

Largo, Florida, August 13, 2015

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Election Service Center, 13001 Starkey Road, Largo, Florida, at 6:03 P.M. on this date with the following members in attendance:

Larry Ahern, State Representative  
Ken Burke, Clerk of the Circuit Court and Comptroller  
Janet C. Long, County Commissioner  
Johnny Bardine  
Keisha Bell (late arrival)  
Ashley Caron  
Barclay Harless  
James Olliver  
Todd Pressman  
James Sewell  
Joshua Shulman  
Thomas Steck

Not Present:

Sandra L. Bradbury, City of Pinellas Park Mayor

Also Present:

Sarah M. Bleakley, Esq., Interim General Counsel  
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison  
Joseph Lauro, Pinellas County Purchasing Director  
Other interested individuals  
Jenny Masinovsky, Board Reporter, Deputy Clerk

AGENDA

1. Call to order: Sarah M. Bleakley, Esq., Interim General Counsel
2. Introductions of members of the Charter Review Commission
3. Introduction of Mary Scott Hardwick, Interim Staff of the Charter Review Commission
4. Public Comment as required by State Law
5. Election of Chairman of the Charter Review Commission
6. Election of Vice-Chairman of the Charter Review Commission

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7. Presentation: Sunshine Law and Public Records Requirements
8. Presentation: Charter Review Commission Website
9. Presentation: Charter County Powers and the Pinellas County Charter
10. Discussion of Hiring a Charter Facilitator
11. Discussion of Hiring a General Counsel
12. Approval of future meeting dates, times, and places
13. Approval of next meeting agenda
  - a. Rules of Procedure for the Charter Review Commission
  - b. Hiring a Charter Facilitator
  - c. Hiring a General Counsel
  - d. Other issues as necessary and as determined by the Charter Review Commission

#### CALL TO ORDER

Sarah M. Bleakley, Esquire, indicated that she will serve as Interim Counsel and act as Chairman for today's orientation; whereupon, she called the meeting to order at 6:03 P.M. and welcomed the members.

#### INTRODUCTIONS

At the request of Ms. Bleakley, the members introduced themselves, and Ms. Bleakley introduced Mary Scott Hardwick, Interim Facilitator.

#### PUBLIC COMMENT

Adrian Wyllie, Palm Harbor, and Freddy Ferro, St. Petersburg, addressed the Commission regarding term limits. Following public comment and at the request of Commissioner Long, Ms. Bleakley agreed to provide information on the current legal status of term limits to the CRC members.

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Keisha Bell entered the meeting at 6:11 P.M. and introduced herself to the Commission.

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#### ELECTION OF CHAIRMAN OF THE CRC

Ms. Bleakley called for nominations for the position of Chairman; whereupon, Thomas Steck nominated Commissioner Long, seconded by Todd Pressman; Representative Ahern nominated Ken Burke; and Mr. Burke nominated Dr. James Olliver, seconded by Representative Ahern. Ms. Bleakley noted that the nominations are not required to be seconded.

During deliberations, Commissioner Long and Mr. Burke withdrew their names from consideration, and Mr. Burke opined that it would be best if the CRC, as a body dominated by non-elected citizens, be chaired by a citizen rather than an elected official, and noted that Dr. Olliver's academic background would provide neutral credibility to the Commission.

Upon call for the vote, Dr. James Olliver was elected to serve as Chairman (Vote 12-0).

#### ELECTION OF VICE-CHAIRMAN OF THE CRC

Assuming the gavel, Chairman Olliver called for nominations for the position of Vice-Chairman; whereupon, Joshua Shulman nominated Thomas Steck, and Representative Ahern nominated Barclay Harless. Mr. Harless indicated his support for Mr. Steck, and Mr. Burke moved, seconded by Mr. Shulman, that the nominations be closed.

Thereupon, Thomas Steck was elected by acclamation to serve as Vice-Chairman (Vote 12-0).

#### SUNSHINE LAW AND PUBLIC RECORDS REQUIREMENTS

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, providing clarifications in response to queries by the members regarding informational e-mails and meetings of single members with delegated authority; whereupon, she cautioned the members that sanctions for violation of the

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Sunshine Law and conflicts of interest can be severe, and urged them to contact the CRC general counsel with any questions or concerns.

### CRC WEBSITE

Ms. Hardwick related that as an informational resource for the members, the CRC website will provide agendas, locations, and dates of the future meetings; CRC historical information; an archive of prior meetings; and any other information that members request to be posted; whereupon, she suggested that a communication tool be set up to enable citizens to propose ideas for Charter amendments through the website. Chairman Olliver urged the members to visit the website, noting that it provides a good resource and an opportunity to post any materials discussed at the meetings.

