

Largo, Florida, May 4, 2016  
*Amended May 17, 2016*

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the County Extension Services Center, Largo, Florida, 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 (late arrival)  
Johnny Bardine  
Keisha Bell  
Ashley Caron  
Barclay Harless  
Todd Pressman  
James Sewell  
Joshua Shulman

Also Present

Wade Vose, Vose Law Firm, General Counsel  
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator  
Flo Sena, DM&A  
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison  
Other Interested Individuals  
Lynn M. Abbott, Board Reporter, Deputy Clerk  
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – April 20, 2016 Meeting (CRC Chairman)
4. Charter Amendment Topics
  - a. Amendments via Citizen Petitions (DM&A)
  - b. Fiscal Impact Study (DM&A)

May 4, 2016

5. Draft Final Report Review
  - a. Status/Recap (DM&A)
  - b. Language for Amendments (Vose)
    1. Oversight of County Attorney
    2. Redistricting Advisory Committee
  - c. Final Report
6. Dates/Time/Location (CRC Chairman)
  - a. CRC Remaining Constituted
  - b. Format of Public Hearings
7. Review of Action Items (CRC Chairman)
8. Adjournment (CRC Chairman)

#### CALL TO ORDER

Chairman Olliver called the meeting to order at 3:30 P.M. and welcomed those in attendance.

#### PUBLIC COMMENT – NONE

#### MINUTES OF APRIL 20, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Mr. Sewell moved, seconded by Mr. Steck and carried unanimously, that the minutes of the meeting of April 20, 2016 be approved.

\* \* \* \*

Commissioner Long and Mayor Bradbury entered the meeting at 3:33 and 3:39 P.M., respectively.

\* \* \* \*

#### CHARTER AMENDMENT TOPICS

##### AMENDMENTS VIA CITIZEN PETITIONS - CHANGES IN COUNTY COMMISSION DISTRICT REQUIREMENTS FOR SIGNATURES DENIED

Ms. Meiller-Cook indicated that at the last meeting, the CRC approved changing the signature requirement for Charter amendments via citizen petitions to eight percent and the number of days to gather the signatures to 240; that the issue regarding changing the County Commission district

May 4, 2016

requirements for the signatures was continued to this meeting; and that the three options for both the at-large and single-member districts are:

- Remove the restriction
- Change the percentage for the restriction
- No change from the current position

Ms. Meiller-Cook indicated that the petition issue was brought forward by the citizens; that the Supervisor of Elections has indicated that her office follows the State requirement for the retention of data, which is one year; and that there is no historical information in her files regarding petitions generated by the citizens.

Following discussion, Clerk Burke moved, seconded by Mr. Steck, that the 40-percent requirement in the at-large districts be dropped; and that the 30-percent requirement be retained in each single-member district, keeping the current wording.

In response to query by Mr. Pressman, Clerk Burke clarified that the motion is to keep the 30-percent requirement on each of the single-member districts, which encompasses the whole county; whereupon, Mr. Pressman opined that the 40-percent restriction should remain, as there needs to be a very high threshold to put an amendment on the ballot, and Commissioner Long concurred. During discussion and in response to queries by Commissioner Long, Attorney Vose related that he did not ask the County Attorney for background information on the district requirements; whereupon, Commissioner Long recommended that the Commission obtain the information before it changes the Charter.

In response to the Chairman's call for citizens wishing to be heard, Freddie Ferro, St. Petersburg, appeared and asked the members to respect the wishes of the people.

Upon the Chairman's call for a vote, Mr. Steck reiterated that the Commission needs the historical information before it votes; whereupon, Mr. Pressman called the question.

Thereupon, upon call for the vote, the motion was defeated 10 to 3, with Mr. Steck, Representative Ahern, and Clerk Burke casting affirmative votes.

During discussion, Commissioner Long withdrew her recommendation that the matter not be voted upon until historical information can be gathered; whereupon, the members confirmed that the issue is resolved.

