

AGENDA  
Pinellas County Charter Review Commission  
Monday, January 25, 2010 -- 4:00 p.m.  
Tax Collector's Mid County Service Center  
Starkey Lakes Corporate Center  
13025 Starkey Road, Largo

- I. Welcome
- II. Approval of Minutes of January 5, 2010 meeting – Attached, p. 2
- III. Rules of the Charter Review Commission – Material p. 16
- IV. Public Comment
  - a. Audience
  - b. Web Site Submittals – Attached, p. 19
- V. Presentations
  - a. J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit
  - b. Robert S. LaSala, County Administrator
- VI. Status of Contract Negotiations with Consultant and Legal Counsel
- VII. Discussion of Items for Exploration
  - a. Recap of 2004 and 2006 – Material, p. 20
- VIII. Meeting Schedule – Material, p. 28
- IX. Web Site Update – Photos
- X. Open Discussion
- XI. Adjournment

Clearwater, Florida, January 5, 2010

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 Conference Room, Room 210, 509 South East Avenue, Clearwater, at 5:36 P.M. on this date with the following members in attendance:

Ed Hooper, State Representative  
Diane Nelson, Pinellas County Tax Collector  
Kenneth T. Welch, County Commissioner  
Andy Steingold, City of Safety Harbor Mayor  
James Angle  
Ricardo Davis  
Ronnie E. Duncan  
Gerald A. Figurski  
William B. Harvard, Jr.  
Deborah Kynes  
Melissa B. Jagger  
Raymond H. Neri

Late Arrival:

Paul Bedinghaus

Also Present:

James L. Bennett, County Attorney  
Elithia V. Stanfield, Assistant County Administrator  
Sarah M. Bleakley, Esq., Nabors Giblin & Nickerson  
Other interested individuals  
Arlene Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Introduction of CRC members not in attendance at the December 7 meeting
- III. Approval of the Minutes of the December 7 meeting
- IV. Election of Chairman and Vice-Chairman
- V. Presentations by County Constitutional Officers
  - A. Ken Burke, Clerk of Courts

- B. Deborah Clark, Supervisor of Elections
- C. James F. Coats, Sheriff
- D. Pam Dubov, Property Appraiser
- E. Diane G. Nelson, Tax Collector

VI. Consideration of Rules of the Charter Review Commission

- A. Charter Provisions
- B. Options
  - 2004 and 2006 Pinellas
  - 2009 Alachua
  - Others

VII. Time Certain: 5:30 PM – Consideration of Hiring Consultant and Legal

Counsel

- A. Presentations by Consultant Candidates
  - 1. Kurt Spitzer and Associates
  - 2. Southern Strategy Group
- B. Presentations by Legal Counsel Candidates
  - 1. Bryant Miller Olive, P.A.
  - 2. Cobb Cole
  - 3. Macfarlane Ferguson & McMullen, P.A.

VIII. Website Update

IX. Open Discussion – CRC members

- X. Set Tentative Agenda for January 25, 2010 meeting
  - A. Issues from County
  - B. Issues from Judiciary
  - C. Recap of 2004 and 2006

XI. Set Future Meeting Dates

XII. Adjournment

WELCOME

Sarah M. Bleakley, Esquire, Nabors Giblin & Nickerson, called the meeting to order at 4:01 P.M. and welcomed those in attendance; whereupon, she announced that she would be acting as facilitator of today's meeting until the election of a Chairman and Vice-Chairman.

INTRODUCTIONS

At the request of Ms. Bleakley, CRC members Deborah Kynes, Ed Hooper, and Melissa Jagger introduced themselves, indicating that they had been unable to attend the December 7, 2009 meeting.

## ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Deviating from the agenda, Ms. Bleakley called for nominations for the position of Chairman; whereupon, upon nomination by Commissioner Welch, seconded by Mr. Neri and carried, Ronnie E. Duncan was elected Chairman of the 2010 CRC (Vote 12-0).

Assuming the gavel, Chairman Duncan called for nominations for the position of Vice-Chairman; and upon nomination by Mr. Angle, seconded by Commissioner Welch, Ricardo Davis was elected to serve as Vice-Chairman (Vote 12-0).

## MINUTES OF THE MEETING OF DECEMBER 7, 2009 – APPROVED

Chairman Duncan presented the minutes of the meeting of December 7, 2009; and upon motion by Mr. Figurski, seconded by Mayor Steingold and carried, the minutes were approved as submitted (Vote 12-0).

## PRESENTATIONS BY COUNTY CONSTITUTIONAL OFFICERS

### Ken Burke, Clerk of the Circuit Court

Mr. Burke thanked the members for their service to the citizens of Pinellas County; whereupon, he indicated that he had met with the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser; and that the majority of his comments represent the shared concerns of the Constitutional Officers pertaining to the Charter Review process. Noting that Supervisor of Elections Deborah Clark was unable to attend today's meeting due to a scheduling conflict, he extended her regards and apology to the members.

Mr. Burke related that the over-riding concern expressed by the Constitutional Officers is that, on any issue involving any of their responsibilities, they be given a fair chance to be heard with proper warning and opportunity to give testimony before the Commission. Other items of concern include the following:

- Do no harm; do not fix what is not broken. While there is always room for improvement, the system with the Constitutional Officers works well in Pinellas County.

- The independence of the Constitutional Officers ensures a checks-and-balance system, and they feel strongly that it should not be compromised. The Clerk's Board Records Department, for example, serves the CRC and the Board of County Commissioners (BCC) by recording and retaining the records of their proceedings.
- The Constitutional Officers strongly believe that the citizens have a right to elect their officials and hold them accountable; they do not believe these should be appointed positions.
- The Constitutional Officers have a strong commitment to citizen service. The Clerk makes himself available to the citizens and provides comment cards, as does the Tax Collector, and follows up on any ratings of less than Excellent or Good.
- The Constitutional Officers do not believe the citizens' rights should be restricted in any way.

