

Clearwater, Florida, May 10, 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 8:01 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
Roy Harrell  
Mayme Hodges  
George Jirotko  
Elizabeth Mannion

Late Arrivals:

Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
Roger Wilson

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Jacob F. Stowers III, Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
Kurt Spitzer, KS&A  
Other interested individuals  
Arlene Smitke, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Discussion of New Issues for Consideration by CRC

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5. Continued Discussion
  - ▶ Construction Industry Licensing Board
  - ▶ Pinellas Police Standards Council
  - ▶ “Programming” of County Parks
6. Annexation
7. Removal of Charter Limitations
  - ▶ Dual Vote
  - ▶ Legislative Oversight of Charter re: Constitutional Officers
  - ▶ Charter Revision Commission/Repeal
8. Other Business
9. Adjourn

CALL TO ORDER

Chairman Decker called the meeting to order at 8:01 A.M.

MINUTES OF MEETING OF APRIL 26, 2004 – APPROVED

Upon presentation by Chairman Decker of the minutes of April 26, 2004, Ms. Hodges moved, seconded by Mr. Harrell and carried, that the minutes of the regular meeting of April 26, 2004 be approved.

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At this time, 8:02 A.M., Mr. Wilson entered the meeting.

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Referring to a letter dated April 28, 2004 from the East Lake Tarpon Special Fire Control District, a copy of which has been filed and made a part of the record, Chairman Decker asked that the letter be made part of the record and requested that the members read the letter at their convenience.

He referred to expense documentation received from Kurt Spitzer and Associates (KS&A); whereupon, Mr. Spitzer read from the Charter, indicating that expenses are to be verified by a majority vote of the Commission and presented to the Board of County Commissioners (BCC) for payment; requested ratification of invoices already paid by the

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County; and presented April expenses for approval. At the direction of the Chairman, further action was postponed until later in the meeting.

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At this time, 8:04 A.M., Commissioner Latvala entered the meeting.

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#### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Norm Roche, Clearwater, proposed a change in the Charter to allow for a seven member, fully-at-large structure for the BCC; whereupon, W. C. Snipes, Clearwater, spoke regarding annexation.

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At this time, 8:11 A.M., Sheriff Rice entered the meeting.

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#### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC

Referring to the proposal by Mr. Roche, Mr. Wilson inquired whether the matter will be addressed by the CRC; and the Chairman indicated that while it could be put on the table, the issue was included in the initial items for consideration; and that no one had indicated a desire to pursue it for further review.

#### CONTINUED DISCUSSION

Pinellas County Construction Licensing Board (PCCLB) and Pinellas Police Standards Council (PPSC)

Referring to a memorandum dated April 22, 2004 from Managing Assistant County Attorney Dennis R. Long, a copy of which has been filed and made a part of the record, County Attorney Susan H. Churuti indicated that changes to the status, duties, or responsibilities of the PCCLB and the PPSC could be accomplished only by special act of the Legislature; and responding to query by Mr. Kwall, she confirmed that the organizations are funded by licensing fees and charges assessed on traffic offenses; and that they are not supported by ad valorem taxes.

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“Programming” of County Parks

Mr. Spitzer noted that the CRC had previously approved an item pertaining to special powers related to County parks; that several members had asked that it be revisited in terms of the meaning of the word *programming*; and that the word *operations* might be a more general term to use; whereupon, Ms. Churuti indicated that the County has the right to operate and program County-owned land; that the specific word used is irrelevant; and recommended that the word *operations* be used, as it is preferred by the County Administrator.

Councilmember Bryan stated that he had requested that the issue be revisited to clarify his understanding of its intent; that the County should address the need for regional and neighborhood recreational facilities; and voiced concern that the cost of neighborhood facilities be born 100 percent by unincorporated taxpayers. In response, Ms. Churuti pointed out that the MSTU and countywide tax levies are controlled by Florida Constitutional law and cannot be limited by the local Charter; and that the methodology currently employed is approved by the League of Cities.

Following discussion, Mr. Bryan suggested that the existing wording be retained; Ms. Churuti concurred; and no objections were noted.

