

Largo, Florida, September 8, 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:

James Olliver, Chairman  
Thomas Steck, Vice Chairman  
Larry Ahern, State Representative  
Sandra L. Bradbury, City of Pinellas Park Mayor (late arrival)  
Ken Burke, Clerk of the Circuit Court and Comptroller  
Janet C. Long, County Commissioner  
Johnny Bardine  
Keisha Bell  
Ashley Caron  
Todd Pressman  
James Sewell  
Joshua Shulman

Not Present:

Barclay Harless

Also Present:

Sarah M. Bleakley, Esq., Interim General Counsel  
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison  
Other interested individuals  
Laura M. Todd, Board Reporter, Deputy Clerk  
Minutes by Helen Groves

AGENDA

1. Call to Order
2. Self-Introduction of CRC members
3. Public Comment on Items on this Agenda
4. Approval of Minutes – August 13, 2015 Meeting
5. Hiring a Charter Facilitator
6. Hiring a General Counsel
7. Interim General Counsel Report and Direction

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- a. Rules of the CRC
- b. Charter's Dual Vote Requirement
- c. Term Limits
- 8. Approval of Future Meeting Dates
  - a. November 9 – 11
  - b. December 7 – 11 or 14 – 18
- 9. Approval of Agenda for Next Meeting – 4:00 P.M., October 14, 2015
  - a. Items Carried Over from this Agenda
  - b. Communication Plan/Public Outreach
  - c. Other Issues as Necessary and Determined by the CRC
- 10. Adjournment

### CALL TO ORDER

Chairman Olliver called the meeting to order at 4:00 P.M. and welcomed those in attendance.

### INTRODUCTIONS

Later in the meeting, Chairman Olliver welcomed Mayor Bradbury, noting that she had not been present for the formal introductions at the first meeting.

### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and voiced their support for term limits:

Greg Bowen, Clearwater  
Adrian Wyllie, Palm Harbor  
Dan Calabria, South Pasadena (presented documents)  
Barbara Haselden, St. Petersburg  
Ernest Ferro, St. Petersburg  
Tony Caso, Palm Harbor  
Debra Kurin, Palm Harbor

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Adelle M. Blackman, Tarpon Springs  
Jonathan Chambers, St. Petersburg

The citizens' comments included:

- Seventy-two percent of the electorate in Pinellas County voted for term limits in 1996.
- The County Commissioners who sat on the Board at the time validated the citizens' vote by unanimously voting in June of 2000 to let term limits stand. Commissioners Robert Stewart, Sallie Parks, and Barbara Sheen Todd honored the will of the citizens by stepping down.
- In 2012, the Florida Supreme Court ruled that term limits are constitutional in Charter counties.
- Except for Pinellas, all other Charter counties have enacted term limits after they were approved by the voters, including Broward, Palm Beach, Sarasota, and Duval.
- Requested County Commissioner Long and Clerk of the Circuit Court Burke, in his role as a Constitutional Officer, recuse themselves from the discussion/vote.
- Requested the Chairman set term limits for discussion on the next agenda for inclusion in the Charter, with no grandfathering of past terms of office.

Chairman Olliver thanked the citizens for their input, and pointed out that the term limit item is on the agenda today and will be fully aired by the Commission over time.

#### APPROVAL OF MINUTES – AUGUST 13, 2015 MEETING

Upon presentation of the minutes of the meeting of August 13, 2015, Commissioner Long moved, seconded by Mr. Sewell and carried unanimously, that the minutes be approved.

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Mayor Bradbury entered the meeting at 4:38 P.M.

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#### HIRING A CHARTER FACILITATOR - DIANE MEILLER AND ASSOCIATES, INC. SELECTED AS FACILITATOR FOR THE CRC

Chairman Olliver announced that two candidates would be making presentations; and that each candidate would be allowed 15 minutes for the presentation, and questions by the members would follow.

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Diane Meiller and Associates, Inc.