Mr. Burke related that the Constitutional Officers are proposing a buddy system to respond to any questions or concerns of the CRC members, as follows:

Supervisor of Elections Deborah Clark: Duncan and Welch  
 Sheriff Coats: Davis, Hooper, and Neri  
 Property Appraiser Pam Dubov: Angle, Kynes, and Figurski  
 Clerk Ken Burke: Bedinghaus, Steingold, Harvard, and Jagger

James F. Coats, Sheriff

Sheriff Coats thanked the members for their service and for the opportunity to provide input; whereupon, he noted his concurrence with the comments of the Clerk and invited the members to contact him regarding any issues associated with his area of responsibility.

Pam Dubov, Property Appraiser

Ms. Dubov greeted the members and thanked them for the opportunity to speak; whereupon, she provided several examples illustrating the importance of having an independent, elected Property Appraiser, as opposed to an appointed official, and invited the members to call her if they have any questions related to the Property Appraiser.

Diane G. Nelson, Tax Collector

Stressing the importance of the independence of the Tax Collector, Ms. Nelson related how she was able to act quickly to assume duties of the Florida Department of Highway Safety and Motor Vehicles and serve the citizens by converting state driver license offices to full-service Tax Collector's offices. She noted that the Tax Collector differs from other Constitutional Officers in that she is a "fee officer" whose unused revenue is turned over to the County and other taxing authorities; that her budget is approved by the Florida Department of Revenue; that she has worked with the County to achieve budget reductions; and that the independence of the office allows her to provide a high level of efficiency and customer service.

Mr. Figurski acknowledged the Constitutional Officers' concerns regarding the independence of their elected offices; whereupon, he requested that they notify the commissioners of any issues they are aware of that ought to be considered by the CRC, based upon their knowledge of the entire county and whether they are related to their individual offices or not; and Chairman Duncan concurred. In response, Ms. Nelson described how the Constitutional Officers are working together and with County staff in areas unrelated to the Charter to provide greater efficiency and customer service. Responding to query by Representative Hooper, Ms. Nelson discussed her experiences associated with implementation of the federal Real ID Act licensing provisions.

Indicating her agreement that the Constitutional Officers should retain their independent elected status, Ms. Kynes stated that she has spoken with members of the community and has long thought that at least the Supervisor of Elections should be a nonpartisan office. Commissioner Welch concurred, noting that he has served on the Canvassing Board; that he has discussed the matter with Ms. Clark, who proposed the matter to a prior CRC; and that the citizens should have an opportunity to decide.

Thereupon, Chairman Duncan indicated that representatives of the County Administration and the Judiciary will be given an opportunity to provide input at the

January 25 CRC meeting, after which the members will begin to compile a list of initiatives or discussion items they wish to explore.

#### ADOPTION OF RULES OF THE CHARTER REVIEW COMMISSION

Ms. Bleakley reviewed CRC rules as specified in the Pinellas County Charter and additional rules adopted by the 2004 and 2006 Review Commissions, along with the rules adopted by the 2009/2010 Alachua County CRC, as shown on pages 24 and 25 of the agenda packet.

Mayor Steingold indicated that, for purposes of transparency, it would be desirable to hold one or more public meetings to discuss and possibly tweak the recommendations of the Commission prior to their final determination. Discussion ensued wherein Mr. Angle noted that the last CRC held three such meetings at north, central, and south county locations; and Mr. Davis cited the challenges of the compressed time frame and the need to allow time for consideration of public comments. Mr. Figurski related his experience while serving on the City of Clearwater CRC, noting that few citizens attended the public hearings, generally those with interest in a specific issue, and that citizen input could be solicited during regular meetings of the Commission.

Noting that the CRC has authority to put items directly on the ballot without BCC approval, Mr. Figurski recommended that ballot items require approval by a majority-plus-one of the entire membership.

Mr. Neri expressed concern with the process, agreeing that citizens in attendance at the public meetings tend to have a specific ax to grind, and suggesting that a survey or other mechanism be utilized to provide a broad sampling of issues that are important to the citizens of the county; whereupon, Ms. Stanfield related that a random telephone survey would cost approximately \$20,000 and add two months to the review process; that a combination mail and telephone survey could be conducted for under \$10,000; that focus groups could be conducted fairly inexpensively; and that the main issue would be the time constraints.

Discussion ensued; whereupon, Mr. Hooper moved, seconded by Mr. Davis, that the CRC adopt the rules shown on page 24 of the agenda package, including those specified in the Charter and the additional rules adopted by the 2004 and 2006 CRCs. Following further discussion and clarification, the maker and seconder amended the motion to specify that ballot items must be approved by a majority-plus-one vote of the entire membership; and that at least one public hearing will be held prior to final

decision on Charter amendments to be placed on the ballot. Chairman Duncan noted for the record that all meetings of the CRC are public meetings; and that members of the public are invited to provide input throughout the process on matters as they see fit relating to the Charter. Responding to queries by Ms. Nelson, Ms. Stanfield indicated that a press release to be issued tomorrow will include information regarding upcoming meetings; and that notices could be sent to the media each month announcing the meetings.

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

### WEBSITE UPDATE

At this time, 4:54 P.M., noting that the consultant candidate presentations are scheduled for a time certain of 5:30 P.M., Chairman Duncan directed that the Commission proceed with the remaining agenda items, and no objections were noted.

Ms. Stanfield related that the CRC website is currently up and running and can be accessed via a link from the County's home page ([www.pinellascounty.org](http://www.pinellascounty.org)); whereupon, she distributed a print-out of the online Charter Review feedback form, a copy of which has been filed and made a part of the record, and noted that the citizens can provide input anonymously, if they so choose. Discussion ensued wherein Ms. Stanfield indicated that the form can be programmed to generate an auto-reply message to the sender; that citizen comments will be compiled and presented to the members for their review and consideration; and that the County will prepare a press release providing the website address and other CRC information.

