

Clearwater, Florida, May 11, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 6:00 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Melissa B. Jagger
Gerald A. Figurski
Deborah Kynes
Raymond H. Neri

Late Arrivals:

Paul Bedinghaus
William B. Harvard, Jr.

Not Present:

Ed Hooper, State Representative

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of April 13, 2010 Meeting
Approval of Minutes of April 26, 2010 Meeting
- III. Public Comment
 1. Audience
 2. Website Submittals

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- IV. Issues Discussion
 - 1. Future Charter Review Commissions
 - Review of preliminary revisions
 - Consideration of other issues
 - Authority to repeal Charter
 - 2. Single-Member Districts
 - 3. Term Limits for Board of County Commissioners (BCC)
 - 4. Sports Authority
 - 5. Airport Authority
- V. Open Discussion
 - 1. CRC Schedule
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 6:00 P.M. and welcomed those in attendance.

MINUTES OF THE MEETINGS OF APRIL 13 AND 26, 2010

Chairman Duncan presented the April 13 and April 26, 2010 meeting minutes. Ms. Kynes requested that the record reflect that during discussion regarding the countywide mayor at the April 26 meeting, she and Mr. Harvard suggested that a recommendation be forwarded to the BCC to appoint a Blue Ribbon Task Force; whereupon, Mr. Figurski moved, seconded by Ms. Nelson and carried, that the minutes be approved with the record reflecting the changes requested by Ms. Kynes (Vote 10-0).

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At this time, 6:01 P.M., Mr. Bedinghaus entered the meeting.

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PUBLIC COMMENT

AUDIENCE

In response to the Chairman's call for individuals wishing to be heard, W. C. Snipes, Clearwater, appeared and expressed his concerns regarding anti-business statutes.

WEBSITE SUBMITTALS

Chairman Duncan pointed out that the website submittals are included in the agenda packet.

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At this time, 6:08 P.M., Mr. Harvard entered the meeting.

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ISSUES DISCUSSION

FUTURE CHARTER REVIEW COMMISSIONS

Review of Preliminary Revisions

Referring to the draft amendment concerning future Charter Review Commissions, Mr. Spitzer indicated that the primary amendments (1) extend the CRC cycle from every six years to every eight years, coinciding with presidential election years, (2) increase the term of the CRC from six months to a minimum of 12 months, and (3) require the CRC to hold at least two hearings separated by at least ten, but not more than 21, days on any recommendations for proposed amendments prior to submittal to the BCC; whereupon, he clarified that the CRC will convene again in six years, which is a presidential election year, and then every eight years thereafter.

Mr. Spitzer indicated that there was discussion at the last meeting regarding proposed Charter amendments to change the status of the CRC's legislative representative to an ex officio, non-voting member and to allow a CRC to remain in existence through the general election for the purposes of coordinating a public educational effort, noting that most Charters have such a provision. He related that there was also discussion regarding a non-Charter

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recommendation that the BCC survey the citizens of Pinellas County prior to future CRCs convening to determine the appropriate issues for their review.

Mr. Bedinghaus questioned the purpose of continued discussion on the issue of changing the status of the legislative delegation representative to an ex officio, non-voting member of the CRC, noting that he recalls the members voting favorably at the last meeting to not make any changes to the current CRC membership; and Mr. Figurski confirmed that the members voted unanimously to retain the current CRC membership, which included the CRC remaining a 13-member board and the legislative delegation representative remaining a voting member of the CRC.

Noting Representative Hooper's absence tonight and at the last meeting, Chairman Duncan related that the issue was placed back on the agenda in anticipation of allowing Representative Hooper an opportunity to weigh in on the issue; and Mr. Spitzer related that Representative Hooper's aide reported that Representative Hooper will support the decision of the remaining CRC members; whereupon, following discussion, Chairman Duncan confirmed that there is consensus by the members that no changes be made to the current CRC membership.

During discussion and in response to concerns and queries by Mr. Angle regarding the CRC adjourning prior to elections when the CRC has an item on the ballot and the process for resolving issues where additional information may be required, Attorney Churuti indicated that the language in the proposed amendment gives a future CRC the flexibility to maintain its existence through the general election. Chairman Duncan noted that if the proposed amendment is approved, the next CRC should ensure that its staff is aware of the possibility of an extended session, and Attorney Churuti provided input.

Mr. Figurski moved, seconded by Mayor Steingold, that the proposed amended language be adopted with the following changes to Section 6.03(a), and subject to further discussion after public hearing:

- ☒ Change the number of members back to 13.
- ☒ Delete "*who shall serve as a non-voting, ex officio member.*"
- ☒ Change the number of members from the public at large back to nine.

Thereupon, following brief discussion and upon call for the vote, the motion carried unanimously (Vote 12-0).

