

Clearwater, Florida, June 28, 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:

Louis Kwall, Vice-Chairman
Susan Latvala, County Commissioner
E. D. Armstrong, III
Ricardo Davis
George Jirotko
Mayme Hodges
Roger Wilson

Late Arrival:

Roy Harrell
Elizabeth Mannion

Absent:

Robert C. Decker, Chairman
Jim Sebesta, State Senator
Everett S. Rice, Sheriff
John Bryan, City of St. Petersburg Councilmember

Also Present:

Susan H. Churuti, County Attorney
Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Other interested individuals
Dawn Rubio, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Summary of CRC Recommendations

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4. Continued Discussion of Options
 - Reconstituting the Charter Review Commission
 - Resolution Concerning Consulting Services
5. Public Comment
6. Other Business
7. Adjourn

CALL TO ORDER

Vice-Chairman Kwall called the meeting to order at 5:00 P.M.

APPROVAL OF MINUTES

The Vice-Chairman expressed concern that the minutes of the regular meeting of June 14, 2004 are not available for approval at this time.

SUMMARY OF CRC RECOMMENDATIONS

The Vice-Chairman referred to a document titled *Charter Review Commission - Ordinances, Resolutions, Charter Amendment and Ballot Questions*, a copy of which has been filed and made a part of the record; invited comment from the members; and indicated that the individual items could be approved by the members in one motion; whereupon, in response to query by Mr. Jirotko, Mr. Spitzer indicated that the questions could appear individually or grouped together on the ballot in November.

Following discussion, Mr. Armstrong moved, seconded by Commissioner Latvala and carried, to accept the six items as all the matters that the CRC has considered and approved to date.

Thereupon, Mr. Armstrong moved, seconded by Mr. Davis and carried, that the items be presented as separate questions to the electorate.

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At this time, 5:09 P.M., Ms. Mannion entered the meeting.

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CONTINUED DISCUSSION OF OPTIONS

Reconstituting the Charter Review Commission

Noting that the members had approved the reconstitution of the CRC, the Vice-Chairman indicated that it is necessary to discuss the replacement of any member who resigns or may leave office following the November election; whereupon, Mr. Armstrong moved, seconded by Mr. Davis, that any replacement to the group be selected by the Board of County Commissioners (BCC), consistent with the current practice and requirements.

Following further discussion, and upon call for the vote, the motion carried unanimously.

Resolution Concerning Consulting Services

Vice-Chairman Kwall called attention to a resolution, a copy of which has been filed and made a part of the record, requesting that the BCC continue the consultant services of Mr. Spitzer, beginning August 1, 2004, and continuing through the duration of the reconstituted Charter Review Commission.

Following discussion, Mr. Jirotko moved, seconded by Mr. Davis and carried, that the resolution be approved.

PUBLIC COMMENT

In response to the Vice-Chairman's call for persons wishing to be heard, the following individuals expressed their concerns:

Peter Glickman, Clearwater - Presented approximately 100 petitions from Pinellas County voters in support of proposed safe water amendment; and announced a public debate on July 8 at 7:00 P.M. at the Harborview Center.

Robert Billhima, Unincorporated - In support of safe water amendment.

John Huckel, Largo - Urged the members to stop the fluoridation of water.

Charles Gille, Seminole - In support of safe water amendment.

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Rod Carlson, Clearwater - In support of safe water amendment.
Lorraine Myers, Clearwater - In support of safe water amendment.
Alexandra Belanger, Clearwater - In support of safe water amendment.
Susan Stockton, Clearwater - In support of safe water amendment.
Ellie Esposito, Clearwater - In support of safe water amendment.
Dr. Ian Shillington, Dunedin - In support of safe water amendment.
Valorie Shillington, Dunedin - In support of safe water amendment.
Tom Smith, Clearwater - In support of safe water amendment.
David Plyer, Clearwater - In support of safe water amendment.
Cathy Corry, Clearwater - In support of safe water amendment.
Louen Graham, Clearwater - In support of safe water amendment.

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At the direction of the Vice-Chairman, there being no objection, the meeting was recessed at 5:40 P.M. and reconvened at 5:46 P.M.

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At this time, 5:46 P.M., Mr. Harrell entered the meeting.

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Alluding to the comments made by citizens, Mr. Armstrong opined that the fluoridation issue is a matter of policy rather than governance; and as such, is a decision for the BCC and is not appropriate for inclusion in the Pinellas County Charter.

