

Clearwater, Florida, June 14, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the St. Petersburg City Council Chambers, 175 5th Street North, St. Petersburg, at 6:00 P.M. on this date with the following members present:

Ricardo Davis, Vice-Chairman
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
William B. Harvard, Jr.
Ed Hooper, State Representative
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Late Arrival:

Ronnie E. Duncan, Chairman

Not Present:

Diane Nelson, Pinellas County Tax Collector
James Angle
Paul Bedinghaus
Gerald A. Figurski

Also Present:

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

AGENDA

- I. Welcome
- II. Approval of Minutes of May 24, 2010 Meeting
- III. Review of Charter County Government and the Pinellas County Charter
- IV. Review of Proposals of the CRC
- V. Public Comment
- VI. Discussion of Remaining CRC Schedule
- VII. Other Business

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WELCOME

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

MINUTES OF THE MEETING OF MAY 24, 2010 – APPROVED WITH CHANGE

Vice-Chairman Davis presented the minutes of the meeting of May 24, 2010; whereupon, Attorney Churuti clarified that the first bullet point on page six should read, “only the state legislature currently has the right *to propose legislation allowing the voters* to repeal the charter.”

Thereupon, Commissioner Welch moved, seconded by Mr. Hooper and carried, that the minutes be approved with the record reflecting the changes requested by Attorney Churuti (Vote 8–0).

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At this time, 6:01 P.M., Chairman Duncan entered the meeting.

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REVIEW OF CHARTER COUNTY GOVERNMENT AND THE PINELLAS COUNTY CHARTER

Mr. Spitzer referred to a PowerPoint presentation titled *Charter Review Process*, a copy of which has been filed and made a part of the record, and provided highlights of the following:

- 1968 Constitutional Revision of Home Rule Powers
- Key provisions enjoyed by charter counties
- Counties that have adopted charters
- Primary policy areas that may be changed by a charter
- Home Rule limitations

REVIEW OF PROPOSALS OF THE CRC

PROPOSED AMENDMENTS OF THE 2006 CRC

Mr. Spitzer provided an overview of the following proposed amendments of the 2006 CRC:

- Amendment No. 1 – Mosquito Control Districts
Transferred language of original special acts to county charter. PASSED.
- Amendment No. 2 – General
Revised County Administrator’s personnel powers; corrected gender references. FAILED.
- Amendment No. 3 – CRC revisions
Prohibited elected officials; extended timeframe and duration between meetings. FAILED.
- Amendment No. 4 – Dual Vote
Deleted requirement for dual vote to adopt charter amendments concerning policy/standards so as to be consistent with requirements of Florida Constitution. FAILED.
- Amendment No. 5 – Annexation
Required informational mailings for non-voluntary annexations; established a seven-year moratorium between annexation attempts; contained consent provisions. PASSED.
- Amendment No. 6 – Annexation
Restricted use of public funds to induce annexations, with certain exceptions. PASSED.
- Amendment No. 7 – Annexation
Strengthened criteria for “non-referendum, referendum” annexations where property owner has not given express consent. FAILED.

- Recommended Special Act – Repeal of Charter
Proposed Special Act to be presented to voters. If presented and adopted by voters, would allow consideration of ballot question to repeal or repeal and replace charter at some point in the future. NO ACTION TAKEN.

2010 CRC PROCESS

Mr. Spitzer provided an overview of the 2010 CRC process:

- Information and suggestions were gathered from three sources:
 - Public
 - Ten public meetings.
 - Robust website.
 - Suggestions received via email.
 - Community organizations and leaders including:
 - Mayors Council.
 - Beach Communities.
 - League of Women Voters.
 - Neighborhood Organizations.
 - Political Parties.
 - CRC Members
 - Examined issues from the last CRC and identified those for review in 2010.
 - Identified other issues for further research/review by staff and consideration by CRC.
- Issues considered by the 2010 CRC which the members voted not to pursue:
 - Supervisor of Elections – Election of the SOE on a non-partisan basis.

- Pinellas Planning Council – The status, structure, and duties of the PPC.
- Fire/EMS – Revisions to the delivery of fire/EMS services in Pinellas County.
- Single-Member Districts for the BCC
- Term Limits for the BCC
- Elected Mayor – Whether the head of the Executive Branch of the County should be directly elected by the voters and the powers granted to that position.
- Sports Authority – Whether the Sports Authority should be recreated and the form/powers thereof.
- Airport Authority – Whether an Airport Authority should be created within Pinellas County.
- Issues considered by the 2010 CRC on which action has tentatively been taken:
 - Charter Review Commissions
 - Frequency – Adjusted to every eight years to coincide with Presidential Elections when voter turnout is higher.
 - Term – BCC required to appoint not later than August 1 of the year prior to Presidential Election; currently during December prior to election.
 - Hearings – If charter amendments are proposed, at least two public hearings must be held prior to final adoption.
 - Duration – If charter amendments are proposed, CRC may remain in existence through general election.

▪ Special Act – Repeal/Replacement

Request for Special Act of Legislature – If adopted, would present a charter amendment to voters to consider authorization of repealing and replacing the current charter with a revised charter at some point in the future.

- Does not specify the content of the charter to replace the current version.
- Does not require repeal/replacement – only authorizes consideration.
- Requires adoption of Special Act, proposing amendment and adoption thereafter by voters.