Consideration of Other Issues

Survey

Chairman Duncan indicated that the members had discussed recommending to the BCC that a survey of the citizens be conducted to determine the appropriate issues for review prior to each CRC convening; and referring to the document titled *Recommendation Concerning Future Charter Review Commissions*, related that the language in the document could be included as part of a recommendation to the BCC; and that it would not necessarily be in the Charter amendment; whereupon, he solicited feedback from the members, and discussion ensued.

Commissioner Welch suggested that the CRC design the survey, submit an outline of the survey items to the BCC by September 1, and allow 30 days for the survey to be conducted, and discussion ensued regarding the resources available to the CRC. Chairman Duncan suggested that the CRC recommend to the BCC that funding be allocated for the CRC staff and a survey in the fiscal years in which the CRC convenes; and that the CRC have control of the funds for the survey as it does the budget; and in response to query by Tax Collector Nelson regarding who determines the amount of funding provided to the CRC, he stated that the BCC provides the funding; and Ms. Stanfield provided input regarding the funding provisions in the Charter and the process for requesting additional resources from the BCC.

Mr. Neri questioned whether the CRC is understanding and addressing the concerns of the silent majority; and suggested that it may be appropriate to schedule a presentation to explain the dynamics of conducting a survey and the probable costs.

During further discussion, Mr. Spitzer responded to comments and queries by the members regarding the typical budget for CRCs that exist for 12 months or more, the cost and effectiveness of surveys that have been conducted by other counties, and the typical attendance at CRC meetings; and the members provided their respective positions on the issue; whereupon, Chairman Duncan indicated that it is the consensus of the members not to pursue the survey issue, and no objections were noted.

Non-Charter Recommendation Re Lobbying

Mr. Spitzer distributed a document titled *Recommendation Regarding Pinellas County Lobbying Ordinance*, a copy of which has been filed and made a part of the record.

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Referring to recently passed legislation, Attorney Churuti noted that the provision to strengthen the County's ability to enforce ordinance violations with an enhanced penalty was passed by both Houses, but has not yet been approved by the Governor; and related that she will continue monitoring the legislation. She indicated that the CRC members previously discussed and generally agreed on an amendment allowing for penalties of up to one year, rather than six months; and that the amendment would be added to the recommendation distributed by Mr. Spitzer.

Mr. Bedinghaus moved, seconded by Mr. Figurksi, that the CRC approve the recommendation; whereupon, Ms. Jagger pointed out that the word "contract" in paragraph one should be changed to "contact," and no objections were noted.

In response to queries by Commissioner Welch and Mr. Neri, Attorney Churuti clarified that the CRC recommendation is that the BCC amend its lobbying ordinance to include any type of contact; and that it adopt the lobbyist registration form provision of Chapter 112, which would include any kind of contact by anyone receiving monetary value, with exceptions for attorneys who represent clients in judicial proceedings, an employee of an agency, a confidential informant, and a person who lobbies pursuant to a contract in which the contract threshold is less than a certain amount. She cited the statutory definition of lobbyist, noting that it includes any kind of lobbying.

Thereupon, upon call for the vote, the motion carried unanimously (Vote 12-0).

Authority to Repeal Charter

Mr. Spitzer noted that the previous CRC made a recommendation to the legislative delegation to adopt a Special Act to authorize the repeal of the Charter by a future CRC, which was not acted upon; and that the issue was on the last meeting's agenda, but was not addressed.

In response to queries by Commissioner Welch and Mayor Steingold, Mr. Spitzer and Attorney Churuti indicated that there is an Attorney General's opinion that states that unless the Charter specifically authorizes an action for repeal, the CRC cannot undertake such action; that the authority to repeal is considered a retained power of the Legislature from its initial adoption of the Special Act creating the Charter; that the Legislature would have to grant the authority to the CRC by Special Act; and that once the authorization was granted by Special Act and thereafter confirmed by the electorate, a measure to repeal the Charter or to repeal the Charter and replace it with a new document could be considered by a CRC at some point in the future.

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Mr. Spitzer pointed out that the Pinellas Charter is the most limited Charter in the State of Florida; and that one way to address that concern would be to repeal and replace the existing Charter with a new Charter. Ms. Kynes indicated that the provision would allow the CRC to legally strengthen the Charter in the future; whereupon, Attorney Churuti reiterated that the CRC will have to ask the Legislature to adopt a Special Act to authorize the repeal of the Charter, noting that the previous CRC's request was declined by the legislative delegation, and discussion ensued.

Mayor Steingold moved, seconded by Ms. Jagger, that the CRC not address the authority to repeal the Charter.

Thereupon, following additional discussion and upon call for the vote, the motion failed by a vote of 5 to 7, with Ms. Kynes, Commissioner Welch, and Messrs. Bedinghaus, Davis, Figurski, Harvard, and Neri dissenting.

