

Clearwater, Florida, August 1, 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
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole (via telephone)
George Jirotko
Roger Wilson

Late Arrivals:

Ricardo Davis, Vice-Chairman
Karen Burns (via telephone)
Robert C. Decker

Absent:

Jim Sebesta, State Senator
James F. Coats, Sheriff
Roy Harrell
Louis Kwall

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

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AGENDA

1. Welcome
2. Approval of Minutes
3. Family Day Care Centers
4. MGT – Preliminary Findings
 - Steve Humphrey
5. Non-Partisan Election of Supervisor
 - Deborah Clark
6. Manager's Authority to Terminate Senior Staff
 - Steve Spratt
7. Annexation Policy
 - Steve Spratt
 - Jim Bennett
8. Other Business
9. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the lack of a quorum. He confirmed that Senator Sebesta, Sheriff Coats, Mr. Harrell and Mr. Kwall would not be in attendance; and that Ms. Burns and Ms. Cole would be in attendance via telephone conference call.

MINUTES OF MEETING OF JULY 18, 2005 – TEMPORARILY DEFERRED

Chairman Bomstein referred to the minutes of the meeting of July 18, 2005, and indicated that the minutes could not be approved due to the lack of a quorum.

MGT OF AMERICA, INC. SCOPE OF SERVICES

Deviating from the agenda, Chairman Bomstein indicated that the Family Day Care Centers presentation has been moved to later in the meeting at the request of the representative; and requested that agenda Item No. 4, MGT Preliminary Findings, be heard at this time.

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Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., provided background information and an update of the fire and fire service rescue study; and indicated that the data collection is almost finished; that the fire chiefs and/or representatives have been interviewed; that approximately half of the surveys distributed to the fire chiefs have been returned; and that a 911 dispatch system data extraction has been completed. Referring to a PowerPoint presentation titled *Fire and Fire Rescue Service Study, Findings and Issues*, a copy of which has been filed and made a part of the record, he described various documents and agreements associated with the operation of Fire and Emergency Medical Services (EMS); presented an overview of the system and operating budget which encompasses the cities, fire districts, and the county; and related that the unincorporated county performance requirement is below the national standard of five minutes response time. Following an overview of the Sunstar Services system and a review of dispatch events, Mr. Humphrey provided the following preliminary findings and observations:

- Current fire/EMS system is highly effective but there is substantial duplication of response requiring significant resources.
- Basic life support response (BLS) is equally as effective as advanced life support (ALS) response in patient survivability.
- Service is provided by 20 fire jurisdictions plus county ambulance service.
- Centralized planning and system management of fire and rescue services is lacking or fragmented.
- Tensions exist between County Administration and the Fire Chiefs' Association.

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At this time, 5:33 P.M., Katie Cole left the meeting.

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Mr. Humphrey referred to the following primary and secondary issues to be explored in the study process:

- determine needed versus actual
- priority dispatch
- ALS versus BLS response
- modifications to the building code

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- ambulance controls for traffic signals
- countywide fire training curriculum
- review of run cards
- creation of a public safety organization

Mr. Humphrey indicated that research continues; that it is his hope that a report will be finalized in draft form by the end of August; and that report presentations will be scheduled with the study participants thereafter.

During discussion, Mr. Wilson suggested that mutual aid activity be displayed geographically or by district in an effort to determine where each agency is responding; and Chief James Angle, Palm Harbor Fire Rescue, indicated that the Fire Chiefs' Association will prepare a report responding to MGT's findings; that the tension between the County Administrator and various agencies resides at the administrative level and does not affect street operations; and that fire and rescue services escalated in 2004 due to Hurricanes Charlie, Frances and Jean.

During further discussion, Chairman Bomstein requested clarification pertaining to the interaction of roles between the various fire chiefs and the county with regard to staffing; whereupon, C. T. "Chuck" Kearns, Director of Emergency Medical Services and Fire Administration, indicated that the county utilizes a fixed price contract to purchase a paramedic from each fire department to serve on the first response vehicles; that each fire department determines the number of EMTs and paramedics required; that the county has a performance-based contract with Sunstar; that user fees fund the Sunstar revenue stream; and that fire rescue government agencies are funded through taxes.

In response to queries by Mr. Decker pertaining to the availability of infrastructure for system analysis, Mr. Humphrey indicated that a management information system would need to be created; that significant input would be required from the fire chiefs and fire departments; and that the location of the proposed system would have to be determined; whereupon, Mr. Spratt opined that the county has more control and authority over the EMS system; and that the amount of control is not quite as significant in the area of fire service.

Following further discussion, Attorney Churuti suggested that Mr. Humphrey present his findings following completion of the study; that the CRC members make a decision as to the type of system that would be appropriate; and that staff would then address the system's structural issues.

