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**Report to the Citizens
of
Pinellas County**

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Pinellas County Charter Review Commission

June 2010

Table of Contents

<u>Topic</u>	<u>Page</u>
Introduction	1
Overview of Charter Government and the Pinellas Charter	4
Issues Considered	7
Recommended Charter Amendments and Ballot Language, Special Acts and revisions to County Code	Appendix A
Pinellas County Charter	Appendix B
Meeting Agendas and Minutes	Appendix C

Introduction

DRAFT

This Report is provided pursuant to Section 6.03 of the Pinellas County Charter (the “Charter”) which requires that a Charter Review Commission (CRC) be appointed every six years to review, on behalf of the citizens of Pinellas County, the Charter and the operations of the county in order to recommend any amendments to the Charter.

The Charter was initially adopted by the county electorate in 1980. Charter Review Commissions in Pinellas County are appointed by the Board of County Commissioners (BCC) every six years. Once constituted, a CRC operates independently of county government.

The CRC consists of 13 members and from the following groups of people:

- One member from the Legislative Delegation who resides in Pinellas county;
- One County Constitutional Officer;
- One member who is an elected city official;
- One member who is a County Commissioner; and
- Nine members from the public at-large, none of whom may be an elected official.

Amendments to the Charter that are proposed by the CRC are not subject the approval or revision by the Board of County Commissioners and must be placed on the ballot for the consideration of the countywide electorate during the November general elections. Such amendments are not required to follow a “single subject” rule and multiple issues may be included in a single ballot question. The CRC may also take action in the form of advisory recommendations or resolutions that are not binding on the County or other entities.

While the Charter requires a CRC to be constituted every six years, it is worthy to note that the 2010 CRC was established relatively shortly after the conclusion of the work of the last CRC.

Following the normal requirements of the Charter, the last Charter Review Commission was appointed by the BCC and had completed its work in 2004. The 2004 CRC considered many

issues during the course of their work but had quickly determined that there would not be sufficient time to complete a detailed analysis of the Charter nor build consensus on significant amendments within the six month timeframe specified by the Charter for the CRC to complete its work.

Therefore, in addition to four other amendments, the 2004 CRC recommended (and the voters approved) an amendment to reconstitute the 2004 CRC beginning November 8, 2004 and continuing its existence through December 1, 2006. The amendment specifically provided that the membership of the 2004 CRC would be continued through December of 2006 so as to ensure continuity in terms of knowledge of and progress in analyzing various issues. Nine of the 13 members of the 2004 CRC agreed to serve through 2006.

Among other things, the reconstituted 2006 CRC recommended an amendment that included several changes to Section 6.03 of the Charter concerning future Charter Review Commissions. One provision delayed the appointment of the next CRC beyond 2010 and revised the normal CRC cycle to every eight years so that recommendations for amendments to the Charter (if any) would appear on the Presidential election ballot, when voter turnout is usually higher.

However, that amendment failed to pass in November of 2006 and the Charter reverted to its normal appointment cycle for the CRC. Thus, the 2010 CRC was appointed approximately four years after the conclusion of the efforts in 2006.

Roberts Rules of Order governed the operations of the CRC. However, a policy requiring a majority-plus-one vote of those present (with not less than eight affirmative votes) was adopted by the CRC before a Charter amendment could be adopted and sent to the voters for their consideration.

The members of the 2010 Charter Review Commission are listed below. They devoted over 400 hours of personal time to the CRC process. Members served without compensation.

2010 Pinellas County Charter Review Commission

DRAFT

Member	Residence	Representing
Ronnie Duncan, Chair	Tarpon Springs	Public At-Large
Ricardo Davis, Vice Chair	St. Petersburg	Public At-Large
James Angle	Palm Harbor	Public At-Large
Paul Bedinghaus	Clearwater	Public At-Large
Gerald Figurski		Public At-Large
William Harvard, Jr.	St. Petersburg	Public At-Large
Ed Hooper	Clearwater	Pinellas Legislative Delegation
Melissa Jagger	St. Petersburg	Public At-Large
Deborah Kynes	Dunedin	Public At-Large
Diane Nelson	Clearwater	County Constitutional Officer
Ray Neri	Lealman	Public At-Large
Andy Steingold	Safety Harbor	Elected City Official
Ken Welch	St. Petersburg	County Commissioner

Staff

Kurt Spitzer and Associates, Inc., Tallahassee, provided consulting services. Susan Churuti of Bryant, Miller and Olive, served as legal counsel. Elithia Stanfield, Assistant County Administrator and the staff of the County Administrator's Office provided research assistance and logistical support.

