

Report to the Citizens  
of  
Pinellas County

Draft vers. 1.9

2015-2016 Pinellas County Charter Review Commission

June 2016

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For the complete report (with Appendices) please see the file named Pinellas County 2015-2016 CRC Final Report- Full.PDF.

# SECTION I

## INTRODUCTION

This Report is provided pursuant to Section 6.03 of the Pinellas County Charter (“Charter”) which requires that a Charter Review Commission (CRC) be appointed every eight years to review the Charter and all aspects of Pinellas County’s government on behalf of the citizens of Pinellas County. The CRC is authorized to place proposed amendments and revisions to the Pinellas County Charter on the 2016 general election ballot. Such proposed amendments do not require approval from the Board of County Commissioners (BoCC). As amendments are not required to follow a “single subject” rule, multiple issues may be included in a single ballot question. The CRC may also take action in the form of advisory recommendations and requests or resolutions to the County or other entities.

The purpose of the report is twofold: 1. To provide the BoCC information on current topics of interest and the thought process used by the Charter Review Commission in reaching its decisions to move a topic forward or not; and 2. To provide a historical reference for future charter review commissions. Some topics may continue to reappear before charter review commissions, and the report will provide history and research considered by the current CRC when reaching its decisions.

The 2015-2016 CRC has chosen to place 6 referendum items on the ballot for consideration by Pinellas County voters. This decision was reached after holding 14 commission meetings and after receiving input from county officials, staff, representatives of community organizations, members of the public and other interested parties. Two public hearings were conducted as required by the Charter which resulted in **xxxx xxxx xxxx**.

This report contains a summary of the topics discussed and actions taken by the Charter Review Commission, described in Section IV, Summary of Charter Review Commission Actions.

The CRC consists of 13 members from the following groups of people (as outlined in Section 6.03(a) of the Charter).

- 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.

Robert’s Rules of Order governed the operations of the CRC. However, a policy was adopted requiring a majority-plus-one vote of those CRC members present (with not less than eight affirmative votes) in order for a referendum for a charter amendment to move forward in the process. See Appendices C and D for the 2015-2016 CRC’s operating rules.

## SECTION II

### CRC Members and Staff

<b>Member</b>	<b>Residence</b>	<b>Representing</b>
Dr. James Olliver, Chair	Seminole	Public At-Large
Thomas Steck, Vice Chair	St. Petersburg	Public At-Large
Larry Ahern	St. Petersburg	Pinellas Legislative Delegation
Johnny Bardine	St. Petersburg	Public At-Large
Keisha Bell	St. Petersburg	Public At-Large
Sandra Lee Bradbury	Pinellas Park	Elected City Official
Ken Burke	Seminole	County Constitutional Officer
Ashley Caron	Largo	Public At-Large
Barclay Harless	St. Petersburg	Public At-Large
Janet C. Long	Seminole	County Commissioner
Todd Pressman	Oldsmar	Public At-Large
Dr. James Sewell	St. Petersburg	Public At-Large
Joshua Shulman	St. Petersburg	Public At-Large

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#### **Staff**

Diane Meiller & Associates, Inc. of Orlando, FL, provided consulting and facilitation services.

Sara Brady Public Relations, working with Diane Meiller & Associates, handled media relations.

Wade Vose of Vose Law Firm LLP of Winter Park, FL, served as legal counsel.

Mary Scott Hardwick, Intergovernmental Liaison and the staff of the County Administrator's Office provided research assistance and logistical support.

Meetings of the CRC were recorded and minutes prepared by the staff of the Board Records Department of the Clerk of the Circuit Court.

## SECTION III

### SUMMARY OF CHARTER REVIEW COMMISSION ACTIONS

The Charter Review Commission (CRC) considered the issues identified below during the course of its deliberations. A brief summary of the subject and its disposition are included with each topic.

#### **Topics Reviewed and Recommended for Charter Amendment**

1. Clean Up of Obsolete Charter Provisions Due to Unconstitutionality or Passage of Time: The first topic addressed by the CRC was a review of current language in the Charter which is now obsolete.

Discussion/Research: A presentation was made by Chief Assistant Pinellas County Attorney Jewel White, reviewing several sections of the Charter which have obsolete language.

