

Clearwater, Florida, March 22, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 6:01 P.M. on this date with the following members present:

Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
Raymond H. Neri

Not Present:

Ronnie E. Duncan, Chairman
Ed Hooper, State Representative
Andy Steingold, City of Safety Harbor Mayor
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes

Late Arrival:

Paul Bedinghaus

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene L. Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of March 9, 2010 Meeting
- III. Public Comment
 - Audience
 - Web Site Submittals

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- IV. Presentations
 - USEM Community Association
- V. Issue Discussion
 - Supervisor of Elections
 - OPPAGA Fire/EMS Study
 - Pinellas Planning Council
- VI. Open Discussion
- VII. Adjournment

WELCOME

Vice-Chairman Davis called the meeting to order at 6:01 P.M. and welcomed those in attendance; whereupon, noting the lack of a quorum, he directed that the approval of the minutes would be addressed later in the meeting; and no objections were noted.

PUBLIC COMMENT

Audience

No one appeared in response to the Vice-Chairman's call for individuals wishing to be heard.

Web Site Submittals

Vice-Chairman Davis related that one web site submittal was received, a copy of which is included in the agenda packet.

PRESENTATIONS

USEM Community Association

Dot Miller, USEM Community Association, expressed her thanks for the opportunity to address the Commission and provided background information regarding the

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USEM organization, noting that the Association was founded to inform residents of the unincorporated community on various issues that affect them directly; that they hold regular public events with programs on diverse issues; and that their membership consists of approximately 2,000 individuals who live near a number of Pinellas County cities.

Ms. Miller related that the hot-button issue with the members is annexation; that, contrary to the cities' wishes, the unincorporated residents would like to be left alone; and that the USEM Community Association is requesting that the CRC take action to level the playing field between the unincorporated area and the cities.

Ms. Miller suggested that a resident who is approached by a city or who requests information from a city regarding the annexation process be directed to a representative of the unincorporated area so that they can hear both sides of the issue and make an informed decision; and that unincorporated community representatives could be qualified volunteers or even County staff, as the County represents both the unincorporated areas and the cities; whereupon, noting that not all 67 counties in Florida have an annexation problem, she stated that annexation in Pinellas County should not be governed by statewide legislation.

Responding to queries by Commissioner Welch, Ms. Miller indicated that she is referring to both referendum and voluntary annexations; that the City of Seminole has been unsuccessful in attempts to annex by referendum; that USEM members live in unincorporated areas around a number of cities including Largo, Pinellas Park, and St. Petersburg, as well as Seminole; and that she does not feel most unincorporated residents know the true difference between being a resident of a city and the unincorporated area.

In response to query by Commissioner Welch, Pinellas Planning Council (PPC) Executive Director David P. Healey discussed the *Truth in Annexation Worksheet* fiscal analysis tool available on the PPC website, noting that there are some things, both pro and con, that cannot be quantified or measured in terms of being in one jurisdiction or the other; and that a list is provided directing residents to the appropriate county or city staff member to contact for follow-up information. He indicated that the cities are not required to provide comparative data to residents considering annexation, nor is there any automatic mechanism to do so; and that it is the responsibility of the resident to learn the facts regarding annexation.

During discussion and in response to queries by Commissioner Welch, Attorney Churuti confirmed that the CRC cannot enact anything through the Charter that would conflict with State statutory provisions; and Mr. Healey related that there is a requirement pertaining to notice of the parties prior to a referendum annexation; that there is no requirement that a city or

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property owner advise the County that they have been approached regarding a voluntary annexation; and that the County may not become aware of a pending voluntary annexation until the application has been formulated and the process is in motion for adoption of the ordinance. Mr. Neri suggested that the CRC could make a recommendation to the Legislative Delegation proposing a statewide provision allowing a county to apply for jurisdictional control over annexation once it reaches a certain level of development.

Thereupon, Vice-Chairman Davis acknowledged the concerns raised by Ms. Miller and Mr. Neri; and noting that there may be nothing the Commission can do from a Charter standpoint, indicated that the CRC may wish to consider making certain recommendations to the County, cities, and Legislative Delegation.

MINUTES OF THE MEETING OF MARCH 9, 2010

At this time, 6:20 P.M., noting the arrival of Mr. Bedinghaus and the presence of a quorum, Vice-Chairman Davis presented the March 9, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Commissioner Welch and carried, that the minutes be approved as submitted (Vote 7 – 0).

SUPERVISOR OF ELECTIONS

Supervisor of Elections Deborah B. Clark referred to a demographic analysis of Pinellas County voters and statistical data pertaining to School Board races from 1992 to 2008, copies of which have been filed and made a part of the record, and responding to queries by Commissioner Welch, indicated that there are many variables, making it hard to draw conclusions regarding voter trends; that there is generally a lower percentage of voter drop-off during presidential election years; that in general elections, the percentage of under-votes was considerably higher after the School Board races were changed to non-partisan; that under-votes tend to increase on a lengthy ballot due to “voter fatigue”; and that voters tend to skip judicial and school board races and referendum items if they do not understand the questions.

