

Clearwater, Florida, July 18, 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 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
Karen Burns
Katie Cole
Robert C. Decker
George Jirotko
Louis Kwall
Roger Wilson

Absent:

Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Roy Harrell

Also Present:

Ken Burke, Clerk of the Circuit Court
Diane Nelson, Tax Collector
Jim Smith, Property Appraiser
Ronnie E. Duncan, County Commissioner
Susan H. Churuti, County Attorney
Dennis R. Long, Senior Assistant County Attorney
Sarah Richardson, Senior Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
J. Keith Wicks, Assistant County Administrator
C. T. Kearns, Director of Emergency Medical Services &
Fire Administration
David P. Healey, Executive Director, Pinellas Planning Council
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Arlene L. Smitke, Deputy Clerk
Other interested individuals

July 18, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. MGT Progress Report
4. Continued Overview of CRC Issues
 - Other Subjects for Consideration
 - Future Calendar
5. Preliminary Recommendations
 - a. Annexation
 - b. Technical Revisions
 - c. Special Districts
 - d. Process Amendment
 - e. Future Charter Review Commissions
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, he related that Commissioner Latvala and Mr. Harrell will not be attending tonight's meeting.

MINUTES OF MEETING OF JUNE 20, 2005 – APPROVED AS AMENDED

Chairman Bomstein referred to the minutes of the June 20, 2005 meeting; called attention to page seven, paragraph three; and clarified that the 1998 ballot question was to create a seven-member Board of County Commissioners comprised of four members from single-member districts and three members at large; whereupon, Senator Sebesta moved, seconded by Mr. Kwall and carried; that the minutes be approved as amended.

MGT OF AMERICA PROGRESS REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, presented the third progress report with regard to the Fire/EMS Services review and the Building/Zoning/Code

July 18, 2005

Enforcement update, which has been filed and made a part of the record. He indicated that interviews have been conducted with all of the fire chiefs; that each department or district has unique issues to consider; that nearly all of the questionnaires have been returned by the departments; that he has requested 9-1-1 information from the Emergency Medical Services (EMS) & Fire Administration and will meet with Mr. Kearns tomorrow to discuss the scope of his request; and that data is being compiled regarding operating costs, which will be forwarded along with Computer-Aided Dispatch (CAD) data to the Fire Chief's Association for review.

Referring to the timeline, Mr. Humphrey indicated that he will present the findings of the Fire/EMS review, including legal issues to be addressed, at the August 1 CRC meeting in preparation for the August 15 meeting with the Legislative Delegation; that the final report, including recommendations, will be completed in late August or early September; and that survey responses are being compiled for the Building/Zoning/Code Enforcement study, with delivery of the final report projected for August 15.

EMS & Fire Administration Director Kearns indicated that his department has been asked to provide information to MGT regarding the following issues and reported on progress to date.

- ▶ Funding equity and alternatives
- ▶ Water supply for fire protection
- ▶ Traffic considerations
- ▶ Public education

Mr. Kearns thanked the Fire Chief's Association, which has appointed a subcommittee to work with his staff regarding hydrant and water flow issues.

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Deviating from the agenda, Chairman Bomstein acknowledged guests in attendance including Clerk of the Circuit Court Ken Burke, Tax Collector Diane Nelson, Property Appraiser Jim Smith, Commissioner Ronnie E. Duncan, and Assistant County Administrator J. Keith Wicks; whereupon, in response to query by Ms. Burns, he related that Supervisor of Elections Deborah L. Clark will attend the August 1 meeting to address the issue of non-partisan designation of the office.

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July 18, 2005

CONTINUED OVERVIEW OF CRC STATUS AND ISSUES

Other Subjects for Consideration

Mr. Spitzer referred to his memorandum dated July 14, 2005, a copy of which has been filed and made a part of the record, and called attention to a table containing information on practices in other charter counties regarding the adoption of ordinances by petition of the electorate. Responding to queries by the members, Mr. Spitzer indicated that there is no general procedure for ordinances by petition in Florida non-charter counties; and that certain issues such as land use are typically prohibited from citizen-initiated referendum. Following discussion with input by Senior Assistant County Attorney Steg, Chairman Bomstein indicated that the issue would not be carried forward due to lack of interest by the members.

Referring to previous discussions regarding removal of legislative oversight on future amendments concerning county constitutional officers, Mr. Spitzer indicated that proposed language has been included in the agenda package as Attachment D to his memorandum.

Mr. Spitzer reviewed the dual vote requirement for charter amendments authorizing countywide policy, noting that no other Florida charter contains such a provision. Following discussion with input by Attorney Churuti, Mr. Spitzer emphasized that the issue at hand is whether to pursue the adoption of a procedural amendment deleting the requirement for future proposed policy amendments; and that no substantive policy is under consideration at this time; whereupon, Chairman Bomstein noted a consensus of the members to pursue modification of the dual vote requirement; and directed Mr. Spitzer to prepare the appropriate language.

Referring to discussions held by the 2004 CRC, Mr. Spitzer noted that the current charter contains no provision for repeal; and Attorney Churuti related that following an inquiry last year by the CRC of another county, the Attorney General had ruled that a charter could not be repealed unless authority was given to do so at the time of its writing; whereupon, she suggested that the members may wish to pursue a process amendment to provide authorization for future consideration of repeal of the charter. Following discussion, Chairman Bomstein directed that Mr. Spitzer continue to pursue the item; and no objections were noted.

Future Calendar

See Agenda Item No. 6 – Other Business.

