

AGENDA
Pinellas County Charter Review Commission
Tuesday, January 5, 2010 -- 4:00 p.m.
Swisher Building – Room 211
509 East Avenue, Clearwater

- I. Welcome
- II. Introduction of CRC Members not in attendance at December 7th meeting
- III. Approval of the Minutes of the December 7th meeting – Attached p. 2
- IV. Election of Chair and Vice Chair – Material p. 23
- 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 – Material p. 24
 - B. Options
 - 2004 and 2006 Pinellas
 - 2009 Alachua – Material p. 25
 - Others
- VII. **Time Certain: 5:30 PM** - Consideration of Hiring Consultant and Legal Counsel, Material previously distributed
 - 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
- X. Open Discussion - CRC members
- XI. Set Tentative Agenda for January 25, 2010 meeting
 - A. Issues from County
 - B. Issues from Judiciary
 - C. Recap of 2004 and 2006 –Material p. 28
- XII. Set Future Meeting Dates
- XIII. Adjournment

Clearwater, Florida, December 7, 2009

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:

Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
Andy Steingold, City of Safety Harbor Mayor
James Angle
Paul Bedinghaus
Ricardo Davis
Ronnie E. Duncan
Gerald A. Figurski
William B. Harvard, Jr.
Raymond H. Neri

Not Present:

Ed Hooper, State Representative
Melissa B. Jagger
Deborah Kynes

Also Present:

Calvin D. Harris, Chairman, Board of County Commissioners
Karen Williams Seel, Vice-Chairman, Board of County Commissioners
James L. Bennett, County Attorney
Robert S. LaSala, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Sarah M. Bleakley, Esq., Nabors Giblin & Nickerson
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Introductions
 - a. Members of the Charter Review Commission
 - b. County Staff
 - c. Special Counsel to the County – Sarah M. Bleakley

- III. Role, Scope, and Process of the Pinellas County Charter Review Commission
 - a. Independence
 - b. Restraints
 - c. Florida Sunshine Law
- IV. Charter Counties
 - a. Charter Counties Generally
 - b. Pinellas County Charter
- V. First Meeting in January – Tentative Agenda
 - a. Elect Chair and Vice-Chair
 - b. Develop/Adopt Operating Guidelines
 - c. Select Charter Consultant and Charter Legal Counsel
 - d. Set Future Meeting Dates
- VI. Next Meeting Date
- VII. Open Discussion
- VIII. Adjournment

WELCOME

Board of County Commissioners (BCC) Chairman Calvin D. Harris called the meeting to order at 5:36 P.M., welcomed the members and thanked them for their willingness to serve the citizens of Pinellas County, and offered the support of County staff and resources to assist them in carrying out their responsibilities; whereupon, he introduced incoming BCC Chairman Karen Williams Seel, who echoed his sentiments and noted that the CRC is an independent body with the ability to determine its own agenda and place items on the ballot as it sees fit.

INTRODUCTIONS

Sarah M. Bleakley, Esquire, Nabors Giblin & Nickerson, indicated that she will serve as interim CRC Counsel and act as Chair for today's orientation and the first meeting in January 2010. Following self-introduction of the members, County Administrator Robert S. LaSala, County Attorney James L. Bennett, and Assistant County Administrator Elithia V. Stanfield introduced themselves and provided brief comments; whereupon, Ms. Stanfield noted that a video recording of today's meeting will be provided to the three CRC members who were unable to attend.

ROLE, SCOPE, AND PROCESS OF THE PINELLAS COUNTY CRC

Ms. Bleakley conducted a PowerPoint presentation titled *Government in a Fishbowl*, a copy of which has been filed and made a part of the record, and discussed the Florida Sunshine and Public Records Laws and their applicability to the CRC; whereupon, she cautioned the members that sanctions for violation of the Sunshine Law and conflicts of interest can be severe, and urged them to contact her with any questions or concerns.

CHARTER COUNTIES

Ms. Bleakley distributed copies of the Pinellas County Charter and Article VIII, Local Government, of the Florida Constitution; whereupon, referring to a PowerPoint presentation titled *Charter County Government*, a copy of which has been filed and made a part of the record, she reviewed the following background information:

- Description of a county
- County power prior to the 1968 Florida Constitution
- Charter and non-charter powers after the 1968 Constitution
- Distinctions between charter and non-charter counties
- Establishment of a charter county, its governing body and Constitutional Officers
- The Pinellas County Charter
 - Article I - Charter Creation and Structure
 - Article II - Powers and Duties of the County
 - Article III – Pinellas County Legislative Branch
 - Article IV – Pinellas County Administration
 - Article V – Effect of the Pinellas County Charter

Thereupon, referring to Article VI, Ms. Bleakley reviewed provisions of the Pinellas County Charter pertaining to the CRC, including the following:

- convenes every six years
- consists of 13 members appointed by the BCC, a mixture of elected- and non-elected officials and members of the public at large
- required to meet by the end of the third week of January to elect a Chair and Vice-Chair and establish rules
- must submit a report to the citizens by July 31, including any proposed Charter amendments and ballot questions, which are subject to voter approval in the November General Election
- subject to certain Constitutional restraints and Charter limitations

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During discussion and responding to queries and comments by Mayor Steingold and Commissioner Welch, Ms. Bleakley indicated that the CRC members have the ability to request whatever background information they would like to review, including Charters from other counties throughout Florida and the United States; that Palm Beach and Broward Counties are most similar to Pinellas, in that they contain numerous municipalities; that the highly populated Jacksonville/Duval area has consolidated its municipalities and county into one government; that a transfer of powers is an alternative to consolidation; and that either would require a dual-referendum, as provided for in the Charter, or a special act of the Legislature.

In response to queries by Mayor Steingold and Mr. Neri, Ms. Bleakley indicated that the CRC can address the issues of consolidation of the Pinellas Planning Council and Metropolitan Planning Organization, as proposed by State Representative Rick Kriseman, and annexation of the unincorporated area by the cities; and suggested that the CRC request its legal council to prepare memoranda on those and other issues of interest.

Responding to queries by Commissioner Welch, Ms. Stanfield related that the 2004 CRC had requested an extension of the time frame in which to complete its work; that the voters had granted an extension until December 2006; and that the reports and recommendations of the two Commissions are still available on the County website. Ms. Bleakley indicated that staff will provide the CRC members with copies of the reports, along with a summary prepared by Ms. Stanfield and a list of the policies and procedures adopted by the Commission.

* * * *

Mayor Steingold left the meeting at 6:48 P.M.

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Responding to queries by Mr. Neri, Mr. Angle provided input regarding discussions held by the previous CRC pertaining to consolidation of fire services within the County; and noted that the County is currently conducting a study of the Emergency Medical Services (EMS) and fire system; and that the state Office of Program Policy Analysis and Government Accountability (OPPAGA) is also conducting a study; whereupon, Mr. LaSala related that the County's EMS study will not be completed and presented to the BCC until the fall of 2010, and Ms. Stanfield indicated that the OPPAGA study is scheduled for release in January 2010.