Responding to query by Vice-Chairman Davis, Ms. Clark stated that she does not have an issue with the Supervisor of Elections office being non-partisan, but she is greatly concerned about maintaining the Constitutional status of the office, which provides the authority and autonomy necessary to carry out the duties of the position. Referring to discussions at the February 22, 2010 CRC meeting, Attorney Churuti reiterated her concerns that making the office

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non-partisan could risk its Constitutional status, and Mr. Spitzer provided input. Discussion ensued wherein Ms. Nelson stated that voters are disenfranchised if they do not know the candidates' party and would rather leave the ballot blank than risk voting for someone who does not share their ideology; and Commissioner Welch indicated that a non-partisan Supervisor of Elections would help with the transparency and voter perception of the office; that the matter is worth looking into if the independence can be preserved; and that he would like to know the citizens' opinion on the issue.

Vice-Chairman Davis thanked Ms. Clark for her input and acknowledged her concerns, noting that the Commission will continue its deliberation and make a decision on the matter at a future meeting.

OPPAGA FIRE/EMS STUDY

Mr. Spitzer referred to Office of Program Policy Analysis & Government Accountability (OPPAGA) Report No. 10-25 pertaining to Fire and Emergency Medical Services (EMS) in Pinellas County, a copy of which has been filed and made a part of the record, and provided a brief summary of the findings. He noted that the last CRC spent a considerable amount of time discussing Fire/EMS, but that the current Commission has not tagged it as an issue.

Discussion ensued, and responding to queries by Ms. Nelson and Mr. Neri, Mr. Spitzer related that a study underway by the County is focused on EMS, not fire services; and that he is unsure whether the OPPAGA recommendation would add new duties to the existing EMS Advisory Council or create a new board; whereupon, responding to queries by Commissioner Welch, Assistant County Administrator Elithia V. Stanfield indicated that she believes the intent is to create a new body; that the EMS Advisory Council is part of the ordinance that created the EMS Authority, that the OPPAGA report makes recommendations, but there is no requirement to implement them; that the Legislative Delegation, which commissioned the study, may choose to implement a bill to address the recommendations; and that the County's consultant is tentatively scheduled to release its EMS study report in July 2010.

Mr. Angle indicated that he did not find anything in the report that was Charter related; that the recommendations are addressed to the Legislature and pertain to modification of Florida Statutes; and that he interpreted the recommendation to mean that they would eliminate the current EMS Advisory Council and create a combined Fire and EMS advisory council.

PINELLAS PLANNING COUNCIL

Mr. Spitzer noted that the CRC has tagged the Pinellas Planning Council as an issue for further discussion; that the matter was discussed by the last CRC and no action taken; and that the agenda package contains several memoranda pertaining to the subject; whereupon, he conducted a PowerPoint presentation titled *Planning Practices*, a copy of which has been filed and made a part of the record, and discussed the following topics:

- Historical background of the PPC; its purpose and composition
- Joint Land Use/Transportation Committee recommended by the County Administrator
- Other Models/Options to be considered
- Comparison of similar planning entities – Pinellas, Broward, and Volusia Counties
- Identification of the problem to be solved

Responding to query by Mr. Angle, PPC Executive Director David P. Healey provided information regarding the bill proposed by Representative Rick Kriseman calling for elimination of the PPC and merging of the function into the Metropolitan Planning Organization (MPO) and confirmed that the bill had been withdrawn. He related that it is his understanding that the bill was designed to better integrate land use and transportation functions to improve the end product and achieve increased cost efficiency; that the bill had failed to address the issue of representation of the 24 cities, the unincorporated county, and the School Board, as does the PPC; and that he hopes the guiding principles for any discussion would be that any such entity would be at least as effective and at least as efficient as the current arrangement, hopefully more so; and that the structure would provide for representation of all parties.

Ms. Nelson stated that identification of the problem to be solved is a key consideration; and suggested that it would be helpful to have a list of pros and cons of combining the organizations; whereupon, Commissioner Welch indicated that there are two main issues, one being fiscal concerns and the perception that there is a duplication of efforts, and the other being the need for coordination in land use and transportation planning as efforts move forward toward establishment of a light rail system. Responding to his query, Mr. Healey related that the PPC

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and MPO have each appointed three members to the Joint Land Use/Transportation Committee; and that Chairman Seel has yet to appoint the BCC representatives.

Commissioner Welch indicated that it appears the Joint Committee will address the PPC issue; and that he is unsure if there is anything that should be done from a Charter perspective; whereupon, Attorney Churuti related that the MPO was created by Federal statute, operates through the Florida Department of Transportation (FDOT), and has certain representational requirements, which complicate the issue; that she has been advised by the FDOT that no other county has attempted to modify its MPO; and that the Joint Committee, with its focus on light rail, may be as close as it can get to a merger.

In response to query by Commissioner Welch regarding the possibility of adding transit-related planning to the existing PPC structure, Mr. Healey indicated that the PPC has not considered any organizational structure, pending formation of the Joint Committee and identification of the problem to be solved; whereupon, he related that the Council, at last week's meeting, approved a work program and timetable for participation by the PPC, along with the MPO, Pinellas Suncoast Transit Authority, and Tampa Bay Area Regional Transit Authority, in the application process for a Federal Transit Administration grant. Referring to the concept of transit-oriented development, he explained that hopes are to create an "Overlay District" category in the Countywide Plan that will be broad enough to accommodate the needs of each community as it develops its Station Area Plan.

Referring to memoranda submitted by County Administrator LaSala and Attorney Churuti, Mr. Angle suggested that the CRC may wish to take the subject of the PPC off the table; and Vice-Chairman Davis concurred, indicating that, pending further discussion, the PPC may be one of several subjects that the members will decide not to pursue.

OPEN DISCUSSION – None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:02 P.M.