

**Report to the Citizens
of
Pinellas County**

Pinellas County Charter Review Commission

July 2010

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Introduction

This Report is provided pursuant to Section 6.03 of the Pinellas County Charter (the “Charter”) which requires that a Charter Review Commission (CRC) be appointed every six years to review, on behalf of the citizens of Pinellas County, the Charter and the operations of the county in order to recommend any amendments to the Charter.

The Charter was initially adopted by the county electorate in 1980. Charter Review Commissions in Pinellas County are appointed by the Board of County Commissioners (BCC) every six years. Once constituted, a CRC operates independently of county government.

The CRC consists of 13 members and from the following groups of people:

- 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.

Amendments to the Charter that are proposed by the CRC are not subject to the approval or revision by the Board of County Commissioners and must be placed on the ballot for the consideration of the countywide electorate during the following November general election. Such amendments are not required to follow a “single subject” rule and multiple issues may be included in a single ballot question. The CRC may also take action in the form of advisory recommendations, requests or resolutions to the County or other entities.

While the Charter requires a CRC to be constituted every six years, it is worthy to note that the 2010 CRC was established less than four years after the conclusion of the work of the last CRC.

Following the normal requirements of the Charter, the last Charter Review Commission was appointed by the BCC and had completed its work in 2004. The 2004 CRC considered many issues during the course of their work but had quickly determined that there would not be sufficient time to complete a detailed analysis of the Charter nor build consensus on significant amendments within the six month timeframe specified by the Charter for the CRC to complete its work.

Therefore, in addition to four other amendments, the 2004 CRC recommended (and the voters approved) an amendment to reconstitute the 2004 CRC beginning November 8, 2004 and continuing its existence through December 1, 2006. The amendment specifically provided that the membership of the 2004 CRC would be continued through December of 2006 so as to ensure continuity in terms of knowledge of and progress in analyzing various issues. Nine of the 13 members of the 2004 CRC agreed to serve through 2006.

Among other things, the reconstituted 2006 CRC recommended an amendment that included several changes to Section 6.03 of the Charter concerning future Charter Review Commissions. One provision delayed the appointment of the next CRC beyond 2010 and revised the normal CRC cycle to every eight years so that recommendations for amendments to the Charter (if any) would appear on the Presidential election ballot, when voter turnout is usually higher.

However, that amendment failed to pass in November of 2006 and the Charter reverted to its normal appointment cycle for the CRC. Thus, the 2010 CRC was appointed approximately four years after the conclusion of the efforts in 2006.

Roberts Rules of Order governed the operations of the CRC. However, a policy requiring a majority-plus-one vote of those present (with not less than eight affirmative votes) was adopted by the CRC before a Charter amendment could be adopted and sent to the voters for their consideration.

The members of the 2010 Charter Review Commission are listed below. They devoted over 400 hours of personal time to the CRC process. Members served without compensation.

2010 Pinellas County Charter Review Commission

Member	Residence	Representing
Ronnie Duncan, Chair	Tarpon Springs	Public At-Large
Ricardo Davis, Vice Chair	St. Petersburg	Public At-Large
James Angle	Palm Harbor	Public At-Large
Paul Bedinghaus	Clearwater	Public At-Large
Gerald Figurski	Clearwater	Public At-Large
William Harvard, Jr.	St. Petersburg	Public At-Large
Ed Hooper	Clearwater	Pinellas Legislative Delegation
Melissa Jagger	St. Petersburg	Public At-Large
Deborah Kynes	Dunedin	Public At-Large
Diane Nelson	Clearwater	County Constitutional Officer
Ray Neri	Lealman	Public At-Large
Andy Steingold	Safety Harbor	Elected City Official
Ken Welch	St. Petersburg	County Commissioner

Staff

Kurt Spitzer and Associates, Inc., Tallahassee, provided consulting services. Susan Churuti of Bryant, Miller and Olive, served as legal counsel. Elithia Stanfield, Assistant County Administrator 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.

Overview of Charter Government in Florida and the Pinellas County Charter

The voters in 20¹ of Florida's 67 counties have adopted charter forms of government. Well over 80% of the state's residents live in charter counties. The phenomenon of charters is no longer limited to the moderate to large-sized counties; there is now great diversity in the size of Florida's charter counties, ranging from Miami-Dade with a population of 2.3 million people, to Wakulla with 33,000 people.

Likewise, there is great diversity in terms of structure and service delivery mechanisms in charter counties, ranging from those jurisdictions where the charter prescribes no significant changes for county operations, to those charters where changes have been adopted by the voters that affect the County Officers, the structure of the County Commission and the executive branch, the relationship between the county and its cities, and the rights reserved to the electorate.

The single common thread in all charters is that the electorate is empowered to consider and adopt changes to the structure and powers of the county. Absent the adoption of a charter, the electorate in non-charter counties is bound by a structure and powers that is dictated by the State of Florida, without regard to the complexity of problems confronting the jurisdiction, such as the rate of population growth, density, coordination in the delivery of services, urbanization, demographic diversity, etc.

With a county charter, the opportunity for true home rule at the local level can be fulfilled. The public can change the structure of their county and its service delivery mechanisms, and is better able to consider provisions that can be tailored to address the particular needs of the community.

Charters are the local "constitutions" of the county, establishing the structure of the county government, its relationship to the municipalities and other entities, and the rights reserved to all

¹ Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia and Wakulla.

members of the public throughout the entire county. Unlike municipal charters, all county charters must be adopted by the county electorate, and may likewise be amended, revised or repealed only by the county electorate.

The Pinellas County Charter

Unlike all other county charters in Florida, Pinellas County's Charter² contains measures that limit the voter's direct ability to consider charter amendments. The provisions of the Pinellas Charter are unique in Florida.

In contrast with each of the other 19 county charters in Florida, the Pinellas Charter is best described as a "limited home rule" charter. In terms of the amendatory process, it is the most restrictive in the state in that it is the only charter that contains procedural requirements that were adopted pursuant to provisions or amendments proposed by Special Act of the Legislature that limit or otherwise restrict the public's ability to consider or adopt revisions to the Charter.

- Amendments concerning the County Constitutional Officers may not be presented directly to the voters for their consideration. They must first be adopted as a Special Act by the Florida Legislature and then placed in front of the voters for their consideration. No other Florida charter has such a provision.
- Amendments granting the Board of County Commissioners the authority to set minimal policy standards on a countywide basis (e.g. environmental protection) may be presented directly to the voters but must be adopted by a "dual vote." Although occurring during the same election, the amendment must be approved by the voters countywide and also by the municipal voters in which the policy is to be effective. No other Florida charter has a provision proposed by Special Act that requires a dual vote approval process for amendments authorizing policy standards countywide.

² A copy of the Pinellas County Charter as amended in 2006 is attached as Appendix B.

The Pinellas Charter is one of two (the other being that of Volusia County) charters which were first adopted as a Special Act of the Legislature before being considered by the voters of the county. However, while the approach taken via the Volusia charter was to significantly enhance the home rule powers granted to the county government and citizens, the Special Act proposing the Pinellas Charter included numerous limitations on the amendatory process, requiring that most amendments would first have to be approved by the Legislature as a Special Act before the voters of Pinellas County could consider the proposed revision.

Beginning with the efforts of the 1998 CRC, various amendments have been considered to revise the policy contained in the original Charter; some have eventually been approved by the CRC, Legislative Delegation and the voters.

The 2010 CRC encourages future Review Commissions to continue to examine ways in which the Charter may be revised so as to grant the voters of Pinellas County the same authority to consider charter amendments designed to improve efficiency, structure and service delivery mechanisms as are enjoyed by the electorate in every other charter county in Florida.

Issues Considered in 2010

The Charter Review Commission considered the issues identified below during the course of its deliberations. A brief summary of the subject matter is included with each topic.

1. Non-partisan Elections of the Supervisor of Elections – The CRC considered whether to recommend that the Office of the Supervisor of Elections be elected on a non-partisan basis and without reference to party affiliation. The interest on the part of some members of the CRC was to create a policy in the Charter providing that the chief elections officer of the county was as far removed from “party politics” as is possible. However, the Supervisor of Elections expressed concern that such an amendment might have jeopardized the independent “constitutional” status of the office, although a “savings clause” could have been added to guard against that occurring. The concern of the Supervisor, plus the cumbersome nature of the Charter’s amendatory process as relates to the County Constitutional Officers, caused the CRC to decide against any proposals in this area. No amendments are recommended by the CRC in this area.
2. Fire Services – The CRC reviewed the work of the previous CRC and considered whether to further examine the issue of the delivery of fire/EMS services in Pinellas County. However, new studies in this area were already being conducted by the Legislature’s Office of Program Policy Analysis and Government Accountability, and a consultant for the County. Given the time constraints imposed on the CRC by the Charter, a further review of service delivery mechanisms was not undertaken by the CRC.
3. Policy Concerning Future Charter Review Commissions – The CRC examined the Charter’s policies concerning Charter Review Commissions. A recommended amendment to the Charter is attached hereto in Appendix A that revises four provisions of Section 6.03 of the Charter.

4. Pinellas Planning Council – This policy area concerned the status, structure and authority of the Pinellas Planning Council, including whether the Council should be merged with other entities such as the Metropolitan Planning Organization. A special committee composed of representatives of the Pinellas Planning Council, the Metropolitan Planning Organization and the BCC had been created by the County Administrator to examine the subject of integrating future land use and transportation planning. That committee’s recommendations were to be completed by July 2010 and the CRC therefore took no further action in this area.
5. Single-Member Districts – Whether the districting methodology of the BCC should be changed from electing four Commissioners from single-member districts and three at-large to a system where all seven Commissioners are elected from single member districts. The CRC believes that the current system has worked well, combining the advantages of both at-large and single-member districting systems, and is not in need of revision at this time. No recommendations are made in this area.
6. Term Limits – Whether limitations should be imposed on the number of consecutive times a Commissioner may seek re-election. The CRC believes that such provisions artificially limit the ability of the voter’s to exercise their right to choose their Commissioners. No recommendations are made in this area.
7. Elected Mayor – The CRC devoted two meetings to the question of whether the Executive Branch of the county should be headed by an officer who is directly selected by the voters. Three Florida counties have such systems and there is active interest in establishing such a system in Hillsborough County. While the CRC believes that the subject may be worthy of further examination at some point in the future, no recommendations are made at this time.
8. Sports Authority – Whether to create an independent Sports Authority. However, since the long-dormant Pinellas Sports Authority had recently been abolished, the CRC made no recommendations to recreate a similar organization.