- a. Two sections of the Charter which had dealt with annexation were challenged and a court of law determined them to be unconstitutional. Both sections are now listed as “Reserved” in the version maintained by Municode.
  - i. Section 2.04(4)
  - ii. Section 2.07
- b. Three sections now obsolete due to passage of time are:
  - i. Section 3.01 Board of County Commissioners- There is no need to continue to state that the board will be “...increased from five commissioners ...” and there is no need to continue to indicate how initial redistricting should be accomplished since both actions have already occurred.
  - ii. Section 5.02(b) Special Laws- This section lists several boards, authorities, districts and councils, some of which have been renamed or no longer exist. Clean up would involve removing reference to Ozona and Palm Harbor from the name of the special fire control district name and removal of the Pinellas Sports Authority which no longer exists.
  - iii. Section 2.04(k) references “civil preparedness” and the CRC feels that the term is outdated and better represented by the use of “emergency preparedness.”

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #6](#)).

2. Selection of CRC Members: Section 6.03 discusses the composition of the Charter Review Commission membership and frequency for convening.

Discussion//Research: The Charter does not cover the geographic representation of the CRC membership. There is a desire to formalize this by adding an amendment to the Charter.

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #5](#)).

3. Selection and Review Process for County Attorney: Section 4.02 discusses the County Attorney and that the County Attorney serves at the pleasure of the Board of County Commissioners. However, although the County Attorney represents the constitutional officers, the constitutional officers do not have any input in the hiring or firing of the County Attorney.

Discussion//Research: The CRC agreed that the Charter should contain language giving constitutional officers a role in the hiring and firing process.

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #4](#)).

4. Redistricting Process: In Pinellas County today, the review of commission district boundaries is tied to the U.S. census results. The census is performed every ten years. When results are received, the County Planning Department, which falls under the responsibility of the County Administrator, evaluates and proposes changes to the districts based upon equal population distribution between districts with an allowable 3% variance. The proposed changes are presented to the Board of County Commissioners which may then accept proposed changes, request modifications to the proposals, or reject any changes.

Discussion//Research: There is a growing trend with regard to the selection of a Citizen Panel for redistricting. With this in mind, the CRC agreed that the Charter should add a section to define the redistricting process utilizing a citizen advisory board/committee to conduct the process.

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #3](#)).

5. Citizens' Charter Initiative: Section 6 of the Charter discusses how charter amendments can be initiated. One method, as described in Section 6.02, is through a petition process requiring signatures of at least 10% of the registered voters gathered in a 180-day period. (Note: There are other requirements relating to the geographic dispersion of signatories.)

Discussion/Research: The Charter Review Commission now only meets once every 8 years, lengthening the time for a citizen to propose a charter topic to the Charter Review Commission. More than half of the charter counties require a lesser percentage (than 10%) of registered voters. Amending the Charter would make the process easier for a citizen to bring a referendum before the electorate. The CRC did discuss the removal of other restrictions associated with the distribution of signatures but decided to leave those restrictions intact.

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #1](#)).

6. Fiscal Impact Analysis: Currently the Pinellas County Charter makes no mention of a fiscal impact analysis tied to proposed amendments to the Charter.

Discussion/Research: Five of the twenty Florida charter counties make some mention of a fiscal impact study associated with charter amendment proposals. In reviewing the language used by the 5 charter counties, the CRC preferred language similar to Broward County's.

Result: A recommended amendment to the Charter is shown in Section IV of this report ([Ballot Proposal and Text Revisions for Question #2](#)).

## Topics Reviewed and Not Recommended for Charter Amendment

1. Term Limits: In Pinellas County, currently, neither the Board of County Commissioners nor the Constitutional Officers are subject to term limits. In 2012, the Florida Supreme Court reversed an earlier decision such that term limits can be imposed on Constitutional Officers.

Discussion/Research: Many members felt that if the electorate were unhappy with an elected official, the official could be voted out of office. This is a fundamental right that the election process provides voting citizens.

Result: The CRC voted unanimously to remove term limits for Constitutional Officers from consideration. A motion for term limits for county commissioners did not have a second.

2. County Charter Dual Vote Provision: Section 6.04 of the Pinellas County Charter encompasses the transfer of services and regulatory powers between municipalities and county.