Diane Meiller conducted a PowerPoint presentation and indicated that she established the firm in 2006, and has worked with many different municipalities and private institutions in Florida. She introduced the members of her team, and each discussed the part they would play if the firm receives the contract. Ms. Meiller discussed the timeline involved with the Charter Review process, and indicated that if her firm receives the contract, its goal would be to facilitate the process to ensure that Pinellas County has a clear, concise Charter that supports a purpose-driven organization and community and meets the needs of its constituents; and that her team would be committed to working collaboratively with the CRC and the community.

In response to queries by Mr. Pressman, Ms. Meiller indicated that her firm has not worked with a Charter Review group before, and discussed how she arrived at the total cost of \$48,000 and the time limit of 250 hours, relating that an hourly rate would come into play should the CRC request work not related to the proposal. In reply to follow-up questions by Ms. Caron and Chairman Olliver, she stated that communication expertise would be key in persuading the different types of representatives serving on the Commission to agree on the process and the areas it would be appropriate to become involved in; whereupon, Sara Brady, introduced as the communications expert on the team, provided input, indicating that tools such as surveys would be used to define the agenda; and that the team and the CRC would be working together on the top priorities.

In response to query by Mr. Steck, Ms. Meiller explained her business association with Mr. Burke, noting that she referred to her work with him in order to reflect her familiarity with Pinellas County, but did not use him as a reference as she wanted to avoid the appearance of a conflict of interest and also wanted to include the firm's most recent jobs.

In summary, Ms. Meiller stated that 99 percent of her firm's business comes from referrals, as it concentrates fully on the objectives of the clients; and that her team understands the uniqueness of Pinellas County and would model the work according to the County's particular needs; whereupon, she asked that the CRC select her firm to serve as its facilitator.

Kurt Spitzer & Associates

Herbert Marlow indicated that he is a subcontractor for Kurt Spitzer & Associates; that he has worked with Kurt Spitzer for over 20 years; and that he and Mr. Spitzer wrote the proposal together, and it was submitted by Mr. Spitzer. He related that Mr. Spitzer would be ultimately responsible for the project; and that he has more experience with Charter Reviews and owns a

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more complete database than does anyone else in Florida, noting that he is quite familiar with the Pinellas County Charter; whereupon, Mr. Marlow provided information about his own background and experience, particularly in the Tampa Bay area.

Mr. Marlow related that it would be natural for the CRC to be concerned that if it uses the same firm it did in the past, it would have the same results; that he would use a very different approach; and that the value he, himself, would bring as the facilitator would be significant and important; whereupon, he described the steps he would take throughout the process.

In response to queries by the members, Mr. Marlow indicated that Mr. Spitzer had another commitment today, but would attend as needed throughout the process; that, including himself, the firm has four staff members, but is associated with an entire network of people who have experience with Pinellas County and would be available if needed; whereupon, he discussed the expected timeframe for the Charter Review process and confirmed that Kurt Spitzer & Associates has been the consultant for the Pinellas County Charter Review in the past.

In summary, Mr. Marlow stated that the Charter deserves the time and energy the CRC will devote to its review; whereupon, citing Mr. Spitzer's knowledge and his own skill and experience as a negotiator, he requested that the CRC select Kurt Spitzer & Associates as its facilitator.

### Deliberation

Chairman Olliver stated that as only one of the attorney candidates was able to attend today's meeting, the CRC would need to make a decision on how to move forward; whereupon, Mr. Burke suggested that the members choose the facilitator at this time so the one selected could assist with questions regarding the selection of an attorney, and Commissioner Long concurred. Attorney Bleakley advised that although it is a public meeting, the Chairman could invoke the rule that allows him to ask the candidates to leave the room while a decision is made; whereupon, the two candidates for the facilitator position and the candidate for the attorney position left the room.

Chairman Olliver opened the floor for nominations; whereupon, Representative Ahern moved, seconded by Ms. Bell, that the Diane Meiller firm be selected as the facilitator, and discussion ensued.

Mr. Burke indicated that he represents the Constitutionals, and the group would like someone new. He related that the facilitator is supposed to be a neutral party, and the Diane Meiller firm

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fits that description; and that he was impressed by the presentation and well-written documents. In response to the concerns of Commissioner Long, Mr. Burke indicated that he was not part of the bid review process; whereupon, Ms. Hardwick confirmed that the evaluation team was solely evaluating the written proposals, and representatives of the firms were not present.

