

Clearwater, Florida, April 26, 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, Florida at 5:00 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman
Louis Kwall, Vice-Chairman
Everett S. Rice, Sheriff
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
E. D. Armstrong, III
Ricardo Davis
Mayme Hodges
George Jirotko
Elizabeth Mannion
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney
Betsy Steg, Senior Assistant County Attorney
Chuck Kearns, Director, Pinellas County Emergency Medical Services (EMS) and Fire Administration
Dwayne Booth, Assistant Director Pinellas County EMS & Fire Administration
Brian Smith, Director, Planning Department, and Executive Director, Metropolitan Planning Organization (MPO)
David P. Healey, Executive Director, Pinellas Planning Council
Kurt Spitzer, KS&A
Paul Bertles, Traffic Operations Manager, City of Clearwater
Other interested individuals
MaryAnn Penhale, Board Reporter

April 26, 2004

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Review of Issues Raised at Previous Meeting
5. Discussion of New Issues for Consideration by CRC
6. Review of Available Options for Consideration by CRC
7. Continued Discussion – Transportation Services
8. Initial Discussion – Fire and EMS Service Delivery
9. Other Business
10. Adjourn

CALL TO ORDER

Chairman Decker called the meeting to order at 5:00 P.M.

MINUTES OF MEETING OF APRIL 12, 2004 – APPROVED

Upon presentation by Chairman Decker of the minutes of April 12, 2004, he indicated that on page 3 under *Discussion of New Issues for Consideration by CRC*, the sentence “Councilmember Bryan requested more discussion concerning programming in regard to control of County-owned property,” the word “property” should be changed to “parks. Following clarification by Attorney Churuti indicating that “property” is sufficient, Mr. Bryan moved, seconded by Mr. Armstrong and carried, that the minutes of the regular meeting of April 12, 2004 be approved.

April 26, 2004

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Thomas Smith, Chairman, Safe Water Alliance Pinellas, read the Alliance's proposed Safe Water Amendment and requested that the Commission approve placing it on the ballot.

Martine Zundmanis, Co-chair of Education, Green Party of Pinellas County, spoke in support of the Safe Water Amendment and requested that the Commission place it on the ballot in November.

Sallie Parks, Palm Harbor, expressed her views regarding nonpartisan elections and commented regarding the increasing number of independent voters; cited differing legal opinions as to whether nonpartisan elections could be accomplished in Pinellas County under current law; and encouraged the members to debate the issue.

* * * *

At this time, 5:10 P.M., Mr. Harrell entered the meeting.

* * * *

Responding to query by Mr. Kwall, Ms. Parks indicated that she could provide additional information as to the counsel cited; whereupon, Attorney Churuti indicated that the Constitutional Officers could not be changed to nonpartisan affiliation in elections; and that the general election law seems to indicate that County Commissioners should be nominated in primary elections.

Deviating from the agenda, Chairman Decker distributed copies of a letter received from Mr. Healey, together with a memorandum from legal counsel regarding issues attendant to any proposal to eliminate or substantially alter the PPC, copies of which have been filed and made a part of the record.

REVIEW OF ISSUES RAISED AT PREVIOUS MEETING

Mr. Spitzer referred to his memorandum dated April 21, 2004, a copy of which has been filed and made a part of the record, and reviewed the first four issues raised at the meeting of April 12, 2004 as follows.

April 26, 2004

Charter Review Commission

Mr. Spitzer related that the membership includes elected officials as well as independent entities; that recommendations are submitted to the Board of County Commissioners to schedule an election on the issue; and that the time frame for completion is approximately six months.

Nonpartisan Elections

Mr. Spitzer referenced two spreadsheets offering arguments for and against nonpartisan elections and summary information regarding other charter counties. He cited an Attorney General's opinion which indicates that a charter could provide that County Commissioners be elected on a nonpartisan basis; whereupon, Attorney Steg referred to a statute which indicates that the County Commission shall be nominated at primary elections; and stated that the aforesaid opinion discussed various other cases regarding the Supervisor of Elections. Responding to query by Ms. Mannion, Attorney Churuti discussed the elections code and the use of the word "nominate" to mean nominated by the party. Following discussion, Mr. Kwall moved, seconded by Mr. Jirotko, that a straw vote be taken to ascertain whether there is a strong consensus either for or against the nonpartisan issue in an effort to reduce any unnecessary discussion time. Ms. Mannion requested that the numbers indicating a consensus be established; whereupon, Mr. Kwall stated that the members would recognize the consensus upon call for the vote. Chairman Decker restated the motion, asking for those in favor of nonpartisan elections to so indicate by saying aye; whereupon, those in favor responded. He then asked for those opposed to respond by saying no; whereupon, those opposed did so. At the direction of the Chairman, the members then proceeded with discussion and provided input as to their opinions. Following deliberations, Mr. Harrell requested that the Chairman call the question; whereupon, Chairman Decker stated that open discussion had been held on the issue and that a motion could be offered.