Discussion/Research: Any change to the transfer of services or regulatory power would require approval at the county electorate level and the electorate of each municipality. Removal of the Dual Vote requirement from the County Charter would also be subject to the Dual Vote requirement.

Result: No amendment is recommended in this area.

3. Selection of CRC Members: This topic was broken down into three parts. A proposed amendment for Part c- Representation, is discussed in the above section "Topics Reviewed and Recommended for Charter Amendment as item #2 (Selection of CRC Members). Parts a and b are discussed below.

- a. Composition of the CRC: The CRC membership includes one County Commissioner, one Constitutional Officer, one elected city official, one member of the Pinellas County Legislative delegation residing in Pinellas County, and 9 members of the public at large, none of whom may be an elected official.

Discussion/Research: A majority of the CRC agreed they favored the current composition of the CRC membership.

Result: No amendment is recommended in this area.

- b. Who selects CRC Members: Comments submitted by the Public around this topic included CRC members being elected by the voters of Pinellas County or by selecting volunteers' names from a hat.

Discussion/Research: All charter counties with a CRC, except one, have their Boards of County Commissioners make the selection.

Result: No amendment is recommended in this area.

4. Protection of Human Rights: A discussion on Section 2.02 was held regarding changing language from “sex” to “gender and sexual orientation” and with consideration for handicapped and pregnancy.

Discussion/Research: The current Pinellas County ordinance 13-21 offers the protections desired.

Result: No amendment is recommended in this area.

5. Consolidation of Public Services: The topic of Consolidation of Public Services was initiated after a citizen raised the concern about the 18 independent fire districts and asked that consideration be given to consolidating them into a countywide fire department.

Discussion/Research: Delivery of Fire Services was considered during the 2010 Charter Review Commission meetings. However, a study on the delivery of Fire/EMS services in Pinellas County already was in process through a consultant and the Legislature’s Office of Program Policy Analysis and Government Accountability. Legal Counsel shared results of a citizen commission in Orange County which undertook a review of Orange County and City of Orlando services with the goal of making recommendations for consolidation if appropriate. The results showed some of the challenges involved with implementing recommendations. (See Appendix G.)

The 2015-2016 CRC agreed that the time necessary to gather the information needed to make an informed decision exceeded the timeframe under which the 2015-2016 CRC was operating.

Result: No amendment is recommended in this area. The CRC does recommend that the County and municipalities work together to develop ways to provide more effective and cost-efficient services to the citizens.

Data should be gathered that would help the cities and Pinellas County make informed decisions to obtain the maximum efficiency and effectiveness, while maintaining quality of public safety services. Among those agencies/responsibilities for which strong consideration for further coordination and cooperation should be closely given are fire/rescue, law enforcement, public safety communications, and ancillary law enforcement services.

6. Recall Provision for Elected Officers: The Pinellas County Charter currently makes no provision for recall of an elected official; 7 Florida charter counties have a provision.

Discussion/Research: County commissioners are already subject to recall by state statute, and constitutional officers can be removed by the governor for malfeasance. Three sections of the Pinellas County Charter (Sections 2.06, 4.03, and 6.04) provide unique protections for the Pinellas County constitutional officers. The three provisions, taken together, imply that any amendment to the Charter affecting the status, duties or responsibilities of the constitutional officers may only be placed on the ballot after referral to and approval by the Florida Legislature. If a recall provision were added to the Charter for constitutional officers, it could invite a lawsuit relating to the interpretation of “status” as used in the charter with respect to the constitutional officers, as discussed in Appendix F.

Result: No amendment is recommended in this area. (See Appendix D for table of Comparison of Counties on Recall Elections.)



7. Partisan/Non-Partisan Elections:

a. Change election of constitutional officers to non-partisan:

Discussion/Research: This topic was discussed during the 2010 Charter Review Commission meetings, specifically pertaining to the Supervisor of Elections office. During this CRC's discussions, election of all constitutional offices was considered. The Pinellas County Charter has particular protections for Constitutional Officers. Changing elections ~~for~~ of Constitutional Officers to non-partisan would likely be considered a change in "status," and would be subject to substantial challenge in light of the protections.