At the Chairman's request, the members offered their perspective on the candidates. Mr. Shulman related that he liked the Spitzer firm's plan to conduct interviews with the County Commissioners, the Mayors Council, and other stakeholders in order to get a broad scope of issues, and requested that if the Diane Meiller firm is selected, they be asked to make the interviews part of their activities.

In response to queries by the members, Attorney Bleakley advised that the CRC would need someone with Charter Review experience on the team, and discussion ensued as to whether the attorney selected could be charged with assisting the facilitator with questions regarding the Charter. Pinellas County Purchasing Director Joe Lauro provided input, stating that the request for proposal (RFP) clearly states that the attorney will work with the facilitator and the staff; and that during contract negotiations, the Purchasing Department will tie down the concerns and questions the members expressed today.

Following discussion and in response to query by the Chairman, the members confirmed that they are satisfied that the process in place allows for a proper vote for the facilitator.

Upon call for the vote, the motion to enter into contract negotiation with Diane Meiller and Associates, Inc. carried, with Mayor Bradbury abstaining. Attorney Bleakley advised that a member must vote unless they recuse themselves or declare a conflict of interest; whereupon, Mayor Bradbury voted aye, and the motion carried unanimously.

#### HIRING A GENERAL COUNSEL - VOSE LAW FIRM, LLP SELECTED AS GENERAL COUNSEL FOR THE CRC

Chairman Olliver announced that only the Vose Law Firm would be presenting today, as the principal for GrayRobinson could not attend and the firm had declined to send another representative. He pointed out that, recognizing that only the two top candidates for the facilitator and the general counsel positions would be presenting, the Commission had decided at the last meeting that should either of the firms not attend today's meeting, a decision would be made after the other firm presented, and the decision would not be revisited.

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Vose Law Firm, LLP

Wade Vose, managing partner, indicated that the attorneys in his firm have extensive local government experience and deep, specialized experience in representing Charter Review Commissions, including his service as general counsel to the 2012 and 2016 Orange County Charter Review Commissions. He provided information about other members of his team, including his law partner Becky Vose, and indicated that if his firm is selected to represent the Pinellas County CRC, he would serve in the primary role of managing the relationship with the members, attending the meetings, and performing all general counsel duties; whereupon, he discussed his and his team's "can-do" attitude, indicating that the firm's job would be to find a way for the Commission to accomplish its goals.

Mr. Vose related that although it is an out-of-town law firm, there would not be a charge for travel time or long-distance telephone calls; that the attorneys in the firm have never had a conflict of interest with Pinellas County or the Pinellas County CRC; and that they would be essentially immune from pressure that might come to bear on attorneys and firms with practices closer to or in Pinellas County. Mr. Vose indicated that he is familiar with the Pinellas County Charter, in particular with its unique characteristics, including the Special Act requirement relating to the Charter amendments concerning the status, duties, and responsibilities of the Constitutional officers, as well as the City-County dual vote requirement, noting that the dual vote requirement is much broader than the regulation versus transfer of services distinction provided for in the Florida Constitution.

In response to queries by the members, Mr. Vose confirmed that he would attend the CRC meetings, and Becky Vose would be his backup; and related that there are five attorneys in the firm, and, even though it is a boutique firm, it has a deep edge when it comes to local government representation. He explained what would constitute a conflict of interest, and stated that there would not be one relating to his work with the Orange County CRC; whereupon, he discussed confidentiality as it relates to attorneys working in the government versus those in the private sector, noting that in government, any written records created are public records.

In summary, Mr. Vose stressed that the CRC should have an outside voice to represent it, someone who is in no way involved in local politics, citing the ease in which an attorney can steer a conversation or an idea; whereupon, he requested that the CRC select his firm to serve as its attorney.

### Deliberation

Chairman Olliver reiterated that the second-ranked firm, GrayRobinson, would not be presenting today; that the Commission had decided at its last meeting that should either of the firms not attend today's meeting, a decision would be made after the other firm presented, and the decision would not be revisited; whereupon, he stated that that decision could be reconsidered at this time should the members so decide, and no one called for a reconsideration.

