

Clearwater, Florida, May 23, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:07 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Jim Sebesta, State Senator
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole
Robert C. Decker
Roy Harrell
Roger Wilson

Late Arrivals:

Ricardo Davis, Vice-Chairman
Karen Burns

Absent:

James F. Coats, Sheriff
George Jirotko
Louis Kwall

Also Present:

Ronnie E. Duncan, County Commissioner
Calvin D. Harris, County Commissioner
Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Brian K. Smith, Planning Director
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Commission
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority
Chief James Angle, Pinellas County Fire Chiefs Association
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Michael Crawford, Grimal Crawford, Inc.
Other interested individuals
Arlene Smitke, Deputy Clerk

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AGENDA

1. Welcome
2. Approval of Minutes
3. Commissioner Presentations
= Calvin Harris
4. MGT Study
= Scope of Services
5. Continued Discussion
= Annexation
= Steve Spratt/Brian Smith
= Ray Neri
= Pinellas Mobility Initiative
= Brian Smith
6. Overview of CRC Issues and Options
= Transportation
= Annexation
7. Other Business
8. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, he related that Messrs. Kwall and Jirotko would not be in attendance.

MINUTES OF MEETING OF MAY 3, 2005 – APPROVED

Chairman Bomstein presented the minutes of the meeting of May 3, 2005, and after receiving no response to a request for changes, corrections or modifications, declared the minutes approved by acclamation.

PRESENTATION BY COUNTY COMMISSIONER CALVIN D. HARRIS

Commissioner Harris reminded the members of the great opportunity they have to make a difference for the future of Pinellas County, and indicated that restrictions imposed by the

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charter limit the ability of the Board of County Commissioners (BCC) to take actions that can improve the lives of the citizens today and in the future.

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

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Expressing concern over duplicative services, Commissioner Harris suggested that greater efficiency and economic benefits could be realized by merging the County Planning Department and the Pinellas Planning Council (PPC); creating a countywide transportation system; and eliminating multiple fire districts; whereupon; he cited the emergency medical system as an example of successful consolidation. Noting that the county does not need the legislature to solve its problems, Mr. Harris challenged the Commission to build a charter that represents the best that Pinellas, countywide, has to offer.

In response to comments by Councilmember Bryan regarding home rule of the Pinellas Suncoast Transit Authority (PSTA), Commissioner Harris cited resistance to including the millage for PSTA and other independent districts under the county's 10 mill cap; whereupon, Commissioner Latvala stated that the PSTA could be brought under home rule by an act of legislature and a referendum on the ballot; and County Attorney Susan H. Churuti clarified that the PSTA could be made countywide by changing the special act and having a referendum, noting that the legislative delegation did not support the change in the past. Commissioner Latvala indicated that the delegation has agreed to a meeting to discuss the matter.

INTRODUCTION OF VISITORS

Deviating from the agenda and at the request of Chairman Bomstein, those in attendance for the first time introduced themselves; and Chairman Bomstein thanked the visitors and staff for their participation.

MGT STUDY – SCOPE OF SERVICES

Mr. Spitzer summarized the events to date regarding the update of the 1992 MGT of America study and revisions to the scope of services, as outlined in his memorandum dated May 21, 2005 and the spreadsheet attached thereto, copies of which have been filed and made a part of the record. He indicated that he had met with representatives of the

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Fire Chiefs Association, MGT, and county staff and that a consensus on the scope had not been reached; whereupon, he distributed a letter dated May 23 from MGT, a copy of which has been filed and made a part of the record, proposing further modifications to the scope and reducing the cost by \$21,000 to meet the \$148,000 fee approved by the BCC.

Responding to query by Mr. Decker, Mr. Spitzer confirmed that MGT has submitted an invoice for one fourth of the current contract fee; and noted that activities to date include information gathering and assembly of a project team.

Discussion ensued regarding the importance of including various elements in the study, and Chief James Angle, Pinellas County Fire Chiefs Association, provided input. Administrator Spratt and Commissioner Latvala suggested that data compiled by county staff or drawn from other studies be included as an attachment to the MGT report; whereupon, MGT Senior Partner Stephen F. Humphrey, Jr. expressed his reservations; and Chairman Bomstein indicated that MGT would be allowed to include a disclaimer regarding the adequacy of data supplied by the county.