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NON-PARTISAN ELECTION OF SUPERVISOR (SOE)

Ms. Burns referred to a document distributed to the members titled *Non-Partisan Election of the Supervisor of Elections*, a copy of which has been filed and made a part of the record, and cited various studies undertaken that reveal broad support for the SOE position to be elected on a non-partisan basis. She related that the League of Women Voters (LWV) has long supported a non-partisan SOE and management of the election system; whereupon, she deferred to Dianne Wheatley Giliotti.

Chairman Bomstein invited Supervisor of Elections Deborah B. Clark to address the CRC; whereupon, Ms. Clark thanked the members for their time and service on the commission. Alluding to a major election reform by the state in 2001 that is ongoing today, Ms. Clark related that statewide procedures and increased oversight by the state has mandated every elections supervisor to follow the same procedures, thereby making the non-partisan issue almost a non-issue; whereupon, she pointed out that the most important issue is that the constitutional officers remain independent in order to be able to perform their jobs fairly and effectively.

Florida League of Women Voters President Dianne Wheatley Giliotti provided historical background information pertaining to the LWV; whereupon, she described several occasions in which the legislature had the opportunity to include the issue of non-partisan SOE on a statewide basis in legislation, but chose not to do so. She related that the LWV enjoys a close working relationship with Ms. Clark; and that the 2000 election ran well in Pinellas County due to Ms. Clark's efforts. Ms. Giliotti suggested that the voters may have more confidence that their votes are being counted if the SOE is elected on a non-partisan basis; and that the LWV would volunteer its services to educate the voters in an effort to pass a referendum in that regard.

Michael Gilson, Election Reform Coalition of Pinellas County (ERCPC), related that the ERCPC is a coalition approved by the executive committees of the Libertarian, Green and Democratic Parties; that the coalition is available as a resource for the CRC; that the coalition has recently held hearings to address voter concerns; that a summary report of the findings can be viewed at the coalition's website; and that Ms. Clark's office has been very cooperative in sharing information with the coalition. In response to query by the Chairman, Mr. Gilson indicated that the coalition is supportive of the non-partisan SOE position as well as an advisory board for the SOE.

Tony DiMatteo, Republican Party Chairman, indicated that the purpose of the CRC is not to muddy the waters by making partisan elections non-partisan; and that the voters should be educated and given information in that regard; whereupon, Mr. Jirotko moved, seconded by Commissioner Latvala, to keep the SOE a partisan office. Discussion ensued wherein Attorney Churuti indicated that a quorum was present; whereupon, Ms.

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Burns requested that the issue be deferred until Ms. Cole could be in attendance to vote on the item.

During further discussion, Mr. Davis reiterated that the voters should have the opportunity to decide the issue; whereupon, Mr. Wilson stated that it was the responsibility of the CRC to use its best judgment in filtering the information presented. Mr. Decker requested additional information regarding abolishment of the SOE constitutional officer status; whereupon, Attorney Churuti discussed the charter language as it relates to the status, powers and duties of the position, and provided an overview of the various methods that could be utilized to abolish the SOE constitutional officer status and the potential legal ramifications. Chairman Bomstein stated that discussion of the issue has merit due to the independence required of the SOE position.

Discussion continued, and in response to queries by Councilmember Bryan, Mr. Spitzer related that there are six Supervisors of Elections in charter counties that are elected on a non-partisan basis; and that staff will provide a report clarifying how the SOE filing fee is disbursed; whereupon, Ms. Clark expressed her concern with regard to the limitations imposed upon non-partisan SOE positions.

Vollie D. Riskin, St. Petersburg League of Women Voters Co-President, reiterated that Ms. Clark does an outstanding job; but that the perception of a non-partisan SOE would help to restore public confidence in the position.

Chairman Bomstein requested that Mr. Jirotko defer his motion until the meeting of August 15 in order to have more members in attendance for the vote; and Mr. Jirotko and the seconder of the motion concurred.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 6:52 P.M., and reconvened at 7:00 P.M.

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FAMILY DAY CARE CENTERS

Deviating from the agenda, Chairman Bomstein indicated that due to time constraints, Item No. 5, Manager's Authority to Terminate, will be deferred to a future meeting; and no objections were noted.

Sondra Harper, Florida Family Child Care Home Association, Inc. Representative, distributed a packet of information, a copy of which has been filed and made a part of the

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record, and related that the License Board for Children's Center and Family Day Care Homes establishes the rules and regulations for licensed child care providers in the county; that licensing regulations are more stringent than any other county in the state; and that child care providers are limited to caring for five children, regardless of their ages. She discussed issues of concern pertaining to the food program funding cut, the License Board budget, and proposed License Board policy deletions; whereupon, in response to query by Councilmember Bryan, Attorney Churuti indicated that Executive Director Linda Tamanini had previously addressed the CRC.

Thereupon, Chairman Bomstein requested that staff review Ms. Harper's comments and report if any of the issues can be addressed by the CRC.