▪ Recommendation on Lobbying Policy

Recommendation to the BCC to amend Code concerning county policy on lobbying.

- “Lobbying” should include any type of contact, including telephone and electronic.
- Contact forms should be copied and provided to all Commissioners upon filing.
- All lobbyist registration forms and related record should be posted on county website.
- Penalties for failure to comply with lobbying policy should include debarment.

PUBLIC COMMENT

In response to Chairman Duncan's call for persons wishing to be heard, the following municipal officials and their representatives expressed their opposition to the Special Act (Repeal and Replace Charter).

Mayor Kathleen Peters, City of South Pasadena
Councilmember Steve Kornell, City of St. Petersburg
Councilmember Leslie Curran, City of St. Petersburg
Councilmember Jeff Danner, City of St. Petersburg
Mayor Jerry Beverland, City of Oldsmar
Todd Yost, representing Mayor Bill Foster, City of St. Petersburg
Attorney James Denhardt, St. Petersburg, representing the Town of Redington Shores and the City of Pinellas Park

The reasons cited for opposing the Special Act included the following:

- The citizens have voted overwhelmingly not to eliminate the dual vote.
- There was no indication that the issue would arise until late in the Charter Review process.
- There has been no groundswell of support for a repeal and replacement clause in the Charter, nor has it been requested by the general public.
- The potential exists for elimination of the dual referendum.
- The cities find it egregious that the County desires language in the Special Act allowing for unlimited attempts to call for a special referendum election.
- Placing such a divisive issue on the ballot is not desirable at this time.
- Elimination of the dual vote would take away the Home Rule put in place by the citizens to ensure the character, culture, and charm of each city.
- Elimination of the dual vote would strengthen County government at the expense of the cities.
- The issue would invite more litigation that would again divide the cities and the County.
- The cities should have the option of *repealing* and not *repealing and replacing* the charter.
- The language of the Special Act may violate the single-subject rule.

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Commissioner Welch discussed the repeal and replacement clause, and related that it does not require elimination of the dual vote; that the dual vote would most likely be included in any replacement charter; and that while moving power from the state legislature to Pinellas County residents is the intent of the language, it was never stated that the goal was to strengthen Pinellas County Government; whereupon, he clarified that if a future CRC wanted to improve the charter and make it more efficient and effective, it would be able to do so without the Legislature's permission, but that any requested change would still require a vote of the citizenry.

Thereupon, Mayor Steingold stated that at the onset of the discussion by the CRC, one of the reasons given for the purpose of the repeal was to strengthen County government.

During further discussion and in response to queries by Commissioner Welch, Mr. Yost, representing Mayor Foster, related that the issue is broader than just the repeal and replacement clause; that the Mayor is not supportive of the Special Act even if it were to provide some guarantee for a dual referendum; and that while it would have to be approved by the citizens, it could be initiated by other means.

Thereupon, Attorney Churuti discussed the single-subject rule, advising that it does not apply to charter commissions.

During discussion, Ms. Kynes related that the role of the CRC is to work with all citizens in the county, including those residing in the municipalities; that it should provide vision for the county's future; and that the County and cities should not be apprehensive about change, but should look forward, work together, and be flexible in their efforts as they respond to change.

Thereupon, discussion ensued regarding litigation which took place following the most recent CRC and the resulting settlement agreement; whereupon, in response to queries by the members, Attorney Churuti discussed the manner in which the dual vote provision could be guaranteed even if the charter were to be repealed and replaced, but related that it could make things more complicated for future CRCs.

Later in the meeting and in response to queries by Commissioner Welch, Chairman Duncan related that a copy of a letter from Mayor Foster will be placed on the website; and that Mr. Spitzer will distribute a copy to each of the members; whereupon, Attorney Churuti agreed to prepare language, for review by the members, relating to the dual vote being retained in any future charter amendment.

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Councilmember Karl Nurse, City of St. Petersburg, in opposition to the BCC having the ability to redraw district lines

Councilmember Nurse requested that an amendment to the charter be put on the ballot eliminating the ability of the Board of County Commissioners to draw their own districts; and in response to queries by Commissioner Welch, related that his proposal regarding gerrymandering is essentially the same as that of the citizens' initiative to change the way the state congressional districts are drawn; and that he is also working to change the way the city district lines are drawn; whereupon, Mr. Spitzer related that general law provides that the BCC draws the Commission lines; and that although the Brevard County Charter allows for the appointment of a citizens' body to assist in the drawing of Commission lines, the BCC still approves the lines.

DISCUSSION OF REMAINING CRC SCHEDULE

Chairman Duncan announced that the second public hearing will be held on Tuesday, June 28, 2010 at the Clearwater Court House; that anything moved forward on a permanent proposed basis will be taken to the BCC; and that the ballot language will be delivered to the Supervisor of Elections for placement on the November 2010 ballot; whereupon, he thanked Mr. Yost and the City of St. Petersburg for hosting the CRC meeting.

OTHER BUSINESS

Attorney Churuti related that the Supervisor of Elections' Office had suggested four technical corrections to the November ballot, which were not substantive in nature; and advised that she would be recommending those changes to the CRC.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:35 P.M.