### OPEN DISCUSSION

Responding to query by Commissioner Welch, Community Outreach Coordinator Len Ciecznski indicated that the Communications Department could produce a 30-second video to be broadcast as a public service announcement on the County and municipal television stations; whereupon, Chairman Duncan proposed that CRC information be included in utility bills; and Ms. Nelson indicated that she may be able to distribute information along with automobile registration mailings processed by the Tax Collector's Office.



In response to Chairman Duncan's call for additional discussion pertaining to community outreach, Ms. Stanfield referred to a suggestion by Mr. Neri, indicating that, although time constraints may prohibit the current CRC from conducting an official community poll related to Charter issues, its report to the citizens could contain a recommendation that the BCC commission a study to be conducted one year prior to the convening of subsequent CRCs.

Ms. Bleakley inquired as to the members' intent to conduct polling or focus groups during the current review process, and discussion ensued. Ms. Stanfield responded to queries by Commissioner Welch, indicating that the Charter specifies that the BCC shall fund the expenses of the CRC; and that the total budget of up to \$100,000 is inclusive of consultant fees and expenses. Mr. Angle suggested that the Commission may wish to pursue a Charter amendment to extend the review process from the current six-month time period; and Attorney Bennett provided input regarding the rules and limitations governing the drafting of ballot language; whereupon, Chairman Duncan noted a consensus that the current CRC not proceed to conduct polling or focus groups, but recommend that they be included as part of future reviews, as discussed.

#### FUTURE MEETING DATES

Following discussion, it was the consensus of the members to adopt a tentative schedule to meet at 4:00 P.M. on the second Tuesday and last Monday of each month at the Tax Collector's Mid-County Office located at 13025 Starkey Road, Largo. Referring to publication requirements, Ms. Stanfield suggested that meetings be advertised for January 25 and February 9, 2010; and that a meeting calendar be prepared for revision and/or adoption at the next meeting, and Chairman Duncan concurred; whereupon, he requested that the calendar include one public hearing near the end of the review process; and noted that additional hearings could be added at a later date.

#### SELECTION OF CRC CONSULTANT AND LEGAL COUNSEL

Chairman Duncan declared a conflict of interest involving one of the candidates for CRC consultant; and indicated that he would not participate in the discussion or the vote.

Ms. Stanfield indicated that two responses were received to the Request for Proposal (RFP) to provide consultant services; that four responses to the RFP for legal services were received; and that she had served on the evaluation committee along with

representatives of the Office of Management and Budget, the County Attorney's Office, and the Planning and Utilities Departments; whereupon, she distributed the evaluation criteria tabulation sheet for the legal services candidates, a copy of which has been filed and made a part of the record.

Ms. Stanfield informed the members that they are an independent body, not subject to the Pinellas County Purchasing Ordinance; that they may select any of the respondents or choose to reject them all and select other providers as they desire; that each candidate will be allowed a five-minute presentation, followed by a question and answer period; and that the candidates will be sequestered during the other candidate interviews.

Ms. Stanfield and Director of Purchasing Joseph Lauro responded to queries by the members pertaining to provisions of the RFPs; and Attorney Bennett provided input, indicating that the candidates have agreed to be sequestered, but could not be required to do so under public meeting law.

## CONSULTANT CANDIDATE PRESENTATIONS AND INTERVIEWS

### Kurt Spitzer and Associates, Inc.

Mr. Spitzer provided a brief overview of his background and related experience, noting that he has been involved in nearly 20 charters and reviews, including the last three in Pinellas County. He related that the Pinellas County Charter is the most limited home rule charter in the state of Florida and that the six-month review period, set forth in the Charter, is the shortest time frame for any Florida CRC; whereupon, he proposed that the commissioners could take a simple approach, utilizing the work product generated by the 2004 and 2006 CRCs as part of the basis for their efforts, or a more complicated approach involving one-on-one interviews with the members and possible electronic polling of the group, which would require additional consultant time.

Following his presentation, Mr. Spitzer responded to various queries by the members and provided clarification regarding his proposed fees and availability.

### Southern Strategy Group

Amy Maguire distributed a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided a brief overview of her qualifications and proposal focusing on the areas of experience, education, economics, environment, and efficiency. She indicated that her project team would include members

of the McFarlane Ferguson & McMullen law firm; that all team members are locally based; that she has 20 years of research and lobbying experience; and that she plans to utilize a variety of multimedia outreach tools to engage the community.

Responding to comments and queries by the members, Ms. Maguire expounded on her strategy and current lobbying efforts; whereupon, Commissioner Welch raised concerns pertaining to Southern Strategy Group's lobbying efforts on behalf of offshore oil drilling, to which Pinellas County and numerous Bay-area municipalities and organizations are opposed. In response, she explained that the firm's Tallahassee and Tampa Bay offices represent two separate companies with separate clients; and that she no longer represents oil drilling interests on a local level.

## DISCUSSION AND SELECTION OF CONSULTANT

Chairman Duncan indicated that the candidates' presence would be allowed during the members' discussion and selection process; whereupon, responding to queries by the members, Ms. Stanfield related that the CRC has a budget of \$100,000 to cover both the consultant and legal counsel, as well as travel and other expenses, and Mr. Lauro noted that, while Mr. Spitzer's written proposal did not include travel expenses, he had indicated during his presentation that travel would be included as part of the proposed fee.

Chairman Duncan reiterated for the record that he had declared a conflict and would not take part in the discussion or vote on the CRC consultant.