Mr. Wilson moved that MGT move forward with Option 4, Building and Modified Fire, as shown on Mr. Spitzer's spreadsheet, with the proviso that the county will supply information on the four issues listed in Exhibit 1 of the May 23 MGT letter. Following further discussion, Commissioner Latvala seconded the motion, which carried unanimously.

ANNEXATION PRESENTATION

Planning Director Brian K. Smith conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and reviewed land annexation statistics from 1980 to 2005. At the request of Senator Sebesta, he indicated that he will provide a copy of the presentation to the CRC members.

County Administrator Stephen M. Spratt indicated that the county does not object to annexation in general, but is concerned about some of the ways it has occurred related to contiguity and compactness of the parcels, which have resulted in enclaves, serpentine patterns and inefficient boundaries. He related that a series of referenda from Tierra Verde to Oldsmar have shown that many unincorporated residents wish to remain in the unincorporated area.

He suggested that the CRC take the following actions:

- = Take a position whether or not to support the current charter authority, which gives the county power over voluntary annexation.

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- = Take a position whether or not the county should have power to manage referendum-based as well as voluntary annexation.
- = Discuss the unincorporated areas and the needs of the people who live there, including delivery of services and protection of their tax base.

During discussion, Messrs. Smith and Spratt responded to various queries by the members and explained the procedures for voluntary and referendum annexation, and PPC Executive Director David P. Healey provided input. Responding to query by Mr. Harrell, Mr. Spratt related that the current annexation provisions allow the county to manage some issues, but that they are sometimes vague and could use some tuning up; and that a provision could be included in the charter to allow involuntary annexation to be managed by the county, to the extent it is not in conflict with general or special law.

Pursuant to their requests and at the invitation of Chairman Bomstein, the following citizens appeared and stated their concerns regarding annexation and the rights of residents of the unincorporated areas:

Wesley C. Snipes, Clearwater (distributed memorandum dated 12/9/04)
Ray Neri, Lealman

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At 6:13 P.M., Ms. Burns entered the meeting.

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Responding to query by Chairman Bomstein, Mr. Spitzer indicated that even under full home rule, the county would still be bound by general law regarding referendum annexation; and Attorney Churuti related that the charter could address how power would be exercised in the event it was granted by the state; whereupon, Mr. Healey noted that such a provision had been included in the draft of Ordinance 00-66; and Chief Assistant County Attorney James L. Bennett clarified that the provision had been deleted during the public hearing process; and that the CRC has always had authority to recommend to the legislative delegation that authority be granted by special act.

Mr. Spratt indicated that a trouble area relates to various terms and definitions, such as *contiguity*, *compactness*, and *voluntary*, used in state statutes; and Senator Sebesta and Chairman Bomstein requested that staff prepare suggestions to clean up the language and present them at a future meeting.

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PINELLAS MOBILITY INITIATIVE PRESENTATION

Mr. Smith introduced Michael Crawford of Grimail Crawford, Inc., and following a brief video, they conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, describing the proposed Pinellas Mobility Initiative (PMI). Mr. Smith indicated that County Commissioner Ronnie Duncan is Chairman of the PMI Steering Committee; and that the Committee has been working on a position statement, scheduled for presentation at the June 9 Metropolitan Planning Organization meeting.

Responding to query by Chairman Bomstein, Mr. Spitzer indicated that implementation of the PMI program would require a special act of the legislature; and Ms. Churuti stated that a countywide transit system would be required in order to take advantage of certain funding sources; whereupon, PSTA Executive Director Roger Sweeney voiced his disagreement and stated that there is no legal requirement for a countywide system.

Thereupon, Senator Sebesta advised that the state statutes currently provide for \$800 million in revenue bonds for the Tampa Bay Commuter Transit Authority which covers the five west central counties of Florida; that salability of the bonds will be determined by an investment-grade ridership study to be conducted this fall; and that he sees no reason the project could not serve Pinellas County.

Following further discussion regarding funding sources and in response to query by Councilmember Bryan, Mr. Smith and Senator Sebesta estimated that the PMI system could be completed in five years; and Commissioner Duncan noted that the five-year estimate presupposes that the rail system will be built first; and that there are elements of the program that could be implemented immediately.