Result: No amendment is recommended in this area. (See Appendix E for table of Comparison of Counties on Partisan/Non-Partisan Elections.)

b. Change election of all municipal offices to partisan:

Discussion/Research: While revision to the County Charter could bring about some changes, it is a policy decision on whether the County Charter should become involved in municipal elections. A proposed amendment also would be subject to the Dual Vote requirement as well as a number of provisions under the Florida Election Law.

Result: No amendment is recommended in this area.

8. Campaigning Restrictions: A proposal to provide some restrictions relating to political campaigning was withdrawn.

Discussion/Research: Currently, campaigning is governed by local ordinances and State voting laws. County-wide enforcement could be difficult.

Result: No amendment is recommended in this area. The CRC does recommend that the County work with the municipalities to evaluate the existing ordinances associated with local campaign signage to develop consistency for when signage can be displayed.

In evaluating the time frame appropriate for the start of displaying campaign signage, it is important to keep in mind that new candidates with little name recognition may benefit from a longer period of time allowed for displaying signage.

9. Pinellas Suncoast Transit Area: A question was raised as to whether the County could create an amendment to have responsibility over the PSTA.

Discussion/Research: The PSTA was created by Special Act approved by a vote of the electors and the Charter has no jurisdiction over the PSTA.

Result: No amendment is recommended in this area.

10. Appointments to Boards, Councils, Committees, and Special Districts: A citizen requested that a provision be added to the Charter concerning appointments to boards, councils, etc. and that the appointments be made by the BoCC as a whole rather than individual commissioner appointments.

Discussion/Research: The legal effect of this provision would be that certain County ordinances would be overridden and they would have to be amended.

Result: No amendment is recommended in this area.

11. Electronic Comment Cards: A citizen requested that a provision be added to the Charter requiring the BoCC to provide a means for Residents to present “Comment Cards” in an electronic format to accommodate citizens who are unable to attend a meeting but wished to be heard.

Discussion/Research: During the 2015-2016 CRC term, the Clerk of Circuit Court and Comptroller implemented a link to a “BCC Board Meeting Agenda Item Comment Card” on his website. Additionally, the CRC felt adding an electronic comment card was a process issue and did not belong in the Charter.

Result: No amendment is recommended in this area. The Commission heard from a number of citizens who spoke at CRC meetings and/or submitted language for potential charter amendments around the idea of providing greater opportunity for citizens to communicate with the BoCC. Ideas ranged from increasing the time allotted to address the BoCC to greater ease on how to submit feedback. We encourage the BoCC to explore and implement creative ideas to improve two-way communication.

12. Appointments Made by County Administrator: A citizen requested that Section 4.01(c) item 1 be amended to more clearly state to which boards, commissions or agencies the County Administrator may not make appointments.

Discussion/Research: The County Administrator makes recommendations to the BoCC for appointments to committees and the BoCC approves the appointments.

Result: No amendment is recommended in this area.

13. Section 2.02 Security Rights of Citizens: A citizen requested the inclusion of a new protection for a citizen or group of citizens that would hold elected officials accountable, approve a grievance process for citizens wishing to bring a justifiable lawsuit against the County, and mandate that the County pay all fees if a case is filed.

Discussion/Result: Concerns were raised that a process as outlined by the proposer could lead to frivolous lawsuits. The Clerk of Circuit Court and Comptroller Office plays the role of ombudsman for the County and could play a role in hearing grievances. If there were an issue concerning violations of the Sunshine Law or Public Records Law, the appropriate venues to address it would be to file suit in court or make a complaint to the State Attorney’s Office.

Result: No amendment is recommended in this area.

14. Non-conforming Properties: Citizen concern was raised that there are 360 structures on property previously zoned for one type of structure, but the zoning has since changed. If the structure were destroyed by flood, fire, or storm, the owner could not rebuild the same type of structure.

Discussion/Research: The Commission provided guidance to the citizen about other avenues to pursue before a charter amendment was considered. After speaking with the County Attorney on the other avenues to handle these situations, the citizen was satisfied and withdrew the proposal.

Result: Withdrawn

15. Move of County Seat: Citizens requested consideration for moving the County Seat to a more central location within Pinellas County.