May 4, 2016

FISCAL IMPACT STUDY – APPROVED; LANGUAGE TO BE AS IN BROWARD COUNTY CHARTER

Noting that the issue is whether the Charter should be amended to require a study of the fiscal impact of a proposed Charter amendment, Ms. Meiller-Cook reviewed a chart titled *County Charters with Financial Impact Analysis Specified*. Noting that the City of Pinellas Park requires a dollar amount be included for all agenda items, Mayor Bradbury indicated that she liked the wording in the Seminole County Charter. Commissioner Long concurred; whereupon, she moved, seconded by Mr. Sewell, that Pinellas County use the Seminole County language, as shown in the agenda memorandum, in its Charter.

Noting that the Seminole County Charter is unique in that it does not directly require a fiscal impact statement, Attorney Vose provided an overview of the language of the various charters, noting that some things to keep in mind are whether an analysis is needed, who is authorized and/or required to provide the analysis, and whether a summary of the analysis is included on the ballot. Discussion ensued wherein Mr. Pressman indicated that he would prefer that a fiscal impact statement be mandatory.

Commissioner Long amended her motion to include the language “the Board of County Commissioners shall provide by County ordinance that a statement is required.”

Noting that an argument could as easily be made for a societal or a cultural impact study, Mr. Shulman expressed concern that requiring a fiscal impact study highlights the financial aspect of a Charter amendment and makes it a determining, deciding factor as opposed to allowing citizens to decide on its merits, and Mr. Harless concurred, stating that fiscal impacts can often be used as a scare tactic against government taking action on something that needs to be done. Mayor Bradbury argued that it is the due diligence of elected officials to inform the public of the cost, and Representative Ahern concurred, noting that it is especially important for big ticket items.

Commissioner Long and the seconder accepted the friendly amendment of Mr. Pressman to substitute the Broward County Charter language for the Seminole language, making the fiscal impact statement a requirement. Attorney Vose provided legal clarification regarding the 75-word summary; and Mr. Steck pointed out that the Broward amendment allows the 75 words to establish the amendment itself and an additional 75 words to describe the fiscal impact.

During discussion, Mr. Harless expressed concern that the amendment would change all future Charter amendments; whereupon, Chairman Olliver urged that the members be sure they are comfortable with every word in the document.

No one appeared in response to the Chairman’s call for citizens wishing to be heard.

May 4, 2016

Upon call for the vote, the motion carried 10 to 3, with Messrs. Shulman, Bardine, and Harless casting the dissenting votes.

## DRAFT FINAL REPORT REVIEW

### STATUS RECAP

Ms. Meiller-Cook reported that the following proposed Charter amendments have been approved:

- Charter Cleanup
- CRC Membership Residency
- Oversight of the County Attorney
- Redistricting Advisory Board
- Citizen Initiatives

### LANGUAGE FOR AMENDMENTS

#### Oversight of County Attorney – Amendment Language Approved

Attorney Vose reviewed the amendment language and indicated that the revised language fulfills the intention of the amendment but addresses the concerns he brought out at the last meeting regarding the County Attorney being accountable to the County Attorney Oversight Committee, consisting of the seven County Commissioners and five Constitutional Officers; whereupon, noting that the concept of the amendment has been approved and only the language is under consideration, Clerk Burke moved, seconded by Mr. Sewell, that the wording submitted by Attorney Vose be approved.

Mr. Pressman, with input by Mr. Steck, recommended that the wording more clearly declare that the Oversight Committee is responsible for the hiring and firing of the County Attorney, but that he is directly responsible to the Board of County Commissioners (BCC); whereupon, Commission Long clarified that the BCC does not manage the County Attorney on a daily basis and expressed concern about the fiscal impact and conflicts of interest that might arise, and discussion ensued.

\* \* \* \*

At this time 4:34 P.M., Mr. Pressman left the meeting.