Mayor Steingold opened the discussion by expressing his opinion that both candidates are well-run, top-notch organizations; whereupon, citing the complexity of Pinellas County and the issues to be addressed, and Mr. Spitzer's charter review experience throughout the state, he nominated Kurt Spitzer and Associates, Inc. to serve as the CRC consultant; and Ms. Kynes seconded the motion.

Referring to his conflict declaration, as previously noted, Chairman Duncan specified that he has a contractual relationship with Southern Strategy Group; whereupon, he submitted a Memorandum of Voting Conflict form, which has been filed and made a part of the record; and Vice-Chairman Davis assumed the gavel.

Commissioner Welch pointed out that Mr. Spitzer's proposal had included two alternative strategies, and inquired whether the preferred alternative need be specified in the motion. Responding, Vice-Chairman Davis indicated that the CRC has

yet to define the scope of the review, which will drive the work program to be undertaken by Mr. Spitzer.

Following discussion and upon call for the vote, the motion carried by a vote of 7 to 4, with members Nelson, Angle, Jagger, and Hooper casting the dissenting votes and Chairman Duncan abstaining.

At the request of Ms. Stanfield, Mr. Figurski moved, seconded by Representative Hooper, that staff be authorized to prepare a contract for final approval; whereupon, Ms. Nelson suggested that the contract be contingent upon the availability of Mr. Spitzer on the days of the meetings, and the maker and seconder concurred. Upon call for the vote, the motion carried unanimously.

\* \* \* \*

The meeting was recessed at 6:28 P.M. and reconvened at 6:35 P.M.

\* \* \* \*

## LEGAL COUNSEL CANDIDATE PRESENTATIONS AND INTERVIEWS

### Bryant Miller Olive P.A.

Susan Churuti greeted the commissioners and introduced team members Michael Davis and Kareem Spratling; whereupon, she provided a brief overview of the firm's qualifications, noting her experience as Pinellas County Attorney and that of Mr. Davis as City Attorney for St. Petersburg and General Counsel for the City of St. Pete Beach. She indicated that both she and Mr. Davis live locally and will not charge for travel time or expenses; that the firm uses a team approach, with various legal experts available via videoconference; and that the firm has statewide charter experience and extensive historical knowledge of specific Pinellas County issues, including those addressed by previous Pinellas CRCs.

\* \* \* \*

Mr. Bedinghaus entered the meeting at 6:42 P.M.

\* \* \* \*

Responding to concerns raised by the members pertaining to a possible or perceived conflict of interest with the City of St. Pete Beach, Ms. Churuti indicated that the firm would seek a waiver of conflict from both clients, and failing to receive it, would make a decision to withdraw from one representation or the other; whereupon, in response to a suggestion by Mr. Figurski, Mr. Davis indicated that a *Chinese Box* situation could be employed, wherein he would not be involved in County matters and Ms. Churuti would not be involved in matters pertaining to St. Pete Beach.

#### Cobb Cole

C. Allen Watts introduced his partners Jon Kaney and Mark Watts, and Susan Spurgeon of the Pennington, Moore, Wilkinson, Bell & Dunbar law firm and indicated that he has worked with CRCs 10 or 12 times for a number of counties throughout the state of Florida; whereupon, referring to a PowerPoint handout, a copy of which has been filed and made a part of the record, he reviewed significant issues that were addressed including the unification of rules and regulations, consolidation of services, and collection of tolls for several beach communities in Volusia County.

In response to query by Representative Hooper, Ms. Spurgeon confirmed that her firm serves as Pinellas County's registered lobbyist; and indicated that she does not foresee any conflict arising therefrom; however, should one arise, it would be dealt with in accordance with the state Ethics Law; whereupon, Mr. Watts related that there are other legal firms which could be retained in lieu of the Pennington firm.

Responding to queries by the members, Mr. Watts indicated that he and his son operate an office in Deland, Florida; that he does not bill for travel time; that travel expenses are billed at rates allowed for state employees; that the firm does not currently represent any governmental clients in Pinellas County; and that he believes opportunities exist for cooperation among the constituent municipalities; whereupon, he described a case involving the negotiation of an interlocal agreement among all the municipalities in Palm Beach County.

#### Macfarlane Ferguson & McMullen, P.A.

Joshua Magidson introduced team members James Martin and Brian Aungst, Jr. of the firm's Clearwater office and Carter McCain of Tampa, emphasized the firm's experience in representing the interests of the businesses and citizens of Pinellas County, and noted that they have no governmental clients. He indicated that he has served as a member of the City of Clearwater CRC and on other local commissions and

task forces; and that, acting on behalf of their clients, members of the firm interact with Pinellas County governmental agencies and departments on a daily basis.

Mr. Aungst pointed out that the CRC was represented by the County Attorney's Office during recent Charter reviews, not by any outside firm; whereupon, he indicated that he is familiar with the unique nature of the Pinellas County Charter; and that he has read every case involving the Charter Review process in Florida, every case involving the Pinellas County Charter, and the entire report by the most recent Pinellas County CRC. Providing additional input, Mr. McCain summarized the role and responsibilities of the legal counsel pertaining to the mission of the CRC.

Discussion ensued, and responding to queries by the CRC, the team members provided additional information regarding the firm's relevant experience and stated that the firm could assist the CRC in taking a fresh look at the Charter considering the perspective and interests of the constituents while providing the necessary legal expertise and guidance in a responsive, proactive manner.

## DISCUSSION AND SELECTION OF LEGAL COUNSEL

Chairman Duncan stated for the record that four proposals were received and evaluated by the committee, as shown on the evaluation criteria tabulation sheet, and reminded the members of their December 7 decision to interview only the top three firms.

At the request of Mr. Figurski, County Attorney Bennett outlined the role of the CRC attorney, as follows: to draft ballot language; to ensure compliance with all procedural, public record, and Sunshine Law requirements; to provide the legal tools to enable the ideas of the Commission and to constrain them, where necessary; and to provide the advice that the members ask for as well as that which they need. Ms. Bleakley concurred, adding that the attorney should advise the members what is lawful and what is not; but also, if there is an idea the commissioners wish to pursue, to think creatively to determine whether there is a way to accomplish their objective and to advise them of barriers which will prevent them from doing so.