9. Airport Authority – Whether an Airport Authority should be created to coordinate the services and activities of the airports in Pinellas County. No specific problems had been identified that the creation of an independent authority would resolve. Given the complexity of this policy area and the time constraints imposed upon the CRC, no recommendations are made.

10. Repeal and Replacement of the Charter – The CRC considered a recommendation requesting that the Legislature pass a Special Act placing a proposed charter amendment in front of the voters to authorize the consideration of a measure to repeal the current charter and replace it with a revised version. The Charter currently contains no mechanism by which voters may directly consider a ballot question providing for comprehensive revisions or repeal and replacement of the Charter. The recommended Special Act, if adopted by the Legislature and thereafter approved by the electorate, would authorize the consideration of a measure to repeal the Charter and replace it with a new document at some point in the future.

Representatives of municipal governments expressed concerns that the charter drafted to replace the existing charter might not contain the “dual vote” requirements of the current charter. Some members of the CRC expressed similar concerns as relates to the replacement charter’s policy protecting the County Constitutional Officers.

While the goal of authorizing consideration of full home rule for the voters is a laudable policy objective, concerns over the potentially divisive nature of the proposal (especially at a time when economic and environmental problems demand close cooperation between the County and municipal governments) caused the CRC to make no recommendations in this area.

Two measures were considered but were rejected by the CRC. One would have authorized consideration of an amendment to repeal and replace the Charter; that failed by a vote of four to eight. Another measure would have authorized consideration of an amendment to repeal and replace the Charter but did not include the potential repeal of the dual vote policy; that failed by a vote of five to seven.

11. Lobbying Policy – Whether the County Commission should revise its policy on lobbyist registration and reporting, making the process more stringent. A recommendation to the BCC is attached hereto in Appendix A.

Adopted Recommendations

1. Future Charter Review Commissions

RECOMMENDATION: The Charter Review Commission recommends that Section 6.03 of the Charter be amended to implement several changes to improve the operations of Charter Review Commissions in the future. (Adopted by a unanimous vote of the CRC.)

The Charter currently provides that a Charter Review Commission will be constituted every six years to review the operation of county government “on behalf of the citizens of Pinellas County.” The CRC identified several problems relating to the policy on Charter Review Commissions and the charter review process.

- Time Allotted to Complete Work - The Pinellas Charter requires that a CRC be appointed in December and organized not later than the third week in January of the year that their recommendations are to be completed. The work of the CRC must be finished not later than July 31st.

After its initial meeting, electing a Chair and Vice-Chair, selecting staff and being briefed on issues, four to six weeks can easily pass. Conducting hearings on recommendations prior to taking final votes can consume an additional month. Thus, the Charter effectively allows only three to four months of time to actually examine issues, take testimony, develop consensus and prepare recommendations. All other charters in Florida grant CRCs at least one year to complete their work

The CRC recommends that the BCC appoints future Charter Review Commissions not later than August 1st of the year before the general election, thus allowing for an extended period of time to study issues, build consensus and consider proposed amendments.

- Frequency of Convening – The Charter currently provides that a Review Commission will be constituted every six years. The CRC recommends that the review process be transitioned to a cycle that occurs every eight years, primarily so that any recommendations will appear on the Presidential election ballot, when voter turnout is typically higher.

- Public Hearings – The current Charter does not require a CRC to conduct public hearings on its final recommendations. Almost all other county charters have such requirements. The recommended amendment requires future CRCs to conduct at least two public hearings if there are recommendations for amendments or revisions to the Charter.

- Duration – If charter amendments are recommended, the recommendation provides that future CRCs may (at their discretion) remain in existence through the general election so as to be able to respond to questions that may be raised or to assist in providing information concerning its recommendations to the public.

2. County Policy on Lobbying

*RECOMMENDATION: The Charter Review Commission recommends that the Board of County Commissioners amend its policy concerning lobbying registration and reporting.
(Adopted by a unanimous vote of the CRC.)*

The CRC recommends that several changes be adopted concerning the County’s policy on the registration of county lobbyists and the reporting of their activities. The definition of “lobbying” should include any type of contact, including telephone and electronic; forms reporting contact with County Commissioners should be copied and provided to all Commissioners upon filing; and, all lobbyist registration forms and related records should be posted on the county website. The CRC further recommends that penalties for failure to comply with lobbying policy should include being debarred.

Appendix A

RECOMMENDATIONS

Pinellas County Charter Review Commission

Charter Amendment # 1

Future Charter Review Commissions

Section 6.03 of the Pinellas County charter, as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

Sec. 6.03. Charter review commission.

(a) ~~During the month of December, 1985~~Not later than August 1 of the year 2015 and every ~~six~~eight (68) 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:

One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;

One (1) constitutional officer;

One (1) member from the elected city officials;

One (1) member from the elected board of county commissioners;

Nine (9) 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) Each charter review commission shall meet prior to the end of the third week in ~~January 1986~~, August 2015, and every ~~six~~eight (68) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission 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 charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, ~~1986~~2016, and each ~~six~~eight (68) years thereafter in order to coincide with the presidential election cycle. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. If proposed amendments are included in the report, the charter review commission may, at its discretion, remain constituted through the general election. The board of county commissioners shall call a referendum election to be held in conjunction with the ~~1986~~2016 general election and each ~~six~~eight (68) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed

amendment or amendments as submitted in the report of the charter review commission, 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. If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct at least two (2) public hearings on any amendment or revision, at intervals of not less than ten (10) days but not more than twenty-one (21) days, immediately prior to its transmittal of its recommendations to the board of county commissioners. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 2, 2010.

COUNTY CHARTER AMENDMENT

SECTION 6.03

Ballot Title: Requires Hearings For Pinellas Charter Commission, Lengthens Time Between Sessions And Allows Continuation Until Election

BALLOT QUESTION: Shall section 6.03 of the Pinellas County Charter be amended to lengthen time between sessions of the charter review commission from six (6) to eight (8) years to coincide with the presidential election cycle to allow it to remain constituted through the general election and require at least two (2) public hearings prior to its transmittal of its recommendations to the board of county commissioners?

YES

NO

Recommendation Regarding Pinellas County Lobbying Ordinance

Charter Review Commission Recommendation

After reviewing Pinellas County's ordinances relating to lobbyist registration as well as the lobbyist registration form, the charter review commission makes the following recommendations for amendments:

1. That the definition of lobbying be amended to include any kind of contact, including telephone, and electronic contact. Chapter 112 definitions of "lobbyist" could provide guidance.
2. Any registration forms completed by a lobbyist and any records provided should be copied by the Clerk to each county commissioner upon filing, so that commissioners are aware of what lobbying activity is taking place in the county.
3. All lobbyist registration forms completed by a lobbyist and any records provided should be available on the county's website.
4. Debarment of lobbyists should be an available remedy for failure to comply with the ordinance.

Appendix B

PINELLAS COUNTY CHARTER



Find in this document

PART I PINELLAS COUNTY CHARTER*

*** Editors Note:** Printed herein is the county's charter, being Laws of Fla. ch. 80-590, § 1. The charter was effective upon approval at referendum. The charter was approved at an election held on Oct. 7, 1980. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Preamble

Article I. Creation of Government

- Sec. 1.01. Body corporate.
- Sec. 1.02. Name and county seat.

Article II. Powers and Duties of the County

- Sec. 2.01. Powers and duties.
- Sec. 2.02. Security of rights of citizens.
- Sec. 2.03. Exercise of powers.
- Sec. 2.04. Special powers of the county.
- Sec. 2.05. Contractual services and transfer of contractual services.
- Sec. 2.06. Limitation of powers.
- Sec. 2.07. Annexation.

Article III. Legislative Branch

- Sec. 3.01. Board of county commissioners.
- Sec. 3.02. Enactment of ordinances and resolutions.

Article IV. Administration of County Government

- Sec. 4.01. County administrator.
- Sec. 4.02. County attorney.
- Sec. 4.03. County officers.

Article V. General Provisions

Sec. 5.01. Effect on local county laws.
Sec. 5.02. Special laws.

Article VI. Charter Amendments

Sec. 6.01. Proposed by county.
Sec. 6.02. Charter initiative.
Sec. 6.03. Charter review commission.
Sec. 6.04. [Placement on ballot.]

Article VII. Severability

[Sec. 7.01. Provisions severable.]

Article VIII. Transition Provisions

Sec. 8.01. Proceedings continued.
Sec. 8.02. Outstanding bonds.

PREAMBLE

Whereas, the board of county commissioners of Pinellas County, Florida, presently derives its legal authority from a combination of general laws, general laws of local application which apply only to Pinellas County, and special laws, all of which emanate from the Legislature of the State of Florida, and

Whereas, under this legal framework the powers, duties and responsibilities of the board of county commissioners are difficult, if not impossible to define, and

Whereas, the only legal method available to the board of county commissioners to define its powers, duties, and responsibilities under the Constitution of the State of Florida is the adoption of a Home Rule Charter, and

Whereas, the board of county commissioners believes that such a charter should be conceived in the interest of cooperation with the municipalities and other governmental units of this county, with the integrity of the rights of the municipalities guaranteed.

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ARTICLE I.

CREATION OF GOVERNMENT

Sec. 1.01. Body corporate.

Pinellas County shall be a body corporate and politic, and shall have all rights and powers of local self-government which are now or may hereafter be provided by the constitution and laws of Florida and this Charter and as such may contract and be contracted with, and may sue and be sued and be impleaded in all the courts of this state and in all matters whatsoever.

Sec. 1.02. Name and county seat.

The corporate name shall be Pinellas County, hereinafter referred to as the county. Said name shall be so designated in all legal actions or proceedings involving the county. The county seat shall be that presently designated by law.

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ARTICLE II.

POWERS AND DUTIES OF THE COUNTY

Sec. 2.01. Powers and duties.

The county shall have all powers of local self-government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter.