\* \* \* \*

May 4, 2016

In response to query by Commissioner Long, Clerk Burke indicated that the Constitutionals each have their list of requirements in terms of what they are looking for in an attorney and would expect the County Attorney to respond to each as he represents the Constitutionals individually, as per the Charter; that the County Attorney has a conflict of interest policy, but the Constitutionals do not; and that while the Sheriff has his own in-house counsel, the County Attorney represents him on a majority of issues; whereupon, he confirmed that the amendment delineates that the Constitutional Officers would be involved with the hiring, firing, and the annual reviews of the County Attorney. In response to query by Ms. Bell, Ms. Caron confirmed that Mr. Pressman's concern regarding the County Attorney being directly responsible to the BCC is addressed in the language.

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

Upon call for the vote, the motion carried 10 to 2, with Ms. Bell and Commissioner Long casting the dissenting votes.

#### Redistricting Advisory Committee – Amendment Language Approved with a Friendly Amendment

Attorney Vose read the ballot title and summary for "Creation of County Redistricting Board" from his Memorandum dated May 2, 2016 – Subject: Draft of Ballot and Charter Language for County Redistricting Board Charter Amendment, which has been filed and made a part of the record, noting that the title of the proposed board differs from the title shown on the agenda. He reviewed the proposed language for Section 3.04 – Redistricting, and indicated that, basically, the language in items B and C is the same as was used when the CRC was created, including requiring the BCC to provide space and secretarial and staff assistance; and that throughout the document, the language is crafted per the Florida Constitution where appropriate. He pointed out that per the language in item E, the conditions outlined in item D are mandatory on the new board, but not on the BCC; and Mr. Harless noted that the CRC has specific authority to hire its own staff, noting that item C reads *expenses shall be voted on by a majority*.

During discussion, Representative Ahern reiterated the argument he made in an earlier meeting that the County Commissioners, the ones most affected by redistricting, would be the ones appointing the members, which was refuted by Commissioner Long, Mayor Bradbury, Ms. Bell, and Clerk Burke. Chairman Olliver commented that Representative Ahern's concerns and the rebuttal were heard before the amendment was approved.

Thereupon, Mr. Sewell moved, seconded by Mr. Harless, that the language be approved as written.

May 4, 2016

During discussion, Commissioner Long explained how the BCC selects members for various committees and boards, and related that the process has recently changed so that each opening is listed on the website, and the BCC as a whole makes the selection from the applications. In response to query by Mr. Shulman, Attorney Vose confirmed that the language *four County Commission Districts and three At-Large County Commission Districts* referenced in item D is legally clear. Mr. Steck pointed out that the BCC is not required to accept the recommendation of the Redistricting Board, and asked that a clause be added that if the BCC does reject the recommendation, it be required to explain the rejection.

Stating that this item is a prime example of the fiscal impact that actions taken by the CRC can have, Mayor Bradbury recommended incorporating into each amendment how much it would cost the citizens. Attorney Vose indicated that adding the cost, absent an expressed directive in the Charter, could potentially get into the area of *persuasive language*; and that, as a practical matter, if the CRC does decide to put the fiscal impact statements into the amendments, staff needs to get that directive immediately, as he, and probably DM&A, would not be qualified to do the cost analysis; whereupon, Mr. Shulman cautioned that even though this Body has decided to put an amendment on the ballot to include fiscal impact statements, the voters have not yet decided whether they want it and may very well vote it down as it could have a chilling and persuasive effect.

\* \* \* \*

At this time 5:10 P.M., Mr. Shulman left the meeting.