Discussion/Research: Article VIII, Section 1(k) of the Florida Constitution provides that a county seat may not be moved except as provided by general law. That general law is found in Chapter 138, Fla. Stat., which allows for a petition drive which must be signed by one third of the voters in the county. After a sufficient number of signed petitions are collected, an election is held to decide where the County Seat is to be located. As a result, at this time it appears that a county seat may not be moved by charter amendment.

Result: No amendment is recommended in this area.

16. Procurement Process: Today, Pinellas County has a procurement process which establishes a blackout period when a Request for Proposal has been officially released. The blackout period is an industry practice and its intention is to provide a fair opportunity for all bid respondents. A proposal to add a new section to the Pinellas Charter, effectively modifying the current procurement process for large dollar contracts (those greater than \$250,000), was discussed. The proposal requestor asked that communication be allowed during the bid response period (remove the blackout period) so that any member of the Public, including bid respondents, could discuss the bid with administrative and elected leaders.

Discussion/Research: The charter amendment proposal conflicts with an existing ordinance which addresses this topic and which has been written with due care. Additionally, the practice of establishing a “cone of silence” period is a best practice, making the bid response process a level playing field.

Result: No amendment is recommended in this area.

17. Limit County Commissioners From Serving on Advisory Boards and Commissions:

Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

Result: No amendment is recommended in this area.

18. Increase Amount of Time the Public Can Speak During Public Comment:

Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

Result: No amendment is recommended in this area.

19. Base Pay of County Commissioners:

Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

Result: No amendment is recommended in this area.

20. Require Each County Commissioner to Acknowledge Communications Received from Citizens:

Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

Result: No amendment is recommended in this area.

21. Greater Representation from Unincorporated Pinellas County: This topic covered several areas including a) whether seven (7) members on the BoCC was still an appropriate number; b) a requirement that the BoCC meet monthly to discuss issues impacting unincorporated areas of Pinellas County, c) a requirement that appointments to boards include a citizen from an unincorporated area of Pinellas County; and d) a requirement that a committee of citizens from unincorporated Pinellas County meet regularly with the County Administrator or staff to review and prioritize issues impacting unincorporated areas in Pinellas County.

Discussion/Research: The CRC discussed adding two additional commissioners specifically to represent citizens living in unincorporated Pinellas County. However, after learning that the cost to add two commissioners would be approximately half a million dollars, the CRC chose not to move further.

In speaking to the area of increasing communication with the BoCC, the CRC discussed how citizens in unincorporated areas of Pinellas County are represented by a number of Commissioners. Citizens can contact the commissioner representing their at-large county commission district and the commissioner representing their single-member county commission district. It was also noted that the BoCC has addressed many issues for unincorporated Pinellas County; perhaps there has been insufficient awareness among the Public about what has been accomplished.

Result: No amendment is recommended in this area. However, the CRC suggests that the BoCC increase communications to publicize the work and spending for unincorporated Pinellas County.

22. Reclaimed Water Variance: A citizen expressed a concern about reclaimed water and water rights.

Discussion/Research: After questions were asked by the CRC, the citizen clarified that his intent was solely to bring awareness to the issue of reclaimed water and water rights at any public forum possible.

Result: Withdrawn

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## SECTION IV

### Amendments Approved by the 2015-2016 CRC

### To Be Voted On In The 2016 General Election

- [Lowering Signature Percentage and Expanding Time Period for Petition Drive to Propose County Charter Amendments](#)
- [Financial Impact Statement for Proposed Charter Amendment](#)
- [Creation of County Redistricting Board](#)
- [Selection, Termination, and Annual Review of County Attorney By County Commissioners and Constitutional Officers](#)
- [Charter Review Commission Members Residence Requirements](#)
- [Pinellas Charter Cleanup Amendment](#)

## Ballot Question 1

**A. Ballot Proposal: The ballot title and summary for Question #1 are as follows:**

LOWERING SIGNATURE PERCENTAGE AND EXPANDING  
TIME PERIOD FOR PETITION DRIVE TO PROPOSE COUNTY  
CHARTER AMENDMENTS

Shall the Pinellas County Charter be amended to lower the number of signed petitions necessary to propose an amendment to the Pinellas County Charter from ten (10) percent of the registered voters in the county to eight (8) percent, and to expand the length of time during which petitions can be gathered from 180 days to 240 days?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**B. Text Revisions:** Section 3.04 of the Pinellas County Charter is created to read as follows:

**Sec. 6.02. - Charter initiative.**

- (a) 4) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) ~~ten (10)~~ percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least

forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

- (b) 2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate two hundred forty (240) ~~one hundred eighty (180)~~ days after that date. In the event sufficient signatures are not acquired during that two hundred forty (240) ~~one hundred eighty (180)~~ day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.
- (c) 3) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.



