

Clearwater, Florida, May 24, 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 5:01 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III (via telephonic conference call)  
Ricardo Davis  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Late Arrival:

Roy Harrell

Absent:

Everett S. Rice, Sheriff  
George Jirotko

Also Present:

Susan H. Churuti, County Attorney  
Elithia V. Stanfield, Assistant County Administrator  
Kurt Spitzer, KS&A  
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority  
Other interested individuals  
Cathy Fickley, 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. Decision Topics – Charter Amendments
  - Charter Revision Commission and Composition
  - Dual Vote
  - Employment Authority of Administrator
  - Non-Interference Policy
6. Discussion and Review of Technical Amendments
  - Budget Authority of Administrator
  - Termination Process of Administrator
7. Decision Topics – Recommendations
  - PSTA Structure
8. Annexation (Tabled May 10<sup>th</sup>)
9. Hearing Locations
10. Other Business
11. Adjourn

#### CALL TO ORDER

Chairman Decker called the meeting to order at 5:01 P.M.

#### MINUTES OF MEETING OF MAY 10, 2004 - APPROVED

Commissioner Latvala moved, seconded by Councilmember Bryan and carried, that the minutes of the regular meeting of May 10, 2004 be approved; whereupon, Chairman Decker noted that the nine members present constitute a quorum, and one member is available via telephonic conference call.

#### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Norman Roche, Clearwater, requested that the commission recommend that a temporary moratorium be placed on all annexation activity in Pinellas County.

W. C. Snipes, Clearwater, distributed an informational packet pertaining to the annexation issue, a copy of which has been filed and made a part of the record; and requested that the members provide feedback following review of the documents.

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City of Pinellas Park Mayor and Mayors' Council President William Mischler provided a review of three resolutions recently passed by the St. Petersburg City Council, copies of which have been filed and made a part of the record. He expressed concern with regard to the proposed Charter revision; and suggested that revision members be appointed by the Council of Mayors or from a list prepared by the cities in an effort to promote cooperation and trust between the cities and the county; and Mayor Dottie Reeder, City of Seminole, and Mayor J. J. Beyrouti, Town of Redington Shores concurred.

City of St. Petersburg Mayor Rick Baker discussed the Pinellas Assembly process; and referring to the aforementioned resolutions, suggested that the CRC continue to discuss and attempt to resolve the issues prior to the formation of a Charter Revision Commission; and City of Dunedin Mayor John Doglione and City of Largo City Manager Steve Stanton concurred and indicated that the cities and county must work together in that regard; whereupon, City of Gulfport Mayor Michael Yakes related that similar resolutions will be presented for adoption at an upcoming Gulfport City Council meeting; and requested that the CRC consider adopting the municipal issues into the Charter.

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At this time, 5:16 P.M., Mr. Harrell entered the meeting.

\* \* \* \*

City of Clearwater Vice-Mayor Frank V. Hibbard stated that the issue was discussed at a recent City Council meeting; that the greatest concern is for fair representation and cooperation between the cities and the county; that a dual referendum position has not been established; and that there is no opposition to the convening of a Charter Revision Commission, but that further dialogue be pursued in that regard.

#### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC – NONE

#### DECISION TOPICS – RECOMMENDATIONS

##### Charter Revision Commission and Composition

Commissioner Latvala requested that clarification be provided with regard to the concerns surrounding the proposed Charter Revision Commission; whereupon, Mr. Spitzer outlined the following differences between the CRC and a Charter Revision Commission:

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- Charter Revision Commission is authorized to propose up to and including a repeal of the Charter in its current language, although prior authorization from the legislative delegation may be required
- Charter Revision Commission would have 18 months to review issues and provide recommendations; CRC normally convenes for six months
- Proposed amendment language specifically directs the Charter Revision Commission to examine limitations that exist in the Charter or in special acts in addition to looking at county government and Charter operations
- The CRC has the power to determine the composition of the Charter Revision Commission

Mr. Spitzer referred to a copy of an amended draft ordinance that provides for the establishment of a Charter Revision Commission, a copy of which has been filed and made a part of the record, reviewed the changes previously requested by the members, and clarified certain changes in the language of the ordinance. He related that the Pinellas Charter is unique in that it requires a number of elected officials to sit on the Commission; and that other charters in Florida prohibit some or all elected officials from serving. Mr. Spitzer called attention to a "glitch" in the ordinance pertaining to the convening of the next CRC which is scheduled to take place two years after the Charter Revision Commission has completed its work in November 2006; and suggested that the members may want to address the timeline.

Discussion ensued regarding a memorandum received from Geoffrey R. Hamblin, County Attorney's Office, a copy of which has been filed and made a part of the record; and in response to queries by Mr. Harrell, County Attorney Susan H. Churuti related that the legislature must first amend the special act that created the Charter in order to grant the CRC power to repeal or substantially revise the Charter.

During additional dialogue, the members discussed ongoing issues between the county and the cities; and Councilmember Bryan maintained that decisions made by the CRC would directly impact the cities; and that the cities should therefore be included in the proposed Charter Revision Commission; whereupon, the members expressed their frustration in not being able to effect change to the Charter due to insufficient time and legislative requirements. During further discussion pertaining to the makeup of the proposed revision commission, Senator Sebesta urged the members to work with city

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representatives by addressing each issue in a workshop setting, and thereby possibly negating the need for a revision commission.

During additional discussion, Commissioner Latvala indicated that she would support a Charter Revision Commission composed of citizens appointed by the county commission in an effort to avoid controversy with the cities; and Mr. Kwall added that it should be totally independent from any government entity or employee; whereupon, Commissioner Latvala concurred. Discussion continued as to the makeup of the commission and whether elected officials should be included; whereupon, Attorney Churuti described the composition changes made by the previous CRC, and indicated that the members may be able to place the revision commission composition issue on the November ballot without legislative approval. Referring to the lack of time referenced by several commissioners, Senator Sebesta suggested extending the current CRC process; whereupon, Attorney Churuti interjected that the legislative special act precludes extension of the commission.