Thereupon, Mr. Harrell moved, seconded by Mr. Bryan, that nonpartisan elections for County Commissioners only be approved. Upon call for a vote by hand count, the motion failed by a vote of 5 to 7, with Chairman Decker, Mr. Armstrong, Mr. Jirotko, Mr. Kwall, Ms. Latvala, Sheriff Rice, and Mr. Wilson casting the dissenting votes.

Reporting of Campaign Contributions

Mr. Spitzer related that no other county charters contain policy on the reporting of campaign contributions; and Attorney Churuti reviewed a memorandum from Attorney Steg regarding the subject, a copy of which has been filed and made a part of the record.

Local Government Forum

Mr. Spitzer outlined the bylaws from the Volusia County Council of Governments (VCOG, Inc.), a copy of which has been filed and made a part of the record, and

April 26, 2004

indicated that the entity had been created by interlocal agreement; whereupon, he stated that the members could consider use of a similar model which could be provided through the Pinellas County Charter. Responding to query by Mr. Jirotko, he indicated that participation in the VCOG, Inc. is voluntary.

DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC

Mr. Harrell referred to an earlier comment by Mr. Wilson and queried as to when the members would discuss how the Charter review process could become more meaningful. Mr. Spitzer indicated that this agenda item would encompass the subject; whereupon, Chairman Decker suggested that the review of available options be presented next, which will segue into the matter.

REVIEW OF AVAILABLE OPTIONS FOR CONSIDERATION BY CRC

Mr. Spitzer conducted a PowerPoint presentation titled *Review of Available Options*, a copy of which has been filed and made a part of the record, provided a recap of items discussed to date by the CRC and reviewed the upcoming calendar of meeting dates and preliminary actions taken by the Commission. With regard to the Commission's vote to support structural changes to the Pinellas Suncoast Transit Authority (PSTA) as recommended by the Task Force, Councilmember Bryan indicated that the statement is inaccurate; that after receiving recommendations from the MPO, the PSTA had created the makeup of its Board.

Mr. Spitzer reviewed options for consideration and noted that although the legislature is not authorized to repeal the Charter without the approval of the local electorate, establishment of a Charter Revision Commission could be accomplished by proposing an amendment which would then have to be approved by the voters. He summarized possible next steps to address various issues including County officers, Countywide policy, independent districts and a comprehensive revision of the Charter. Responding to query by Mr. Kwall, Attorney Churuti confirmed that no CRC has the power to change independent special districts. In summary, Mr. Spitzer indicated that some issues could be addressed by placement on the ballot for voter consideration; and that other issues require procedural changes, which would involve presenting the issues to the legislature for approval and then placing the issues on the ballot for consideration by the voters.

Following discussion, Commissioner Latvala moved, seconded by Mr. Jirotko, to place a referendum on the ballot reconstituting the present group in January 2005 for the purpose of creating a new Charter in 2006. Commissioner Latvala clarified that the motion

April 26, 2004

encompasses that the present group be retained; and the seconder concurred. Pursuant to additional discussion, at the request of Chairman Decker, Commissioner Latvala restated the motion to indicate that the Commission put a referendum on the ballot establishing a Charter Revision Commission in January 2005 for the purpose of writing a new Charter; and the seconder concurred. During discussion, Councilmember Bryan commented on the significance of the possible creation of a proposed Home Rule Charter; and Mr. Spitzer stated that the future Commission would still be bound by the same requirements to go back to the legislature in some areas. In response to query by Mr. Davis regarding the Home Rule Charter, Mr. Spitzer stated that the legislative delegation could still pass special acts which would affect Pinellas County, but in general, they would not be effective unless approved by the voters; whereupon, Attorney Churuti offered input as to Constitutional requirements for dual referendum and issues related to special acts; and Sheriff Rice commented regarding possible future consolidation matters.

Following discussion, Chairman Decker indicated that the vote is being taken to ascertain that the item is one which everyone agrees should be voted on again during the final voting process. Upon call for further discussion, Attorney Churuti indicated that consolidation issues will be considered. Mr. Harrell queried as to whether a time certain should be included; whereupon, Attorney Churuti stated that July 31, 2006 is the current deadline for placing issues on the November 2006 ballot. Responding to request by Councilmember Bryan, Commissioner Latvala indicated that the date certain of July 31, 2006 be included in the aforesaid motion; and the seconder concurred. Upon call for the vote, the motion carried by a vote of 11-1, with Sheriff Rice casting the dissenting vote.