Chairman Duncan opened the floor for discussion, and following input by all members, Mr. Figurski moved, seconded by Commissioner Welch, that the firm of Bryant Miller Olive be selected to serve as legal counsel to the CRC.

During continued discussion and responding to query by Ms. Nelson, Chairman Duncan indicated that additional comments or rebuttal by the candidates would not be appropriate when there is a motion on the floor; whereupon, Mr. Figurski restated

the motion, including an amendment that staff be authorized to prepare a contract for final approval. Upon call for the vote, the motion carried 9 to 4, with members Kynes, Hooper, Bedinghaus, and Neri casting the dissenting votes.

Thereupon, Chairman Duncan thanked the candidates for their participation, and noting that the consultant and legal contracts may or may not be executed before the January 25 meeting, thanked Ms. Bleakley for her efforts and efficiency in getting the CRC started and to this point in the process.

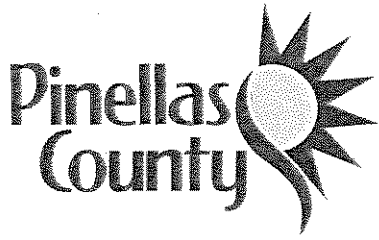
#### TENTATIVE AGENDA FOR JANUARY 25, 2010 MEETING

Chairman Duncan referred to today's agenda and reviewed the items proposed for consideration at the January 25 meeting, noting that representatives of the County and the Judiciary will present their comments and issues. He indicated that the CRC will likely begin receiving public input by that time, and should begin to compile a list of issues it wishes to tackle, including Ms. Kynes suggestion for a non-partisan Supervisor of Elections; and Mr. Davis restated items discussed at the last meeting, including consolidation of the Pinellas Planning Council and Metropolitan Planning Organization, annexation of unincorporated areas by the cities, extension of the Charter review period, and consolidation of fire services, with consideration of the State Office of Program Policy Analysis and Government Accountability (OPPAGA) EMS/fire study report, to be released soon

Ms. Kynes suggested that Mr. Spitzer consider the use of Facebook and Twitter as community outreach tools, as suggested by one of the candidates, and Chairman Duncan concurred.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 P.M.



## Pinellas Charter Review Commission 2009 - 2010

January 18, 2010

**Members:**

Ronnie E. Duncan, Ch.  
Rick Davis, V.Ch.  
James Angle  
Paul J. Bedinghaus,  
Gerald A. Figurski  
Melissa B. Jagger  
William B. Harvard, Jr.  
Deborah Pointer Kynes  
Raymond H. Neri  
Ed Hooper  
Diane Nelson  
Ken Welch  
Andy Steingold

To: Members of the Pinellas County Charter Review  
Commission

Re: Rules Adopted at January 5, 2010 Meeting

Attached are two versions of the rules adopted by the CRC at the January 5, 2010 meeting. The first version expresses the adopted rules in legislative bill drafting format with deletions to the 2004 and 2006 CRC rules depicted as ~~stricken~~ and additions underlined.

The second version shows all the rules as adopted by the CRC in addition to those specified in the current charter.

Best regards,

Sarah M. Bleakley, Esq.  
Commission Interim Counsel

**Staff:**

Elithia V. Stanfield,  
Assistant Pinellas County  
Administrator

**Interim Legal Counsel:**

Sarah M. Bleakley  
1500 Mahan Drive  
Suite 200  
Tallahassee, FL 32308  
(850)508-5816



**RULES SPECIFIED IN THE CHARTER AND  
ADDITIONAL RULES AS ADOPTED BY THE CHARTER  
REVIEW COMMISSION ON JANUARY 5, 2010**

**Specified in the Charter**

- The charter review commission shall elect a chairman and vice-chairman from among its membership.
- Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission.
- All meetings shall be open to the public.
- A majority of the members of the charter review commission shall constitute a quorum.
- The commission may adopt other rules for its operations and proceedings as it deems desirable.
- The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.
- Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county.

**Additional Rules Adopted by the 2010 CRC**

- Public comments would be at the beginning of the meeting with a three minute time limit and the subject matter limited to Charter review issues or with an issue on the Charter Review Commission's agenda.
- A sign-in sheet and cards would be provided for public comment.
- A majority vote would be required at the time an issue is discussed and at the meeting prior to the final meeting; and that a majority plus one vote of the membership shall be required for final approval for placement on the ballot.
- Prior to final approval of a proposal to be placed on the ballot, the Charter Review Commission shall hold at least one public hearing on the proposal.
- An issue that is initially voted down could not be reconsidered later in the process.
- Approval of the expenses of the Consultant are delegated to the CRC Chairman.

1                   **ADDITIONAL RULES ADOPTED BY THE 2010 CRC**

2                   **In Legislative Format**

- 3
- 4       •       Public comments would be at the beginning of the meeting with a three
- 5       minute time limit and the subject matter limited to Charter review issues or to
- 6       an issue on the Charter Review Commission's agenda.
- 7       •       A sign-in sheet and cards would be provided for public comment.
- 8       •       A majority vote would be required at the time an issue is discussed and at
- 9       the meeting prior to the final meeting; and that a majority plus one vote of the
- 10       membership shall be required for final approval for placement on the ballot.
- 11       •       Prior to final approval of a proposal to be placed on the ballot, the Charter
- 12       Review Commission shall hold at least one public hearing on the proposal.
- 13       •       An issue that is initially voted down could not be reconsidered later in the
- 14       process.
- 15       •       Approval of the expenses of the Consultant are delegated to the CRC
- 16       Chairman.
- 17
- 18
- 19
- 20
- 21

