

Pinellas Charter Amendments FAQ

Q. What is the Pinellas County Home Rule Charter?

A. The Pinellas County Home Rule Charter can be thought of as our county's "constitution." It is the legal document that outlines the structure and powers of county government, and defines the Board of County Commissioners as the governing body for the county.

Prior to the adoption of our charter by Pinellas County voters in 1980, the structure, powers and operation of county government was dictated entirely by the state of Florida, just as it is in other non-charter counties today. Adopting the charter allows the public to tailor county government to better address those problems and opportunities unique to Pinellas County.

Q. Why do we say that Pinellas County's charter is "limited?"

A. Unlike 18 other home rule charters throughout Florida, ours is a *limited* home rule charter. Our present charter wasn't written by the people of Pinellas County, but rather by state legislators. As such, our powers are limited. Some of the things other charter counties can address, we can't without asking the state Legislature.

For example, the public cannot consider any charter amendments improving the operation of the county's constitutional officers--the Sheriff, the Clerk of the Circuit Court, the Property Appraiser, Tax Collector and Supervisor of Elections--without their first having been adopted as a Special Act by the Florida Legislature.

Another limitation has to do with the charter's ability to set countywide policy affecting all residents of the county. For example, an amendment allowing the establishment of countywide minimal environmental protection standards must be approved by a dual vote. Although occurring in the same election, the amendment must be approved by voters countywide, as well as those in each municipality affected by the change. It represents an unwieldy, cumbersome process that hampers success at initiating needed countywide improvements that benefit all residents.

Q. Who can change the charter and how often are changes made?

A. Only the voters of Pinellas County can adopt changes to the charter, not the Board of County Commissioners, not the state Legislature nor the Charter Review Commission.

Written into the charter is a provision that a Charter Review Commission (CRC) be appointed by the Board of County Commissioners every six years. There are 13 members of the CRC. They comprise four elected officials and nine citizens-at-large. The elected officials specifically must be: 1) a county commissioner, 2) a constitutional officer, 3) a city commissioner and 4) a member of the legislative delegation. Traditionally, the commission convenes in January and meets for six months. However, under the amendment passed last November, the present Charter Review Commission will reconvene in January 2005 and meet for up to two years to thoroughly examine the Pinellas County Charter. The CRC is an *independent* group of citizens charged with reviewing the operation of county government and the charter, and is answerable only to the voters of Pinellas County. The recommendations of the Charter Review Commission may not be rejected or modified by the Board of County Commissioners. They are presented directly to the voters for their consideration.

Q. How does the commission decide on the recommendations proposed to the voters?

A. Under CRC rules, a recommendation must have the support of a majority-plus-one of all those present. Such a policy helps to guarantee a broad support for a recommendation, before it goes before the electorate for ratification.

Q. What changes did the Charter Review Commission propose in 2004?

A. This year's CRC looked at the office of the County Administrator; accounting, auditing and county finances; parks and recreation; transportation services; annexation and the very process of changing the Pinellas County Charter. It was this last area that gave the present Charter Review Commission great concern. They determined that, because of all the restrictions placed upon Pinellas County voters by this Limited Home Rule Charter, six months wasn't nearly enough time to make effective changes to the charter, so that it could serve as a vibrant, dynamic tool to enable Pinellas County voters to keep up with the times and establish a local government that would be in their best interest as we move into the 21st century.

So, the CRC proposed that five changes be made to the Pinellas County Charter. Four of them are housekeeping changes having to do with the office of the County Administrator and his ability to supervise his staff and maintain department efficiency. In essence, the amendments change the language of the charter to reflect changes already instituted in that office.

The final amendment is perhaps the most important amendment on the list, for it gave the Charter Review Commission more time to thoroughly examine the current charter and work with our citizens,

our municipalities and our elected officials to make our charter better serve the wants and needs of 21st century Pinellas County.

Q. What does the CRC hope to accomplish given more time to meet?

A. Under Amendment 5, the Charter Review Commission will begin to meet in January of 2005. They would examine the present charter and suggest changes; perhaps even to the extent of rewriting it substantially to allow it to better serve the needs of Pinellas County, as 18 other home rule charters do across the state of Florida. Remember, our limited home rule charter was actually written by the state Legislature in 1980. This is a chance for the people of Pinellas County take the lead and bring our governing documents up to speed with today's needs in Pinellas County, and allow for the future to be truly in the hands of our own citizens.

Q. What were the ballot amendments, and what was the voting outcome?

A. Here are five charter amendments that appeared on the November ballot:

#1 BALLOT TITLE: Amends charter to provide for prohibition of County Commission's interference with administration of county government.

BALLOT QUESTION: Shall Article III of the Pinellas County Charter be amended to require that instructions and directives of the Board of County Commissioners and its individual members be issued solely through the County Administrator while allowing Board members to continue with interaction, communication and observation of county government operations?

What this means: The County Administrator would be the only person to give instructions to his staff. County Commissioners could observe and talk with county staff, but any directives would be issued through the County Administrator.

Charter Amendment #1 was approved by the voters.

#2 BALLOT TITLE: Amends charter to designate County Administrator as County Budget Officer.

BALLOT QUESTION: Shall a new section, 4.01(c)(5), be added to the Pinellas County Charter, which would designate the County Administrator as the County Budget Officer?

What this means: This officially puts the County Administrator in charge of the yearly budget for Pinellas County government, a job he already performs.

Charter Amendment #2 was approved by Pinellas County voters

#3 BALLOT TITLE: Amends voting requirement for terminating County Administrator.

BALLOT QUESTION: Shall Section 4.01(a) of the Pinellas County Charter be amended to require, in addition to a single-meeting vote by five members, that any vote to remove the County Administrator by four members of the Board of County Commissioners must occur at two consecutive, regularly scheduled meetings?

What this means: This simply clarifies language in the present charter as to how Commissioners may go about dismissing the County Administrator. It states that the County Administrator may be dismissed by a vote of five commissioners at any one board meeting, or by a vote of four commissioners at any two meetings. The change stipulates that these must be two, consecutive, regularly scheduled meetings.

Charter Amendment #3 was approved by Pinellas County voters

#4 BALLOT TITLE: Change in duties of the County Administrator

BALLOT QUESTION: Subject to the provisions of the county civil service plan, shall Article IV, sec. 4.01(c)(3), be amended to change the duties of the County Administrator by increasing his or her discretion to terminate from employment any employees of the Board of County Commissioners, with or without cause, without the confirmation by that board?

What this means: This gives the County Administrator sole responsibility for hiring or firing exempt (salaried) staff under his authority.

Charter Amendment #4 was rejected by Pinellas County voters

#5 BALLOT TITLE: Amends charter to reconstitute the 2004 Charter Review Commission with an expanded term.

BALLOT QUESTION: Shall a new section 6.05 be added to the Pinellas County Charter which would reconstitute the 2004 Charter Review Commission for a new term from November 8, 2004 through December 1, 2006 with the power to examine county operations and the present charter, conduct necessary studies, consult with municipalities and the present Pinellas County Legislative Delegation and recommend appropriate revisions to the charter for submission to the electorate?

Charter Amendment #5 was approved by Pinellas County voters