### CHARTER COUNTY POWERS AND THE PINELLAS COUNTY CHARTER

Referring to a PowerPoint presentation titled *Charter County Government*, a copy of which has been filed and made a part of the record, Ms. Bleakley 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
  - Charter creation and structure
  - Powers and duties of the County
  - Pinellas County legislative branch
  - Pinellas County administration
  - Effect of the Pinellas County Charter
  - Charter amendments

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

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- convenes every eight years
- consists of 13 members: one member of the Legislative Delegation, one elected city official, one Constitutional Officer, one County Commissioner, and nine citizen appointments by the BCC
- required to meet by the end of the third week of August 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

Responding to queries by Mr. Steck, Ms. Bleakley confirmed that Charter amendments can be initiated by the CRC, the BCC, and the citizens; that they can be either single or multiple subject; and that they require approval by the voters.

In response to query by Mr. Burke and noting that the matter is complex and litigated, Ms. Bleakley discussed two schools of thought with regard to the “dual vote” concept, one based on the constitutional provision of transfer of power that may have the effect of a city vote trumping a countywide vote, and the other based on the constitutionally afforded Charter power to determine if a city or a county prevails in a conflict between the two, and discussion ensued. Mr. Burke commented that it will be important for the members to have a clear understanding of the matter in the course of the Charter review; whereupon, Commissioner Long, referring to an example of a case involving a dual vote from Pinellas County history, requested that Ms. Hardwick obtain information on the case from the County Attorney’s Office.

Responding to query by Representative Ahern, Ms. Bleakley clarified that the term “general law” is used to describe Florida Statutes or other acts passed by the legislature, including acts which are not codified; and that general laws should be distinguished from Special Acts, which are limited to local issues.

#### HIRING A CRC FACILITATOR AND GENERAL COUNSEL

Ms. Hardwick related that in addition to administrative duties, such as scheduling and guiding the meetings, preparing agendas, and arranging any guest speakers’ visits, the facilitator will be instrumental in producing a final report due July 31, 2016.

Mr. Lauro related that Requests for Proposals (RFPs) were released for the facilitator and general counsel positions and provided copies of the responses received for each, which have been filed

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and made a part of the record. Responding to queries by the members, he indicated that the interview process by the Commission will consist of an oral presentation by the firms and questions by the members; that while the positions were broadly advertised and RFPs sent to dozens of firms, only four have submitted responses, two for the facilitator position and two for the general counsel position; and that he would provide the members with the reviews of the candidates completed by the Purchasing Department; whereupon, at the request of Mr. Steck, he briefly described the criteria used to rank the candidates, and Commissioner Long provided input.

Later in the meeting and responding to query by Ms. Caron, the Chairman indicated that the members may discuss any questions or concerns that may arise upon evaluating the Purchasing Department reviews at the next meeting; and that a separate ranking of the candidates by the members need not be conducted.

Mr. Pressman moved, seconded by Mr. Sewell, that all four firms be interviewed at the next meeting. Following discussion wherein Mr. Lauro indicated that Diane Meiller and Associates, Inc. was the higher-ranking facilitator firm, Mr. Burke moved that the motion on the floor be amended to remove the lower-ranking facilitator from the presentations based on prior experience, and Commissioner Long seconded the motion. In response to query by the Chairman, Mr. Sewell confirmed that he had seconded the original motion; whereupon, Mr. Shulman stated that it would be valuable for the members without prior knowledge of either facilitator to hear both presentations.

Chairman Olliver clarified that the decision before the Commission is to interview two law firms and the higher-ranking facilitator only; and upon call for the vote, the motion failed by a vote of 6 to 6, with members Bardine, Bell, Caron, Harless, Shulman, and Steck dissenting.

At the Chairman's request for a substitute motion, Mr. Shulman moved, seconded by Mr. Steck and carried, that all four firms be invited to the next meeting for an oral review (Vote 12-0).

Following discussion with input by Mr. Lauro, Mr. Pressman moved, seconded by Mr. Harless and carried, that each firm be allowed 15 minutes for a presentation and unlimited time to respond to queries by the members (Vote 12-0).

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#### FUTURE MEETING DATES, TIMES, AND PLACES

In response to queries by the Chairman, Ms. Hardwick related that the previous Commissions met on average twice a month over a period of eight months; that since the current Commission is constituted for a year, it has more time to complete its work; and that she is uncertain whether the number of meetings included the two public hearings.

Following discussion, the Chairman indicated that the next two meetings are tentatively scheduled for Tuesday, September 8 and Wednesday, October 14 at 4:00 P.M. at the Election Service Center.

#### NEXT MEETING AGENDA

Ms. Bleakley indicated that the Commission will need to adopt rules of procedure, as they are not adequately addressed in the Charter; and that she will draft a set of rules to be reviewed at the next meeting; whereupon, the Chairman reminded the members that hiring of the general counsel and facilitator are also included on the agenda, noting that two hours will be set aside for that purpose.

Following discussion of additional agenda items, it was the consensus of the members that term limits and dual vote matters be addressed after hiring of the general counsel and the facilitator; and that the rules of procedure be discussed at the next meeting, but finalized at the third meeting, in order for the Commission's counsel and facilitator to participate in discussion.

Thereupon, Mr. Sewell moved, seconded by Ms. Bell and carried, that the next meeting agenda be approved (Vote 12-0).

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 P.M.