ANNEXATION

Referring to a document titled *Annexation Task Force’s Recommendations*, a copy of which has been filed and made a part of the record, Assistant County Administrator Jacob F. Stowers III indicated that the recommendations regarding voluntary annexation were to be considered as a package; that the BCC had agreed with items B and C, but had voted against the package; that all recommendations regarding referendum annexation were approved; that both recommendations regarding enclaves were defeated; and that all recommendations regarding overall principles were approved. In response to query by Chairman Decker, he explained that the BCC and Mayors’ Council will both vote to approve or deny each of the task force recommendations as originally worded; that they are noting caveats and possible modifications; and that the groups will meet to determine how to proceed.

Chief Assistant County Attorney James L. Bennett noted that the special act that created the PPC gave them the authority to review municipalities’ ability to serve areas to be annexed; that the provision became less relevant over time as the County was developed; that planning agreements allow municipalities to plan outside their boundaries for purposes of future annexation; that some planning area boundaries are not exclusive; that the County has authority to draw boundaries only for voluntary annexation; that proposed

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legislation granting authority to draw lines for both voluntary and referendum-based annexations had failed this year; that the PPC now reviews referendums for legal sufficiency; that the CRC could ask the legislature to amend general law or to provide a special act to supplement the County's authority but could not change authority by the Charter; and that, alternatively, a Charter amendment could be added granting the BCC the authority if it were granted by general or special law.

### REMOVAL OF CHARTER LIMITATIONS

#### Dual Vote

Mr. Spitzer indicated that Pinellas is the only Charter county in Florida requiring a dual vote to move authority for setting policy from one jurisdiction to another; that the Florida Constitution requires a dual vote to move any function or power of a county or municipality to another jurisdiction; and that a draft ordinance (a copy of which has been filed and made a part of the record) removes the language relating to dual votes on policy matters and relies upon the Constitutional requirements; whereupon, Ms. Churuti noted that the BCC can put the revision on the ballot without legislative action.

Mr. Harrell moved, seconded by Mr. Jirotko, that the draft ordinance be approved; and discussion ensued. Responding to queries by the members, Ms. Churuti indicated that the proposed amendment would not apply to the PSTA issue as it is governed by the Florida Constitution; that the fireworks ordinance was enacted under the BCC's power as the Fire Protection Authority; and that the rationale for addressing the issue at this time is to clear the way for possible amendments by the next CRC. In response to a request by Mr. Bryan, she noted that the proposed amendment would cover anything not included in the enumerated list of powers in the current Charter. Following further discussion, Mr. Harrell requested that a list of examples be provided prior to the final vote; and urged that the motion be approved; whereupon, upon call for the vote, the motion passed 11-1, with Mr. Bryan casting the dissenting vote.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 9:15 A.M. and reconvened at 9:30 A.M.

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Legislative Oversight of Charter re Constitutional Officers

Mr. Spitzer referred to the requirement for approval by the Legislature of any Charter amendments affecting Constitutional Officers and noted that the requirement is also unique to the Pinellas Charter; that the issue was considered by the previous CRC and had not passed; and that approval of the change would set the stage for amendments by future Commissions. Following discussion with input by Ms. Churuti, Mr. Spitzer pointed out that even if the requirement is removed, no changes would be made without a vote by the public. Following further comments by the members, Mr. Wilson moved that the Commission not take up the issue; and Sheriff Rice seconded; whereupon, Chairman Decker clarified the motion, defining the issue as the amendment relating to the Constitutional Officers in terms of limitation of powers as set forth in the proposed ordinance; and stated that a vote in favor of the motion would maintain status quo. The maker concurred, and upon call for the vote, the motion passed 9-3, with Ms. Mannion and Messrs. Harrell and Davis dissenting.

Charter Revision Commission/Repeal

Mr. Spitzer reviewed the document entitled *Sec. 6.05. Special Charter Revision Commission*, a copy of which has been filed and made a part of the record, and noted that where possible, the draft policy was taken from the provisions of the current Charter. He indicated that the proposed amendment contains no requirement for public hearings; and that it is common for a Charter Revision Commission to remain in existence until the date of election for purposes of public education.

Referring to item (e), Mr. Wilson questioned the 18-month term of the revision commission; whereupon, Ms. Churuti advised that the time frame had been set to allow advertisement of the ballot questions prior to the November vote; and that the final report of the revision commission could be completed at any point within that time frame. In response to query by the Chairman, she indicated that the biggest legal issue relates to the power of the Charter Review Commission to repeal the current Charter; and reviewed the provision regarding constitution of the revision commission membership.

