



MEMORANDUM

TO: 2016 Pinellas County Charter Review Commission
FROM: Wade C. Vose, Esq., General Counsel
DATE: April 6, 2016
SUBJECT: Draft of Ballot and Charter Language for 3 Proposed Charter Amendments

Pursuant to the Commission's request, this office has prepared for your review draft ballot and charter amendment language relating to three proposed charter amendments considered to date by the Pinellas County Charter Review Commission.

A. Ballot Proposal: The ballot title and summary for Question #1 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.

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- (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.

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

COUNTY COMMISSIONER NOMINATION OF
CHARTER REVIEW COMMISSION MEMBERS
RESIDING IN COMMISSIONER'S DISTRICT

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, none of whom shall be an elected official.

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

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

OVERSIGHT OF COUNTY ATTORNEY BY
COMMITTEE OF COUNTY COMMISSIONERS AND
COUNTY 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 directly responsible to, a committee consisting of the seven county commissioners and the five county officers (sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court), 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, 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~~ county attorney oversight committee.