

June 14, 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 at 8:04 A.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
Everett S. Rice, Sheriff
John Bryan, City of St. Petersburg Councilmember
Ricardo Davis
George Jirotko
Elizabeth Mannion
E. D. Armstrong, III
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Mayme Hodges

Also Present:

Susan H. Churuti, County Attorney
Sarah Richardson, Senior Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Council (PPC)
Robert Jackson, Mayor, City of Largo
Kurt Spitzer, KS&A
Other interested individuals
Barbara Harb, Board Reporter

June 14, 2004

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Decision Topic - Charter Amendments
 - Employment Authority of Administrator
5. Continued Discussion of CRC Options
 - Charter Revision Commission
 - Extension of Current Charter Review Commission
6. Hearing Locations
7. Other Business
8. Adjourn

CALL TO ORDER

Chairman Decker called the meeting to order at 8:02 A.M.

MINUTES OF MEETING OF MARCH 8, 2004 – APPROVED

Councilmember Bryan moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of March 8, 2004 be approved.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Stephen Bleier, Lealman community, expressed concern with the lack of representation for unincorporated Pinellas County on the Pinellas Planning Council.

June 14, 2004

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At this time, 8:06 A.M., Mr. Harrell entered the meeting.

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The following persons appeared in support of a safe water amendment to the Pinellas County Charter:

Thomas Smith, Clearwater, Chair, Safe Water Alliance
Peter Glickman, Clearwater, President, Citizens for Safe Water
Virginia Brown, Clearwater
Alexandra Belanger, Clearwater
David, Plyer, Clearwater
Ellie Esposito, Clearwater
Cathy Corry, Clearwater
Billie Niemann, Seminole
Jacqueline van den Berg, Largo
John Huckel, Largo
Charles Gille, Seminole
Valorie Shillington, Dunedin
Charles White, Clearwater
Tammy Cihak, Palm Harbor
Bill Reed, St. Petersburg
Mercedes McCaffrey, Clearwater
Elyse Van Breemen, Clearwater
Elisa Lenk, Clearwater
J. B. Pruitt, Clearwater

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At the direction of the Chairman, there being no objection, the meeting was recessed at 9:56 A.M. and reconvened at 10:05 A.M.

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DISCUSSION TOPIC - CHARTER AMENDMENTS

Employment Authority of Administrator

June 14, 2004

Attorney Churuti referred to a memorandum from Senior Assistant County Attorney Carole Sanzeri dated June 8, 2004, a copy of which has been filed and made a part of the record, and stated that the memo explained the charter amendment previously reviewed by the CRC; that the first change would delete the "for cause" in the first sentence of section 4.01(c)(3), which would bring the county administrator in line with the other ten appointing authorities in the Unified Personnel System; and that the second change would delete the last sentence of section 401(c)(3), which currently requires that the Board of County Commissioners (BCC) confirm the termination of exempt employees; whereupon, she recommended that the CRC adopt the language as outlined in Ms. Sanzeri's memorandum.

Mr. Armstrong moved, seconded by Mr. Harrell, that the recommendation of the County Attorney be approved. Upon call for the vote, the motion carried 10-2, with Mr. Davis and Mr. Kwall casting the dissenting votes.

Deviating from the agenda, Chairman Decker directed that the following item would be considered.

Pinellas Suncoast Transit Authority (PSTA) Resolution

Chief Assistant County Attorney James L. Bennett referred to a draft resolution, a copy of which has been filed and made a part of the record, and stated that the PSTA Board of Directors has recommended an expansion of the membership to include three additional members from the BCC and one additional member from the City of St. Petersburg; and that at its June 9, 2004 meeting, the Metropolitan Planning Organization agreed with the recommendation of the PSTA Board of Directors.

Commissioner Latvala moved, seconded by Mr. Kwall and carried, that the CRC agree with the recommendation of the PSTA Board of Directors; that the resolution be included in the CRC's final report to the citizens; and that the resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2005 legislative session.

CONTINUED DISCUSSION OF CRC OPTIONS

- Charter Revision Commission
- Extension of current Charter Review Commission

Mr. Spitzer summarized the actions of the CRC at its last meeting relative to a draft ordinance proposing the establishment of a charter revision commission and stated that

June 14, 2004

staff was instructed to: (1) provide options as to the governing body of the charter revision commission and its makeup, and (2) a means in which the current CRC could be continued beyond its scheduled expiration date of July 31, 2004. Mr. Spitzer further stated that, at the request of the CRC, he attended the Mayors' Council meeting; provided the council members with a discussion concept relative to continuation of the current CRC and a spreadsheet comparing the current policies relating to the CRC with polices in the proposed ordinance creating the charter revision commission; and provided other options that could be considered; whereupon, he reviewed a spreadsheet titled *CRC Policy Options* and a draft timeline relative to the continuation of the CRC, and indicated that he felt that most of the policy considerations concerning continuing the CRC versus establishing a charter review commission, are very similar; and that the most significant difference is the concept of continuation of examination of issues in the county, other work that has been completed, intergovernmental relations, and the continuation of that process from the end of July until the next review entity is created.