In the event of a conflict between a county ordinance and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance when general law provides that a county ordinance shall prevail over a municipal ordinance, or when it concerns a power of local county government lawfully and constitutionally enacted by special law at the time of the adoption of this Charter, except that the county shall not hereafter amend such special law or laws to increase or expand the county's power, jurisdiction, or services over the municipalities or their powers or services. The county ordinance shall prevail over the municipal ordinance when a special law enacted subsequent to the adoption of this Charter and approved by a vote of the electorate provides that a county ordinance shall prevail over a municipal ordinance or when the county is delegated special powers within an area of governmental service enumerated in this Charter. In all other cases where a county ordinance conflicts with a municipal ordinance, the municipal ordinance shall prevail.

Sec. 2.02. Security of rights of citizens.

In order to secure protection to the citizens of the county against abuses and encroachments, the county shall use its powers, whenever appropriate, to provide by ordinance or to seek remedy by civil or criminal action for the following:

- (a) *Prohibition of conflict of interest.* The board of county commissioners shall enact a conflict of interest ordinance pertaining to all elected officials, appointed officials, and all employees of said officials of Pinellas County government, within ninety (90) days after the effective date of the Charter. By said ordinance the board shall be empowered to institute procedures by which any such official may be removed from office, except for those officers for which removal is provided under the state constitution.
- (b) *Just and equitable taxation while recognizing other local governments' jurisdictions to set their own millage.* The grant of the powers contained herein shall not be construed in any way to allow the county to claim any portion of any city's ten-mill taxing power.
- (c) [*Public property.*] Proper use of public property belonging to Pinellas County government.
- (d) [*Public records.*] Full access to public records and proceedings of Pinellas County government.
- (e) *Protection of human rights.* The county shall establish provisions, pursuant to state and federal law, for protection of human rights from discrimination based upon religion, political affiliation, race, color, age, sex, or national origin by providing and ensuring equal rights and opportunities for all people of Pinellas County.
- (f) *Protection of consumer rights.* The county shall establish provisions for the protection of consumers.

Sec. 2.03. Exercise of powers.

All powers of the county shall be exercised in accordance with this Charter; or, if the Charter contains no provision for execution, then by ordinance, resolution or action of the board of county commissioners.

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 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, to the extent provided by general law.

(Laws of Fla. ch. 88-458, § 1; Res. No. 88-496, 12-6-88; Ord. No. 00-66, § 2, 8-22-00)

Editors Note: Laws of Fla. ch. 88-458, and Res. No. 88-496, adding subsection (s), were approved by referendum Nov. 8, 1988. Ord. No. 00-66, adding subsection (t), was approved by referendum Nov. 7, 2000.

Sec. 2.05. Contractual services and transfer of contractual services.

Additional services may be furnished within the municipalities when the county is requested to do so by a majority vote of the governing body of the municipality and is so authorized by a majority vote of the board of county commissioners.

Sec. 2.06. Limitation of powers.

The county shall not have the power, under any circumstances, to abolish any municipality or in any manner to change the status, duties, or responsibilities of the county officers specified in section 1(d), art. VIII of the state constitution. The county shall exercise its powers to ensure that property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas, nor shall property situate in unincorporated areas be subject to taxation for services provided by the county exclusively for the property or residents within municipalities, all in accordance with the laws of the State of Florida and the Constitution of the State of Florida as they now provide or as they may be amended from time to time.

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 municipal annexation, including the delineation of areas eligible for annexation, adopted by ordinance under the authority elsewhere provided for in this Charter.

(Ord. No. 00-66, § 3, 8-22-00)

Editors Note: Ord. No. 00-66 was approved by referendum Nov. 7, 2000.

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ARTICLE III.

LEGISLATIVE BRANCH

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 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.

(Laws of Fla. ch. 99-472, § 1)

Editors Note: The changes authorized by Laws of Fla. ch. 99-472 were approved by referendum Nov. 2, 1999.

Sec. 3.02. Enactment of ordinances and resolutions.

All ordinances and resolutions shall be passed by an affirmative vote of a majority of the members of the board of county commissioners voting, in accordance with the procedures established by general law.

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ARTICLE IV.

ADMINISTRATION OF COUNTY GOVERNMENT

Sec. 4.01. County administrator.

(a) There shall be a county administrator selected and appointed by the affirmative vote of five (5) members of the board of county commissioners, who shall serve until such time as he shall be removed either by a vote for removal of four (4) members of the board of county commissioners voting for removal in two (2) separate meetings of the board, spaced not less than two (2) weeks apart, or by a vote of removal of five (5) members of the board of county commissioners.

(b) The county administrator shall be a full-time position. He shall serve at the pleasure of the board of county commissioners and shall be appointed solely on the basis of his executive and administrative qualifications.

(c) The county administrator shall have the following duties:

(1) To administer and carry out the directives and policies issued to him by the board of county commissioners, acting as an official body, except that he shall not be directed or given authority to make appointments of members to any county boards, commissions or agencies.

(2) Subject to the provisions of county merit or civil service plans, to select and employ personnel to fill all vacancies, positions or employment after the board of county commissioners has authorized that such vacancies, positions or employment be filled. Employment of persons in unclassified positions shall be subject to confirmation by the board of county commissioners.

(3) To supervise all departments, department heads and employees of the board of county commissioners and, in his discretion, to terminate for cause the employment of any employees of the board of county commissioners. Termination of persons in unclassified positions shall be subject to confirmation by the board of county commissioners.

(4) After policy has been established by the board of county commissioners, to supervise all aspects of carrying into effect such policy to its completion. He shall thereupon report or order a full report to the board of county commissioners of the action taken upon such policy and directives of the board of county commissioners.

(5) To perform such other duties as may be required of him by the board of county commissioners, acting as an official body, or by this Charter.

(Ord. No. 00-69, § 2, 9-12-00)

Editors Note: Ord. No. 00-69, amending subsection (a), was approved by referendum Nov. 7, 2000.

Sec. 4.02. County attorney.

(a) There shall be a county attorney selected by the board of county commissioners who shall serve at the pleasure of the board. 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.

(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.

Sec. 4.03. County officers.

This document [Charter] shall in no manner change the status, duties, or responsibilities of the [following] county officers of Pinellas County:

The clerk of the circuit court, property appraiser, tax collector, sheriff, and supervisor of elections.

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ARTICLE V.

GENERAL PROVISIONS

Sec. 5.01. Effect on local county laws.

All existing laws, ordinances, resolutions, rules, regulations, and policies of the county shall remain operative except where inconsistent or in direct conflict with this Charter, until amended or repealed by the board of county commissioners.

Sec. 5.02. Special laws.

(a) Special laws of the State of Florida relating to or affecting Pinellas County and general laws of local application which apply only to Pinellas County, except those laws relating exclusively to a municipality, the school board or one of the boards, authorities, districts or councils listed in subsection (b) and except those laws dealing with saltwater fishing, wetlands, aquatic preserves, or bird sanctuaries, shall become county ordinances of Pinellas County and shall remain in full force and effect to the extent they are not in conflict with this Charter, subject to amendment or repeal by the board of county commissioners.

(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, Mosquito Control District of Pinellas County, 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 County Water and Navigation Control Authority, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

(c) In order to provide government which is responsive to the people, the powers granted by this Charter shall be construed liberally in favor of the county government, except in those areas where jurisdiction is granted to, or reserved to, the municipalities. This Charter shall not be construed to authorize or grant power to county government to perform services within the various municipalities beyond those specifically enumerated in this Charter. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific powers of the government.

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ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter. Any such amendment shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment, shall be published 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.

Sec. 6.02. Charter initiative.

1) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least 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.

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 one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that 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.

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.

(Amd. of 11-03-98; Ord. No. 00-68, § 2, 9-12-00)

Editors Note: Ord. No. 00-68, amending subsection 1), was approved by referendum Nov. 7, 2000.

Sec. 6.03. Charter review commission.

(a) During the month of December, 1985 and every six (6) 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) 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) Each charter review commission shall meet prior to the end of the third week in January 1986, and every six (6) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission 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 charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each six (6) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter review commission, 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.

Editors Note: Amendments to § 6.03 were approved at referendum in Nov. 1984.
(Amd. of 11-3-98)

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee. Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

(Laws of Fla. ch. 99-451, § 1)

Editors Note: The additions authorized by Laws of Fla. ch. 99-451 were approved by referendum Nov. 2, 1999.

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ARTICLE VII.

SEVERABILITY

[Sec. 7.01. Provisions severable.]

If any article, section, subsection, sentence, clause, or provision of this Charter is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Charter.

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ARTICLE VIII .**TRANSITION PROVISIONS****Sec. 8.01. Proceedings continued.**

All petitions, hearings and other proceedings pending before any office, officer, department or board on the effective date of this Charter shall be continued and completed under Charter government.

Sec. 8.02. Outstanding bonds.

All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall continue to be obligations of the county.