* * * *

At the direction of the Chairman, there being no objection, the meeting was recessed at 6:30 P.M. and reconvened at 6:43 P.M.

* * * *

Mr. Harrell indicated that he wished to clarify that Mr. Spitzer and Attorney Churuti will have the ability to revisit procedural issues related to dealing with the legislature and the appropriateness of putting the dual referendum issue on the ballot.

CONTINUED DISCUSSION – TRANSPORTATION SERVICES

Mr. Smith presented an overview of the existing traffic signal system and displayed maps indicating the location of approximately 700 traffic signals in the County. He related that

April 26, 2004

there are three control centers for the Cities of St. Petersburg and Clearwater and Pinellas County; that the traffic signals are computerized, and that traffic control encompasses other mechanisms such as stop signs, yield signs, directional guides, speed bumps, et cetera. He distributed a document titled *Traffic Control Jurisdictions*, a copy of which has been filed and made a part of the record, and presented a summary of traffic signals on State roads, County roads in municipalities, County roads in the unincorporated area, local roads in municipalities and local roads in the unincorporated area; whereupon, he described the new Intelligent Transportation System (ITS) program; and indicated that it would be run by the County at one main control center with two support centers in St. Petersburg and Clearwater. He discussed cost issues associated with operation of the system; and in response to query by Mr. Armstrong, indicated that discussions are in progress with the cities of Clearwater and St. Petersburg regarding an interlocal agreement; whereupon, Mr. Bertles stated that the City of Clearwater had reached agreement with the County regarding an interlocal agreement but that the matter of an identifiable funding source is still pending. Responding to query by Sheriff Rice as to why Gulf Boulevard is not represented as a major corridor, Mr. Smith stated that the map is being updated.

Discussion ensued as to the dual referendum issue, interlocal agreement issues and the status of discussions among the County and the Cities of St. Petersburg and Clearwater.

In response to query by Mr. Jirotko as to when the dual referendum will be discussed, Mr. Spitzer related that the issue was identified and could be a recommendation which would go directly to the ballot in addition to the Charter Revision Commission if the members wish to do so; whereupon, Attorney Churuti confirmed that the amendment from Mr. Harrell was to make sure it was clear that the County Attorney office staff and Mr. Spitzer address the process of how to deal with the dual referendum issue.

INITIAL DISCUSSION – FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DELIVERY

Mr. Kearns conducted a PowerPoint presentation titled *Fire and EMS Delivery in Pinellas County*, a copy of which has been filed and made a part of the record; and discussed the portfolio of services offered and a brief history of the EMS system, including performance-based contracts for paramedic first responder service with 18 municipalities and Fire Districts, centralized 9-1-1, and the number of personnel. He indicated that funding is now provided for Bayflite for helicopter ambulance service; and displayed photos of various response vehicles. Mr. Kearns explained single tier dual response factors and noted that the fire rescue component of EMS is funded through the

April 26, 2004

Countywide EMS ad valorem tax; whereupon, he discussed user fees and the competitive bid process.

Mr. Kearns provided historical background information related to the creation of the Fire Protection Authority; and indicated that it is funded through special ad valorem taxes. He explained Insurance Services Organization (ISO) ratings, displayed a map showing the location of fire stations in the County, related that functional consolidation has been achieved in fire service, reviewed responses for a single family house fire, and displayed a slide showing existing fire districts in the County. Referring to two of the slides, he reviewed budget figures for FY 2001/2002, pointed out the total figure of approximately \$112,000,000, and discussed the ongoing issue of inequity to unincorporated area residents.

Discussion ensued as to the inequity issue, the number of fire chiefs in the County and the construction of a firefighter training center. Responding to query by Mr. Wilson, Mr. Booth indicated that travel time to a facility located in another county would result in loss of work time by the firefighters. In response to query by Councilmember Bryan, Mr. Kearns indicated that with regard to Sunstar, the County owns the building, radio infrastructure, communications center, garage and lifts for the ambulances; and that the ambulance contractor owns the ambulances, the monitor defibrillators and the dispatching hardware and software which they utilize. Alluding to comments by Mr. Wilson, Mr. Kearns explained base rate charges for transport from a hospital to a nursing home.

In response to query by Councilmember Bryan, Chairman Decker related that consolidation issues may be considered by the members; Commissioner Latvala stated that disparity in the amount of money citizens pay for fire service is a matter for consideration; and Attorney Churuti referred to a potential dual referendum issue.

OTHER ISSUES

In response to query by Mr. Wilson regarding a document titled *Pinellas County Charter Review Commission Revised Timeline*, Mr. Spitzer related that the document remains unchanged since the last revision in March.

Chairman Decker noted that the next meeting will be held on May 10 at 8:00 A.M.

April 26, 2004

ADJOURNMENT

The meeting was adjourned at 8:04 P.M.