In response to query by Mr. Kwall regarding authority of the Charter Review Commission to hire a consultant, Ms. Churuti indicated that the current Charter, as well as statutory provisions, would require that expenses of a consultant be paid by the BCC. Mr. Harrell proposed that the consultant be engaged prior to convening of the revision commission, in order to frame the issues for its deliberation; whereupon, Commissioner Latvala noted that the BCC would likely agree; and suggested that a study previously conducted by MGT, a management consulting firm, be updated as well. Ms. Churuti suggested that Mr. Spitzer's firm be engaged for that purpose and Commissioner Latvala concurred; following which, Assistant County Administrator Elithia V. Stanfield

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suggested that the consultant might be retained in January and perform the work during the first three to six months of the 18-month time frame.

Mr. Bryan pointed out that the revision commission would be primarily appointed by the BCC; and voiced his concern regarding the potential for an adverse impact on the municipalities; whereupon, Mr. Armstrong noted that the amendment would need to be approved by a countywide vote; and that roughly 70 percent of the voters live in municipalities. During discussion, Ms. Stanfield provided input regarding the legislative schedule and election dates; and Mr. Jirotko suggested that the BCC make appointments to the revision commission no later than December 31. Mr. Bryan and Commissioner Latvala requested that sufficient time be allotted to hear comment by municipal and countywide representatives and the general public; and in response, Chairman Decker suggested that the issue be included in the May 24 agenda, in lieu of a second discussion on annexation, as scheduled.

Following comments by Mr. Wilson regarding annexation and further discussion of the Charter Revision Commission issue, Mr. Jirotko moved, seconded by Commissioner Latvala, that the Charter Revision Commission/Repeal amendment proposal be approved; whereupon, Mr. Armstrong requested that a public hearing be required. Mr. Jirotko restated his motion to approve the amendment proposal as presented by staff, subject to a public hearing requirement, to the timeline for appointment to the revision commission, and to the timeline for a final report or reports; and the seconder concurred. Mr. Harrell confirmed that the vote is an interim vote only and that further input will be allowed at a future meeting. Upon call for the vote, the motion passed 11-1 with Mr. Bryan dissenting.

Thereupon, Mr. Bryan moved, seconded by Mr. Harrell, that the CRC not attempt to change annexation at this time; whereupon, following further comments by Mr. Wilson, Mr. Kwall suggested that the motion be amended to table the issue, which would allow it to be discussed at a future meeting if time allows; and Mr. Bryan concurred.

During discussion and referring to annexation information sheets alluded to by Mr. Wilson, Ms. Mannion requested that copies be distributed to the members for their consideration; and he agreed to provide the information for distribution.

Upon call for the vote, the motion to table further annexation discussion passed 11-1, with Commissioner Latvala dissenting.

Chairman Decker voiced concern with regard to the time allocation for public comments related to the Charter Revision Commission issue; whereupon, Mr. Kwall noted that public comments are subject to a three-minute time limit; and Mr. Harrell suggested that

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the BCC and the Mayors' Council each present a single viewpoint; and noted that the number of citizens wishing to comment cannot be restricted.

#### OTHER BUSINESS

Chairman Decker requested approval of the KS&A expenses discussed earlier; whereupon, Mr. Bryan moved, seconded by Mr. Harrell and carried, that the expenses be approved. Responding to query by Mr. Davis, Ms. Churuti stated that the Charter requires that the Commission vote to accept the expenses, rather than delegating such authority to the Chairman.

Sheriff Rice commented that the annexation issue will probably go away in a few years; and broached the subject of de-annexation; whereupon, Ms. Churuti alluded to an issue raised in the Legislature wherein communities could vote to immunize themselves from future annexation.

Following comments by Mr. Jirotko regarding telephone conferencing, Ms. Churuti indicated that a quorum must be physically present in the room; but that members may appear and vote via telephone; whereupon, Mr. Decker requested that anyone wishing to attend the May 24 meeting via telephone contact Mr. Spitzer to make arrangements.

#### ADJOURNMENT

The meeting was adjourned at 10:40 A.M.