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Appendix C

MEETING AGENDAS and MINUTES

AGENDA

Pinellas County Charter Review Commission
Orientation Session
Monday, December 7, 2009
Swisher Building
509 S. East Avenue, Clearwater

- I. Welcome
 - Calvin D. Harris, Chair Pinellas County Board of County Commission
 - Karen W. Seel, Vice Chair Pinellas County Board of County Commission
- II. Introductions
 - a. Members of the Charter Review Commission
 - b. County Staff
 - Robert S. LaSala, County Administrator
 - James L. Bennett, County Attorney
 - Elithia V. Stanfield, Assistant County Administrator
 - c. Special Counsel to the County – Sarah M. Bleakley
- III. Role, Scope, and Process of the Pinellas County Charter Review Commission
 - a. Independence
 - b. Restraints
 - c. Florida Sunshine Law
- IV. Charter Counties
 - a. Charter Counties Generally
 - b. Pinellas County Charter
- V. First Meeting in January - Tentative Agenda
 - a. Elect Chair and Vice Chair
 - b. Develop/Adopt Operating Guidelines
 - c. Select Charter Consultant and Charter Legal Counsel
 - d. Set Future Meeting Dates
- VI. Next Meeting Date
- VII. Open Discussion
- VIII. Adjournment

Clearwater, Florida, December 7, 2009

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building Conference Room, Room 210, 509 South East Avenue, Clearwater, at 5:36 P.M. on this date with the following members in attendance:

Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
Andy Steingold, City of Safety Harbor Mayor
James Angle
Paul Bedinghaus
Ricardo Davis
Ronnie E. Duncan
Gerald A. Figurski
William B. Harvard, Jr.
Raymond H. Neri

Not Present:

Ed Hooper, State Representative
Melissa B. Jagger
Deborah Kynes

Also Present:

Calvin D. Harris, Chairman, Board of County Commissioners
Karen Williams Seel, Vice-Chairman, Board of County Commissioners
James L. Bennett, County Attorney
Robert S. LaSala, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Sarah M. Bleakley, Esq., Nabors Giblin & Nickerson
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Introductions
 - a. Members of the Charter Review Commission
 - b. County Staff
 - c. Special Counsel to the County – Sarah M. Bleakley

- III. Role, Scope, and Process of the Pinellas County Charter Review Commission
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WELCOME

Board of County Commissioners (BCC) Chairman Calvin D. Harris called the meeting to order at 5:36 P.M., welcomed the members and thanked them for their willingness to serve the citizens of Pinellas County, and offered the support of County staff and resources to assist them in carrying out their responsibilities; whereupon, he introduced incoming BCC Chairman Karen Williams Seel, who echoed his sentiments and noted that the CRC is an independent body with the ability to determine its own agenda and place items on the ballot as it sees fit.

INTRODUCTIONS

Sarah M. Bleakley, Esquire, Nabors Giblin & Nickerson, indicated that she will serve as interim CRC Counsel and act as Chair for today’s orientation and the first meeting in January 2010. Following self-introduction of the members, County Administrator Robert S. LaSala, County Attorney James L. Bennett, and Assistant County Administrator Elithia V. Stanfield introduced themselves and provided brief comments; whereupon, Ms. Stanfield noted that a video recording of today’s meeting will be provided to the three CRC members who were unable to attend.

ROLE, SCOPE, AND PROCESS OF THE PINELLAS COUNTY CRC

Ms. Bleakley conducted a PowerPoint presentation titled *Government in a Fishbowl*, a copy of which has been filed and made a part of the record, and discussed the Florida Sunshine and Public Records Laws and their applicability to the CRC; whereupon, she cautioned the members that sanctions for violation of the Sunshine Law and conflicts of interest can be severe, and urged them to contact her with any questions or concerns.

CHARTER COUNTIES

Ms. Bleakley distributed copies of the Pinellas County Charter and Article VIII, Local Government, of the Florida Constitution; whereupon, referring to a PowerPoint presentation titled *Charter County Government*, a copy of which has been filed and made a part of the record, she reviewed the following background information:

- Description of a county
- County power prior to the 1968 Florida Constitution
- Charter and non-charter powers after the 1968 Constitution
- Distinctions between charter and non-charter counties
- Establishment of a charter county, its governing body and Constitutional Officers
- The Pinellas County Charter
 - Article I - Charter Creation and Structure
 - Article II - Powers and Duties of the County
 - Article III – Pinellas County Legislative Branch
 - Article IV – Pinellas County Administration
 - Article V – Effect of the Pinellas County Charter

Thereupon, referring to Article VI, Ms. Bleakley reviewed provisions of the Pinellas County Charter pertaining to the CRC, including the following:

- convenes every six years
- consists of 13 members appointed by the BCC, a mixture of elected- and non-elected officials and members of the public at large
- required to meet by the end of the third week of January to elect a Chair and Vice-Chair and establish rules
- must submit a report to the citizens by July 31, including any proposed Charter amendments and ballot questions, which are subject to voter approval in the November General Election
- subject to certain Constitutional restraints and Charter limitations

During discussion and responding to queries and comments by Mayor Steingold and Commissioner Welch, Ms. Bleakley indicated that the CRC members have the ability to request whatever background information they would like to review, including Charters from other counties throughout Florida and the United States; that Palm Beach and Broward Counties are most similar to Pinellas, in that they contain numerous municipalities; that the highly populated Jacksonville/Duval area has consolidated its municipalities and county into one government; that a transfer of powers is an alternative to consolidation; and that either would require a dual-referendum, as provided for in the Charter, or a special act of the Legislature.

In response to queries by Mayor Steingold and Mr. Neri, Ms. Bleakley indicated that the CRC can address the issues of consolidation of the Pinellas Planning Council and Metropolitan Planning Organization, as proposed by State Representative Rick Kriseman, and annexation of the unincorporated area by the cities; and suggested that the CRC request its legal council to prepare memoranda on those and other issues of interest.

Responding to queries by Commissioner Welch, Ms. Stanfield related that the 2004 CRC had requested an extension of the time frame in which to complete its work; that the voters had granted an extension until December 2006; and that the reports and recommendations of the two Commissions are still available on the County website. Ms. Bleakley indicated that staff will provide the CRC members with copies of the reports, along with a summary prepared by Ms. Stanfield and a list of the policies and procedures adopted by the Commission.

* * * *

Mayor Steingold left the meeting at 6:48 P.M.

* * * *

Responding to queries by Mr. Neri, Mr. Angle provided input regarding discussions held by the previous CRC pertaining to consolidation of fire services within the County; and noted that the County is currently conducting a study of the Emergency Medical Services (EMS) and fire system; and that the state Office of Program Policy Analysis and Government Accountability (OPPAGA) is also conducting a study; whereupon, Mr. LaSala related that the County's EMS study will not be completed and presented to the BCC until the fall of 2010, and Ms. Stanfield indicated that the OPPAGA study is scheduled for release in January 2010.

Noting that much has happened in the County since the CRC last met, Mr. Duncan suggested that the Constitutional Officers, County Administrator, and the Courts be given the opportunity to address the Commission regarding any burning issues they may be aware of.

Discussion ensued regarding ways to solicit public input, and responding to queries by the members, Mr. LaSala suggested that the CRC could offer a webinar or invite the public to identify Charter-related issues via the County website. He indicated that distributing a printed notice with utility bills would not be timely, nor would it reach residents not served by Pinellas County Utilities. In response to comments by Mr. Davis, Ms. Bleakley indicated that the CRC could pursue a Charter amendment stipulating that public input be solicited six months prior to the convening of each CRC; and responding to query by Ms. Nelson, Commissioner Welch indicated that over 100 people had attended each of the three public forum meetings pertaining to the Fiscal Year 2010 budget. Following additional discussion, Commissioner Welch directed that County staff set up a web site for the CRC and incorporate a means for the public to provide input and suggestions, similar to the format used during the budget process, and no objections were noted; however, Mr. Duncan pointed out the need for a communication strategy to inform the public of its availability.

FIRST MEETING IN JANUARY – TENTATIVE AGENDA

Ms. Bleakley reviewed the tentative agenda for the first CRC meeting in January 2010, noting that the Commission must elect a Chair and Vice-Chair, set its operating guidelines, and select a Charter consultant and legal counsel.

Distributing a document titled *Charter Review Commission Timetable*, a copy of which has been filed and made a part of the record, Ms. Stanfield indicated that members of the previous CRC had expressed the opinion that the County had controlled the process; and that, as an independent body, it would be appropriate for the CRC to select its own support staff. She related that, in the interest of time, the County had issued requests for proposals (RFPs) to provide consultant and legal services, with the intention of identifying the top three candidates in each category for interview and selection by the Commissioners; that the RFP deadline has passed for consultants, with only two proposals having been received; and that proposals for legal services are due tomorrow.

Following discussion, it was the consensus of the members that both consultant candidates and the three top ranking legal firms be invited to attend the next meeting for

December 7, 2009

interview and selection by the CRC as a whole; and at the request of Mr. Angle, Ms. Stanfield agreed to provide the Commissioners with copies of the proposals prior to the meeting.

In response to query by Mr. Bedinghaus, Ms. Stanfield explained that the consultant will serve as the CRC's executive director, organizing the meetings, ensuring that requested information is provided to the members, arranging for any special presentations, and acting as liaison for communication among the CRC members and staff. Referring to Sunshine Law restrictions, Mr. Duncan cautioned the members against conversations with consultant or legal candidates during the procurement process.

NEXT MEETING DATE

Following discussion, the next meeting of the CRC was scheduled to be held on Tuesday, January 5, 2010, at 4:00 P.M. in the Swisher Building Conference Room, with a second meeting scheduled for Monday, January 25; whereupon, the members considered various locations as potential future meeting sites, including the Tax Collector's Mid-County Office in Largo.

OPEN DISCUSSION

Mr. Figurski suggested that County Administrator LaSala or a municipal representative attend the next meeting to brief the members regarding major issues that exist, and Mr. Duncan concurred, reiterating his request to hear from the Constitutional Officers; whereupon, Ms. Bleakley suggested that the Constitutional Officers be invited to provide input at the next meeting; that time be allowed at each meeting for limited public comment; and that, in light of the full agenda on January 5, County and city officials be invited to address the CRC at the January 25 meeting.

Mr. Bedinghaus inquired as to the role of the Chair of the CRC, and asked if any of the members wished to express an interest in either the Chair or Vice-Chair position. In response, Ms. Bleakley stated that it is the Constitutional duty of the Chair to set the meetings, and that he/she will work with the consultant to make sure that things run smoothly, that the members' views can be heard, and that decisions can be reached. Discussion ensued, and Messrs. Davis and Duncan expressed their willingness to serve as Chair and Vice-Chair, respectively.

December 7, 2009

At the request of Mr. Bedinghaus, Ms. Bleakley agreed to provide the members with copies of the rules established by the previous CRC, as well as the 2004 and 2006 CRC reports and summary information, as discussed earlier in the meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:23 P.M.