22 F:\Tally Data\General Data\WPDATA\lmb\Pinellas Charter Review Commission 2009-10\Rules in Legislative Format Adopted by 2009-10 CRC 2010 01  
23 18\_V1.doc

## WEB SITE SUBMITTALS AS OF TUESDAY, JANUARY 19, 2010

*Please note – comments are verbatim as received at the website*

- Received Wednesday, January 6, 2010 3:09 PM

In the event fire consolidation is looked at again, I would respectfully suggest 7 changes from past efforts of previous County Charter reviews including:

1. That all information from past MGT studies be discarded.
2. That a consultant with expert back ground in Fire, EMS, and Emergency Management be used with fire service stake holders involved in both the RFP and selection of the consultant.
3. That any look at consolidation should target a uniform level of service including a countywide ISO rating , This should also include but not limited to water supply, hydrant locations, fire station locations training and communications. First alarm assignments to various levels of risk including target hazards.
4. That any look at consolidation should identify diverse funding where property tax is not the only source of revenue.
5. Annexation history should be evaluated to determine what the future will look like. What percentage of the unincorporated area will be lost to annexation over the next 20 years.
6. That every City and the County be included in the governance of any proposed consolidation. To insure equity in service as well as funding.
7. That the Charter Review Committee be provided with copies of all existing laws that impact Fire protection and funding in Pinellas County .

my\_name Jay Stout  
email jaystout@ymail.com

- Received Wednesday, January 6, 2010 3:38 PM

The idea was very good, but as to the weight of the comments and suggestions made, both con and pro, remains to be seen.

- Received Wednesday, January 6, 2010 4:39 PM

Even our elected supervisors have seemed partisan, but for God's sake....keep them elected.

## **2004 PROPOSED CHARTER AMENDMENTS**

**APPROVED**

### **NO. 1: NON-INTERFERENCE - NEW SECTION 3.03**

**BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR PROHIBITION OF COUNTY COMMISSION'S INTERFERENCE WITH ADMINISTRATION OF COUNTY GOVERNMENT**

**BALLOT QUESTION:** Shall Article III of the Pinellas County Charter be amended to require that instructions and directives of the Board of County Commissioners and its individual members be issued solely through the County Administrator while allowing Board members to continue with interaction, communication and observation of county government operations?

**APPROVED**

### **NO. 2: COUNTY ADMINISTRATOR DESIGNATED BUDGET OFFICER - NEW SECTION 4.01(c)(5)**

**BALLOT TITLE: AMENDS CHARTER TO DESIGNATE COUNTY ADMINISTRATOR AS COUNTY BUDGET OFFICER.**

**BALLOT QUESTION:** Shall a new section, 4.01(c)(5), be added to the Pinellas County Charter, which would designate the county administrator as the county budget officer?

**APPROVED**

### **NO. 3: TERMINATION OF THE COUNTY ADMINISTRATOR - SECTION 4.01(a)**

**BALLOT TITLE: AMENDS VOTING REQUIREMENTS FOR TERMINATING COUNTY ADMINISTRATOR**

**BALLOT QUESTION:** Shall Section 4.01(a) of the Pinellas County Charter be amended to require, in addition to a single-meeting vote by five members, that any vote to remove the County Administrator by four members of the Board of County Commissioners must occur at two consecutive, regularly-scheduled meetings?

**REJECTED**

**NO. 4: COUNTY ADMINISTRATOR'S EMPLOYMENT  
POWERS - SECTION 4.01 (c)(3)**

**BALLOT TITLE: CHANGE IN DUTIES OF THE COUNTY  
ADMINISTRATOR**

**BALLOT QUESTION:** Subject to the provisions of the County civil service plan, shall Article IV, sec. 4.01(c)(3), be amended to change the duties of the County Administrator by increasing his or her discretion to terminate from employment any employees of the board of county commissioners, with or without cause, without the confirmation by that board?

**APPROVED**

**NO. 5: RECONSTITUTION OF THE CRC - NEW SECTION 6.05**

**BALLOT TITLE: AMENDS CHARTER TO RECONSTITUTE THE 2004  
CHARTER REVIEW COMMISSION WITH AN EXPANDED TERM**

**BALLOT QUESTION:** Shall a new section 6.05 be added to the Pinellas County Charter which would reconstitute the 2004 charter review commission for a new term from November 8, 2004 through December 1, 2006 with the power to examine county operations and the present charter, conduct necessary studies, consult with municipalities and the Pinellas County Legislative delegation and recommend appropriate revisions to the charter for submission to the electorate?

## **2006 PROPOSED CHARTER AMENDMENTS**

### **APPROVED**

#### **NO. 1: MOSQUITO CONTROL AND WATER AND NAVIGATION CONTROL - SECTIONS 2.04 and 5.02(b)**

**BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR COUNTYWIDE MOSQUITO CONTROL AND WATER AND NAVIGATION CONTROL PROGRAMS**

**BALLOT QUESTION:** Shall Sections 2.04 and 5.02(b) of the Pinellas County Charter be amended to add countywide mosquito control and water and navigation control programs as special powers of the county, and delete the Mosquito Control District of Pinellas County and the Pinellas County Water and Navigation Control Authority from the listing of districts whose status, duties or responsibilities may not be changed by the Charter?

### **REJECTED**

#### **NO. 2: GENDER REFERENCES AND COUNTY ADMINISTRATOR'S EMPLOYMENT AUTHORITY - SECTION 4.01**

**BALLOT TITLE: AMENDS CHARTER TO ADDRESS GENDER REFERENCES AND COUNTY ADMINISTRATOR'S EMPLOYMENT AUTHORITY**

**BALLOT QUESTION:** Shall Section 4.01 of the Pinellas County Charter be amended to correct gender reference and allow the County Administrator to select, employ, supervise, and terminate, without confirmation by the Board of County Commissioners, those executive, management, supervisory, and other employees who are under his or her control and authority, and who are exempt from coverage by the county's civil service plan?