Thereupon, Mr. Spitzer addressed the following items:

- The scope of work for a consultant relative to continuing the CRC
- Possible actions between the end of July and the beginning of the next review entity
- The composition, appointment, powers, and duration of the review entity

Mr. Spitzer reported that the Mayors' Council did approve a motion recommending that the CRC take no action on any amendments that would propose major revision to the charter during its current term; whereupon, he recommended that the CRC adopt a resolution urging the county commission to continue the review process between the expiration of the current CRC, and when/if the charter amendment is adopted re-establishing the next review entity.

In response to query by Mr. Kwall, Attorney Churuti stated that it is not within the discretion of the BCC with regard to the appeal of powers; that there is an argument that it is within the discretion of the legislative delegation; that the CRC has the power to amend the charter, subject to voter approval; and that a substantial revision or repeal of the charter would require legislation. Responding to further query by Mr. Kwall, Attorney Churuti indicated that should the CRC wish to repeal the current charter, the procedure would be to place it on the ballot in November and subsequently seek a legislative clean-up bill, or legislative action, which would probably become effective in July 2005.

June 14, 2004

Mr. Harrell stated that there has been a lack of trust between the county and the cities; that the counties, the cities, and the legislative delegation need to reach a consensus on tentative recommendations; and that he favors continuance of the CRC.

Alluding to comments by Ms. Mannion, Mr. Spitzer clarified that any changes to a special act, and issues relative to the constitutional officers would need to go to the legislative delegation; that beyond those restrictions, the CRC is free to place amendments directly on the ballot; and that if an entity is created in January 2005, there would be nothing prohibiting that entity from meeting with the legislative delegation; whereupon, Attorney Churuti further clarified which amendments would need legislative action.

Thereupon, Mr. Bryan stated that a plan outline should be developed to present to the parties involved in order to gain consensus on the proposed recommendations; whereupon, in response to comments by Mr. Bryan, Senator Sebesta commented that it would be difficult to find an independent entity to meet with all affected parties and develop a totally objective program. Discussion ensued with regard to selection of a consultant or organization to develop a proposal; whereupon, Senator Sebesta stated that although Mr. Spitzer would be the logical choice, the question would be whether the cities and the legislative delegation would buy into that decision. Mr. Armstrong said that the charter is the peoples' charter; that the stewardship function resides with the BCC; that the current process may not be the best; and that if there is a charter revision committee, that group would have extensive dialogue and communication with the municipal and legislative leaders, with the object of obtaining consensus as to recommendations to present to the voters. Mr. Wilson stated that any recommendation would have proponents and opponents; and that he was concerned with emphasis being placed with one particular entity or another, because the one constituency is the general public. Commissioner Latvala added that a charter controlled by the legislature is not the most efficient and effective way to operate county government.

In response to query by Chairman Decker, Senator Sebesta indicated that the legislative delegation would see no distinction between a charter revision committee or an extension of the CRC; and that the legislative delegation would probably support the recommendations of the group and the BCC, as long as the goal is clearly stated. In response to Senator Sebesta's query, Attorney Churuti explained that the CRC cannot legally extend its existence; and that by consensus, the group could continue to meet until after the November election. During discussion, Mr. Davis said that all the parties involved would not reach a consensus on every recommendation; and that with a consensus on as many recommendations as possible, the charter review process moves forward. Sheriff Rice commented that the CRC should recommend to the legislature that the 1980 special act-created charter be re-visited; and that this would allow for

June 14, 2004

representation of city officials, county commission and the constitutional officers in the creation of a new charter.

Discussion ensued with regard to the legislative delegation's function in the review process, during which Sheriff Rice stated that when the charter was passed, it was a Limited Home Rule Charter; that Pinellas County is one of only two counties in the state with such a charter; and that independence of the constitutional officers and limitations requested by the municipalities were a consideration. In response to query by Mr. Kwall, Attorney Churuti stated that it would be legally possible for the legislative delegation to present a new charter; whereupon, Mr. Harrell indicated that should the delegation relinquish its powers of oversight, delegation of those powers elsewhere would be an issue between the cities and the county. Mr. Armstrong commented that the legislature would want to know what is proposed in place of the current charter before they would take action.

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At this time, Senator Sebesta left the meeting.

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Following further discussion with regard to obtaining consensus of all parties involved, preparation of a document outlining initial recommendation; and hiring of a consultant, Mr. Wilson moved that it be recommended to the BCC that the CRC continue its work after July 31. In response to query by Mr. Wilson, Attorney Churuti explained which amendments could be placed directly on the ballot and the current requirement for a general election; whereupon, Mr. Wilson moved, seconded by Sheriff Rice, that the CRC place the continuance of the current review commission on the ballot for the general election. Further discussion ensued with regard to the language of the ballot question; whereupon, Bob Jackson, Mayor, City of Largo, expressed the concerns of the Mayors' Council as to the timing of the review procedure during the course of the American Assembly process, and indicated that unless an assurance would be given that the BCC, the cities, and the legislative delegation would have some input into the process, the tenor of the Mayors' council would be to work to defeat it.