AGENDA
Pinellas County Charter Review Commission
Tuesday, January 5, 2010 -- 4:00 p.m.
Swisher Building – Room 211
509 East Avenue, Clearwater

- I. Welcome
- II. Introduction of CRC Members not in attendance at December 7th meeting
- III. Approval of the Minutes of the December 7th meeting – Attached p. 2
- IV. Election of Chair and Vice Chair – Material p. 23
- V. Presentations by County Constitutional Officers
 - A. Ken Burke, Clerk of Courts
 - B. Deborah Clark, Supervisor of Elections
 - C. James F. Coats, Sheriff
 - D. Pam Dubov, Property Appraiser
 - E. Diane G. Nelson, Tax Collector
- VI. Consideration of Rules of the Charter Review Commission
 - A. Charter provisions – Material p. 24
 - B. Options
 - 2004 and 2006 Pinellas
 - 2009 Alachua – Material p. 25
 - Others
- VII. **Time Certain: 5:30 PM** - Consideration of Hiring Consultant and Legal Counsel, Material previously distributed
 - A. Presentations by Consultant Candidates
 - 1. Kurt Spitzer and Associates
 - 2. Southern Strategy Group
 - B. Presentations by Legal Counsel Candidates
 - 1. Bryant Miller Olive P.A.
 - 2. Cobb Cole
 - 3. Macfarlane Ferguson & McMullen, P.A.
- VIII. Website update
- X. Open Discussion - CRC members
- XI. Set Tentative Agenda for January 25, 2010 meeting
 - A. Issues from County
 - B. Issues from Judiciary
 - C. Recap of 2004 and 2006 –Material p. 28
- XII. Set Future Meeting Dates
- XIII. Adjournment

Clearwater, Florida, January 5, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building Conference Room, Room 210, 509 South East Avenue, Clearwater, at 5:36 P.M. on this date with the following members in attendance:

Ed Hooper, State Representative
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
Andy Steingold, City of Safety Harbor Mayor
James Angle
Ricardo Davis
Ronnie E. Duncan
Gerald A. Figurski
William B. Harvard, Jr.
Deborah Kynes
Melissa B. Jagger
Raymond H. Neri

Late Arrival:

Paul Bedinghaus

Also Present:

James L. Bennett, County Attorney
Elithia V. Stanfield, Assistant County Administrator
Sarah M. Bleakley, Esq., Nabors Giblin & Nickerson
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Introduction of CRC members not in attendance at the December 7 meeting
- III. Approval of the Minutes of the December 7 meeting
- IV. Election of Chairman and Vice-Chairman
- V. Presentations by County Constitutional Officers
 - A. Ken Burke, Clerk of Courts

January 5, 2010

- B. Deborah Clark, Supervisor of Elections
 - C. James F. Coats, Sheriff
 - D. Pam Dubov, Property Appraiser
 - E. Diane G. Nelson, Tax Collector
- VI. Consideration of Rules of the Charter Review Commission
- A. Charter Provisions
 - B. Options
 - 2004 and 2006 Pinellas
 - 2009 Alachua
 - Others
- VII. Time Certain: 5:30 PM – Consideration of Hiring Consultant and Legal Counsel
- A. Presentations by Consultant Candidates
 - 1. Kurt Spitzer and Associates
 - 2. Southern Strategy Group
 - B. Presentations by Legal Counsel Candidates
 - 1. Bryant Miller Olive, P.A.
 - 2. Cobb Cole
 - 3. Macfarlane Ferguson & McMullen, P.A.
- VIII. Website Update
- IX. Open Discussion – CRC members
- X. Set Tentative Agenda for January 25, 2010 meeting
- A. Issues from County
 - B. Issues from Judiciary
 - C. Recap of 2004 and 2006
- XI. Set Future Meeting Dates
- XII. Adjournment

WELCOME

Sarah M. Bleakley, Esquire, Nabors Giblin & Nickerson, called the meeting to order at 4:01 P.M. and welcomed those in attendance; whereupon, she announced that she would be acting as facilitator of today's meeting until the election of a Chairman and Vice-Chairman.

INTRODUCTIONS

At the request of Ms. Bleakley, CRC members Deborah Kynes, Ed Hooper, and Melissa Jagger introduced themselves, indicating that they had been unable to attend the December 7, 2009 meeting.

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ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Deviating from the agenda, Ms. Bleakley called for nominations for the position of Chairman; whereupon, upon nomination by Commissioner Welch, seconded by Mr. Neri and carried, Ronnie E. Duncan was elected Chairman of the 2010 CRC (Vote 12-0).

Assuming the gavel, Chairman Duncan called for nominations for the position of Vice-Chairman; and upon nomination by Mr. Angle, seconded by Commissioner Welch, Ricardo Davis was elected to serve as Vice-Chairman (Vote 12-0).

MINUTES OF THE MEETING OF DECEMBER 7, 2009 – APPROVED

Chairman Duncan presented the minutes of the meeting of December 7, 2009; and upon motion by Mr. Figurski, seconded by Mayor Steingold and carried, the minutes were approved as submitted (Vote 12-0).

PRESENTATIONS BY COUNTY CONSTITUTIONAL OFFICERS

Ken Burke, Clerk of the Circuit Court

Mr. Burke thanked the members for their service to the citizens of Pinellas County; whereupon, he indicated that he had met with the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser; and that the majority of his comments represent the shared concerns of the Constitutional Officers pertaining to the Charter Review process. Noting that Supervisor of Elections Deborah Clark was unable to attend today's meeting due to a scheduling conflict, he extended her regards and apology to the members.

Mr. Burke related that the over-riding concern expressed by the Constitutional Officers is that, on any issue involving any of their responsibilities, they be given a fair chance to be heard with proper warning and opportunity to give testimony before the Commission. Other items of concern include the following:

- Do no harm; do not fix what is not broken. While there is always room for improvement, the system with the Constitutional Officers works well in Pinellas County.

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- ▶ The independence of the Constitutional Officers ensures a checks-and-balance system, and they feel strongly that it should not be compromised. The Clerk's Board Records Department, for example, serves the CRC and the Board of County Commissioners (BCC) by recording and retaining the records of their proceedings.
- ▶ The Constitutional Officers strongly believe that the citizens have a right to elect their officials and hold them accountable; they do not believe these should be appointed positions.
- ▶ The Constitutional Officers have a strong commitment to citizen service. The Clerk makes himself available to the citizens and provides comment cards, as does the Tax Collector, and follows up on any ratings of less than Excellent or Good.
- ▶ The Constitutional Officers do not believe the citizens' rights should be restricted in any way.

Mr. Burke related that the Constitutional Officers are proposing a buddy system to respond to any questions or concerns of the CRC members, as follows:

Supervisor of Elections Deborah Clark: Duncan and Welch

Sheriff Coats: Davis, Hooper, and Neri

Property Appraiser Pam Dubov: Angle, Kynes, and Figurski

Clerk Ken Burke: Bedinghaus, Steingold, Harvard, and Jagger

James F. Coats, Sheriff

Sheriff Coats thanked the members for their service and for the opportunity to provide input; whereupon, he noted his concurrence with the comments of the Clerk and invited the members to contact him regarding any issues associated with his area of responsibility.

Pam Dubov, Property Appraiser

Ms. Dubov greeted the members and thanked them for the opportunity to speak; whereupon, she provided several examples illustrating the importance of having an independent,

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elected Property Appraiser, as opposed to an appointed official, and invited the members to call her if they have any questions related to the Property Appraiser.

Diane G. Nelson, Tax Collector

Stressing the importance of the independence of the Tax Collector, Ms. Nelson related how she was able to act quickly to assume duties of the Florida Department of Highway Safety and Motor Vehicles and serve the citizens by converting state driver license offices to full-service Tax Collector's offices. She noted that the Tax Collector differs from other Constitutional Officers in that she is a "fee officer" whose unused revenue is turned over to the County and other taxing authorities; that her budget is approved by the Florida Department of Revenue; that she has worked with the County to achieve budget reductions; and that the independence of the office allows her to provide a high level of efficiency and customer service.

Mr. Figurski acknowledged the Constitutional Officers' concerns regarding the independence of their elected offices; whereupon, he requested that they notify the commissioners of any issues they are aware of that ought to be considered by the CRC, based upon their knowledge of the entire county and whether they are related to their individual offices or not; and Chairman Duncan concurred. In response, Ms. Nelson described how the Constitutional Officers are working together and with County staff in areas unrelated to the Charter to provide greater efficiency and customer service. Responding to query by Representative Hooper, Ms. Nelson discussed her experiences associated with implementation of the federal Real ID Act licensing provisions.

Indicating her agreement that the Constitutional Officers should retain their independent elected status, Ms. Kynes stated that she has spoken with members of the community and has long thought that at least the Supervisor of Elections should be a nonpartisan office. Commissioner Welch concurred, noting that he has served on the Canvassing Board; that he has discussed the matter with Ms. Clark, who proposed the matter to a prior CRC; and that the citizens should have an opportunity to decide.

Thereupon, Chairman Duncan indicated that representatives of the County Administration and the Judiciary will be given an opportunity to provide input at the January 25 CRC meeting, after which the members will begin to compile a list of initiatives or discussion items they wish to explore.

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ADOPTION OF RULES OF THE CHARTER REVIEW COMMISSION

Ms. Bleakley reviewed CRC rules as specified in the Pinellas County Charter and additional rules adopted by the 2004 and 2006 Review Commissions, along with the rules adopted by the 2009/2010 Alachua County CRC, as shown on pages 24 and 25 of the agenda packet.

Mayor Steingold indicated that, for purposes of transparency, it would be desirable to hold one or more public meetings to discuss and possibly tweak the recommendations of the Commission prior to their final determination. Discussion ensued wherein Mr. Angle noted that the last CRC held three such meetings at north, central, and south county locations; and Mr. Davis cited the challenges of the compressed time frame and the need to allow time for consideration of public comments. Mr. Figurski related his experience while serving on the City of Clearwater CRC, noting that few citizens attended the public hearings, generally those with interest in a specific issue, and that citizen input could be solicited during regular meetings of the Commission.

Noting that the CRC has authority to put items directly on the ballot without BCC approval, Mr. Figurski recommended that ballot items require approval by a majority-plus-one of the entire membership.

Mr. Neri expressed concern with the process, agreeing that citizens in attendance at the public meetings tend to have a specific ax to grind, and suggesting that a survey or other mechanism be utilized to provide a broad sampling of issues that are important to the citizens of the county; whereupon, Ms. Stanfield related that a random telephone survey would cost approximately \$20,000 and add two months to the review process; that a combination mail and telephone survey could be conducted for under \$10,000; that focus groups could be conducted fairly inexpensively; and that the main issue would be the time constraints.