Ms. Kynes moved, seconded by Mr. Bedinghaus, that the CRC re-propose a recommendation to the Legislature that they adopt a Special Act to authorize the repeal of the Charter; and discussion ensued wherein several members indicated that it would be appropriate for Chairman Duncan to attend the legislative delegation meeting to make the argument supporting the adoption of a Special Act. In response to query by Ms. Jagger, Mr. Spitzer distributed a copy of the language submitted to the legislative delegation by the previous CRC, a copy of which has been filed and made a part of the record; whereupon, he reviewed the language and described the process for its adoption.

During discussion regarding whether repealing the existing Charter and adopting a new Charter would be accomplished under one or separate ballot questions, Attorney Churuti indicated that typically the repeal and adoption would be done in one ballot question; that it is possible to repeal the Charter and become a non-Charter County; and that if two ballot questions were presented, the potential exists for one ballot question to pass and the other to fail, in which case the BCC would revert to five at-large commissioners, and discussion ensued.

Chairman Duncan polled each member regarding the issue. Mr. Harvard expressed concern that the proposed ballot language only references repealing, not rewriting, the Charter; and in response to queries by Mr. Neri regarding the Legislature's rationale for denying the previous CRC's recommendation to adopt a Special Act, Attorney Churuti indicated that there are constituencies that do not want the limitations in the Charter removed; and Ms. Stanfield added that when the legislative delegation reviewed the recommendation, most were satisfied with the current status of the County's Charter.

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Discussion ensued and in response to query by Mr. Figurski, Mr. Spitzer related that municipal Charters are not required to be adopted by the voters like county Charters; whereupon, in response to the Chairman's request to restate the motion, Ms. Kynes indicated that her motion would allow a future CRC, citizen petition, or the BCC by a certain vote, to bring forward changes to the Charter.

Thereupon, upon call for the vote, the motion carried by a vote of 9 to 3, with Tax Collector Nelson, Mr. Angle, and Mayor Steingold dissenting.

Following the vote, Mr. Spitzer stated that he will review the document containing the language previously submitted to the Legislature to ensure it is still accurate; and in response to query by Chairman Duncan, Attorney Churuti indicated that the recommendation would not be part of an overall amendment, noting that it has a different ballot route.

SINGLE-MEMBER DISTRICTS

Mr. Spitzer referred to the table in his May 9 memorandum in the agenda packet, a copy of which has been filed and made a part of the record, and stated that there are 11 charter counties with populations greater than 500,000; that several counties have mixed districting systems; and that three counties have County Commissions composed exclusively of single-member districts; whereupon, he indicated that the Pinellas County system is a blend of the two systems, which results in each voter having the ability to vote for the majority of the BCC and allowed the BCC to draw a minority influence district in the St. Petersburg area. He related that the existing system could be changed to a system of all single-member districts, noting that the shape and location of the districts would remain within the BCC's purview.

Following brief discussion, Mr. Figurski moved, seconded by Ms. Kynes and carried, that the CRC not pursue the issue of single-member districts, leaving the County's system as it currently is (Vote 12-0).

TERM LIMITS FOR BCC

Referring to the table in the May 9 memorandum in the agenda packet, Mr. Spitzer related that six of the larger Charter counties have term limits of two terms, one has term limits of three terms, and the others do not have a term limit provision in their Charters.

During discussion, Mr. Neri indicated that the people can vote to keep or get rid of incumbents at every election; and that setting term limits takes away peoples' votes. In

response to comments and queries by Mr. Bedinghaus, Mayor Steingold indicated that setting term limits would bring new perspective to the BCC, noting that eight years is somewhat short, but 12 years is a long time; and Attorney Churuti pointed out that if term limits are imposed, Commissioners can change seats and run district-to-district after reaching the respective term limits, noting that there is a residency requirement in Pinellas County; and that language limiting how often a member can appear on the ballot is a qualification of office and is unconstitutional, and discussion ensued.

Mr. Figurski moved, seconded by Tax Collector Nelson and carried, that the CRC not address the issue of term limits for the BCC (Vote 12-0).

SPORTS AUTHORITY

Mr. Spitzer related that the creation of an authority allows the management of a particular program to be shifted away from the general purpose government to a more focused single-purpose government or authority; and that there may be economies of scale and greater coordination of abilities. He noted that some of the downsides to creating an authority are that the majority of the entity is appointed by the Governor, the electorate loses the ability to select the governing body who may have the ability to impose fees or taxes, and the direct control over the program may be limited; and Mayor Steingold related that a sports authority would enable raising revenues for a new stadium or eliciting teams to come to the area; whereupon, Mr. Spitzer stated that Pinellas County had a Sports Authority for many years, but that the Legislature repealed it on the recommendation of the CRC in 2006.

