officials. In response, the PPC was reconfigured so that the governing body was composed of elected officials and its recommendations were required to be approved by the Board of County Commissioners.

At the time of the creation of the PPC, there was little or no coordination in planning activities that was mandated between the local governments within Pinellas County, whether between one city and another, or between cities and the county government. The original Act was designed to force coordination on land use plans between the local governments of the densely populated and rapidly growing (at that time) urban county.

After the litigation of 1987 and the reconfiguration of 1988, the Board of County Commissioners was required to adopt the countywide land use plan as prepared by the Council by a majority vote of the entire Board. A majority-plus-one vote of the entire Board is required to make any changes to the land use plan as recommended by the Council.

The PPC governing body is currently composed of 13 officials. Eight are municipal officials appointed by the largest cities in the county. Three are municipal officials nominated by three different groups of other city governments and appointed by the County Commission. One County Commissioner and one member of the School Board also serve on the PPC.

The PPC is authorized to impose ad valorem taxes (currently 0.0225 mills) and has a budget of \$1.3 million. The Special Act provides that a quorum of the PPC is eight members. Although the Special Act requires a majority-plus-one vote of the entire Council to adopt a plan, rule or operating procedure, a 1990 amendment provided that amendments to any plan, rule or operating procedure may be made by a majority vote of those members present.

Other Charter Counties

Three other charter counties have countywide planning entities, although the city-county planning commission in Hillsborough County is completely advisory in nature. The remaining two bodies function in a similar fashion as does the PPC; however, neither has independent authority to impose ad valorem taxes.

Broward

The model which is most similar to the PPC is that which exists in Broward County. The Broward County Planning Council is composed of 20 members, as follows: One County Commissioner, one member of the School Board and 18 other members. Of the 18, each of the nine County Commissioners appoints two members, one of whom must be an elected city official and the other a layperson. Both of those persons must be from within the appointing County Commissioner's (single-member) district. The Planning Council has a staff of 11 people and a budget of \$1.2 million which is funded by the County Commission.

Primary duties of the Planning Council are: 1) Serving as the countywide land use authority; 2) preservation of right-of-way; 3) platting determination; and, 4) re-certification of local

government plans for consistency with the countywide plan. Actions of the Planning Council relating to the countywide land use plan must be approved by the Board of County Commissioners by simple majority vote.

Volusia

The charter of Volusia County establishes a Growth Management Commission. The Commission is composed both voting and non-voting members. Members that have voting powers consist of one representative from each of the 16 cities and five representatives of the unincorporated area. The Commission utilizes a population-driven, weighted voting system.

The Commission's duties are limited to review of the plans of the county and its cities for consistency with one another. The County Council is not empowered to overturn decisions of the Commission. Decisions of the Commission are final but may be appealed to circuit court.

Rules of the Growth Management Commission for consistency review must be approved by an ordinance of the County Council adopted by a two-thirds vote of the Council. Budgets of the Commission are funded by the County Council. They are adopted by a two-thirds vote of the Commission and may be revised only by a two-thirds vote of the County Council. Current funding is less than \$250,000 per year.

Options

There are several options that may be considered by the CRC, ranging from making no recommendation for a charter amendment to recommending that the PPC be abolished, and there are numerous alternative options in-between. Embedded in your decision are the following considerations:

1. Efficiency and Duplication of Services - Now that the Growth Management Act has been fully implemented, may the services that are provided by the PPC also be provided in some other fashion? State law now provides that a local government may object to proposed amendments to local plans as they are reviewed by the Department of Community Affairs. Abolishing the consistency review function of the PPC would therefore not be as significant a change in local planning practice as it would have been prior to the revisions to Chapter 163, FS, in the mid-1980s.

Note that a 1992 *MGT of America* study¹ of government services in Pinellas County recommended that the PPC be abolished. MGT found that the local planning process to be redundant and time consuming. Through the interview process during the course of

¹ Final Report "Pinellas County Government Services Improvement Study" page 5-31. MGT of America. February 13, 1992.

their work, the consultants found that a commonly-voiced concern by local officials was the mandated review of local plans for consistency with the countywide plan by the PPC. MGT estimated that the direct savings in 1992 of abolishing the PPC would be \$1.1 million.

2. Local Planning - Is the development of the countywide land use plan and consistency review that is completed at the local level preferred over that accomplished at the state level? Even though the Growth Management Act requires consistency, reviews for consistency at the local level may be preferred over a review that occurs in Tallahassee.

3. Forum for Municipal Governments – What is the value that the PPC serves as a forum for local governments (primarily municipalities) in land use and other policies beyond a city's boundaries? Additionally, does the PPC serve a useful function in such policy areas as annexation, redevelopment, etc? Or has the PPC overreached in terms of the programs and services it provides?

Also, does the PPC provide a valuable function in terms of technical assistance, especially to small cities? Could such functions be assumed by another organization, such as a Council of Governments or the Tampa Bay Regional Planning Council?

A partial list of options for your consideration include the following:

1. Take no action and retain the PPC as currently constituted.
2. Abolish the Special Act and the PPC altogether.
3. Retain the PPC but adopt changes to its structure, voting process or powers.

The latter option could be structured so that the PPC remains and consistency review is still processed at the local level. But you could consider changes to its governance, decision-making processes or scope. For example:

- a. Institute a two-thirds vote requirement for taking actions. The original requirement was a majority-plus-one vote of the entire membership, or eight votes. Revisions to adopted plans or rules now may now be adopted by a simple majority vote of those persons present. A two-thirds requirement for major decisions would be nine votes, thereby ensuring a stronger base of support for the action.
- b. Institute a weighted voting policy. For example, institute a weighted voting policy based on the percentage of a city's population as compared to the total population of the

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incorporated area, and the percentage of the unincorporated area as compared to the total population of the county.

- c. Alter the membership of the governing body. Change the number of representatives appointed either by the County or by municipalities.
- d. Specifically limit the powers of the PPC to only consistency review of local plans/plan amendments with the countywide land use plan. Delete authority to develop other elements of a countywide comprehensive plan. Delete authority to "coordinate countywide growth management issues and procedures".
- e. Eliminate the power to impose ad valorem taxes. Require funding by the Board of County Commissioners or by the Board, the School District and/or municipal governments.
- f. Consider some combination of the above.

Please contact me if you have any questions.

KS/ap

cc: Elithia Stanfield
Chris Staubus
Susan Churuti