Discussion ensued; whereupon, Mr. Hooper moved, seconded by Mr. Davis, that the CRC adopt the rules shown on page 24 of the agenda package, including those specified in the Charter and the additional rules adopted by the 2004 and 2006 CRCs. Following further discussion and clarification, the maker and seconder amended the motion to specify that ballot items must be approved by a majority-plus-one vote of the entire membership; and that at least one public hearing will be held prior to final decision on Charter amendments to be placed on the ballot. Chairman Duncan noted for the record that all meetings of the CRC are public meetings; and that members of the public are invited to provide input throughout the process on matters as they see fit relating to the Charter. Responding to queries by Ms. Nelson, Ms. Stanfield

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indicated that a press release to be issued tomorrow will include information regarding upcoming meetings; and that notices could be sent to the media each month announcing the meetings.

Thereupon, upon Chairman Duncan's call for the vote, the motion carried unanimously (Vote 12-0).

WEBSITE UPDATE

At this time, 4:54 P.M., noting that the consultant candidate presentations are scheduled for a time certain of 5:30 P.M., Chairman Duncan directed that the Commission proceed with the remaining agenda items, and no objections were noted.

Ms. Stanfield related that the CRC website is currently up and running and can be accessed via a link from the County's home page (www.pinellascounty.org); whereupon, she distributed a print-out of the online Charter Review feedback form, a copy of which has been filed and made a part of the record, and noted that the citizens can provide input anonymously, if they so choose. Discussion ensued wherein Ms. Stanfield indicated that the form can be programmed to generate an auto-reply message to the sender; that citizen comments will be compiled and presented to the members for their review and consideration; and that the County will prepare a press release providing the website address and other CRC information.

OPEN DISCUSSION

Responding to query by Commissioner Welch, Community Outreach Coordinator Len Ciecieznski indicated that the Communications Department could produce a 30-second video to be broadcast as a public service announcement on the County and municipal television stations; whereupon, Chairman Duncan proposed that CRC information be included in utility bills; and Ms. Nelson indicated that she may be able to distribute information along with automobile registration mailings processed by the Tax Collector's Office.

In response to Chairman Duncan's call for additional discussion pertaining to community outreach, Ms. Stanfield referred to a suggestion by Mr. Neri, indicating that, although time constraints may prohibit the current CRC from conducting an official community poll related to Charter issues, its report to the citizens could contain a recommendation that the BCC commission a study to be conducted one year prior to the convening of subsequent CRCs.

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Ms. Bleakley inquired as to the members' intent to conduct polling or focus groups during the current review process, and discussion ensued. Ms. Stanfield responded to queries by Commissioner Welch, indicating that the Charter specifies that the BCC shall fund the expenses of the CRC; and that the total budget of up to \$100,000 is inclusive of consultant fees and expenses. Mr. Angle suggested that the Commission may wish to pursue a Charter amendment to extend the review process from the current six-month time period; and Attorney Bennett provided input regarding the rules and limitations governing the drafting of ballot language; whereupon, Chairman Duncan noted a consensus that the current CRC not proceed to conduct polling or focus groups, but recommend that they be included as part of future reviews, as discussed.

FUTURE MEETING DATES

Following discussion, it was the consensus of the members to adopt a tentative schedule to meet at 4:00 P.M. on the second Tuesday and last Monday of each month at the Tax Collector's Mid-County Office located at 13025 Starkey Road, Largo. Referring to publication requirements, Ms. Stanfield suggested that meetings be advertised for January 25 and February 9, 2010; and that a meeting calendar be prepared for revision and/or adoption at the next meeting, and Chairman Duncan concurred; whereupon, he requested that the calendar include one public hearing near the end of the review process; and noted that additional hearings could be added at a later date.

SELECTION OF CRC CONSULTANT AND LEGAL COUNSEL

Chairman Duncan declared a conflict of interest involving one of the candidates for CRC consultant; and indicated that he would not participate in the discussion or the vote.

Ms. Stanfield indicated that two responses were received to the Request for Proposal (RFP) to provide consultant services; that four responses to the RFP for legal services were received; and that she had served on the evaluation committee along with representatives of the Office of Management and Budget, the County Attorney's Office, and the Planning and Utilities Departments; whereupon, she distributed the evaluation criteria tabulation sheet for the legal services candidates, a copy of which has been filed and made a part of the record.

Ms. Stanfield informed the members that they are an independent body, not subject to the Pinellas County Purchasing Ordinance; that they may select any of the respondents

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or choose to reject them all and select other providers as they desire; that each candidate will be allowed a five-minute presentation, followed by a question and answer period; and that the candidates will be sequestered during the other candidate interviews.

Ms. Stanfield and Director of Purchasing Joseph Lauro responded to queries by the members pertaining to provisions of the RFPs; and Attorney Bennett provided input, indicating that the candidates have agreed to be sequestered, but could not be required to do so under public meeting law.

CONSULTANT CANDIDATE PRESENTATIONS AND INTERVIEWS

Kurt Spitzer and Associates, Inc.

Mr. Spitzer provided a brief overview of his background and related experience, noting that he has been involved in nearly 20 charters and reviews, including the last three in Pinellas County. He related that the Pinellas County Charter is the most limited home rule charter in the state of Florida and that the six-month review period, set forth in the Charter, is the shortest time frame for any Florida CRC; whereupon, he proposed that the commissioners could take a simple approach, utilizing the work product generated by the 2004 and 2006 CRCs as part of the basis for their efforts, or a more complicated approach involving one-on-one interviews with the members and possible electronic polling of the group, which would require additional consultant time.

Following his presentation, Mr. Spitzer responded to various queries by the members and provided clarification regarding his proposed fees and availability.

Southern Strategy Group

Amy Maguire distributed a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided a brief overview of her qualifications and proposal focusing on the areas of experience, education, economics, environment, and efficiency. She indicated that her project team would include members of the McFarlane Ferguson & McMullen law firm; that all team members are locally based; that she has 20 years of research and lobbying experience; and that she plans to utilize a variety of multimedia outreach tools to engage the community.

Responding to comments and queries by the members, Ms. Maguire expounded on her strategy and current lobbying efforts; whereupon, Commissioner Welch raised concerns

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pertaining to Southern Strategy Group's lobbying efforts on behalf of offshore oil drilling, to which Pinellas County and numerous Bay-area municipalities and organizations are opposed. In response, she explained that the firm's Tallahassee and Tampa Bay offices represent two separate companies with separate clients; and that she no longer represents oil drilling interests on a local level.

DISCUSSION AND SELECTION OF CONSULTANT

Chairman Duncan indicated that the candidates' presence would be allowed during the members' discussion and selection process; whereupon, responding to queries by the members, Ms. Stanfield related that the CRC has a budget of \$100,000 to cover both the consultant and legal counsel, as well as travel and other expenses, and Mr. Lauro noted that, while Mr. Spitzer's written proposal did not include travel expenses, he had indicated during his presentation that travel would be included as part of the proposed fee.

Chairman Duncan reiterated for the record that he had declared a conflict and would not take part in the discussion or vote on the CRC consultant.

Mayor Steingold opened the discussion by expressing his opinion that both candidates are well-run, top-notch organizations; whereupon, citing the complexity of Pinellas County and the issues to be addressed, and Mr. Spitzer's charter review experience throughout the state, he nominated Kurt Spitzer and Associates, Inc. to serve as the CRC consultant; and Ms. Kynes seconded the motion.

Referring to his conflict declaration, as previously noted, Chairman Duncan specified that he has a contractual relationship with Southern Strategy Group; whereupon, he submitted a Memorandum of Voting Conflict form, which has been filed and made a part of the record; and Vice-Chairman Davis assumed the gavel.

Commissioner Welch pointed out that Mr. Spitzer's proposal had included two alternative strategies, and inquired whether the preferred alternative need be specified in the motion. Responding, Vice-Chairman Davis indicated that the CRC has yet to define the scope of the review, which will drive the work program to be undertaken by Mr. Spitzer.

Following discussion and upon call for the vote, the motion carried by a vote of 7 to 4, with members Nelson, Angle, Jagger, and Hooper casting the dissenting votes and Chairman Duncan abstaining.

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At the request of Ms. Stanfield, Mr. Figurski moved, seconded by Representative Hooper, that staff be authorized to prepare a contract for final approval; whereupon, Ms. Nelson suggested that the contract be contingent upon the availability of Mr. Spitzer on the days of the meetings, and the maker and seconder concurred. Upon call for the vote, the motion carried unanimously.

* * * *

The meeting was recessed at 6:28 P.M. and reconvened at 6:35 P.M.

* * * *

LEGAL COUNSEL CANDIDATE PRESENTATIONS AND INTERVIEWS

Bryant Miller Olive P.A.

Susan Churuti greeted the commissioners and introduced team members Michael Davis and Kareem Spratling; whereupon, she provided a brief overview of the firm's qualifications, noting her experience as Pinellas County Attorney and that of Mr. Davis as City Attorney for St. Petersburg and General Counsel for the City of St. Pete Beach. She indicated that both she and Mr. Davis live locally and will not charge for travel time or expenses; that the firm uses a team approach, with various legal experts available via videoconference; and that the firm has statewide charter experience and extensive historical knowledge of specific Pinellas County issues, including those addressed by previous Pinellas CRCs.

* * * *

Mr. Bedinghaus entered the meeting at 6:42 P.M.

* * * *

Responding to concerns raised by the members pertaining to a possible or perceived conflict of interest with the City of St. Pete Beach, Ms. Churuti indicated that the firm would seek a waiver of conflict from both clients, and failing to receive it, would make a decision to withdraw from one representation or the other; whereupon, in response to a suggestion by Mr. Figurski, Mr. Davis indicated that a *Chinese Box* situation could be employed,

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wherein he would not be involved in County matters and Ms. Churuti would not be involved in matters pertaining to St. Pete Beach.

Cobb Cole

C. Allen Watts introduced his partners Jon Kaney and Mark Watts, and Susan Spurgeon of the Pennington, Moore, Wilkinson, Bell & Dunbar law firm and indicated that he has worked with CRCs 10 or 12 times for a number of counties throughout the state of Florida; whereupon, referring to a PowerPoint handout, a copy of which has been filed and made a part of the record, he reviewed significant issues that were addressed including the unification of rules and regulations, consolidation of services, and collection of tolls for several beach communities in Volusia County.