Noting that much has happened in the County since the CRC last met, Mr. Duncan suggested that the Constitutional Officers, County Administrator, and the Courts be given the opportunity to address the Commission regarding any burning issues they may be aware of.

Discussion ensued regarding ways to solicit public input, and responding to queries by the members, Mr. LaSala suggested that the CRC could offer a webinar or invite the public to identify Charter-related issues via the County website. He indicated that distributing a printed notice with utility bills would not be timely, nor would it reach residents not served by Pinellas County Utilities. In response to comments by Mr. Davis, Ms. Bleakley indicated that the CRC could pursue a Charter amendment stipulating that public input be solicited six months prior to the convening of each CRC; and responding to query by Ms. Nelson, Commissioner Welch indicated that over 100 people had attended each of the three public forum meetings pertaining to the Fiscal Year 2010 budget. Following additional discussion, Commissioner Welch directed that County staff set up a web site for the CRC and incorporate a means for the public to provide input and suggestions, similar to the format used during the budget process, and no objections were noted; however, Mr. Duncan pointed out the need for a communication strategy to inform the public of its availability.

FIRST MEETING IN JANUARY – TENTATIVE AGENDA

Ms. Bleakley reviewed the tentative agenda for the first CRC meeting in January 2010, noting that the Commission must elect a Chair and Vice-Chair, set its operating guidelines, and select a Charter consultant and legal counsel.

Distributing a document titled *Charter Review Commission Timetable*, a copy of which has been filed and made a part of the record, Ms. Stanfield indicated that members of the previous CRC had expressed the opinion that the County had controlled the process; and that, as an independent body, it would be appropriate for the CRC to select its own support staff. She related that, in the interest of time, the County had issued requests for proposals (RFPs) to provide consultant and legal services, with the intention of identifying the top three candidates in each category for interview and selection by the Commissioners; that the RFP deadline has passed for consultants, with only two proposals having been received; and that proposals for legal services are due tomorrow.

Following discussion, it was the consensus of the members that both consultant candidates and the three top ranking legal firms be invited to attend the next meeting for

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interview and selection by the CRC as a whole; and at the request of Mr. Angle, Ms. Stanfield agreed to provide the Commissioners with copies of the proposals prior to the meeting.

In response to query by Mr. Bedinghaus, Ms. Stanfield explained that the consultant will serve as the CRC's executive director, organizing the meetings, ensuring that requested information is provided to the members, arranging for any special presentations, and acting as liaison for communication among the CRC members and staff. Referring to Sunshine Law restrictions, Mr. Duncan cautioned the members against conversations with consultant or legal candidates during the procurement process.

NEXT MEETING DATE

Following discussion, the next meeting of the CRC was scheduled to be held on Tuesday, January 5, 2010, at 4:00 P.M. in the Swisher Building Conference Room, with a second meeting scheduled for Monday, January 25; whereupon, the members considered various locations as potential future meeting sites, including the Tax Collector's Mid-County Office in Largo.

OPEN DISCUSSION

Mr. Figurski suggested that County Administrator LaSala or a municipal representative attend the next meeting to brief the members regarding major issues that exist, and Mr. Duncan concurred, reiterating his request to hear from the Constitutional Officers; whereupon, Ms. Bleakley suggested that the Constitutional Officers be invited to provide input at the next meeting; that time be allowed at each meeting for limited public comment; and that, in light of the full agenda on January 5, County and city officials be invited to address the CRC at the January 25 meeting.

Mr. Bedinghaus inquired as to the role of the Chair of the CRC, and asked if any of the members wished to express an interest in either the Chair or Vice-Chair position. In response, Ms. Bleakley stated that it is the Constitutional duty of the Chair to set the meetings, and that he/she will work with the consultant to make sure that things run smoothly, that the members' views can be heard, and that decisions can be reached. Discussion ensued, and Messrs. Davis and Duncan expressed their willingness to serve as Chair and Vice-Chair, respectively.

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At the request of Mr. Bedinghaus, Ms. Bleakley agreed to provide the members with copies of the rules established by the previous CRC, as well as the 2004 and 2006 CRC reports and summary information, as discussed earlier in the meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:23 P.M.

MEETING: Charter Review Commission – Orientation Meeting**DATE: December 7, 2009****REPORTER: Arlene Smitke**

Test	Sounds Okay.
Test again	Most are here. No Welch, Jagger. Welch is in.
Harris 5:36 PM	Outgoing Chair. This is Karen Seel. incoming chair. Welcome... Charter Review is one of those things we look to set the stage for our future....of the citizens of PC, how we can be better. Our charter allows us the opp to shape the future for all of us so we can be better than we ever thought... You can make that happen. We are elated you have agreed to take this appointment, work for improvement, betterment of PC citz. Not going to be painless, but will be fun. There are certain things we always knew – and when we come here, find they are not true... You have the opp to establish what the truth really is...will change your beliefs. Will have the best resources, support system...we are all available for questions. Won't hover, will let you operate as indep body, but when you ask we will come and answer as straightforwardly, truthfully, honestly as we can....
Seel	Took the words out of my mouth. Welcome, my sincere thanks. Is imp endeavor, means a lot to the citzs. Uncharted territory...up to you to drive the process... We are here to answer questions, but definitely you are an indep body and it is your mission to decide where to take this... One of the finest thing about the county Charter process vs some of the cities, whatever you decide goes on the ballot... Thank you in advance... Let the games begin.
Bleakley	We have an agenda – tentative anyway. I'm special counsel to county and will serve as your interim CRC counsel until you choose one. They have asked me to chair this meeting to keep it flowing. First thing, intros of members...
Steingold	Mayor, Safety Harbor
Welch	BCC – Thanks. Esp to Davis for second time.
Harvard	Architect from St P.
Nelson	Tax Collector.
Duncan	Duncan Cos.
Angle	Live in PH, work for PH Fire Rescue.
Davis	Retired corp exec, business owner, adjunct Prof at SPC...former CRC... Was asked by people I respect and hold high, so I thought I'd give it another shot...
Neri	Citizen (Lealman)
Figurski	Atty and Clw resident.
Bedinghaus	CPA in Clw.
Smitke	Clerk.
Bleakley	(Pronounce Blake-ley.) Three not here. Hooper is in Special Session, Deborah Kynes had family emergency.
Stanfield	Expecting Jagger
Bleakley	Next item - Cty Admin
LaSala	Good eve. Chair and vice said all, except echo you will have support from staff. Elithia will rep me. If you need me, call. Good luck.
Bennett	In process of securing outside counsel for you. Candidates will be brought to you at first mtg in Jan. I'm here to observe, and we have a storehouse of info and documents we will make avail to your council to help...
Stanfield	Asst Cty Admin – have perhaps talked to some of you, sent emails. My asst, Joan Chamo – prob talk to her more. Also will be looking at a consultant; will talk more