## Ballot Question 2

**A. Ballot Proposal:** The ballot title and summary for Question #2 are as follows:

### FINANCIAL IMPACT STATEMENT FOR PROPOSED CHARTER AMENDMENTS

Shall the Pinellas County Charter be amended to provide that for each proposed charter amendment placed on the ballot, a brief financial impact statement prepared by the county auditor shall be placed after the ballot summary for the amendment, estimating the increase or decrease in revenues or costs to the county resulting from approval of the proposed charter amendment?

☐ Yes

☐ No

**B. Text Revisions:** Section 6.06 of the Pinellas County Charter is created to read as follows:

#### **Sec. 6.06. - Financial impact of proposed County Charter Amendments.**

As to each proposed charter amendment placed on the ballot for approval, the clerk of the circuit court, as county auditor, shall prepare, and the board of county commissioners shall place on the ballot, immediately following the ballot summary, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the county resulting from approval of the proposed charter amendment.

## Ballot Question 3

**A. Ballot Proposal: The ballot title and summary for Question #3 are as follows:**

CREATION OF COUNTY REDISTRICTING BOARD

Shall the Pinellas County Charter be amended to create a County Redistricting Board, appointed by the County Commission every ten years after the Census, to provide advisory recommendations to the County Commission on redrawing county commission districts, and providing parameters for such recommendations, including not favoring political parties or incumbents, not denying racial or language minorities equal opportunity for political participation, and where feasible, consideration of unincorporated areas and municipal boundaries?

☐ Yes

☐ No

**B. Text Revisions: Section 3.04 of the Pinellas County Charter is created to read as follows:**

**Sec. 3.04. - Redistricting.**

(a) After each decennial census, no later than thirty (30) days after the U.S. Census provides redistricting data to the State of Florida pursuant to Public Law 94-171 or its successor, there shall be established a county redistricting board composed of eleven (11) members. The members of such board shall be appointed by the board of county commissioners of Pinellas County from the following groups:

(1) Seven (7) members from the public, each of whom shall be nominated by a commissioner from among the residents of that commissioner's district, and none of whom shall be an elected official;

(2) Four (4) additional members from the public at large, none of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

- (b) No later than thirty (30) days after initial appointment, the county redistricting board shall meet for the purposes of organization. The county redistricting board shall elect a chairman and vice-chairman from among its membership. Further meetings of the board shall be held upon the call of chairman or any three (3) members of the board. All meetings shall be open to the public. A majority of the members of the county redistricting board shall constitute a quorum. The board may adopt other rules for its operations and proceedings as it deems desirable. The members of the board shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.
- (c) Expenses of the county redistricting board shall be verified by a majority vote of the board and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance. The board of county commissioners may accept funds, grants, gifts, and services for the county redistricting board from the state, the government of the United States, or other sources, public or private. Technical assistance may be provided by the Supervisor of Elections as necessary.
- (d) The county redistricting board shall develop one or more proposals for redistricting the four county commission districts and three at-large county commission districts referenced in Section 3.01. In developing the county redistricting board's proposals, no district shall be drawn with the intent to favor or disfavor a political party or an incumbent, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice, and districts shall be contiguous and as nearly equal in population as practicable. Further, in developing its proposals, the county redistricting board shall consider, where feasible, utilizing municipal boundaries and keeping together unincorporated areas of the county.
- (e) No later than one-hundred fifty (150) days after its first meeting, the county redistricting board shall submit a final report containing its redistricting proposals to the board of county commissioners. The proposals of the county redistricting board shall be advisory only, and shall not bind the board of county commissioners. No later than 60 days after submission of the county redistricting board's final report to the board of county commissioners, the board of county commissioners shall adopt a plan for redistricting the four county commission districts and three at-large county commission districts referenced in Section 3.01.