In response to Chairman Decker's request that the revision composition issue be placed on the Mayors' Council agenda, Mayor Mischler indicated that the Council has been focusing on the Pinellas Assembly process; and suggested that the county and cities meet in an effort to come to agreement; whereupon, in response to query by Mr. Wilson, Mayor Mischler reiterated that the cities did not have input with regard to the composition of the CRC; and that the cities are of the opinion that nothing will be accomplished until they are represented.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 6:36 P.M. and reconvened at 6:52 P.M.

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Alluding to the members' comments, Mayor Baker suggested that a consensus between the county and the cities be reached before proceeding forward in an effort to prevent a major conflict within the community; and related that the Pinellas Assembly process has reviewed the same issues and has come to consensus on several. In response to query by Mr. Kwall, Mayor Baker discussed potential areas of concern that may come before the proposed revision commission.

Thereupon, Mr. Wilson moved, seconded by Mr. Kwall, that staff be directed to research a revision commission composed exclusively of citizens. Following discussion and upon call for the vote, the motion carried 7 to 4 with Chairman Decker, Councilmember Bryan, Mr. Armstrong, and Mr. Harrell casting the dissenting votes.

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Alluding to the upcoming Council of Mayors' meeting, Chairman Decker requested that Mr. Spitzer attend either by telephone or in person, and attempt to gather information regarding the proposed revision commission issue for review by the members.

#### Dual Vote

Mr. Spitzer referred to the dual vote policy amendment and a spreadsheet titled *Florida Charter Counties*, copies of which have been filed and made a part of the record; and pointed out that one minor technical change has been made in the title of the amendment. He noted that Pinellas County has the only Charter in the state that requires a dual vote in order to propose future amendments that may be considered by the electorate on a countywide basis; that the proposed amendment would delete the requirement for a dual vote; and that it does not make any changes to the powers of the county commission in terms of adopting policy countywide by ordinance. He explained that the Florida Constitution requires a dual vote to transfer functions or powers from a municipality to the county government, described previous CRC recommendations and the resulting legislative action, and provided several examples illustrating the difference between policy and the transfer of people and assets.

During discussion and in response to query by the Chairman, Councilmember Bryan requested feedback from Mr. Spitzer with regard to various city functions and services that would be affected by removal of the dual vote. Lengthy discussion ensued in which several members expressed concern regarding the cities' position on removal of the dual vote; whereupon, in response to a suggestion by Senator Sebesta, it was the consensus of the members to direct staff to research the possibility of reconstituting the present commission following its expiration in July. Responding to query by Mr. Wilson, Senator Sebesta alluded to the possibility of using the remaining time afforded the commission to try to find consensus between the municipalities and the county in an effort to resolve controversial issues.

#### Employment Authority of Administrator

Ms. Mannion questioned the proposed amendment's ballot question language; whereupon, Attorney Churuti indicated that she would like to confer with County Administrator Stephen M. Spratt before requesting approval by the members; and no objections were noted.

#### Non-Interference Policy

Mr. Kwall moved, seconded by Senator Sebesta, that the adoption of a non-interference policy be approved. Upon roll call, the motion carried unanimously.

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## DISCUSSION AND REVIEW OF TECHNICAL AMENDMENTS

### Budget Authority of Administrator

Commissioner Latvala moved, seconded by Mr. Harrell, that the County Administrator serve as budget officer for the county. Upon roll call, the motion carried unanimously.

### Termination Process of Administrator

Mr. Harrell moved, seconded by Senator Sebesta, that the County Administrator may be terminated by the vote of four County Commissioners at two consecutive, regularly scheduled board meetings, or by a vote of five County Commissioners at any one board meeting. Upon roll call, the motion carried unanimously.

## DECISION TOPICS – RECOMMENDATIONS

### Pinellas Suncoast Transit Authority (PSTA) Structure

Mr. Harrell moved, seconded by Commissioner Latvala, that the recommendations of the Transit Governance Task Force established by the PSTA be approved. Upon roll call, the motion carried 10 to 1 with Ms. Hodges casting the dissenting vote.

Mr. Bryan indicated that the members had previously voted to support a second resolution relating to the makeup of the PSTA Board; whereupon, following discussion and input by PSTA Executive Director Roger Sweeney, it was the consensus of the members to request that staff review the minutes and provide a report at the next scheduled CRC meeting.

## ANNEXATION

Following discussion, Mr. Wilson moved, seconded by Mr. Kwall, that the topic of annexation be removed from the table and left pending; whereupon, following further discussion and upon call for the vote, the motion carried unanimously.

## HEARING LOCATIONS

Assistant County Administrator Elithia V. Stanfield referred to the dates for public hearings selected by the commission members and provided an overview of the available facilities. She indicated that staff had reserved space at Pinellas Park Library and WorkNet for the June 28 hearing; and Clearwater Library located at the intersection of

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Drew and Belcher Road for the July 12 hearing. Discussion ensued with regard to whether public hearings would be necessary; whereupon, Chairman Decker indicated that the issue would be finalized at the next scheduled CRC meeting; and no objections were noted.

#### OTHER BUSINESS

Ms. Hodges introduced State Representative Kimberly Berfield, Vice-Chairman of the Pinellas County Legislative Delegation, who expressed her support of the CRC.

Mr. Wilson referred 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; and Mr. Spitzer provided a summary of the letter. Attorney Churuti related that the district is independent; and that no action can be taken by the commission.

#### ADJOURNMENT

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