	later. Bec of the two that were unable to attend, are videotaping this mtg. Hopefully Ms. Jagger is on her way; if not, will provide video.
PowerPoint	Government in a Fishbowl
Bleakley	Nabors, Giblin & Nickerson...I do exclusively local govt law. I was excited to come – is nice to get to know distinguished, diverse folks from around the state..... Between now and when you hire counsel, will be glad to answer questions...
Bleakley	Today will help set the stage for your indiv roles as members and collective role as the CRC. Will go over necessary statutory provisions and constitutional that address ethics laws... Some of you probably know this. Important to understand bec ramifications of not knowing can be severe.
Sunshine	Constit encourages, demands – and stats – that govt op
Fishbowl	Whatever we do in this room will be recorded by mins and subject to review...
The Laws	Sunshine and Public Records.
The Sunshine Law	Will spend most time on sunshine, bec that's where we an get in trouble. Individually, you can get in trouble on sunshine law. Covers these five topics... No reqmt for an agenda, but I wd highly recommend that to keep mtgs running smoothly.
Meetings of	Sunshine law applies to this group – very broad under FL stat. Any commission created by formal action of the governing body... Also covers meetings, conversations, discussions between two or among more members of group; also can govern single members if have delegated authority.
Purpose of Open Meeting Laws	To make sure those folks you rep – citz have opportunity to know what's going on through reqmt that discussions be in public.
What is a Meeting	Discussions of two or more members. If you are talking at a cocktail party re something that can happen in a CRC mtg, is covered. Also written communic – snail or email. Also daisy-chain effect. If you tell me your vote, your view, and I share. Also covered.
Exceptions	Not really applicable here.
Social Occasions	Most important, esp with holiday season. We've got some issues that will be on the next agenda that you may want to talk about. Feel free to do so to everybody but other members of the CRC. Who will be chair, vice – can't talk about at party or phone among you. Can't talk outside of this room, publicly noticed mtg.
Retreats	
Penalties	Misdemeanor – can go to jail. Has been instance in recent memory where Cty Comm. went to jail... Devastating to a lot of people.. For the importance of the community, what happens if violated – the action the group takes can be vacated, annulled, rendered void. That means if you all vote to put an issue on the ballot....a judge can vacate that action... Lawsuit may take long enough where issues is already on ballot – votes won't count. Is significant penalty. Attorney fees – if someone challenges your actions, wins, are payable by county.
Voting conflicts	Flip to last slide
Cartoon	If you have a question re sunshine law or conflict of interest, call us... It is important to have legal advice bec sanctions are so severe. Voting conflicts, very unlikely bec action wd have to benefit you in special business-type of way...I can't foresee. This is a brief overview of sunshine law, conflicts, and a scare tactic. Ques? None. Just be careful at holiday parties.
Next slideshow	Two handouts. One is lengthy; other called Charter County Govt, and a copy of the Charter.
What's a County	This is kind of thick but won't take long. It is the heart of what I wanted to do today –

	<p>to set stage for you to understand what charter does, be able to act knowledgeably about what you're duties and responsibilities are on the CRC. .</p> <p>A county under the constit is a political subdivision of the state...legislature relies upon counties... You are local.</p>
County Power	<p>Start with the constitution, as I always do. Masters say if you get basics on law....can und almost anything.</p> <p>This case, the old constitution, before 1968...Not but one sentence about counties in whole constitution. ...state shall be divided into political subdivs to be called counties.</p> <p>Had very little power, operated under what academicians called Dillon Rule – means counties had only the power the Legis specifically authorized. As a consequence of that little bit of language...Legis got into the habit of adopting Special Acts – local bills that deal only with a single county....(example re animal control)....</p> <p>Went to great lengths to give power, tell them exactly how... With 67 counties, the number of special acts were overwhelming to Legislature – inconsistent, took lot of Legislators' time...</p>
1968 Constitution	Counties authorized – in contrast to Dillon's Rule, where you have to find the specific language, were authorized to have home rule.... We will talk about.
Non-Charter	<p>Constit Revision Comm also authorized Charter and Non-Charter counties. Re non-charter -- You are charter, but I'll talk about the differences...</p> <p>For non-charter counties, Legis auth to have such power of self govt as provided by gen or special law....</p>
Non-Charter	<p>After the 68 constit was adopted by voters, was implemented by Legis – Non-charter counties had very broad home-rule powers. Legis adopted provisions in the county chapter of FL Stats and provided a laundry list of powers counties had; in addition, whatever else you need unless Legis has pre-empted you in a certain subject or issue. So instead of having to go to Talla to get power, county had. And instead of having to find a specific provision in local bill or gen law, rule is counties have power to act unless something in legis or constit prohibits.</p>
Charter Power	After the 1968 constitution - Commission authorized charter counties. This is the provision; it provides that charter counties shall have all powers of ..
County Power	The general rule is unless county power is pre-empted, county has power to legislate on any subject for a public purpose.
Distinctions	What's the difference between charter and non-charter counties. Some signif diffs.
Distinctions	<p>Charter counties have protection against legislative special acts unless approved by voters. If are in Henry cty, deleg can pass local bill that prohibits county from doing animal control, for ex... In Pinellas, wd have to be approved by voters. I haven't seen a lot of special acts where the legis takes on a non-charter cty, but is one area of distinction.</p> <p>Charter can determine which ordinance trumps – county or city. In non-charter counties, determined by law or agmt with the county...</p> <p>Other distinction, Charter counties have power to levy what otherwise are municipal taxes. Some are authorized by legislature, including public svc tax on utilities...</p> <p>One that brings us here today, Charter counties can shape their cty govt... Non-charter counties are stuck with the model legislature and constitution has authorized, with</p>

	some exceptions...
Establishment of a Charter County	Power comes from the constitution. -- Article 8 is the constitutional provision. I'd be remiss of not sending you Art 8 – the local govt section of the constitution. Section 1 – where most provisions we'll be talking about are – specifically authorized charter counties...reads: Pursuant to general or special law,...
Charter County Governing Body	The const also provides for a governing body... Calls it BCC – composed of 5 or 7 members, unless the charter provides otherwise. All non-charter counties, only 5 or 7. Charter can be a lot more. Also requires one member in each district.
Charter County Officers	Also says counties have to have certain officers, unless are provided in another manner in charter and duties are transferred to other offices. Sheriff, Tax Coll, Prop App, Supervisor, Clerk. This charter provision says they are elected for four-yr terms. Seems to follow, if you can change these duties, might be able to change terms under the const.
Charter County Officers	There it is -- where all duties are transferred to another ofc, can change the method... An example wd be Miami-Dade. Had a property app that was appointed by BCC, then had election and changed back to elected PA.
Charter County Creation	Are a couple of methods authorized in statutes and constit. Special Act of Legislature. As provided in statutes, BCC can propose an ordinance. Also citizens' initiative petition process.
Pinellas County Charter	That was a brief overview of charter counties, esp in comparison with non-charter. Now turn attention to Pinellas County Charter. You have a copy...
Pinellas County Charter Creation	Created initially a special act of legislature. Approved by voters. Charter has to be approved by vote of electors. If an amendment is proposed, has to be approved by electors. If charter is repealed...has to be approved by electors. In 1980 Legislature, I think after several tries, passed a special act that authorized creation of Pinellas charter and set forth many of the duties in the charter. The special act was the charter, then when it was approved became the official charter of PC.
...Structure	For those of you in business, like articles of incorp. PC Charter has been revised several times. If you need details, Jim Bennett has a whole room dedicated to previous charter revision efforts and successful passage of amdmts. Every time it is amended, must be approved by voters. Pinellas charter has been revised by special act, CRC, and action by the BCC. Several times.
Structure	8 articles constitute charter. First talks about county seat – what it is. Important provisions for you all are powers and duties of the county; description of the legislative branch and their duties; the admin of cty govt; and in particular, charter amdmts and your powers. Are numerous provisions that address conflict with municipal authority. I know some of you are familiar with some of them. I will leave that issue to your future counsel – way complicated...
Powers & Duties	Article II – Says county has all powers of local self govt. Reserves to the citzs certain rights. On Page 3 – prohibition against conflict of interest by Commissioners and appointees. Requires just and equitable taxation, protection of human and consumer rights. Most of those are unusual to be built into a charter.
Powers	Section 2.04 deals with the special powers of the county. A lot of this deals with relationship between county and municips. Provides list of things granted by charter to the county, unless otherwise granted to cities. From 9-1-1, solid waste, airport, etc.... So if there's something CRC desires to do in that arena, will need a much more detailed description of what you want to do....see what charter allows, what current law