## Ballot Question 4

**A. Ballot Proposal:** The ballot title and summary for Question #4 are as follows:

### SELECTION, TERMINATION, AND ANNUAL REVIEW OF COUNTY ATTORNEY BY COUNTY COMMISSIONERS AND CONSTITUTIONAL OFFICERS

Shall the Pinellas County Charter be amended to provide that the County Attorney shall be selected by, serve at the pleasure of, and be subject to annual review by, a committee consisting of the seven county commissioners and the five county constitutional officers (sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court and comptroller), rather than the board of county commissioners alone?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**B. Text Revisions:** Section 4.02(a) of the Pinellas County Charter is amended to read as follows:

#### **Sec. 4.02. – County attorney.**

- (a) There shall be a county attorney selected by ~~the board of county commissioners~~ a county attorney oversight committee, consisting of the county commissioners and the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court and comptroller, who shall serve at the pleasure of the ~~board~~ county attorney oversight committee. The office of county attorney shall not be under the direction and control of the county administrator but shall instead be responsible directly to the board of county commissioners, and shall be subject to annual review by the county attorney oversight committee. The county attorney as of the effective date of this amendment shall not be subject to the selection provision of this subsection, but shall be subject to all other provisions thereof.
- (b) The county attorney shall be an attorney licensed to practice law in the State of Florida for at least three (3) years. Upon appointment, he shall be employed full time by said county. The county attorney shall employ such assistant county attorneys and special

assistant county attorneys, on either a full-time or part-time basis, as may be necessary, upon approval of the board of county commissioners.

- (c) The office of county attorney shall be responsible for the representation of county government, the board of county commissioners, the county administrator, constitutional officers and all other departments, divisions, regulatory boards and advisory boards of county government in all legal matters relating to their official responsibilities. The office of county attorney shall prosecute and defend all civil actions for and on behalf of county government and shall review all ordinances, resolutions, contracts, bonds and other written instruments.

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## Ballot Question 5

**A. Ballot Proposal:** The ballot title and summary for Question #5 are as follows:

### CHARTER REVIEW COMMISSION MEMBERS RESIDENCE REQUIREMENTS

Shall the Pinellas County Charter be amended to specify that each of the seven county commissioners shall nominate to the Charter Review Commission a member who resides in the commissioner's district?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**B. Text Revisions:** Section 6.03(a) of the Pinellas County Charter is amended to read as follows:

#### **Sec. 6.03. - Charter review commission.**

- (a) Not later than August 1 of the year 2015 and every eight (8) years thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:
- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
  - (2) One (1) constitutional officer;
  - (3) One (1) member from the elected city officials;
  - (4) One (1) member from the elected board of county commissioners;
  - (5) ~~Nine (9)~~ Seven (7) members from the public at large, each of whom shall be nominated by a commissioner from among the residents of that commissioner's district, and none of whom shall be an elected official;
  - (6) Two (2) additional members from the public at large, neither of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

## Ballot Question 6

**A. Ballot Proposal:** The ballot title and summary for Question #6 are as follows:

### PINELLAS CHARTER CLEANUP AMENDMENT

Shall the Pinellas County Charter be amended to remove certain provisions found unconstitutional by court ruling, remove certain transitional provisions that have since occurred, revise certain references to be consistent with Florida Statutes, and remove references to certain organizations that no longer exist?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**B. Text Revisions:** Section 2.04 of the Pinellas County Charter is amended, Section 2.07 of the Pinellas County Charter is deleted, Section 2.08 of the Pinellas County Charter is renumbered as Section 2.07, Section 3.01 of the Pinellas County Charter is amended, and Section 5.02 of the Pinellas County Charter is amended, all to read as follows:

#### **Sec. 2.04. - Special powers of the county.**

The county shall have all special and necessary power to furnish within the various municipalities the services and regulatory authority listed below. When directly concerned with the furnishing of the services and regulatory authority described in this section, county ordinances shall prevail over municipal ordinances, when in conflict. Governmental powers not listed or described in this Charter or granted to the county by general statute or special act shall remain with the municipalities.

