

Pinellas Park, Florida, August 28, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:31 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  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
Karen Burns  
Robert C. Decker  
Louis Kwall  
Sallie Parks  
Roger Wilson

Absent:

George Jirotko, Circuit Court Judge  
Katie Cole

Also Present:

Susan H. Churuti, County Attorney  
Kurt Spitzer, KS&A  
Other interested individuals  
Arlene Smitke, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Update on Status of Recommendations
4. Discussion of Educational Effort
5. Other Business – Consideration of Proposed Resolution
6. Adjourn

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## WELCOME

Chairman Bomstein called the meeting to order at 5:31 P.M.

## MINUTES OF THE MEETING OF JUNE 19, 2006 – APPROVED

Chairman Bomstein presented the minutes of the meeting of June 19, 2006, and after receiving no response to a request for corrections, declared the minutes approved as submitted.

## UPDATE ON STATUS OF RECOMMENDATIONS

Chairman Bomstein related that the CRC has been named as a defendant in a suit filed by 21 cities related to the proposed Charter Amendments and Special Act; whereupon, deviating from the agenda, he directed that the proposed resolution scheduled under Agenda Item No. 5 be addressed at this time.

Attorney Churuti referred to a document titled *Resolution of the Pinellas County Charter Review Commission Relating to its Public Meetings*, a copy of which has been filed and made a part of the record, and noted that one of the bases for challenge of the recommendations was the fact that certain members had appeared at the June 19 meeting via teleconference call; and that Senator Sebesta had been recuperating from eye surgery, and Sheriff Coats and Mr. Kwall had been attending meetings out of town at the time. She reviewed the findings of Attorney General Opinion No. AGO-2003-41; and related that as a legislative body, the CRC has a right to determine the appropriateness of scheduling conflicts necessitating an appearance by phone; that a quorum was physically present at the June 19 meeting; and that participation by phone had been allowed by the Commission on five occasions with no objection by the members.

Mr. Kwall submitted documentation of his whereabouts on June 19, a copy of which has been filed and made a part of the record; whereupon, he and Sheriff Coats indicated that written materials had been provided in advance; that they did not find the materials confusing; and that they understood what was happening at the time of their votes. Following review of the provisions of the proposed resolution by Attorney Churuti, Ms. Parks moved approval and Mr. Davis seconded.

During discussion, Councilmember Bryan indicated that he would not support the resolution; that he had a hard time hearing those appearing by telephone and had found the proceedings confusing at times; and that he had problems with the telephone system every other

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time it had been used; whereupon, responding to query by Mr. Wilson whether he had made his objections known, he stated that he had asked for things to be repeated on occasion.

Thereupon, Mr. Kwall inquired as to whether Councilmember Bryan had participated in the vote of the St. Petersburg City Council to join the lawsuit against the CRC; and asked that, if so, Councilmember Bryan disqualify himself from further participation in the proceedings. Following input by Attorney Churuti and consultation with his legal counsel, Councilmember Bryan indicated that it was his recollection and that of his attorney that he had abstained from the vote of the St. Petersburg City Council, but that he could not officially confirm that at this time.

During further discussion, Mr. Decker suggested that the motion be amended to make the resolution *nunc pro tunc*, or retroactive to the inception of the CRC, and the maker and seconder agreed. Upon call for the vote, Resolution No. 2006-02 was adopted, as amended (Vote 10 to 1, with Councilmember Bryan dissenting).

Attorney Churuti referred to the Complaint, Interrogatories, and Request for Admissions filed in regard to the recommendations of the CRC, copies of which have been filed and made a part of the record, and explained the issues that have been raised in the Complaint. She related a request by the cities to expedite the case and to waive the requirements of Chapter 164, Florida Statutes, for a joint meeting of the parties prior to filing of a lawsuit; and requesting advice from the members, she described the process for holding a shadow meeting to discuss legal strategy. Discussion ensued.

Mr. Kwall moved that Councilmember Bryan be excluded from any shadow proceedings; and following discussion with input by Attorney Churuti, Mr. Decker seconded the motion for the purpose of discussion. Discussion continued, and at the suggestion of Chairman Bomstein, Mr. Kwall amended his motion to provide for a Shadow Committee consisting of the CRC members with the exclusion of the four elected officials, and Mr. Davis seconded. Responding to query by Councilmember Bryan, Attorney Churuti indicated that she will research the issue of his being privy to the proceedings of the shadow meeting; and suggested that he request input from his attorney as well; whereupon, upon call for the vote, the motion carried 10 to 1, with Councilmember Bryan casting the dissenting vote.

Following discussion and upon consensus of the members, Attorney Churuti presented an announcement, a copy of which has been filed and made a part of the record, that a shadow meeting will be held on Monday, September 11, 2006, at a time certain of 9:00 A.M. at a place to be announced; whereupon, responding to queries by the members, she indicated that information regarding the conclusions of the meeting will be distributed to all CRC members, and that a full public meeting can be called at the request of any three members.

Commissioner Latvala shared her thoughts on the importance of conducting the Chapter 164 mediation, and discussion ensued; whereupon, Mr. Kwall moved that the issue be

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considered at tonight's meeting. Following further discussion, Chairman Bomstein directed that the matter be addressed in closed session.

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Mr. Wilson left the meeting at approximately 6:30 P.M.

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#### DISCUSSION OF EDUCATIONAL EFFORT

Mr. Spitzer related that efforts to educate the public regarding the proposed Charter Amendments and Special Act will need to be much more involved than originally planned; that the Florida League of Cities has become involved on behalf of the cities; that the Council of Mayors has requested contributions by the cities of 50 cents per capita; and that contributions could reach approximately \$300,000. He suggested various elements of an educational effort to be conducted by the CRC; and estimated the cost at \$125,000 or more; whereupon, he suggested that the CRC request funding from the Board of County Commissioners (BCC) for a significant campaign to counteract the negative message implied by the Request for Admissions.

During discussion and at the suggestion of Chairman Bomstein, Mr. Kwall moved, seconded by Ms. Parks, that funding of up to \$150,000 be requested from the BCC for an educational campaign on behalf of the proposed amendments. Following continued discussion with input by Assistant County Administrator Elithia V. Stanfield, Chairman Bomstein called the question, and upon roll call, the vote was 10 to 4, with Senator Sebesta, Councilmember Bryan, Ms. Burns, and Mr. Decker casting the dissenting votes.

Following discussion and in response to query by Ms. Burns, Chairman Bomstein indicated that he will e-mail all proposed copy and ads to the members and allow time for feedback prior to placement; and reiterated that any three members can request a meeting of the full CRC; whereupon, Attorney Churuti cautioned the members regarding the Sunshine Law and requested that all communication be conducted through Mr. Spitzer.

#### OTHER BUSINESS

Attorney Churuti advised that from the time of today's meeting until the September 11 strategy discussions, she will take actions as necessary to preserve all legal options, including the filing of motions which could later be withdrawn; and no objections were noted.

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In response to query by Ms. Parks regarding public speaking engagements, Chairman Bomstein indicated that he will distribute an edited version of Mr. Spitzer's PowerPoint presentation; and that he or Mr. Spitzer will contact those willing to make presentations when requests are received.

Responding to query by Councilmember Bryan, Chairman Bomstein confirmed that he is aware that the City of St. Petersburg is an active participant in the suit.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 7:25 P.M.