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Overview of Charter Government in Florida and the Pinellas County Charter

The voters in 20¹ of Florida's 67 counties have adopted charter forms of government. Well over 80% of the state's residents live in charter counties. The phenomenon of charters is no longer limited to the moderate to large-sized counties; there is now great diversity in the size of Florida's charter counties, ranging from Miami-Dade with a population of 2.3 million people, to Wakulla with 33,000 people.

Likewise, there is great diversity in terms of structure and service delivery mechanisms in charter counties, ranging from those jurisdictions where the charter prescribes no significant changes for county operations, to those charters where changes have been adopted by the voters that affect the County Officers, the structure of the County Commission and the executive branch, the relationship between the county and its cities, and the rights reserved to the electorate.

The single common thread in all charters is that the electorate is empowered to consider and adopt changes to the structure and powers of the county. Absent the adoption of a charter, the electorate in non-charter counties is bound by a structure and powers that is dictated by the State of Florida, without regard to the complexity of problems confronting the jurisdiction, such as the rate of population growth, density, coordination in the delivery of services, urbanization, demographic diversity, etc.

With a county charter, the opportunity for true home rule at the local level can be fulfilled. The public can change the structure of their county and its service delivery mechanisms, and is better able to consider provisions that can be tailored to address the particular needs of the community.

Charters are the local "constitutions" of the county, establishing the structure of the county government, its relationship to the municipalities and other entities, and the rights reserved to all

¹ Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia and Wakulla.

members of the public throughout the entire county. Unlike municipal charters, all county charters must be adopted by the county electorate, and may likewise be amended, revised or repealed only by the county electorate.

The Pinellas County Charter

Unlike all other county charters in Florida, Pinellas County's charter contains measures that limit the voter's direct ability to consider charter amendments; such measures are unique in Florida.

In contrast with each of the other 19 county charters in Florida, the Pinellas charter is best described as a "limited home rule" charter. In terms of the amendatory process, it is the most restrictive in the state in that it contains procedural requirements that limit or otherwise restrict the public's ability to consider or adopt revisions to the charter.

- Amendments concerning the County Constitutional Officers may not be presented directly to the voters for their consideration. They must first be adopted as a Special Act by the Florida Legislature and then placed in front of the voters for their consideration. No other Florida charter has such a provision.
- Amendments granting the Board of County Commissioners the authority to set minimal policy standards on a countywide basis (e.g. environmental protection) may be presented directly to the voters but must be adopted by a "dual vote." Although occurring during the same election, the amendment must be approved by the voters countywide and also by the municipal voters in which the policy is to be effective. No other Florida charter has a provision requiring a dual vote approval process for amendments authorizing policy standards countywide.

The Pinellas Charter is one of two (the other being that of Volusia County) charters which were first adopted as a Special Act of the Legislature before considered by the voters of the county. However, while the approach taken via the Volusia charter was to significantly enhance the home rule powers granted to the county government, the Special Act proposing the Pinellas

DRAFT

Charter included numerous limitations on the amendatory process, requiring that almost any proposed amendment would first have to be approved by the Legislature as a Special Act before the voters of Pinellas County could consider the proposed revision.

Beginning with the efforts of the 1998 CRC, various amendments have been considered to revise the policy contained in the original charter; some have eventually been approved by the CRC, Legislative Delegation and the voters.

The 2010 CRC encourages future CRC's to continue to examine ways in which the Charter may be revised so as to grant the voters of Pinellas County the same authority to consider charter amendments designed to improve efficiency, structure and service delivery mechanisms as is enjoyed by the electorate in every other charter county in Florida.

DRAFT

Issues Considered in 2010

The Charter Review Commission considered the issues identified below during the course of its deliberations. A brief summary of the subject matter is included with each topic.

1. Non-partisan Elections of the Supervisor of Elections – The CRC considered whether to recommend that the Office of the Supervisor of Elections be elected on a non-partisan basis and without reference to party affiliation. No amendments are recommended by the CRC in this area.
2. Fire Services – The CRC reviewed the work of the previous CRC and considered whether to further examine the issue of the delivery of fire/EMS services in Pinellas County. However, a new study in this area was already being conducted by a consultant for the County and given the time constraints imposed on the CRC by the Charter, a further review of service delivery mechanisms was not undertaken by the CRC.
3. Charter Policy Concerning Future Charter Review Commissions – The CRC examined the Charter's policies concerning Charter Review Commissions. A Charter amendment is recommended that revises four provisions of Section 6.03 of the Charter.
4. Pinellas Planning Council – The status, structure and authority of the Pinellas Planning Council, including whether the Council should be merged with other entities such as the MPO. A special committee composed of a representative cross section of interested parties had been created by the County Administrator to examine this issue and the CRC took no further action.
5. Single-Member Districts – Whether the districting methodology of the BCC should be changed from electing four Commissioners from single-member districts and three at-large to a system where all seven Commissioners are elected from single member districts. The CRC believes that the current system has worked well and is not in need of revision at this time.