In response to query by Mr. Wilson, County Attorney Churuti related that several public hearings were held regarding the fluoride issue; and the Vice-Chairman clarified that the CRC does have the authority to add the question to the ballot, but that it is an issue of appropriateness from a policy standpoint.

OTHER BUSINESS

Proposed Charter Amendments

Mr. Spitzer conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record; and reviewed the CRC's recommendations and the charter process in general. He reported that the Pinellas County Charter is the only Florida charter that provides for a process whereby the legislature has a role in approving the amendments before presentation to the voters; and that it is the only charter requiring a dual vote when the electorate considers amendments transferring policy.

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At this time, 6:00 P.M., Commissioner Latvala left the meeting.

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Mr. Spitzer briefly reviewed the issues discussed by the current CRC; whereupon, the Vice-Chairman opened the meeting to public comment regarding the pending proposals as presented by Mr. Spitzer; and the following individuals appeared and offered comments:

- Peter Glickman, Clearwater - Re rights of government.
- Charles Gille, Seminole - Re extent of power granted to government.
- David Plyer, Clearwater - Re powers reserved to the people.
- Ellie Esposito, Clearwater - Re people's right to choose.
- Louen Graham, Clearwater - Re whether safe water amendment out of bounds for charter.
- Dr. Ian Shillington, Dunedin - Called for vote to place safe water amendment on the ballot.
- Keith Dekle, Largo - Re voting process concerning amendments placed on the ballot.
- Albert Redman, Jr., Seminole - Re CRC's discussion of annexation question.
- Mary Schoonover - Re reconstitution of the CRC.

Draft Ordinance re Reconstitution of 2004 Charter Review Commission

Attorney Churuti presented a draft ordinance, and called attention to the proposed addition of Section 6.05 regarding membership and the power of repeals.

Discussion ensued regarding Sheriff Rice's appointment if he is no longer a constitutional officer but becomes a member of the legislative delegation; whereupon, Attorney Churuti suggested that the language in subparagraph (a) would allow him to continue to serve; and in response to query by Ms. Mannion, explained that appointments are made by the BCC and not the legislative delegation; and Mr. Harrell indicated that he does not accept the interpretation of the County Attorney.

Attorney Churuti read the proposed ballot question; and indicated that it is up to the membership as to whether they want to request repealer power from the legislative delegation. Following discussion, Ms. Churuti agreed to remove the phrase "including repealer and replacement" from the ballot language.

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Mr. Harrell suggested that the ballot language include a provision regarding building consensus among the municipalities and other local governing entities; whereupon, Mr. Armstrong contended that the provision should not be a part of the ballot question.

Thereupon, Mr. Jirotko moved, seconded by Mr. Davis, that the draft ordinance be approved as presented, including agreed-upon wording changes.

Mr. Harrell again suggested that the objective of reaching consensus be part of the ballot question; and Vice-Chairman Kwall opined that the language would limit the commission's ability to make decisions; whereupon, he asked Mr. Harrell if he would like to make a motion to that effect.

Attorney Churuti then suggested that the phrase "for the purpose of building consensus toward approval of recommendations for inclusion in the charter amendment" could be added to subparagraph (b) of Section 6.05; whereupon, Mr. Harrell moved, seconded by Ms. Hodges, that the suggested language be approved.

Mr. Jirotko noted his objection to the word "in-depth" in subparagraph (b).

Upon presentation of Mr. Harrell's motion, Mr. Jirotko withdrew his motion. Upon call for the vote, the motion failed three to four, with Mr. Armstrong, Mr. Davis, Mr. Wilson and Mr. Jirotko casting the dissenting votes.

Thereupon, Mr. Jirotko moved, seconded by Mr. Davis, that the draft ordinance, as presented, be accepted, subject to noted clerical corrections and removal of the words "repealer," "replacement" and "in-depth." Upon call for the vote, the motion carried six to one, with Mr. Harrell casting the dissenting vote.

Next Meeting - July 12, 2004

Vice-Chairman Kwall related that the final meeting of the CRC will be held July 12; and that Mr. Spitzer will issue a report and Attorney Churuti will provide a final draft of the ordinance regarding Section 6.05.

ADJOURNMENT

The meeting was adjourned at 6:40 P.M.