	<p>is.</p> <p>Also are some limitations of powers in Article II. Doesn't have power to abolish a municipality. Has no power to change status, duties or responsibility of county officers. Although constitution allows charter to provide for that, this charter specifically prevents the county from doing that.</p> <p>Also is a provision on an, env'l lands, transfer and sale of property. So the county has a lot of power, certainly on paper. How do they exercise power?</p>
Legislative Branch	BCC – Charter specifically provides that BCC is legislative body of the county. Seven members – talks about how elected, terms, compensation...
Page 8	Re enactment of ordinances – County has authority to enact ords - local laws. Is a non-interference clause – common - prohibits BCC from interfering with indiv actions by employees of the cty – grants that power to Administrator. BCC can't call Pub Wks Dir and say is pothole in my road... Can talk to Administrator re same thing, but can't call a worker. Is a separation of powers between BCC and Cty Admin.
Administration	Article IV. Administrator is responsible for executing what the BCC decides as a matter of policy and law and administers cty govt. Is chosen by Board and accountable to BCC. Has specific duties of county -- In addition, charter provides for cty atty, hired by BCC and is responsible to BCC.
Effect of Pinellas Charter	<p>One of the other important provisions of the charter is rule of construction. What charter says, charter is to be construed, in any court, liberally in favor of the county. In a tie, goes to the county. That is very common in charters, in govt, bec of democratic process.</p> <p>Here is municipal/county issue again - except where jurisdiction is granted to municipalities.</p>
Page 10	Construed liberally in favor of the county.
Charter Amendments	Article 6. Amendments can be proposed in four ways. Can be proposed by FL Legislature by spec act. Can be proposed by BCC. Can be proposed by citizens' initiative petition; and by this type of body.
CRC	<p>Will focus on CRC power bec that's why you all are here.</p> <p>Under sec 6.03 – the article that describes the CRC and many of your powers. Is to be established every six yrs; although last time was an exception...</p> <p>Members are appointed by BCC. Membership is 13.</p>
Membership Makeup	One of Legis Delegation – all have to be Pinellas residents - Const Ofcr, elected city official, one member of BCC, nine from public at large, none of whom shall be elected. So have a balance of non-elected and elected officials.
Meetings	<p>Starting tonight, Charter requires this commission to organize itself by end of third week in January. So Jan 2010, elect chair and vice chair, estab rules.</p> <p>Meetings can be called by the Chair or any three members of CRC.</p> <p>To take an action has to be quorum of 7 members.</p> <p>On rules...we have not proposed any for your review. If you wd like to see examples of CRC rules, I'll be glad to provide at your next mtg, or you can start from scratch next mtg.</p> <p>Last time were very few rules – 3 or 4. Other CRCs in Florida have 2-3 pgs...</p> <p>Really only need rules to address conflict. That's what we lawyers are good at. Can help you interpret rules. You may not need them – up to you all.</p>
CRC Expenses	Are specifically provided in the Charter. County is to give you space, staff and pay other expenses....from General Fund.
CRC Independence	Charter specifically says <u>not</u> that you are to be doing what the BCC wants or any Const

	Ofcr, any city wants. Says you will review on behalf of the citzs.... You are resp to the citzs. Because such lofty duties, no compensation. Can get reimb for expenses.
Recomms	<p>Due by July 31. Has to be a report to the citzs. Shd include proposed amendments, if any. Charter and ballot questions. Need specific language.</p> <p>On the issue of amendments, can contain either single or multiple subjects. Is a court case that says, under certain circumstances, multiple subjects are okay for charter amdmts. Caution you to get legal advice if more than one subject...</p> <p>The hallmark of charter counties, if you propose amendments, have to be voter approved at Gen Election in Nov. So deadline for report is July 31.</p>
Restraints	<p>In addition to this grant of power to you all as CRC, are some restraints on what you can propose. In addition, are restraints under fed and FL constitutions.</p> <ul style="list-style-type: none"> - Couldn't propose something clearly against US constitution – couldn't govern interstate commerce, for ex. - FL constitution prohibits charter amdmts that conflict with general law, so you'll need someone who understands general law related to counties as well as general law as the legislature has enacted it to make sure your amendments don't conflict with either.
Pinellas Charter Limitations on CRC	Prohibits charter from changing status, duties or responsibilities of Const Offers. So in a single charter amdmt, those cannot be changed. May be another way to set that up for a future charter amendment – could amend this provision.
Pinellas Charter	<p>Sec 5.02 says you can't change status, duties, responsibilities of a listed group of boards and commissions. That is on Page 10. A lengthy list...</p> <p>In this county, that has happened before, where CRC has changed the status of one of these boards and made it subject to the BCC by charter amdmt. So if you want to tackle one of these issues, get legal advice...</p>
Other Restrictions	This is at least the third time I mentioned counties and cities and the charter. There are numerous restrictions on reallocating power between the county and cities. If that's something you have a burning desire to do, think about what you want, then ask specifically for advice on that issue because – Here you go -- Charter amendments – I think I talked to a couple of you before the meeting -- have been a fertile ground for litigation. You can expect that, in some circumstances. If you want to change city/county powers, get good legal advice.
Questions?	Ready for a break, glass of water, and to field your questions..
Steingold	<p>We all come to the table with different pressing issues that we hear in the community. I think, as we get going, a lot will come to the table. Obv, will need good counsel to give us direction on what we can, cannot do...</p> <p>I don't really have questions, think we're all ready to get working, see if there are new progressive changes we can make to the charter so a few things run more smoothly throughout the county. I hope it's not to the detriment of the municipalities -- that's why I'm here. There is home-rule county, home-rule for the cities. Lot to be done, esp Fire/EMS.</p> <p>Other counties – certainly this isn't the only county in FL or in the country, but I imagine we wd have the benefit of getting other charters throughout the US that are more like what we're dealing with in Pinellas, so we can maybe model what's going on around the country instead of re-inventing the wheel on every issue. I wd think that we'll have the ability to bring that information....</p>
Bleakley	Yes, can ask for whatever you believe is necessary to fulfill your need for knowledge and info, as well as whatever else you need.