July 18, 2005

PRELIMINARY RECOMMENDATIONS

Annexation

Chairman Bomstein announced that discussion of the annexation items will be postponed, as County Administrator Spratt wishes to address them personally. Attorney Churuti clarified that Mr. Spratt had given her permission to review the documents with the members, but had asked that final decisions be delayed until he is present; whereupon, she summarized the documents marked Exhibit A.i, A.ii, and A.iii; responded to queries by the members; and indicated that Mr. Spratt and Chief Assistant County Attorney Bennett can provide further information upon their return from vacation.

Technical Revisions

Referring to the draft amendment marked Attachment B, Attorney Churuti related that she had reviewed the entire charter and identified the following areas in need of revision:

- ▶ Delete reference to motor vehicle inspections - no longer conducted.
- ▶ Delete reference to the Pinellas County Industry Council - abolished by Special Act; BCC sits as Industrial Development Authority.
- ▶ Delete reference to Pinellas Sports Authority – deactivated by Department of Community Affairs.
- ▶ Incorporate name changes on two special fire districts.

In response to queries by Senator Sebesta, Attorney Churuti indicated that the Sports Authority was created to serve as the issuer of bonds for Tropicana Field; that the City of St. Petersburg has taken over the obligation; that the Authority does not meet; and that the local governments are not interested in participation. Referring to the sports authority in Hillsborough County, Senator Sebesta suggested the possible need for an active sports authority in Pinellas County; whereupon, Ms. Cole indicated that the St. Petersburg/Clearwater Area Convention and Visitors Bureau serves as the promotion standpoint for sports in Pinellas County. Chairman Bomstein directed that the County Attorney pursue the technical revisions as presented, and no objections were noted.

Special Districts

Attorney Churuti indicated that Attachment C relates to transfer of the Mosquito Control and Water and Navigation Control special districts from state to local districts; that the

July 18, 2005

County currently has authority in both areas; that a proposed Special Act removes them from the list of districts whose status, duties or responsibilities may not be changed by the charter; and that a 1998 charter amendment granted authority to the CRC to put the items on the ballot.

Chairman Bomstein stated that it is possible some municipalities may have an interest in water and navigation control, which could cause problems with the Legislative Delegation; whereupon, Attorney Churuti indicated that the recommendation is that it remain as a countywide power, but that changes currently requiring legislative permission will be brought under the authority of the BCC. During discussion, Senior Assistant County Attorney Long advised that without the Special Act, it would remain as a defunct special district, similar to the Sports Authority; and Chairman Bomstein stressed the importance of communicating to the Legislative Delegation that it is a technical, not substantive issue.

Responding to query by Mr. Kwall regarding the proposed ordinance adding Section 2.04(u), Attorney Churuti stated that the reference to the Pinellas Sports Authority in Section 2(b) would be left in at this time.

Process Amendment

Attorney Churuti referred to Attachment D, a draft amendment regarding county constitutional officers, and called attention to Section 4.03, which clarifies that the offices shall remain independent; that the powers, duties, and functions will not be changed by the charter; and that the amendment relates only to changes proposed by a future CRC.

Mr. Jirotko related that it was his understanding that the CRC desired removal of legislative oversight *except* in the case of constitutional officers; Attorney Churuti indicated that the Rice Amendment of 1998 had achieved that purpose, and Senior Assistant County Attorney Richardson provided input; whereupon, Ms. Burns expressed the opinion that Pinellas should have as much power as all other counties, including that over constitutional officers.

Following a lengthy discussion with input by the Property Appraiser, Clerk of the Circuit Court, and the Tax Collector, Mr. Spitzer distributed a document titled *Pinellas County Charter Review Commission, July 18, 2005*, a copy of which has been filed and made a part of the record, and reviewed the definition of home rule and the options available to the CRC; whereupon, Senator Sebesta distributed a memorandum dated July 15, 2005 regarding home rule and commented regarding his experience as a constitutional officer in Hillsborough County.

July 18, 2005

Mr. Jirotko moved that the Pinellas County Charter be left unchanged as it relates to the requirement for legislative permission regarding charter amendments concerning constitutional officers; and Senator Sebesta seconded. Following further discussion with additional comments by Messrs. Smith and Burke and upon call for the vote, the motion passed 6 to 4, with Chairman Bomstein, Mr. Davis, Ms. Cole, and Ms. Burns casting the dissenting votes; and the Chairman announced that the matter will not carry forward for further discussion.

Future Charter Review Commissions

Attorney Churuti reviewed Attachment E, a draft amendment regarding future Charter Review Commissions; whereupon, Chairman Bomstein suggested that the establishment date be changed to not later than March 1; noted the additional wording regarding employees of county or local government; and suggested that the Commission discuss the issue of elected officials serving on the CRC.

Referring to earlier comments regarding the perception of BCC influence on the CRC, Ms. Burns pointed out that the members of the Commission are appointed by the BCC; and discussion ensued regarding alternative methods of appointment.

Following further discussion of the proposed CRC timeframe, Chairman Bomstein noted that the issue will be carried forward for further discussion.

OTHER BUSINESS

Future Calendar

Mr. Kwall indicated that he will be unable to attend the next meeting in person or via telephone; and expressed a desire to participate in upcoming votes.

Following discussion of the August 1 agenda, Chairman Bomstein indicated that the Supervisor of Elections is the main focus of the meeting; and that other topics may be postponed if necessary. Responding to query by Mr. Wilson, Mr. Spitzer related that the CRC will report on its activities and discuss recommendations with the Legislative Delegation on August 15.

July 18, 2005

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:13 P.M.