### **REJECTED**

#### **NO. 3: CHARTER REVIEW COMMISSION - SECTION 6.03**

**BALLOT TITLE: AMENDS CHARTER TO CHANGE CHARTER REVIEW COMMISSION MEMBERSHIP, REQUIRE HEARINGS, AND REDUCE FREQUENCY OF CONVENING**

**BALLOT QUESTION:** Shall Section 6.03 of the Pinellas County Charter be amended to prohibit elected officials and government staff from serving on a Charter Review Commission, require hearings, and reduce frequency of convening Charter Review Commission from every 6 to 8 years, permit employment of independent staff and experts, and allow Charter Review Commissions to remain in existence until the general election to supervise informational or educational efforts?

**REJECTED**

**NO. 4 – DUAL VOTE - SECTION 6.04**

**BALLOT TITLE: AMENDS CHARTER TO DELETE DUAL VOTE EXCEPT AS REQUIRED BY THE FLORIDA CONSTITUTION**

**BALLOT QUESTION:** Shall Section 6.04 of the Pinellas County Charter be amended to delete the requirement of a dual vote, while retaining the single vote requirement, for any charter amendment effecting a transfer of county, city, or special district service or regulatory authority, so that the Charter procedures will only follow the provisions of the Florida Constitution, which require a dual vote to effect a transfer of a county, city or special district function or power?

**APPROVED \*\***

**NO. 5: ANNEXATION PROCEDURES - SECTION 2.07**

**BALLOT TITLE: AMENDS CHARTER AND APPROVES LEGISLATIVE ACT TO STRENGTHEN ANNEXATION PROCEDURES RELATING TO NOTICE AND CONSENT**

**BALLOT QUESTION:** Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent, by requiring an informative mail notice prior to all non-voluntary annexations, establishing a 7-year moratorium on repeat annexation attempts without consent, regulate aspects of obtaining consent and shall special acts of the legislature be approved to implement said restrictions?

**APPROVED\*\***

**NO. 6: ANNEXATION PROCEDURES - SECTION 2.07**

**BALLOT TITLE: AMENDS COUNTY CHARTER AND APPROVES IMPLEMENTING LEGISLATIVE ACT TO MODIFY ANNEXATION PROCEDURES LIMITING INCENTIVE EXPENDITURES**

**BALLOT QUESTION:** Shall Section 2.07 of the Pinellas County Charter be amended to limit the expenditure of public funds that do not provide a paramount public purpose to induce annexation and shall special acts of the legislature be approved to implement said restrictions?

**REJECTED**

**NO. 7: ANNEXATION WITHOUT CONSENT - SECTION 2.07**

**BALLOT TITLE: AMENDS CHARTER AND APPROVES IMPLEMENTING LEGISLATIVE ACT TO RESTRICT ANNEXATION WITHOUT CONSENT**

**BALLOT QUESTION:** Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent and shall a special act of the legislature be approved to implement said restrictions?

**\*\* Amendments 5 and 6 were subjects of a legal challenge filed by a majority of Pinellas County's municipalities. A Settlement Agreement was signed May 2007.**

**SETTLEMENT AGREEMENT BETWEEN  
ALL THE CITIES OF PINELLAS COUNTY AND  
PINELLAS COUNTY, FLORIDA FOR  
THE RESOLUTION OF ISSUES RELATED TO THE CHARTER REVIEW  
COMMITTEE**

**THIS SETTLEMENT AGREEMENT** ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, between the Cities and/or Towns of Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian Shores, Largo, Kenneth City, Maderia Beach, North Redington Beach, Oldsmar, Pinellas Park, Redington Beach, Redington Shores, Safety Harbor, St. Pete Beach, St. Petersburg, Seminole, South Pasadena, Tarpon Springs, and Treasure Island, all Florida municipal corporations ("Cities") and Pinellas County, a political subdivision of the State of Florida, ("County") (collectively "Parties") and Thomas Trask ("Trask").

**W I T N E S S E T H :**

**WHEREAS**, the Pinellas County Charter Review Committee placed seven amendments to the Pinellas County Charter before the voters for referendum approval; and

**WHEREAS**, the Cities objected to the amendments for various legal and practical reasons; and

**WHEREAS**, the Cities filed a lawsuit against the County, Charter Review Commission and the Supervisor of Elections (City of Pinellas Park, et al vs Supervisor of Elections, et al, Circuit Civil Case No. 06-5975-CI-11) (hereinafter referred to as "Lawsuit"); and

**WHEREAS**, the County filed a counterclaim to the Lawsuit which alleged that portions of the County Charter protecting the rights of the Cities by a 'dual vote' as to the transfer of certain matters was unconstitutional; and

**WHEREAS**, the Court denied the Cities' request for injunctive relief before the election; and

**WHEREAS**, the voters rejected four of the proposed amendments; and

**WHEREAS**, the Cities have no objection to Amendment 1; and

**WHEREAS**, the Cities believe that the ballot language for Amendments 5 and 6 is ambiguous and does not accurately reflect the actual amendments proposed to be included in the Pinellas County Charter; and

**WHEREAS**, the Cities and County have met to discuss a resolution of the Lawsuit which would reflect the will of the voters as identified in the ballot questions; and

**WHEREAS**, it is in the best interests of the Parties to resolve these issues; and



**WHEREAS**, by entering into this Agreement neither the Cities, individually or collectively, nor the County waive any defense in any action relating to annexation nor shall they be estopped from raising any defense in any action relating to annexation as a result of this Agreement; and

**WHEREAS**, this Agreement is entered into between the Parties to settle the foregoing Lawsuit and to address issues of concern expressed by the Cities and County; and

**WHEREAS**, reference to the 'Cities' or 'Parties' in these 'WHEREAS' clauses shall not include the cities of Dunedin, Redington Beach, and Indian Rocks Beach who were not parties to the Lawsuit, however because they are necessary parties to this Agreement, they are included in references to 'Cities' and 'Parties' in the remainder of this Agreement; and

**WHEREAS**, reference to the 'Cities', 'County', and 'Parties' shall include their elected officials, appointed officials, employees, agents, persons or entities contracting with them, or any other person or entity associated or affiliated with one or more of the Cities and County.

