



MEMORANDUM

TO: Pinellas County Charter Review Commission

FROM: Kurt Spitzer

DATE: May 9, 2010

RE: May 11, 2010 Meeting Materials

The purpose of this memorandum is to provide you with background information concerning the items on your Agenda for Tuesday.

Future Charter Review Commissions

A draft amendment concerning the CRC section of the Charter will be available at your meeting on Tuesday and will reflect the following revisions:

- After the initial transition from the current six year cycle, future CRCs will convene every eight years and timed so that any proposed amendments will be placed on the Presidential election ballot.
- The duration of the CRC will be increased to 12 months, beginning August 1st and concluding July 31st.
- The current policy on membership and the appointment process will remain unchanged.
- There will be at least two public hearings on any proposed charter amendments, which must be separated by at least 10 but not more than 21 days.
- The current policy that proposed amendments may concern single or multiple subjects will remain unchanged.

In the interest of clarity, you may wish to revisit three items. First, there was some discussion of allowing (but not requiring) a CRC to remain in existence through the general election for the purposes of coordinating a public educational effort. Almost all charters have such provisions.

As the proposed amendment stands at the present time, the CRC ceases to exist July 31st. After that date, if a recommendation becomes controversial or is misinterpreted, the entity proposing the amendment no longer exists and will not be empowered to explain the rationale behind the proposed amendment, or clarify its effect and benefit in a coordinated fashion. Permitting the CRC to remain in existence will help address this potential problem.

Secondly, there was some discussion of altering the status of the legislative representative to that of a non-voting or ex-officio member of the CRC. There are no charters that *require* legislative representation on the CRC; most prohibit some or all elected officials and county staff from serving on a CRC. But if the idea is to require the position to remain but alter its status, you could pair that idea with the addition of an additional lay person, so that there would still be 13 voting members.

Third, there was discussion of the ways in which the CRC could begin its process more effectively, such as appointing a subcommittee to investigate issues or to recommend to the Board of County Commissioners that they conduct a survey of the public to assist in framing potential issues in advance of the initiation of the work of the CRC. The latter was the basis of a non-binding recommendation to the Board of County Commissioners.

While you could make such a recommendation, the type of a survey, the questions asked and the manner in which they are framed will affect the results. If the idea is to develop ways in which the CRC can get up to speed more rapidly, you may wish to simply extend their time of service to 15 months or to “at least 12 months” and either let the CRC take the initial three months to determine what issues are of importance or allow the County Commission to appoint the CRC earlier than is specifically required in the event that there is an issue that deserves greater attention or time for more study.

The subject of the authority to repeal the charter was calendared for your last meeting although not discussed. A copy of the proposed Special Act that was recommended by the last CRC is attached for your review.

The Charter currently has no mechanism by which voters may consider a ballot question providing for the repeal of the charter. The Special Act, if adopted by the Legislature and thereafter confirmed by the electorate, would authorize the consideration of a measure to repeal the charter (or to repeal the charter and replace it with a new document) at some point in the future.

Single-Member Districts

Proposing an amendment to alter the districting methodology to all single-member districts is within the purview of the CRC. Persons elected from single-member districts are generally more responsive to and reflective of the electorate in their district. Implementing a system of seven such districts will likely increase the opportunity for the creation of an additional minority-influence district, although this is dependent upon demographics of the county and how the

districts are drawn by the BCC. Also, some costs of campaigning for single-member districts may be lower than those for an at-large seat.

While persons elected from single-member districts may be more responsive to the interests of their district, they may also be less responsive to the needs of the remaining areas of the county, and may lead to a system where decision-making is more parochial than that found with at-large districts. This is sometimes offset with the addition of a stronger administrative position, whether elected or appointed, or a mix of at-large and single-member seats such as exists in Pinellas County at the present time.

Pinellas County had historically used the “default” districting system for the Board of County Commissioners (BCC) in Florida – there were five Commissioners living in individual residence districts but elected by all of the voters countywide.

The 1998 CRC had lengthy debates on the need to increase the number of Commissioners and (if increased) how the system should be districted. The CRC eventually adopted a measure to increase the Commission to seven members (also elected on an at-large basis) largely in response to a concern that the increase in workload required of Commissioners was outstripping their ability to participate in decision-making meetings at which the County’s representation was important.

At that time, amendments concerning the BCC were required to be confirmed by the legislative delegation as special acts. When the recommendation was received by the Delegation, it was revised to a system of three Commissioners elected countywide, plus four single-member districts, where only the electors within the district were able to vote for the Commissioner from that district.

Under the current system, each elector votes for a majority of the membership of the BCC. Creating four single-member districts has allowed a minority-influence district to be created in the County.

Term Limits for BCC

Of the 10 charter counties with populations of more than 500,000 people, seven have term limits for members of the county commission. All of the seven have limitations of no more than two terms except for Broward, which limits the ability to seek re-election to no more than three terms.

Term limits for members of the state legislatures were the subject of much debate in the 1990’s. Fifteen states have term limits for members of the state legislature. The great majority of states have term limits for the Governor and other elected statewide officers.

Term limits are frequently presented as mechanisms to stop the creation of “career politicians” where incumbency makes it difficult for challengers to win election. However, term limits also limit the voters’ choice and ability to support the re-election of experienced persons to office.

The below table illustrates the practices concerning districting methodologies and term limits in charter counties with populations of greater than 500,000 people.

County	Population	Districting Scheme	Term Limits?
Volusia	508,014	5 single/2 at-large (one elected Chair)	Yes
Brevard	552,109	5 single	Yes
Polk	581,058	5 at-large	Yes
Lee	615,741	5 at-large	No
Duval	897,597	14/5 with Elected Executive	Yes
Pinellas	944,199	4 single/3 at-large	No
Orange	1,105,603	6 single with Elected Mayor	Yes
Hillsborough	1,192,861	4 single/3 at-large	Yes
Palm Beach	1,295,033	7 single	No
Broward	1,765,707	9 single	Yes (three terms)
Miami-Dade	2,462,292	13 single with Elected Mayor	Yes (Mayor only)

Sports and Airport Authority

Authorities may offer the ability to focus energy and expertise on single issues or programs that general purpose governments may be unable or unwilling to undertake. They may remove some measure of “politics” from decision-making and provide a single entity to set policy, as opposed to multiple or sometimes competing entities. Some economies of scale may be realized if an authority assumes responsibility for managing programs of several different jurisdictions.

On the other hand, authorities add an additional layer of government. Depending upon the structure, they may be governed by a majority of officials who are not elected by the voters of the authority’s service area. The creating of an authority lessens the ability of the general purpose government to coordinate programs and funding.

A Sports Authority was created by Special Act in Pinellas County in 1977 and remained in existence until June of 2006, when it was repealed by the Legislature. The Sports Authority had been dormant for several years and the Charter Review Commission had recommended its abolishment. A copy of the original act is attached for your review.

Attachments