In rebuttal, Chairman Decker stated that on March 17 the consultant solicited input from all the mayors, but did not receive any responses; that Mr. Bryan has been a strong advocate of the cities' position; and that the recommendation to extend the current CRC is to afford an opportunity for the development of a format outlining the intent of the recommended amendments.

June 14, 2004

Thereupon, Mr. Wilson called the question, whereupon, following discussion, it was the consensus of the group that the recommendation be that the current 13 members be reappointed; and that the BCC make appointments to fill any vacancies; and the maker of the motion concurred. Upon call for the vote, the amended motion carried unanimously.

Thereupon, Mr. Kwall moved, seconded by Ms. Mannion, that the Sunshine Law govern any informal meetings of the group. Concerns were expressed as to the necessity of a meeting prior to the November election; whereupon, Attorney Churuti advised that the group would not be constituted; therefore, the law would not apply; but that it is probably prudent to agree to not meet together in small groups or in secret to discuss charter amendments. Upon call for the vote, the motion carried unanimously.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 10:25 A.M. and reconvened at 10:36 A.M.

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Chairman Decker stated that under Item No. 5, the revision commission would not go forward; whereupon, Attorney Churuti confirmed the makeup of the membership; and inquired as to the duration of the review process, and whether the group wished to meet prior to the election. Mr. Wilson said that it would be expedient and helpful to wait until after the election, so that upon approval by the voters, meetings can begin with the legislative delegation; whereupon, Mr. Kwall moved, seconded by Mr. Bryan, that the duration would be January 2005 through July of 2006. Following discussion, Mr. Harrell moved, seconded by Mr. Bryan, that the motion be amended to continue the process through December 2006, if necessary, to complete the review. Upon call for the vote, the motion carried unanimously.

Commissioner Latvala requested that Mr. Spitzer prepare a resolution regarding the process that should be followed by the CRC, so that the citizens would be aware of the issues prior to the election, which was adopted by consensus of the group.

Alluding to comments by Mr. Wilson, Attorney Churuti advised that the CRC is required to issue a report to the electorate that would include all items considered and rejected.

Mr. Bryan raised the question of the selection of a consultant; whereupon, Chairman Decker stated that the CRC could recommend that the BCC retain the services of Mr. Spitzer. Mr. Bryan moved, seconded by Mr. Davis that it be recommend to the BCC that the services of Kurt Spitzer and Associates be retained. During discussion with regard to

June 14, 2004

the MGT of America, Inc. study, Mr. Spitzer noted that the study is 12 years old; that different functional consolidations were considered; and that some of those may have been conducted in practice or by ordinance; whereupon, Attorney Churuti indicated that a resolution would be required to indicate the start date of Mr. Spitzer's retention be August 1.

Thereupon, Chairman Decker stated that it is in the BCC's discretion to direct a start date; and that the recommendation before the group is for Mr. Spitzer's retention. Upon call for the vote, the motion carried unanimously.

Mr. Bryan queried as to the need for obtaining outside legal representation; whereupon, Chairman Decker pointed out the benefits and cost savings associated with the services of the County Attorney's Office; and stated that should a conflict arise, it would be disclosed. In response to query by Mr. Bryan, Attorney Churuti stated that there have been no unavoidable conflicts thus far; whereupon, she indicated the various entities that she represents, and noted that this is the fourth CRC that she has represented. Mr. Bryan clarified that his suggestion was not to refrain from utilizing the services of the county attorney, but rather the addition of an attorney; whereupon, Attorney Churuti stated that should an issue arise that the group desired to have a second opinion, she would not have a problem with them doing so.

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At this time, 10:55 A.M., Mr. Kwall left the meeting.

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HEARING LOCATIONS

Chairman Latvala noted that one of the locations, the Hale Activity Center, is located in Dunedin; whereupon, Mr. Spitzer noted that Ms. Stanfield had located facilities to hold the public hearings, but that the next meeting could be held in the current location; and that staff could bring back resolutions and draft charter amendments for review and schedule another meeting on June 28. Ms. Stanfield stated that the dates of June 28 and July 12 were listed in the CRC's matrix as possible hearing dates; but that at the last meeting it was debated whether the hearings should be held; and that she is awaiting the group's decision. During discussion and in response to query by the members, Attorney Churuti related the history of public meetings and the response thereto; and stated that the only public hearing held by a CRC was 12 years ago, to which there was little response.

June 14, 2004

Thereupon, Chairman Decker suggested that one public hearing be held at the current location, in combination with the June 28 meeting; whereupon, he noted that he would not be in attendance but would be available via conference call for approximately one hour and that there would be a quorum present. Attorney Churuti indicated that a public announcement regarding the public hearing would be given by the Department of Public Affairs. Chairman Decker confirmed that the public hearing would be held at the Swisher Building conference room on June 28; that the July 12 meeting will be held if necessary; and that the meeting for the final vote will be held on July 26.

OTHER BUSINESS - NONE

Mr. Spitzer presented expense statements for himself and Mr. Bryan, copies of which have been filed and made a part of the record; whereupon, Mr. Armstrong moved that the May expense reports be approved. Upon call for the vote, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 11:05 A.M.