Upon the Chairman's call for a motion, Mr. Burke moved, seconded by Mr. Pressman, that the CRC enter into contract negotiations with the Vose Law Firm. In response to queries by Mr. Steck and Mayor Bradbury, Attorney Bleakley confirmed that a conflict of interest is not inherent with the representation of two Charter counties; and that there is no legal concern with the CRC only interviewing one team before making its decision; whereupon, Chairman Olliver, with input by Mr. Lauro, pointed out that staff ranked the Vose Law Firm the No. 1 candidate.

Thereupon, upon call for the vote, the motion carried unanimously.

### INTERIM GENERAL COUNSEL REPORT AND DIRECTION

#### Rules of the CRC

Attorney Bleakley related that the CRC had directed that she prepare a set of draft rules for it to consider and act upon once a general counsel is selected. She reviewed the rules specified in the Charter and the rules that were adopted by the 2010 CRC, whereupon, she discussed the following proposed rules, noting that they can be found on Page 3 of the agenda memorandum pertaining to Rules, which has been filed and made a part of the record.

#### 1. Speaker Sign In

A public sign-in sheet and appearance cards shall be provided for each meeting of the CRC.

#### 2. Public Comment Requirements

An opportunity for public comments shall be held at the beginning of each meeting for comments on a topic that is included on the CRC's agenda for that meeting. There shall be a three-minute time limit for each speaker unless the Chairman determines that a shorter time limitation is warranted based on the number of speaker cards submitted.



3. CRC Vote Requirements

- a. A majority vote shall be required to move an issue forward at the time it is discussed and at the last meeting prior to the public hearings.
- b. An issue that is initially voted down at a CRC meeting may not be reconsidered in any subsequent meeting of the CRC.
- c. In order for an amendment or revision to the Charter to be placed on the ballot in November 2016, the amendment or revision must receive an affirmative vote of at least eight members of the CRC. (Note: There are 13 members of the CRC. An eight vote approval requirement would be a majority plus one of the membership).

4. Recorded Votes

The votes of each CRC member shall be recorded by the Clerk.

5. Expenses

Approval of the expenses of the Facilitator and General Counsel are delegated to the CRC Chairman.

Comments and Discussion

Chairman Olliver asked for comment on the proposed rules provided by Attorney Bleakley and for suggestions as to others they would like to consider:

In response to query by Mr. Pressman regarding the reasoning behind Item 3b, Attorney Bleakley indicated that the rule is historical and probably the rationale was to prevent discussing the same issue at every meeting. Commissioner Long concurred and provided input, noting that the CRC is bound by statute to complete the review process in a defined length of time.

During discussion regarding vote requirements, Chairman Olliver, with input by Attorney Bleakley, clarified that a majority of the entire membership would be required to put an item on the ballot, but for other votes, only a majority of the votes of the members in attendance at a meeting would be necessary.

Citing Sunshine and public meeting rules, Mr. Burke expressed concern that everyone attending the meeting tonight was asked to sign in at the front desk, and Attorney Bleakley confirmed that, legally, people attending a meeting, but not speaking, could not be required to sign in, and

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discussion ensued as to whether it might be a security issue or a requirement for this particular building and, if so, whether it might be necessary to hold the meetings at another location. Later in the meeting in response to the concerns of Ms. Caron that continuing to have the meetings at the Election Service Center might be problematic, Chairman Olliver asked for consensus that the meetings would be held in a central location where all attendees are not required to sign in, and no objections were noted; whereupon, following discussion and at the direction of the Chairman, Ms. Hardwick agreed to research the options and communicate with the group.

Rules and Suggestions Proposed by Members for Consideration:

Commissioner Long	Required attendance.
Chairman Olliver	Length of meeting. Set an outside time limit of two or two and one-half hours per meeting.
Chairman Olliver	Public outreach. Allow public to get feedback on each meeting as easily and seamlessly as possible through electronic media.
Mayor Bradbury	Set time limit for each agenda item and/or set timeframe around agenda item designating the time an item will be heard.
Mayor Bradbury	Hold meetings at different locations throughout the county.