	<p>In FL -- I haven't researched this -- Pinellas has a lot of cities -- 24. The only county I can think of that comes close is Palm Beach -- and Broward. Broward has had a significant amount of angst and conflict among the cities and the county, and ultimately that was resolved by the -- well, it hasn't been resolved -- but it's been an attempt by the Legislature to play referee in those issues. So certainly in FL, those are two examples; then you've got the highly-populated area of Jax/Duval, which only has two little cities -- rest was consolidated into one govt.</p> <p>Let me talk about that briefly. I didn't put that on the list, because it's starting to get into city/county issues without knowing specifically what any of you might want to do. The issue of consolidation does come up. The FL constitution specifically provides, if consolidation is your goal, has to be done by a special act of the Legislature. Has to be approved by voters, of course.</p>
Welch	What type of consolidation?
Bleakley	<p>Constitution has a couple of things. Consolidation is in the constitutional provisions -- Sec III, which says the govt of a county and the govt of one or more municipalities located therein may be consolidated into a single govt which may exercise any and all powers of the county and several municipalities. So it's the govt itself. The govt of the county would go away; the govt of the city would go away, and there would be only a single consolidated govt. Then it says the plan may be proposed only by special law. Then it talks about taxes for pre-existing debt. Has to be paid off from those areas which the debt was incurred. There is only one of those in FL, that is Jax/Duval. So that is a mechanism that's really not available to you all as a CRC. I suppose you could, in your report to the county and the citizens of Pinellas, make a recommendation that the legislature should look at the possibility of consolidation.</p> <p>There is another provision, Comm Welch, immediately following that. Sec 4 of Article 8, that talks about transfers of power that deal with any function or power of the county, city, or special district may be transferred to or contracted to be performed by another county, city, or special district after approval of the vote of the electors of the transferor and approval of the electors of the transferee -- what's affectionately known as the Dual Referendum requirement, which is something that is also embodied in your charter. The constitution itself allows for that. Interesting enough, this provision in the constitution says transfer of powers -- skipping to the very last phrase -- otherwise provided by law. So a transfer of powers could be accomplished if the Legislature would agree to that.</p> <p>When you talk about consolidation, that is very broad. The powers of one entity that would be to the exclusion of a BCC or a City Council -- it would consolidate all of that into a single entity. A transfer of powers could be something less than that. The distinctions between consolidation and transfer of powers have not been litigated, to my knowledge. But those are two alternatives, and they're not directly available to you all, because they require either dual referendum -- which your charter provides -- or a special act of the Legislature. So again, if that's your desire, to consolidate, that means everything goes from your fair city into the county, that has to take a special act of the Legislature.</p>
Welch	<p>I think that's where the mayor was going (laughter).</p> <p>(? -- consolidation of services.)</p>
Steingold	<p>I did have a question -- I guess when you're talking about special laws under Charter Article 5 -- 5.02 subsec B -- I know there was talk of going forward -- or one of the legislators came forward with a potential bill -- I guess it would have been a special act -- to consolidate the PPC into the MPO. I guess I see here, we can't tamper with the PPC, which is listed. I guess -- that's something that -- who knows, may come back as a</p>

	special act. But am I safe to assume there's nothing we can do?
Bleakley	No, I wouldn't at all say that. (Steingold: May be some ways around that?) Yes. It has to be consistent with Gen law on the subject – on every issue, but certainly in that arena. But there are ways to address that. Let's go around the table and talk about other issues. This is your only opportunity to talk until the next meeting. If anybody has something they want to throw out, this is a really good opportunity to do that.
Neri	There seems to be a conflict between – I hate to say the “A” word, but -- (reads) Nothing in this charter shall prevent a municipality from annexing an unincorporated area. But then it gives the power of controlling annexation to the county. ... all powers necessary to.... That's what we've been fighting about for at least ten yrs. How do we resolve that so it makes some sense and we can quit wasting the public's money on attorneys?
Bleakley	That's an excellent question for this community. An answer to that is, put that on your list of issues to explore with your counsel – those kind of discreet municipal/county conflicts wd be an excellent topic for a memo from your lawyer to talk about ways that you can control or govern anx through the charter. Again, it has to be consistent with general law, but I think the way to answer that question is to put it on the list of issues that you wd like to see some advice from the counsel --
Neri	We used to have a working ordinance about anx. I thought we were making some headway with it – 00-63, but when it was tested in the courts, it said it wasn't within our charter, so not only threw out baby with the bathwater, we don't even have the water anymore. Now it's a free-for-all again over anx. Is that something that we can – I guess it is something. We can discuss anything we want, right?
Bleakley	Absolutely. And that is an excellent issue. Again, if it is some discreet service that you want to talk about, or generally the issue of anx – again, bec this charter was formed in 1980, there have been a lot of amendments – some of the provisions are contradictory, esp on county and cities there has been some litigation, some that I'm aware of and other that I'm not. You wd want to put that on your list, and that wd be a excellent issue for discussion. I don't know how to resolve that tonight.
Neri	I know – I don't know that we can... I sure would like -- If that was one thing that came out of this, it sure would take a load off of everybody's mind.
Steingold	I know how to resolve it.
Neri	I know, you want to...(inaudible).
Welch	I think it wd be helpful if we could get the output from the last Charter Review, which was extended. When did they finally wrap up, Elithia?
Stanfield	2006. That particular CRC – The 2004 CRC – six yrs ago – went to the voters in Nov 2004 and asked for an extension, which was granted. Then they continued their work until Dec 2006. So there are two reports: The 2004 and the 2006.
Welch	Are those still up on the county website? (Yes – we can send you the links. They're still on the website) I'm assuming we'll have a website that will be updated with all of our meetings -- (Yes.)
Bleakley	Yes. Elithia has done a nice summary of what those two CRCs suggested, which is briefer than the reports, I suspect. I will get you that, as well. It also includes policies and procedures the Commission adopted. Will send out to you.
Steingold	6:48 PM Have to leave – have a Commission meeting.
Neri	I think at the last CRC, they spent a good deal of money -- had somebody do a study on consolidation of fire svcs. As an observer in the room, Mr. Angle was saying they