In response to query by Representative Hooper, Ms. Spurgeon confirmed that her firm serves as Pinellas County's registered lobbyist; and indicated that she does not foresee any conflict arising therefrom; however, should one arise, it would be dealt with in accordance with the state Ethics Law; whereupon, Mr. Watts related that there are other legal firms which could be retained in lieu of the Pennington firm.

Responding to queries by the members, Mr. Watts indicated that he and his son operate an office in Deland, Florida; that he does not bill for travel time; that travel expenses are billed at rates allowed for state employees; that the firm does not currently represent any governmental clients in Pinellas County; and that he believes opportunities exist for cooperation among the constituent municipalities; whereupon, he described a case involving the negotiation of an interlocal agreement among all the municipalities in Palm Beach County.

Macfarlane Ferguson & McMullen, P.A.

Joshua Magidson introduced team members James Martin and Brian Aungst, Jr. of the firm's Clearwater office and Carter McCain of Tampa, emphasized the firm's experience in representing the interests of the businesses and citizens of Pinellas County, and noted that they have no governmental clients. He indicated that he has served as a member of the City of Clearwater CRC and on other local commissions and task forces; and that, acting on behalf of their clients, members of the firm interact with Pinellas County governmental agencies and departments on a daily basis.

Mr. Aungst pointed out that the CRC was represented by the County Attorney's Office during recent Charter reviews, not by any outside firm; whereupon, he indicated that he is

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familiar with the unique nature of the Pinellas County Charter; and that he has read every case involving the Charter Review process in Florida, every case involving the Pinellas County Charter, and the entire report by the most recent Pinellas County CRC. Providing additional input, Mr. McCain summarized the role and responsibilities of the legal counsel pertaining to the mission of the CRC.

Discussion ensued, and responding to queries by the CRC, the team members provided additional information regarding the firm's relevant experience and stated that the firm could assist the CRC in taking a fresh look at the Charter considering the perspective and interests of the constituents while providing the necessary legal expertise and guidance in a responsive, proactive manner.

DISCUSSION AND SELECTION OF LEGAL COUNSEL

Chairman Duncan stated for the record that four proposals were received and evaluated by the committee, as shown on the evaluation criteria tabulation sheet, and reminded the members of their December 7 decision to interview only the top three firms.

At the request of Mr. Figurski, County Attorney Bennett outlined the role of the CRC attorney, as follows: to draft ballot language; to ensure compliance with all procedural, public record, and Sunshine Law requirements; to provide the legal tools to enable the ideas of the Commission and to constrain them, where necessary; and to provide the advice that the members ask for as well as that which they need. Ms. Bleakley concurred, adding that the attorney should advise the members what is lawful and what is not; but also, if there is an idea the commissioners wish to pursue, to think creatively to determine whether there is a way to accomplish their objective and to advise them of barriers which will prevent them from doing so.

Chairman Duncan opened the floor for discussion, and following input by all members, Mr. Figurski moved, seconded by Commissioner Welch, that the firm of Bryant Miller Olive be selected to serve as legal counsel to the CRC.

During continued discussion and responding to query by Ms. Nelson, Chairman Duncan indicated that additional comments or rebuttal by the candidates would not be appropriate when there is a motion on the floor; whereupon, Mr. Figurski restated the motion, including an amendment that staff be authorized to prepare a contract for final approval. Upon call for the vote, the motion carried 9 to 4, with members Kynes, Hooper, Bedinghaus, and Neri casting the dissenting votes.

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Thereupon, Chairman Duncan thanked the candidates for their participation, and noting that the consultant and legal contracts may or may not be executed before the January 25 meeting, thanked Ms. Bleakley for her efforts and efficiency in getting the CRC started and to this point in the process.

TENTATIVE AGENDA FOR JANUARY 25, 2010 MEETING

Chairman Duncan referred to today's agenda and reviewed the items proposed for consideration at the January 25 meeting, noting that representatives of the County and the Judiciary will present their comments and issues. He indicated that the CRC will likely begin receiving public input by that time, and should begin to compile a list of issues it wishes to tackle, including Ms. Kynes suggestion for a non-partisan Supervisor of Elections; and Mr. Davis restated items discussed at the last meeting, including consolidation of the Pinellas Planning Council and Metropolitan Planning Organization, annexation of unincorporated areas by the cities, extension of the Charter review period, and consolidation of fire services, with consideration of the State Office of Program Policy Analysis and Government Accountability (OPPAGA) EMS/fire study report, to be released soon

Ms. Kynes suggested that Mr. Spitzer consider the use of Facebook and Twitter as community outreach tools, as suggested by one of the candidates, and Chairman Duncan concurred.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 P.M.

AGENDA
Pinellas County Charter Review Commission
Tuesday, January 25, 2010 -- 4:00 p.m.
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

1. Welcome
2. Approval of Minutes of January 5, 2010 meeting, if available
3. Rules of the Charter Review Commission – Material, attached p.
4. Public Comment
 - Audience
 - Web Site Submittals – Attached, p.
5. Presentations
 - J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit
 - Robert S. LaSala, County Administrator
6. Status of Contract Negotiations with Consultant and Legal Counsel
7. Discussion of Items for Exploration
 - Recap of 2004 and 2006
 - Other Issues
8. Meeting Schedule – Material, p.
9. Web Site Update – Photos
10. Open Discussion
11. Adjournment

Clearwater, Florida, January 25, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 4:01 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Ed Hooper, State Representative
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Paul Bedinghaus
Gerald A. Figurski
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Also Present:

James L. Bennett, County Attorney
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of January 5, 2010 Meeting
- III. Rules of the Charter Review Commission
- IV. Public Comment
 - A. Audience
 - B. Website Submittals
- V. Presentations
 - A. J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit
 - B. Robert S. LaSala, County Administrator

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- VI. Status of Contract Negotiations with Consultant and Legal Counsel
- VII. Discussion of Items for Exploration
 - A. Recap of 2004 and 2006
- VIII. Meeting Schedule
- IX. Website Update
- X. Open Discussion
- XI. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 4:01 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF JANUARY 5, 2010 – APPROVED

Chairman Duncan presented the minutes of the meeting of January 5, 2010; whereupon, Commissioner Welch moved, seconded by Ms. Kynes, that the minutes be approved as submitted. Mr. Angle called attention to page seven of the minutes, pointed out that a discrepancy exists between the backup documentation for today’s meeting and the minutes and backup for the January 5 meeting relating to the rules adopted by the 2010 CRC; and requested clarification. Following discussion, Chairman Duncan indicated that the consensus of the Commission had been that if an issue has initially been voted down, it can be reconsidered later in the process; and that the word “not” should be stricken from bullet number five under “Additional Rules Adopted by the 2010 CRC” on page 17 of the back-up documentation for today’s meeting.

Thereupon, Chairman Duncan called the question and the maker of the motion and the seconder accepted the clarification regarding the backup documentation. Upon call for the vote, the motion carried unanimously (Vote 13-0).

RULES OF THE CHARTER REVIEW COMMISSION

During discussion and in response to comments and queries by Representative Hooper and Ms. Kynes, Attorney Churuti stated that, generally speaking, the CRC has the authority to adopt any rules and procedures it chooses; whereupon, alluding to the rule relating to

reconsideration of an issue initially voted down, Chairman Duncan indicated that anyone should be permitted to request reconsideration of an issue, not just the prevailing party, and no objections were noted.

PUBLIC COMMENT

Audience

No one appeared in response to the Chairman's call for individuals wishing to be heard; whereupon, Chairman Duncan welcomed those in attendance and discussed future opportunities for public comment.

Website Submittals

Chairman Duncan pointed out that copies of the website submittals are included in the agenda packet; and Ms. Stanfield noted that copies have been provided to the Clerk's office to be made part of the record, and discussion ensued wherein Commissioner Welch provided input regarding the Supervisor of Elections being a nonpartisan office.

PRESENTATIONS

J. Thomas McGrady, Chief Judge, Sixth Judicial Circuit

Chief Judge McGrady explained the legal relationship between the County and the courts, the courts responsibilities for those who come before the court, and the County's responsibilities under Article V, Section 14; whereupon, he noted that the court is a separate branch of government; and that it is crucial for the court to have the full support of the county in order to carry out its mission to the citizens.

Chief Judge McGrady discussed the need for additional courtroom facilities, noting that all of the current facilities are maxed out; and that a centralized traffic court facility with four to six courtrooms would be useful. He related his preference that the Charter not be amended in any way that would decrease or limit the counties' current statutory obligations to the courts; and requested that the Charter not be made more restrictive than it is currently.

Robert S. LaSala, County Administrator

Mr. LaSala thanked the members for the opportunity to provide input and discussed his perceived role of the members, the extraordinary issues local and county governments are currently facing, and the value of professional management in local and county government; whereupon, he distributed supporting documentation, copies of which have been filed and made a part of the record. He related that the current commissioner-administrator form of government has served the County successfully for over forty years; and invited the members to contact him regarding any comments or questions they may have, noting that he is agreeable to attending future meetings.

Mr. LaSala responded to comments and queries by Mayor Steingold regarding what he feels, from a County Administrator perspective, the CRC should address in the Charter and indicated that how services are delivered to the community is an issue that needs further discussion and a formal meeting to determine what the relationship should be between the providers of service, the constituents, and the services going forward. In response to comments and queries regarding the need to establish a County mayor, he directed the members' attention to the documents distributed and related that members of the International City County Management Association, such as himself, subscribe to a code of ethics that far exceeds those of the Florida Ethics Commission; whereupon, he discussed the existing tourism boards and Attorney Churuti provided input.

During discussion and in response to comments and queries by the members, Mr. LaSala stated that he is a firm believer in local control and home rule; and that he believes home rule, in terms of revenue, should be as broad a power as possible, even in the face of statewide amendments to constrain revenues and expenditures.