During discussion and referring to the proposed rule regarding required attendance, Representative Ahern related that this would present difficulties for him, as the legislature would be in session in January and February. Mr. Burke clarified that the last Charter Review Commission held some meetings in the Swisher Building in downtown Clearwater and some at the Tax Collector's Office in Largo; and that one public hearing was held in the St. Petersburg City Council Chambers and the other one was held in the Board of County Commissioners Assembly Room.

Following discussion, Chairman Olliver stated that at the next meeting, the CRC would consider the rules proposed by Attorney Bleakley and the rules proposed by the members regarding the length of the meetings and required attendance, and no objections were noted; whereupon, Ms. Hardwick confirmed that the members should forward their suggestions to her until the contracts with the facilitator and the attorney are in force.

### Charter's Dual Vote Requirement

Attorney Bleakley referred to the agenda memorandum regarding the Charter's dual vote requirement, which has been filed and made a part of the record, provided historical background information, reviewed the provisions in the current Charter relating to the dual vote, and advised that she found nothing that would prohibit the CRC from considering the issue. Mayor Bradbury asked that the Charter Review attorney also provide an opinion; whereupon, Chairman Olliver stated that the CRC would consider the issue, and no objections were noted.

### Term Limits

Attorney Bleakley referred to the agenda memorandum regarding term limits, which has been filed and made a part of the record, and provided background information, discussed recent litigation, and advised that the rule of law for the term limits provision that was voted on many years ago is that it is not applicable to Pinellas County officials; however, should it be the will of this Body, a term-limit provision for the Board of County Commissioners could be instituted in the Charter that would stand court muster; whereupon, she cautioned that should the CRC decide to consider term limits for the Constitutional Officers, more research would be needed.

Chairman Olliver indicated that the term limits issue would be discussed and debated by the CRC, and no objections were noted. Mr. Steck queried whether the same Justices were on the Supreme Court for both rulings, and discussion ensued wherein Mr. Burke indicated that there had been several changes, and Ms. Bleakley provided input; whereupon, Ms. Bleakley stated that she would research the matter and provide an answer.

### APPROVAL OF FUTURE MEETING DATES

Following discussion, Chairman Olliver indicated that the CRC would meet at the Election Service Center, unless notified differently by Ms. Hardwick, on the following days:

Wednesday, October 14, 2015 at 4:00 P.M.

Thursday, November 12, 2015 at 3:30 P.M.

Thursday, December 10, 2015 at 3:30 P.M.

APPROVAL OF AGENDA FOR NEXT MEETING – 4:00 P.M. OCTOBER 14, 2015

Items Carried Over from this Agenda

Communication Plan/Public Outreach

Mr. Burke indicated that he was pleased to learn of the importance the new facilitator placed on communication, and recommended that they develop a plan with the Pinellas County Communications Department to inform the citizens of Pinellas County that the Charter Review Commission exists, why it exists, and that it is seeking citizen input.

Mayor Bradbury indicated that she would share the information with the Mayor's Council at its next meeting, and suggested that information be provided to the City Clerks to place on their websites. Commissioner Long offered to be the liaison within County government and indicated that she would make an announcement at the next Board of County Commissioners meeting, place the meetings on the County Calendar, and coordinate with Ms. Hardwick to have someone from the Communications Department at the next meeting. Representative Ahern agreed that the citizens need to be provided with information, and suggested making public service announcements. Mr. Steck concurred, and suggested adding the meetings to the Tampa Bay Times public event calendar and notifying the cable channels; whereupon, Chairman Olliver commented that he hopes the minutes provide details about the discussions.

Other Issues as Necessary and Determined by the CRC

Chairman Olliver indicated that the next agenda would include public comments, preliminary reviews from the facilitator and the attorney on their action plans, further discussion of the CRC rules, a communication plan, and meeting dates for 2016.

For the convenience of the citizens and the members, Chairman Olliver directed that for future meetings, an electronic version of the agenda and back-up material be displayed on a screen and extra hard copies be provided at the meeting, and Ms. Hardwick agreed to make the arrangements.

Thereupon, upon the Chairman's call for a motion, Mr. Sewell moved, seconded by Commissioner Long and carried unanimously, that staff, in consultation with the Chairman, be authorized to add items to the agenda that may be necessary for a quarterly meeting and for an efficient process for moving the CRC forward.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 6:34 P.M.