ANNEXATION POLICY

Chairman Bomstein related that he has been invited to attend the upcoming Council of Mayors meeting; and that Mr. Bennett will also attend in the event that any legal questions may arise.

Mr. Bennett provided a review of his previous annexation presentation; whereupon, he referred to a packet of information, a copy of which has been filed and made a part of the record. He distributed a proposed resolution marked Aiii (corrected) and explained the revisions; whereupon, he pointed out that the informational packet had been prepared at the request of the CRC, in response to queries by Mr. Wilson.

Mr. Bennett referred to Attachment A.i and related that the proposed resolution would amend the Charter to provide a method to gain home rule over all annexation issues; and that it would require either a special act or a change in the general law, both of which require legislative action. Referring to Attachment A.ii, Mr. Bennett explained that the proposed general law change would grant the Board of County Commissioners (BCC) authority to determine which areas remain unincorporated in order to preserve control over county facilities and create preservation areas that could not be annexed; that the BCC would decide which approach to take with regard to requests for preservation by unincorporated communities; and that the BCC would have the authority to declare an unincorporated area a preservation area without input by the citizens unless directed otherwise by the CRC. Mr. Bennett indicated that Attachment A.iii, the corrected proposed resolution, delineates key definitions provided in Ordinance No. 00-63 pertaining to what can be annexed in incorporated and unincorporated areas; whereupon, he provided brief historical background information regarding the rejection of the proposed criteria by the Pinellas Planning Council.

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Mr. Spratt stated that in his opinion, adding the aforementioned criteria to the Charter is not a good idea; whereupon, he offered the following suggestions to secure full home rule:

- Acknowledge current authority re management of voluntary annexation.
- Manage all annexation.
- Define unincorporated communities that wish to be preserved.

In response to the Chairman's call, the following individuals appeared and expressed their concerns:

Mayor Jerry Beverland, City of Oldsmar, indicated that the mayors represent two-thirds of county voters; that they want to have input regarding the annexation issue; and that they will prepare a report following discussions.

Mayor Robert E. Jackson, City of Largo, provided historical background information pertaining to annexation of boundaries; and related that the City of Largo does not force citizens to annex in order to receive services.

Mayor Dottie Reeder, City of Seminole, related that the Florida League of Cities and the Florida Association of Counties have been working with Senator Constantine regarding legislation that would authorize the county and city to negotiate all aspects of annexation.

Mayor Rick Baker, City of St. Petersburg, pointed out that Pinellas Assembly recommendations moved forward only if the cities and the county were in agreement. At the request of Attorney Churuti, Assistant County Administrator Elithia V. Stanfield provided clarification and stated that the Mayors Council did not agree with the Annexation Task Force recommendation; whereupon, Mr. Bennett acknowledged that the task force made the recommendation.

Thereupon, Mayor Baker urged the CRC to give careful consideration prior to moving forward with a recommendation due to the complexities of the issue.

Bill Foster, Pinellas Planning Council (PPC) Chairman, requested clarification from Mr. Spratt with regard to the removal of the Charter referendum item pertaining to annexation criteria; whereupon, Mr. Spratt related that it was never his intention to recommend inclusion of the criteria in the Charter. Mr. Foster indicated that in his opinion, the process is working; that the PPC and BCC are working well together in resolving guidelines for Ordinance 00-63; and that he would encourage a joint meeting with the PPC and CRC should additional clarification of the issues be required.

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Alluding to the upcoming legislative delegation meeting, Chairman Bomstein suggested that the meeting be deferred to October in order to conclude the fire study report; whereupon, Ms. Stanfield provided information relative to the delegation's meeting schedule. In response to query by Mr. Jirotko, the Chairman indicated that CRC meetings are currently scheduled for August 15 and September 19; and that an October date will be selected.

Discussion ensued pertaining to preservation areas, and Mr. Wilson commented that he has been approached by citizens who have been asked to annex on three different occasions; that the citizens are not interested in annexing; and that the creation of a preservation area would ensure that they would not be approached again; whereupon, during further discussion, Commissioner Latvala stated for the record that citizens from the Seminole area have been approached to annex two or three times.

Thereupon, Mark Ely, City of Seminole City Planner, provided input pertaining to the city's annexation process; and indicated that the city waits the mandated two years prior to approaching citizens to annex again; whereupon, Ray Neri, Lealman, pointed out that boundary lines can overlap as a result of annexation by referendum and, as a result, some citizens have been approached to annex on three different occasions.

Chairman Bomstein noted that the issue would be re-agendaed.

OTHER BUSINESS

Commissioner Deborah Kynes, City of Dunedin, Chairperson of the Pinellas Suncoast Transit Authority, reported for the record that the Office of Program Policy Analysis and Government Accountability (OPPAGA) study was scheduled to be received by the end of July or the beginning of August; and that the study has not been received to date.

Chairman Bomstein requested input regarding moving the legislative delegation meeting to October; and no objections were noted.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:59 P.M.