- (a) Development and operation of 911 emergency communication system.
- (b) Development and operation of solid waste disposal facilities, exclusive of municipal collection systems.
- (c) Development and operation of regional sewage treatment facilities in accordance with federal law, state law, and existing or future interlocal agreements, exclusive of municipal sewage systems.
- (d) Acquisition, development and control of county-owned parks, buildings, and other county-owned property.

- (e) Development and operation of public health or welfare services or facilities in Pinellas County.
- (f) Operation, development and control of the St. Petersburg-Clearwater International Airport.
- (g) Design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area.
- (h) Design, construction and maintenance of county roads in accordance with law.
- (i) Implementation of regulations and programs for protection of consumers.
- (j) Implementation of animal control regulations and programs.
- (k) Development and implementation of emergency management ~~civil preparedness~~ programs.
- (l) Coordination and implementation of fire protection for the unincorporated areas of the county.
- (m) Operation of motor vehicle inspection facilities, including inspection of auto emissions systems.
- (n) Production and distribution of water, exclusive of municipal water systems and in accordance with existing and future interlocal agreements.
- (o) Implementation of programs for regulation of charitable solicitations.
- (p) All powers necessary to provide municipal services in the unincorporated areas of the county and in accordance with any existing and future interlocal agreement.
- (q) All powers necessary to transfer the functions and powers of any other governmental agency upon approval by the governing body of that agency and the board of county commissioners.
- (r) All power necessary, upon approval of a vote of the electors, to levy a one-mill increase in ad valorem taxes in order to make funds available to be used solely to acquire beachfront and other property to be dedicated as public parks for recreational use. This subsection shall in no manner limit a municipality from levying any such tax under any authorization it might have at this time or may receive in the future.
- (s) Countywide planning authority as provided by special law. In the event of a conflict between a county ordinance adopted pursuant to the county's countywide planning authority as provided by special law and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance;



however, a municipal ordinance shall prevail over a county ordinance in the event a municipal ordinance provides for a less intense land use or a lesser density land use within the corporate boundaries of the municipality than that provided by county ordinance.

~~(t) All powers necessary to establish by ordinance the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, the extent provided by general law.~~

~~(t)(u)~~ Development and operation of countywide mosquito control programs.

~~(u)(v)~~ Development and operation of water and navigation control programs, including: (1) regulating and exercising control over the dredging and filling of all submerged bottom lands in the waters of Pinellas County, together with all islands, sandbars, swamps and overflow lands including sovereignty lands, and regulating and exercising control over the construction of docks, piers, wharves, mooring piles and buoys therein; and (2) performing all things necessary to undertake projects for the construction, maintenance and improvement of portions of the Intracoastal Waterway and other channels within the navigable water of Pinellas County; and (3) undertaking programs for the dredging and maintenance of waterway channels within the incorporated and unincorporated areas of Pinellas County which have become or have been nonnavigable.

#### **~~Sec. 2.07. Annexation.~~**

~~Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that all annexations shall be in accordance with the exclusive method and criteria for voluntary annexation, including the delineation of areas eligible for annexation, adopted by ordinance under the authority elsewhere provided for in this Charter.~~

#### **Sec. 2.07 ~~2.08~~. - Environmental lands.**

#### **Sec. 3.01. - Board of county commissioners.**

The legislative body of county government shall be the Board of County Commissioners. The Board of County Commissioners shall consist of ~~be increased from five commissioners to~~ seven commissioners, with four of the seven commissioners residing one in each of four county commission districts, the districts together covering the entire county and as nearly equal in population as practicable, and each commissioner being nominated and elected only by the qualified electors who reside in the same county commission district as the commissioner, and

with three of the seven commissioners being nominated and elected at large. Each of the three at-large commissioners shall reside one in each of three districts, the three districts together covering the entire county and as nearly equal in population as practicable. ~~Initial redistricting shall be accomplished by the Board of County Commissioners in accordance with Section 1(e) of Article VIII of the Florida Constitution.~~ The election, term of office, and compensation of members shall all be in accordance with general law.

**Sec. 5.02. - Special laws.**

- (b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, ~~Ozona Palm Harbor-Crystal Beach~~ Special Fire Control District, Pinellas County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, Pinellas Park Water Management District, and Pinellas Police Standards Council, ~~and Pinellas Sports Authority.~~