**NOW THEREFORE**, in consideration of one dollar and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged and the promises and covenants contained herein, the Parties and Trask agree as follows:

1. The above recitations are true and correct and are incorporated herein by reference.
2. The Parties named in the Lawsuit hereby agree to settle the above referenced Lawsuit in the following manner and the Parties not named in the lawsuit hereby also agree to the following:
  - a. Notwithstanding any other provision of law, with respect to monetary incentives, an annexing municipality and the County may only offer, negotiate, agree to provide, or provide, incentives or inducements in conjunction or connection with an annexation proposal which (1) improve public properties, rights of way, or easements and the infrastructure and/or facilities located thereon or therein, (2) involve the acquisition of property for public use or benefit, (3) are in furtherance of the closure of enclaves, (4) provide public services and/or facilities, (5) waive or pay development, permit and/or application fees, or (6) otherwise advance a paramount public purpose as defined by Florida law.
  - b. Consents required by Section 171.0413(5) and (6), F.S. shall be express and in writing. Such consent shall be obtained by the annexing municipality at least ten (10) days prior to any referendum required pursuant to Section 171.0413, F.S. or at least ten (10) days prior to the public hearing on the ordinance required for annexation pursuant to Section 171.0413(6).
  - c. Without the current property owner's written permission, no municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. for a period of seven years from the last date that such property was subject to an annexation referendum.
  - d. No municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. unless an informational notice has been mailed to all affected property owners at least ten days prior to the public hearing.
  - e. The Parties agree that the dual vote provision set forth in Section 6.04 of the County Charter is constitutional, the County shall not support any future litigation challenging the constitutionality of that provision, nor shall the County support legislation or referenda seeking to remove this provision from the Charter. The County shall notify the Cities within thirty days of receipt of service

of any lawsuit or the filing of any claim challenging this provision. The Parties shall request the Court to enter a judgment finding this provision to be constitutional.

f. The Parties shall not draft, support, request, or propose any enabling legislation for Amendments 5 and 6. The Parties hereby jointly request present and future legislatures and legislative delegations to not pass any enabling legislation with respect to Amendments 5 and 6.

g. The Charter Review Commission and the Supervisor of Elections shall be dismissed from the Lawsuit. The remaining claims in the above referenced Lawsuit and counterclaim, and the lawsuit filed by Tom Trask, styled Trask vs. Pinellas County, Circuit Civil No. 06-7171-CI-11 shall be dismissed.

h. All Parties shall bear their own fees and costs (this shall not apply to any cost sharing agreement between the Cities for the Cities' fees or costs).

i. This Agreement shall, to the extent necessary to be enforceable, constitute an interlocal agreement between the parties.

j. This Agreement shall, to the extent necessary to be enforceable, constitute an interlocal agreement between the parties entered into pursuant to Part II, Chapter 171 Florida Statutes.

k. As a result of entering into this Agreement, neither the Cities, individually or collectively, nor the County waive any defense in any current or future action relating to annexation nor shall they be estopped from raising any defense in any current or future action relating to annexation nor shall they be prevented in any way from raising any claim in any current or future lawsuit relating to annexation. The foregoing shall not apply to any action necessary to enforce the terms of this Agreement.

l. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts taken together shall constitute one agreement.

3. The Court shall retain jurisdiction to enforce the terms of this Agreement.

**IN WITNESS WHEREOF** the Parties hereto have caused this Agreement to be executed by their duly authorized representatives on the day and date first above written.

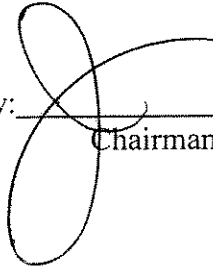
**END OF SUBSTANTIVE PROVISIONS. SIGNATURE PAGES TO FOLLOW**

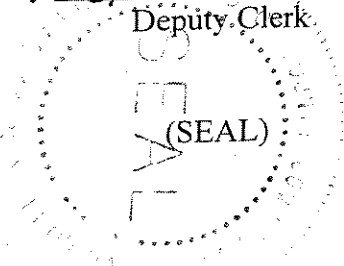
PINELLAS COUNTY

ATTEST:  
KEN BURKE, CLERK

PINELLAS COUNTY, FLORIDA, by and  
through its Board of County Commissioners

By:   
Deputy Clerk

By:   
Chairman



APPROVED AS TO FORM:

  
Office of the County Attorney

**CHARTER REVIEW COMMISSION  
MEETING DATES  
SECOND TUESDAY, LAST MONDAY OF MONTH**

**January**

**Tuesday, January 5**

**Monday, January 25**

**February**

**Tuesday, February 9**

**Monday, February 22**

**March**

**Tuesday, March 9**

**Monday, March 29\*      School Closed for Spring Break**

**Monday, March 22\*      Alternative**

**April**

**Tuesday, April 13**

**Monday, April 26**

**May**

**Tuesday, May 11**

**Monday, May 31\*      Memorial Day**

**Monday, May 24\*      Alternative**

**June**

**Tuesday, June 8**

**Monday, June 28**

**July**

**Tuesday, July 13**

**Monday, July 26**

**Potential Public Hearing Dates**

**Monday, June 14**

**Tuesday, June 15**

**Monday, June 21**