	weren't even talking to him. Isn't that clear?
Angle	Frequently....
Neri	We're coming up with conclusions – it seems to me we ought to be able to look at the thing intelligently and say we can save this much money or it will cost us more money. I hear it both ways and don't know which. -- Rationally, it tells you that if you consolidate some services, you will save. But you had an issue where they – you weren't putting any info into the system, and --
Angle	I'd have to look back at reports. I think a lot of it focused on maintenance of the level of svc, or determining what that shd be. There are a couple of the studies – The county is in the process of looking at the EMS system. I don't know if they're going towith that. And the State OPPAGA is looking at stuff now, so there may be some info coming out.
Welch	Maybe we can get an update at the next meeting on the studies under way, including OPPAGA and the county study – just give us some info on what's happening.
Duncan	That's supposed to be done – the study being done by the county now, when is that supposed to be finished?
LaSala	EMS study will not be completed and presented to the Board until Fall 2010.
Welch	But I think OPPAGA – I think they're looking at fire, too. ...get an update. Is that Rep Frishe?
Angle	He's the one that asked OPPAGA. I think they kind of do it independently.
Elithia	Yeah, they do it independently. (Welch: Timetable?) I believe it was supposed to be Jan 2010.
Bleakley	So that might be ready for distribution prior to the next mtg. You all are getting busy soon.
Duncan	Might also be a good idea – since the 04 CRC was contin to 06 and we're getting those summaries -- since 06, much has happened in the county – change of administration, financial constraints and reductions, and the way this county is handling its services and looking to the future on service deliv – all services. We probably need to hear from the officers if there are any burning issues they have uncovered in the last couple yrs as they have begun to see these revenue constraints. Same from the Cty Admin. Bob's been here a yr, so I'm sure he's seen things that perhaps wd be issues we will at least talk about initially that perhaps need to either be changed or addressed in the charter going fwd. I'd like to hear from those folks to see if there are any burning issues, to ensure we're capturing everything.
Nelson	Does that include courts?
Duncan	Do we have to ask them? Of course it includes the courts.
Bleakley	We can issue an invitation and frame it to see if we can get what you want.
Welch	To follow up – maybe, Rick, you can help. Last time, how did you get public input?
Davis	I was thinking about that and wondering – maybe this is a question for the county administration – whether there is any type of mechanism – I recognize we'll get plenty of issues; we've heard some of them already, and especially from those that are involved in county govt. But I'm wondering, is there any other mechanism to get input from the public as far as potential burning issues that they think the CRC shd consider. I'm not -- one avenue, of course, is public forum. But this CRC doesn't have a lot of time. Trust me, 4-5 mos will fly by very quickly, and I suspect we're going to have more issues than time. Is there a way we can get any info from the general public about issues they consider important for us to at least take a look at?
LaSala	Might do something through either the Internet, webinar, county website. Invite people

	to submit their thoughts that way.
Neri	Could we do it in written form through the utility bill?
LaSala	Problem is, by the time you composed a document, got it printed and out in the bills, you're likely to be out of business already.
Duncan	And you won't reach everyone. Not all the utilities are under one control.
Davis	Don't think any mechanism will be comprehensive enough, but I'm just a little concerned about trying to get some input from those that are not engaged in the day-to-day running of county govt, although that has a place that is definitely important. I don't know what type of feedback we wd get, but it might be something county admin might want to consider between CRCs, the collection of that info so every time a CRC sits there is at least a summary of some sort about the burning issues the general public has at the time.
Bleakley	That could be something you could add as a charter amendment – six mos.
Nelson	I was going to say something like that -- six mos in advance of the first meeting. I believe – didn't the county -- you all went out and had a forum for the budget --
Welch	For budget. I was thinking along the same lines.
Nelson	What kind of feedback did you get from --
Welch	We had more than 100 people at each of the 3 mtgs – north, mid, south county. But we also had a web presence where folks emailed in. That's what I was thinking.
Nelson	We might want to -- That wasn't too long ago.
Davis	To Welch's question, the experience of the past CRC, bec of the high sensitivity of the issues that Commission was dealing with, we had tremendous public appearance, but at least in my judgment, it was by those who had a vested interest in the issue one way or the other. I didn't see Joe Public very much. I saw a room full of people – standing room only – but all representing one side or the other.
Neri	I think that's the only people that ever show up.
Nelson	When I attended in the north end of the county, had a vocal few and that's all they said. You really didn't get much input from them.
Bleakley	Elithia?
Stanfield	I can't remember the last one – I think it's been at least two years -- We do occasionally do a citz survey. I'll go back and get the last...(inaudible).
Neri	Issues have so dramatically changed since the last one. People weren't worried about keeping their homes...(several talking).
Welch	Would it be – I guess I'll put it out for the Commission to consider -- okay to ask county staff to set up a web site presence for the CRC with a way to email us with issues, based on the budget site that you had set up last year? Do you all think there's a consensus to do that?
Duncan	I'd set it up, but with a communication strategy to make sure the public knows it's there. Once it's there, they'll utilize it. Not just wait for somebody to come to the web site, but reach out --
Welch	Some sort of auto reply – thank you for your comments. But -- that we can get set up over the next few weeks, based on that template.
Duncan	Yeah.
Neri	Is this going to be the official mtg place?
Bleakley	Nice segue into the rest of the agenda. To talk about the first mtg in Jan – we already have a tentative agenda. Elithia, do you want to talk about this? We have the election of Chair and Vice-Chair that needs to occur at the next meeting. We also have operating guidelines – will send you a couple of examples, including the ones that you

	had last time. At that mtg you will also select a charter consultant and legal counsel going forward, and set some future meeting dates. Maybe you want to talk about that now, as well as the place.
Stanfield	<p>I'm just passing around things Sarah mentioned in her conversation with you. Basically your timetable. Don't have a lot of time. Your tentative agenda is to elect chair and vice-chair, develop our operating guidelines, selection of your charter consultant and charter legal counsel. I consulted with last CRC and asked them what are things we can do better? What was good; what was bad? One of the things they suggested – a majority of them – was that the CRC shd select their own consultant and legal support. The last go-around, the BCC selected the consultant for 2004. When it was contin, that particular CRC said they wished to continue with the same consultant. And the Cty Atty's Ofc served as the legal counsel. The previous CRC felt as if the County really controlled the process and that you, as an independent body, shd select your own staff support.</p> <p>Bec you have a limited time period, we sent out RFPs for consultant and legal svcs. Deadline for the consultant has passed; legal service shd be in the next day or so. Our intent was we wd have a staff review process and bring you the top three. I can give you the dates for those; you are more than welcome to come. They are open to the public; however, for the consultant 528 parties were notified; 33 actually received info – either downloaded it or got it from the Purchasing Dept. We had two responses. We will continue with the review process, but you may want to have both those candidates at your Jan mtg, or do you want a subcommittee that will look at them for a recommendation to the full body, or do you want them both here at your Jan mtg for discussion? We cd do that as well.</p> <p>As I said, we don't know yet what response well get from the legal community, but I feel you will have more than two. So I need direction on what you want to do for that. Also in your first mtg in Jan, you need to think about setting your future meeting dates so we can get that on your web site and let the public know.</p>
Figurski	When are the RFPs for attorneys due (tomorrow). There are only two consultants – I'd suggest we have them here, as opposed to appointing a subcomm. (several agree) And on the attorneys, maybe with three – I think the same thing. If we're going to get moving, we need to get moving.
Duncan	I'm curious, do you have any reason to understand why only two (no).
Stanfield	I was very disapp. There is this perception – not only about CRCs. Even when you use the same people over – some people think well, it is a done deal. They got it. But I was hoping since we sent an RFP and the way the economy is, that we wd have gotten more.
Angle	Elithia, I agree with the two coming in. Is it within your purchasing process that we could maybe see their submittals before the meeting? If you could email it to us, or not?
Stanfield	Yeah. We can do that. We will go ahead and do our staff review. You will get it before.
Ricardo	I presume if you get any more response on the consultant, that will simply be added to it to make a third, if it occurs. I realize, the deadline --
Stanfield	That one has been opened, so we cannot accept any more. (Welch: Who?) Kurt Spitzer & Assoc. and Southern Strategies (?). If we have more than one legal...the three candidates.
Several	Yeah. I would.
Bedinghaus	What exactly does the consultant do for us?