In response to query by Chairman Duncan, Attorney Churuti provided a brief history regarding the former Pinellas Sports Authority, noting that the members were initially appointed by the Legislature and the Special Act and then reappointed by the BCC. She explained that the essential function of the authority was to issue Pinellas Sports Authority bonds for what is now Tropicana Field; that the City of St. Petersburg decided it preferred to issue the bonds; and that the bonds were refinanced and reissued in the name of the City of St. Petersburg; whereupon, she noted that the authority continued to meet as a vestigial group with some powers but no money.

Ms. Stanfield pointed out that the authority was a dependent district; and indicated that all independent and dependent districts are legally required to file certain reports and have audits; and that the Department of Community Affairs sent dunning letters stating that the authority was not adhering to the law and recommended the authority be repealed if it was a dormant entity; whereupon, in response to query by Ms. Jagger, Attorney Churuti indicated that a Special Act would be required to establish a new sports authority.

Discussion ensued wherein Mr. Davis questioned the benefit having an authority would gain vis-à-vis the Tampa Bay Rays, given the contractual relationship between the Tampa Bay Rays and the City of St. Petersburg; whereupon, Attorney Churuti pointed out that Tropicana Field was transferred to the County because the County is immune to ad valorem taxation, whereas the City can only be exempt, noting that the County is the owner of Tropicana Field, but has an agreement with the City of St. Petersburg.

Tax Collector Nelson moved, seconded by Mr. Davis and carried, that the CRC not pursue the issue of a Sports Authority (Vote 12-0).

AIRPORT AUTHORITY

Mayor Steingold related that he initially raised the issue to determine if a central airport authority could potentially bring in more flights and tourism. Chairman Duncan indicated that the area airports currently pool their funds for purchasing power; whereupon, Attorney Churuti discussed cooperative purchasing regarding fuel, noting that all of the Emergency Management Services and School Board vehicles are subject to cooperative purchasing.

Tax Collector Nelson moved, seconded by Commissioner Welch and carried, that the CRC not pursue the issue of an Airport Authority (Vote 12-0).

OPEN DISCUSSION

Chairman Duncan outlined the three issues moving forward to public hearing, as follows:

- Future CRC Process – proposed language approved
- Repeal of Charter – proposed language approved
- Non-Charter Amendment – approved recommendation to the BCC to revise and amend its lobbying policies and ordinance

CRC Schedule

Chairman Duncan related that the next CRC meeting is scheduled for May 24, with a public hearing scheduled for June 14; and that County staff assistance will be needed for outreach and notifying the public; whereupon, Mr. Spitzer indicated that the non-Charter amendment will be brought back for review and the repeal language will be brought back for another vote at the May 24 meeting.

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In response to queries by Tax Collector Nelson, Chairman Duncan indicated that the public may bring up issues at the public hearing; and that the CRC will need to determine whether to entertain, act on, or dispose of those issues. Discussion ensued regarding the need to hold a second public hearing, potential locations, and the possibility of televising the public hearings; whereupon, during discussion and in response to comments and queries by the members, Attorney Churuti related that this CRC is not required to hold any public hearings.

Chairman Duncan noted that June 21 was set aside as an alternate public hearing date, which can be noticed and cancelled if it's not needed; whereupon, he suggested that the June 14 and 21 public hearing dates be noticed. Tax Collector Nelson related that the CRC has a responsibility to the public to be present at both hearings if both dates are noticed; and Mr. Neri stated that the purpose of the CRC is to serve the public.

During discussion, Commissioner Welch suggested that the BCC Assembly Room be used to hold the public hearings; and Ms. Kynes recommended that the public hearings be held two weeks apart; whereupon, she moved, seconded by Tax Collector Nelson, that the public hearings be held on June 14 and 28, 2010; and in response to query by Mr. Davis, Ms. Stanfield related that she will verify the availability of the BCC Assembly Room, and discussion ensued.

Chairman Duncan stated that the motion on the floor is for public hearings to be held June 14 and 28, with the issues of where they are to be held and whether they will be televised to be addressed at a later meeting; and suggested that a final decision be reached at the May 24 meeting after the dates and availability of the BCC Assembly Room are confirmed, and no objections were noted.

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At this time, 8:17 P.M., Tax Collector Nelson left the meeting.

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During discussion, Mr. Angle confirmed that the June 8 CRC meeting will not be held; and in response to his query, Chairman Duncan indicated that a meeting will be held some time after June 28 to consider the public input received at the public hearings, noting that options will be brought back at the May 24 meeting, and no objections were noted.

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Thereupon, upon call for the vote, the motion carried unanimously (Vote 11–0).

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:19 P.M.