OVERVIEW OF CRC ISSUES AND OPTIONS

Mr. Spitzer referred to the recommendations of the 2004 CRC regarding PSTA Governance Structure and PSTA Authority Powers, copies of which have been filed and made a part of the record, and indicated that Mr. Sweeney had requested no action be taken by the CRC until after the PSTA board meeting on May 25; however, noting the CRC's scheduled meeting with the legislative delegation set for June 20, Mr. Spitzer suggested that the Commission may wish to discuss the matter at this time.

Senator Sebesta indicated that he supports the idea of countywide service and reminded the members that they had planned to meet with all the cities immediately after this year's legislative session, but noted that BCC Chairman John Morroni preferred to wait until September; whereupon, Mr. Smith stated that Chairman Morroni now wishes to

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move ahead, and it was the consensus of the members that Senator Sebesta should set up a meeting with the cities.

Councilmember Bryan requested that Mr. Spitzer research other transit authorities in Florida in hopes of finding a way to bring PSTA under home rule, and Mr. Spitzer agreed to do so.

Mr. Wilson suggested that the CRC attempt to gain county authority, via charter amendment, to handle county problems without going to the legislature, regardless of the specific issues; and Senator Sebesta requested that Mr. Spitzer draft such legislation to present to the legislative delegation, to which Mr. Spitzer agreed.

Thereupon, Mr. Spitzer conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, reviewing the history and provisions of the Pinellas charter, topics discussed by the CRC in 2004 and this year to date, and policy questions open to debate before presenting amendments to voters, including:

- = Dual vote: Every other Florida charter allows the electorate to consider and adopt amendments without a dual vote; whereas, in Pinellas, any proposed amendment setting policy requires a dual vote.
- = Countywide policy default system wherein the city prevails. Some counties have adopted amendments that provide that the county ordinance prevails.
- = Amendment process: Frequency of the charter review, power of the CRC, appointment of members, and whether elected officials should serve on the Commission.

He indicated that full home rule would involve two issues: abolishing the dual vote requirement for proposed amendments setting policy, and removing legislative oversight on future amendments relating to constitutional officers. Attorney Churuti clarified that even with full home rule, annexation is still governed by general law, and special districts are governed by special act and general law defining their abolition; whereupon, she suggested that the CRC may want to add a provision allowing for repeal of the charter by future CRCs; and Mr. Spitzer indicated that he is unaware of any charter that provides for repeal.

Mr. Spitzer noted that given the nature of the charter, most of the issues under consideration by the CRC are likely to require legislative action before they can go to the voters in 2006; and that any recommendations to the delegation must be made by the end of the summer.

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In response to queries by Councilmember Bryan, Senator Sebesta confirmed that the Commission should draft a bill indicating changes desired; that the cities and county must agree to the changes before submitting it to the legislative delegation or the delegation will not approve it; that the bill will then be placed on the Senate consent agenda; that if there is opposition, the bill is removed from the consent agenda and usually dies; whereupon, he reiterated that there must be a specific program before presentation to the delegation or nothing will happen. Following further discussion and upon proposal by Chairman Bomstein, it was the consensus of the members that the legislative delegation meeting scheduled for June 20 be postponed until August 15 to allow for further deliberation and preparation of specific items for discussion.

OTHER BUSINESS

Chairman Bomstein requested approval of the MGT of America invoice, No. 13361, in the amount of \$36,985 for the first of four payments in accordance with the agreement; whereupon, Senator Sebesta moved, seconded by Commissioner Harrell and carried, that the invoice be approved for payment.

Responding to query by Mr. Wilson regarding the June meeting schedule, Chairman Bomstein indicated that one meeting will be held on June 20; that he will ask Mr. Spitzer to distribute information regarding the issues to be addressed; and that, in light of the postponement of the legislative delegation meeting, the Supervisor of Elections non-partisan issue could be addressed if Supervisor Deborah Clark is able to attend. Mr. Harrell requested that Mr. Spitzer draft recommendations for use as a starting point for discussion, and Chairman Bomstein concurred.

ADJOURNMENT

Chairman Bomstein announced that the June 20 meeting will be held at the Tampa Bay Regional Planning Council offices; whereupon, the meeting was adjourned at 7:50 P.M.