Stanfield	Is primarily responsible for – like we are sort of starting out today – is pulling you together, organizing your mtgs; all the information that you requested, making sure you receive those; if you want any special presentations, that person is supposed to provide that. She talked about the Sunshine Law. You can't talk with one another, but if you have questions and things, you would use the consultant for that. Like your exec dir.
Duncan	Let me --
Stanfield	The RFPs were set up where they had the opportunity to do both....
Duncan	Elithia- this is probably more for Sarah. I'm assuming that given the procurement process at this point, contact with those folks is prob not a good thing. (Correct.) We all run into people from time to time, so I would suspect that between now and the next mtg we don't have those conversations. Is that a fair stmt?
Bedinghaus	Sarah, is your firm putting in as a legal -- ?
Bleakley	No. Jim and Elithia and I talked about this, that if I were to do this first part, I wd have like an unfair advantage. So they asked me not to apply.
Stanfield	What I need now is a Jan mtg date. I did talk to Mayor Steingold as he was leaving.... I requested dates from Kynes, Hooper... Mayor said pretty open except 1st and 3rd Mon has Council mtg. Mrs. Kynes stated she is pretty open in eves exc Jan 27, 28. Mentioned – last CRC met on Mon nights; good for me. Rep Hooper is pretty open except when Legis is in session. Have interim committee mtgs... Wk of Jan 11 and 18.
?	Going to be meeting just monthly?
Stanfield	Your pleasure. The last one, I think they met twice a month near the end.
Davis	Near the end. Bec we were pressed for time and were trying to get it concluded.
Angle	Mayor mentioned Mons....I have conflict 2nd Mon. So maybe if we could avoid.
Nelson	Like Weds...
Duncan	Stay away from Tuesdays bec of some board mtgs.
Nelson	Tue, Wed out.
Angle	Mons could be okay, just first and third, me the second. We couldn't do for first mtg, bec have to meet before the third wk. But maybe after, we cd talk about the fourth Mondays.
Welch	Monday is generally better for me. Duncan: Me too.
Davis	Maybe can make exception for Jan and meet on Mondays subsequent. (?: Yeah, fourth Mon wd be good, except we have to meet by the 22nd, and it's the 25th.)
Stanfield	You do. And maybe -- First Mon in Jan is 4th. I don't know whether...may be meeting.
Duncan	For the exception for Jan, does BCC meet on the 5th? (Yes, morning mtg) If we did the first Tues then for Jan, then we come back with a ... (several talking)
Stanfield	So Jan 5.... (Then maybe shoot for 4th Mon thereafter.?)
Figurski	5:30 a good time? Or is it possible to do it earlier? Late Aft.... (several talking)
Stanfield	Jan 5 at 4:00. (Neri: and the 25th)
Welch	Location? Is this good for everybody? Or Epicenter? Did you all move around last time, Rick?

Davis	I think we did, but it was more for the public that we anticipated we'd have to speak to the issues.
Neri	I can remember coming here, and there was no room.
Angle	One bigger room was at the Planning Council (TBRPC – Gateway Area)
Duncan	I wd say, let's do the first two here, then see what our workload is like, what issues we're really going to tackle. That's going to determine what kind of public outcry --
Neri	The public will start to crank up as this is covered by reporters and the issues start to come out.
Nelson	We do have a conference center in my place -- mid county Tax at Starkey. Separate entrance for training, can hold 100+ people, so we could move it there. Centrally located; plenty of parking.....(several talking)
Stanfield	So here on 5th and 25th or do you want to take up the Tax Collector's Ofc-? (several – inaudible.)
Neri	We've got to find our home and go.
Stanfield	Definitely here Jan 5 at 4:00. We will also reserve this for 25th, unless you --
Figurski	One other comment we talked about -- Ronnie brought it up, maybe on the Constitutional Officers coming in. Citizens if they're going to have certain issues, but it's generally bec they're going to be interested in that issue. The avg citz in Countryside or N Clw -- Somebody here – I don't know if it's Bob or you or a mayor, like Andy. There's got to be some major issues you guys know exist. That someone might come to that first meeting if we have the time and just mention those things and talk about them. Bob, I don't know whether that is you? You've been here for a year. You've got to know what is on the minds of the mayors, the cities, the county. Just to give us some sort of intro. Don't know if that's a good idea or bad. (LaSala – slow nod, no response)
Duncan	I agree. What I said earlier. I think it wd be helpful to hear from Bob, Const Ofcrs, bec they are the ones that are operating and working within the confines of this charter. And they shd see, before anybody, I think, what things are either in conflict or need to be fixed or could be fixed in a prospective way, not necessarily responding. But going fwd as they deliver the services and manage their own organization.
Bleakley	Let me suggest for the next mtg that, bec there seemed to be a consensus that you wanted to hear from the Const Offers and we want to keep the time limited to about 2 hrs, that we do two things. One is invite the Const Offers and see if they can come, and then set up that agenda so that they have limited time as well. And in addition, to ans some ques, we could add near the end before adjournment, a public comment section, limited to 2 mins in case that gets wild. Have that as an ongoing thing, if y'all want to do that. Then at the next mtg, we can let county and city officials consider, if they have burning issues – bec as a city official acting in their official capacity, they may need to consult their other members of their council. So let's let that simmer a bit, bec I think if all the Const Ofcs show up at the next mtg, we'll have a full mtg, in addition to beginning to do the OPPAGA report and talk about that. (Stanfield:...inaudible...the OPPAGA report by the 5th of Jan)
Nelson	So are we saying the 5th for Const Offers – those that may have an issue -- or 25th?
Bleakley	5th. So at that mtg we'll mainly - elect chair and vice, adopt operating procedures, and hear from Consts if avail, and select counsel and consultant. (several – audible)
Davis	So possibly at the 25th mtg, if there are city officials that have a burning desire to share some concerns with us --