\* \* \* \*

Thereupon, Chairman Olliver pointed out that the CRC has already approved the amendment, and expressed concern about re-litigating issues and changing the substance of what has already been decided. In response to Mayor Bradbury's earlier comment that the members had approved including the three percent district population figure used by the Planning Department, he related that the meaning has been changed by the attorney since the vote was taken, and a discussion on the change would be appropriate. Mr. Harless indicated that he is satisfied with changing the three percent figure to the "as practicable" clause, and does not consider it an effort to change the policy. Mayor Bradbury explained why she would prefer the three percent figure to be included in the language. Attorney Vose reviewed why he made the change, indicating that it would be more favorable to cities such as Pinellas Park; whereupon, in response to query by the Chairman as to whether she would like to add a friendly amendment, Mayor Bradbury indicated her acceptance of the change.

May 4, 2016

Mr. Sewell offered a friendly amendment, seconded by Mr. Harless, that language be added similar to “Technical assistance may be provided by the Supervisor of Elections as necessary,” and Attorney Vose agreed that it would provide clarity for the new board members; whereupon, following discussion, the maker and the seconder of the motion agreed to accept the friendly amendment.

No one appeared in response to the Chairman’s call for citizens wishing to be heard.

Clerk Burke confirmed with Attorney Vose that the item is subject to a majority vote.

Thereupon, upon call for the vote, the motion and the friendly amendment carried 10 to 1, with Commissioner Long casting the dissenting vote.

Initiative Petition (Not on Agenda) – Amendment Language Approved

Attorney Vose read the ballot title and summary for the Initiative Petition, noting that it concerns lowering the signature percentage and expanding the time period for a citizen initiative; and that all the instances have been changed to reflect the eight-percent signature requirement of registered voters and the 240-day time limit to gather the signatures.

Thereupon, Clerk Burke moved, seconded by Mr. Sewell, that the ballot language be approved.

No one appeared in response to the Chairman’s call for citizens wishing to be heard.

Upon call for the vote, the motion carried unanimously.

\* \* \* \*

At this time 5:29 P.M., Mayor Bradbury, Chairman Olliver, and Mr. Sewell left the meeting and Vice-Chairman Steck assumed the gavel.

\* \* \* \*

FINAL REPORT - DISCUSSED

Ms. Meiller-Cook, with input by Attorney Vose and Vice-Chairman Steck, reviewed the latest draft of the Final Report, pointed out recent changes, and answered queries by the members.



May 4, 2016

\* \* \* \*

At this time 5:31 P.M., Chairman Olliver and Mr. Sewell returned to the meeting and Chairman Olliver re-assumed the gavel.

\* \* \* \*

Chairman Olliver asked the members to carefully peruse the document and bring any concerns to the attention of the DM&A staff or Attorney Vose.

#### DATES/TIME/LOCATION

#### CRC TO REMAIN CONSTITUTED

Upon presentation by Chairman Olliver, Mr. Steck moved, seconded by Mr. Sewell and carried unanimously, that the CRC remain constituted until after the election.

#### FORMAT OF PUBLIC HEARINGS - APPROVED

Chairman Olliver noted a consensus for the format of the public hearings as outlined in the agenda memorandum, noting that the meetings would start at 6:00 P.M. and the members would remain as long as there were public comments.

#### REVIEW OF ACTION ITEMS

Chairman Olliver indicated that the next meeting would be held May 18; that the Charter language for the fiscal impact study would be discussed; and that an updated draft of the final report would be reviewed. In response to query by Clerk Burke, Chairman Olliver indicated that action would be taken on the Final Report at the end of the last public hearing.

#### MISCELLANEOUS

Ms. Caron commented for the record that she follows the County on Facebook and filled out and submitted an application to serve on the CRC; that she is a “regular” citizen and has no ties or relationship with anyone on the BCC; and that although she was appointed by Commissioner Seel, she has never met her; whereupon, she indicated that she believes elected officials follow a code of ethics and won’t appoint individuals to boards or commissions to serve their own agendas; and

May 4, 2016

that she finds it discouraging to hear comments implying that a Charter amendment would be necessary to prevent them from doing so.

ADJOURNMENT

Upon motion by Mr. Steck, seconded by Ms. Caron and carried unanimously, the meeting was adjourned at 5:43 P.M.