DRAFT

6. Term Limits – Whether limitations should be imposed on the number of consecutive times a Commissioner may seek re-election. The CRC believes that such provisions artificially limit the ability of the voter's to exercise their right to choose their Commissioners. No recommendations are made in this area.
7. Elected Mayor – The CRC devoted two meetings to the question of whether the Executive Branch of the county should be headed by an officer who is directly selected by the voters. Three Florida counties have such systems and there is active interest in establishing such a system in Hillsborough County. While the CRC believes that the subject is worthy of further examination, no recommendations are made at this time.
8. Sports Authority – Whether the recently abolished Pinellas Sports Authority should be re-created.
9. Airport Authority – Whether an Airport Authority should be created to coordinate the services and activities of the airports in Pinellas County.
10. Repeal and Replacement of the Charter – Whether the Legislature should pass a Special Act placing a proposed Charter amendment in front of the voters to authorize the consideration of a measure to repeal the current charter and replace it with a revised version. A recommended Special Act is attached hereto.
11. Lobbying Policy – Whether the County Commission should revise its policy on lobbyist registration and reporting. A recommendation to the BCC is attached hereto.

Adopted Recommendations

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1. Future Charter Review Commissions

RECOMMENDATION: The Charter Review Commission recommends that Section 6.03 of the Charter be amended to implement several changes to improve the operations of Charter Review Commissions in the future. (Adopted by a vote of ____)

The Charter currently provides that a Charter Review Commission will be constituted every six years to review the operation of county government “on behalf of the citizens of Pinellas County.” The CRC identified several problems relating to charter review commissions and the charter review process.

- Time Allotted to Complete Work - The Pinellas Charter requires that a CRC be appointed in December and organized not later than the third week in January of the year that their recommendations are to be completed. The work of the CRC must be finished not later than July 31st.

After its initial meeting, electing a Chair and Vice-Chair, selecting staff and being briefed on issues, four to six weeks can easily pass. Conducting hearings on recommendations prior to taking final votes can consume an additional month. Thus, the charter effectively allows only three to four months of time to actually examine issues, take testimony, develop consensus and prepare recommendations. All other charters in Florida grant CRCs at least one year to complete their work

The CRC recommends that the BCC appoints future CRC not later than August of the year before the general election, thus allowing for an extended period of time to study issues, build consensus and consider proposed amendments.

- Frequency of Convening – The Charter currently provides that a Review Commission will be constituted every six years. The CRC recommends that the review process be transitioned to a cycle that occurs every eight years, primarily so that any recommendations will appear on the Presidential election ballot, when voter turnout is typically higher.
- Public Hearings – The current Charter does not require a CRC to conduct public hearings on its final recommendations. Almost all other county charters have such requirements. The recommended amendment requires future CRCs to conduct at least two public hearings if there are recommendations for amendments or revisions to the charter.
- Duration – If charter amendments are recommended, the recommendation provides that future Review Commissions may (at their discretion) remain in existence through the general election so as to be able to respond to questions that may be raised or to assist in providing information concerning its recommendations to the public.

2. Authority to Consider Repeal and Replacement of the Charter- Recommended Special Act

RECOMMENDATION: The Charter Review Commission recommends that the Legislature adopt a Special Act placing an amendment in front of the voters which, if adopted, would authorize the consideration of a measure to repeal and replace the Charter at some point in the future. (Adopted by a vote of ____)

The Charter currently contains no mechanism by which voters may directly consider a ballot question providing for a comprehensive revisions or repeal and replacement of the charter. The recommended Special Act, if adopted by the Legislature and thereafter approved by the electorate, would authorize the consideration of a measure to repeal the charter and replace it with a new document at some point in the future.

There was no specific discussion by the CRC that the Charter should be repealed and replaced at the present time. However, the CRC recommends that the additional authority be granted to the electorate so that they may determine whether the Charter should be amended to grant greater home rule powers at some point in the future.

3. County Policy on Lobbying

RECOMMENDATION: The Charter Review Commission recommends that the Board of County Commissioners amend policy concerning lobbying registration and reporting.
(Adopted by a vote _____)

The CRC recommends that several changes be adopted concerning the County's policy on the registration of county lobbyists and the reporting of their activities. The definition of "lobbying" should include any type of contact, including telephone and electronic; forms reporting contact with County Commissioners should be copied and provided to all Commissioners upon filing; and, all lobbyist registration forms and related records should be posted on county website. The CRC further recommends that penalties for failure to comply with lobbying policy should include debarment.

Appendix A

RECOMMENDATIONS

Appendix B

PINELLAS COUNTY CHARTER

Appendix C

MEETING AGENDAS and MINUTES