Nelson	Courts. I know that's an issue, bec you hear it all the time.
Duncan	Not sure how much we can do, but we can hear from them.
Bleakley	Any other discussion, issues?
Bedinghaus	Role of the Chairman of the CRC – what is it? And I'd be interested to know if anybody now wd offer themselves up for either position.
Bleakley	There is one charter duty – to set the mtgs. Although presumably, if something arises – bec you all come to agmt on when you want the mtgs, that duty is prob not that important. Generally, Chairman will help set agenda, work with consultant – make sure folks are there and things run smoothly. That's really it. Make sure things run smoothly, that people can be heard, and that decisions can be reached. There is no prohibition about you talking about the Chair and Vice-Chair at this mtg.
Duncan	...some missing. It wasn't agendaed. Is that an issue?
Bleakley	It wasn't, except to say in Jan you are going to do it. So perhaps in keeping with the agenda, it will be better to --
Bedinghaus	I'm not suggesting we elect tonight – just if anybody wants to offer themselves.
Angle	Or even what the process is. I know Ricardo was Vice last time. I was at several mtgs. We could just find out who might be interested and we could be thinking about it next time. Like maybe you are interested.
Davis	Inaudible.
Nelson, Angle	I am not interested.
?	I think Ronnie Duncan is; and so is Ken Welch.
Welch	I know Rick chaired St Pete's Charter Review many yrs ago and has a lot of experience. But I wd think the practice has been that the County Commissioner does not chair this body, for the same reasons that the County Atty is no longer going to provide legal svcs. Appreciate the thought.
Davis	Just to clarify, I don't have a burning desire to serve as Chair. If the group so wanted me to do it, I will gladly participate in that role, but if someone else has a real fire in their belly to chair the mtgs, I wd certainly be willing to acquiesce to them.
Welch	Sounds like I see a Chair and Vice-Chair.
Duncan	Doesn't matter to me.
Bleakley	Other questions or comments?
Stanfield	We will send an email notice tomorrow, partic for people who aren't here, to let them know to get this Jan (4th) date on the calendar, then we'll be developing the agenda-related material -- Jan 5, sorry..
Bedinghaus	If we could get rules...We talked about maybe we want rules; maybe we don't.
Bleakley	Will send those out, perhaps not tomorrow, but certainly well before the next mtg.
Welch	And the recap from the last --
Stanfield	You will get that in your packet.
Nelson	Sarah, is this your last mtg with us?
Bleakley	No, will be here next mtg..
Adjourned	7:23 PM

**PINELLAS COUNTY CHARTER REVIEW COMMISSION (CRC)
CHAIRS AND VICE CHAIRS**

2006

Chair: Alan Bomstein
Vice Chair: Ricardo Davis

2004

Chair: Robert Decker
Vice Chair: Lou Kwalls

1998

Chair: Alan Bomstein
Vice Chair: Commissioner Sallie Parks

1992

Chair: Commissioner George Greer
Vice Chair: Commissioner Bruce Tyndall

1986

Chair: Sheriff Gerald Coleman
Vice Chair: Roger A. Larson

1984

Chair: Watson Haynes
Vice Chair: Arnetta Brown

PINELLAS COUNTY CHARTER REVIEW COMMISSION (CRC) RULES

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 2004 and 2006 CRCs

- 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.
- 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 be required for final approval (placement on the ballot).
- An issue that is initially voted down could be reconsidered later in the process.
- Approval of the expenses of the Consultant was delegated to the CRC Chairman

2009/2010

Alachua County Charter Review Commission

Meetings:

1. A majority of the members of the CRC shall constitute a quorum.
2. Shall hold at least 3 public hearings at intervals of not less than 10 days apart nor more than 20 days on any proposed charter amendment or revision.
3. No charter amendment shall be submitted to the electorate unless favorably voted upon by a majority of the entire membership of the CRC.
4. Not later than 90 days prior to the general election, the CRC shall deliver to the BoCC the proposed amendments.
5. The BoCC shall by resolution place such amendments on the general election ballot.
6. If a majority of the electors voting favor adoption, such amendments shall become effective on January 1 of the succeeding year.
7. The CRC shall be dissolved on the date of the general election. However, if no amendments are submitted the CRC shall be automatically dissolved 90 days prior to the General election.

2009/2010

Alachua County Charter Review Commission Procedures:

Submission and consideration of proposed amendments:

1. Any member of the CRC, any citizen, or other interested party may submit to the Charter Review Commission (CRC) a proposed amendment to the Alachua County Charter. All proposals shall be in writing. Amendments shall be submitted to the CRC staff and/or may be proposed via the CRC web site.
2. The CRC staff shall compile a list of all ideas submitted for consideration and provide each member of the CRC with the list of proposals along with backup materials respectively as part of the agenda materials.

The exploratory / initial idea phase: Narrowing of Ideas:

1. Only proposals on the list of proposals as noted above shall be considered by the CRC for further discussion. A proposal may be placed before the CRC if a member makes a motion for the CRC to consider the proposal from the above list of proposals and the motion is properly seconded. The member's motion may combine two or more proposals on the list if their subject matter is the same.
2. Properly introduced motions may be debated and amended by the CRC pursuant to Robert's Rules of Order.
3. If during this initial phase a proposal (as amended) receives the affirmative vote of a majority of those members present, the proposal shall be submitted for legal review and research. Action by the CRC at this point does not necessarily imply that the proposal will be submitted to the voters for their consideration.
4. The Chair will provide for public input at each meeting of the CRC.

Drafting Phase:

1. If a proposal receives a favorable legal review by the CRC's counsel, and if he/she determines the CRC has the authority to propose the amendment, he/she shall draft the actual wording of the proposed amendment and ballot language for CRC consideration.
2. The CRC shall then consider the actual proposed amendment and ballot language. After consideration, the CRC shall vote whether or not to allow the proposal to move forward to the public hearing phase.

3. If the proposal receives a favorable vote of the CRC, the Chair shall place it on the agenda for the public hearings. If the proposal does not receive a favorable vote of the CRC, the proposal shall no longer be considered.

Public Hearing Phase and Final Report:

1. The CRC shall hold three public hearings. Only those proposals which have been favorably reviewed by counsel and received a favorable vote in the drafting phase of the CRC shall be considered.
2. At the conclusion of the final public hearing, the CRC shall consider the proposals for a final vote. Those proposals receiving a majority vote of the **entire** commission shall be forwarded to the BoCC in a final report requesting that the proposals be placed on the ballot.

When evaluating proposed amendments:

1. A proposed amendment must not be in conflict with the Constitution, statutes, or statutory preemption.
2. A proposed amendment should avoid specific dollar amounts that can only be changed by charter amendment.
3. A proposed amendment should not reference actual statute numbers.
4. A proposed amendment should not duplicate statute provisions.
5. A proposed amendment should avoid usurping the authority of the BoCC.
6. A proposed amendment should avoid matters that would be more appropriate as ordinances.
7. A proposed amendment should be clear, concise and understandable
8. A proposed amendment should only embrace one subject matter.
9. A proposed amendment cannot establish, amend or repeal the county budget, existing debt obligations, the comprehensive plan, or zoning or re-zoning of land.
10. proposed amendments should be limited in number.

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.

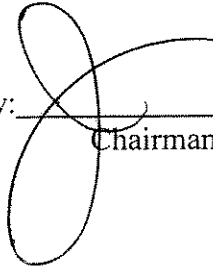
END OF SUBSTANTIVE PROVISIONS. SIGNATURE PAGES TO FOLLOW

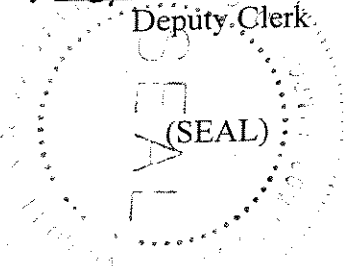
PINELLAS COUNTY

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