Discussion ensued regarding efforts to consolidate services and Mr. LaSala indicated that consideration must be given to the redundancies in facilities, the array of operating policies, practices, and rules of procedure and compensation, and the investments required, noting that instant economies of scale will not be realized. He commented that consolidation would not likely be achievable through the Charter alone and would require bottom-up collaboration; and that absent some form of mandate or public petition, consolidation will not likely be achieved; whereupon, he related that the County is currently working with city administration and a consultant to address emergency medical services; and Chairman Duncan pointed out that later in the agenda, the Commission will review the items addressed previously, which includes the issue of consolidation.

During further discussion and in response to comments and queries by the members, Mr. LaSala agreed that phasing consolidation and tiered levels of service at a local level or on an area-wide basis, as opposed to countywide, are viable options to be considered, noting that the current relationship between the cities and the County is mediocre, as the mere suggestion of consolidation invites polarizing ideas; whereupon, he related that the County is looking at a shortfall of upward of \$100 million over the next 15 years absent a structural change; and Ms. Nelson pointed out that the economy may encourage collaboration and allow for some issues to be resolved.

In response to comments and queries by Mr. Bedinghaus, Attorney Churuti provided input regarding the Board of County Commissioners' code of ethics and the lobbying and disclosure rules, noting that there is an existing lobbying ordinance; whereupon, she suggested that a copy of the existing lobbying ordinance be obtained and the item placed on a future agenda.

Following brief discussion, Chairman Duncan stated for the record that the amendment to clarify the authority of the County Administrator to terminate exempt employees was voted down twice by the citizens; whereupon, he requested that Mr. LaSala give consideration to whether there are any amendments to the Charter that would assist him in accomplishing what needs to be done with the County budget; and that Mr. LaSala allow the CRC to call upon him to attend future meetings.

* * * *

The meeting was recessed at 5:21 P.M. and reconvened at 5:28 P.M.

* * * *

CONTRACT NEGOTIATIONS WITH CONSULTANT AND LEGAL COUNSEL – STATUS

Chairman Duncan stated that the contracts with the CRC's consultant, Kurt Spitzer and Associates, Inc., and legal counsel, Bryant Miller Olive P.A., have been signed; whereupon, he requested that the record reflect his appreciation for the assistance of Sarah M. Bleakley, Esquire, Nabors Giblin & Nickerson, in getting the CRC to its current point.

DISCUSSION OF ITEMS FOR EXPLORATION

Recap of 2004 and 2006

Chairman Duncan called the members' attention to the matrix of items discussed by the 2004 and 2006 Charter Review Commissions in the agenda packet and requested that Mr. Spitzer go through the list and provide input on each of the items; and that as each item is presented, the members indicate whether or not there is any interest in further discussing the item, noting that the items of interest identified will be placed on future agendas for further discussion; whereupon, Mr. Davis suggested that the rationale be given for any item that has previously failed, noting that it appears the voters have spoken, but that the CRC is not listening.

Mr. Spitzer provided background information regarding the Charter and reviewed the matrix of items previously discussed by the 2004 and 2006 Charter Review Commissions, providing input regarding the purpose for review and the outcome for each item, and discussion ensued amongst the members following each item.

During discussion of the item relating to the potential for efficiencies in fire services and in response to comments by Mayor Steingold, Chairman Duncan indicated that the results of the Office of Program Policy Analysis and Government Accountability (OPPAGA) study requested by House Representative James C. Frische to look at the potential for consolidating the fire and emergency management services (EMS) systems have not yet been received; and recalled that Mr. LaSala indicated that the County has commissioned a consultant to look at the EMS system; whereupon, he introduced Director of Public Safety Services Dick Williams.

Mr. Williams distributed a document summarizing the studies being conducted on the EMS and fire systems, a copy of which has been filed and made a part of the record, discussed the previous studies conducted relating to the fire and EMS systems, jointly and separately, and highlighted some of the efficiencies and functional consolidation currently in place. Mr. Angle pointed out that the \$20 million reflected in the previous study was not substantiated; and that pursuing the issue without the results of the studies may result in actions inconsistent with the study recommendations; whereupon, following discussion, Mr. Figurski moved, seconded by Mayor Steingold, that the CRC not include fire and EMS consolidation on its list. Upon call for the vote, the motion carried by a vote of 12 to 1, with Mr. Neri dissenting.

Following lengthy discussion amongst the members, with input by Ms. Stanfield and Attorney Churuti, and at the request of Chairman Duncan, Mr. Spitzer confirmed that the items of interest from the 2004 and 2006 CRC matrix identified by the members for further

discussion include (1) the authority, duties, and structure of the PPC; (2) whether there should be a non-partisan election of the Supervisor of Elections; and (3) the policies relating to future Charter Review Commissions.

Discussion ensued regarding other potential items of interest raised during today's meeting; whereupon, Mr. Hooper moved, seconded by Ms. Nelson, that the CRC not pursue a County Mayor position. Upon call for the vote, the motion carried by a vote of 12 to 1, with Ms. Kynes dissenting.

Mayor Steingold moved, seconded by Mr. Figurski, that the CRC review the Board of County Commissioners' (BCC) code of ethics and following brief discussion, Mayor Steingold clarified that his motion is that the CRC review the BCC code of ethics relating to lobbying and is subject to amendment, and the seconder concurred. Upon call for the vote, the motion carried unanimously.

Thereupon, Chairman Duncan suggested that Mr. Spitzer compile a list of the issues identified for further discussion and distribute it to the members prior to the next CRC meeting, and no objections were noted.

MEETING SCHEDULE

Chairman Duncan called the members' attention to the proposed meeting schedule in the agenda packet and following brief discussion, Ms. Nelson moved, seconded by Mr. Angle, that the meeting schedule be approved as it stands, and discussion ensued.

In response to queries by Ms. Jagger, Chairman Duncan indicated that there is an opportunity at every meeting for citizens to bring issues before the Commission for consideration; and that public comment at the public hearings will be limited to only the items on the CRC's list of recommendations, and Ms. Stanfield and Attorney Churuti provided input.

Following further discussion regarding public hearing dates, Mr. Angle amended his second to the motion by designating Monday, June 14, 2010, as the CRC public hearing date, and in response to query by Mr. Neri, indicated that he would accept the friendly amendment to reserve Monday, June 21, 2010 as the CRC's second public hearing, should it be needed; whereupon, Mr. Figurski called the question. Upon call for the vote, the motion, as amended, carried unanimously.

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Thereupon, Chairman Duncan requested that Mr. Spitzer send meeting requests to all of the members via Outlook to reserve the future dates as outlined in the meeting schedule.

WEBSITE UPDATE

Following discussion regarding placing the member's photographs on the CRC website, Chairman Duncan indicated that staff will look into the possibility of having members of the County's Communications staff attend a future meeting to take the members' photographs for the CRC website; and in response to query by Commissioner Welch, related that he will follow up on the status of placing the public service announcement on the County and municipal television stations, as discussed at the last meeting.

OPEN DISCUSSION

In response to queries by Messrs. Spitzer and Angle, Chairman Duncan confirmed the consensus of the members to continue to meet at 4:00 p.m. at the Tax Collector's Mid-County Office on the dates outlined in the meeting schedule, as approved.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:36 P.M.

AGENDA

Pinellas County Charter Review Commission
Tuesday, February 9, 2010 -- 4:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of January 25, 2010 meeting

- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals

- IV. Presentations
 - ❖ Comparative Policies in Urban County Charters - Spitzer

- V. Further Discussion of Items for Review
 - ❖ Summary of January 25th Issues Attached

- VI. Web Site Update – Photos

- VII. Open Discussion

- VIII. Adjournment

Clearwater, Florida, February 9, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 4:07 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Late Arrival:

Paul Bedinghaus

Not Present:

Ed Hooper, State Representative

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Michael P. Schmidt, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of January 25, 2010 Meeting
- III. Public Comment
 - A. Audience
 - B. Website Submittals

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- IV. Presentation
Comparative Policies in Urban County Charters – Kurt Spitzer
- V. Further Discussion of Items for Review
Summary of January 25, 2010, Issues Attached
- VI. Website Update – Photos
- VII. Open Discussion
- VIII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 4:07 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF JANUARY 25, 2010 – APPROVED

Chairman Duncan presented the minutes of the meeting of January 25, 2010; and upon motion by Mr. Figurski, seconded by Mr. Davis and carried, the minutes were approved as submitted (Vote 11-0).

PUBLIC COMMENT

Audience

In response to the Chairman's call for individuals wishing to be heard, H. Patrick Wheeler, Palm Harbor, appeared and expressed his concerns regarding the East Lake Tarpon Special Fire District and submitted supporting materials, which have been filed and made a part of the record.

Website Submittals

Chairman Duncan pointed out that copies of the website submittals are included in the agenda packet, and noted that the County's Communications Department is being encouraged to make known to the people that the website is available for information and input.

* * * *

At this time, 4:15 P.M., Mr. Bedinghaus entered the meeting.

* * * *

PRESENTATION

Comparative Policies In Urban County Charters - Kurt Spitzer

Mr. Spitzer conducted a PowerPoint presentation titled *Charter Government Comparative Practices*, a copy of which has been filed and made a part of the record, and discussed the history of the State of Florida from 1821 until the present time; whereupon, he presented information relating to Dillon’s Rule versus Home Rule, key policies, the legislative and executive branches, county officers, the charter amendment process, and other related matters.

Mr. Spitzer related that the Florida Constitution was revised in 1968, at which time Dillon’s Rule was replaced by Home Rule, noting that under Dillon’s Rule, a local government has only those powers which are specifically granted by the state, and under Home Rule, a local government has all the powers of self-government except those that are specifically prohibited or pre-empted by the state; whereupon, he indicated that, historically, counties are formed by the Legislature and are viewed as subdivisions of the state; that 20 charter counties exist in the State of Florida, with approximately 80 percent of the State’s population living in those charter counties; and that since 1972, even non-charter counties in Florida have very broad powers of Home Rule.

Mr. Spitzer discussed key policies, and pointed out that county charters can be adopted, amended, or repealed only by a vote of the electorate; that charters may provide alternative methods of selecting county officers and may transfer duties to other positions; that the size, terms, and districting schemes of the county commission and the executive branch may be changed; that charter counties have all powers not inconsistent with general law; and that the Charter must specify if a county ordinance prevails over that of a city.

Mr. Spitzer pointed out the primary policy areas that may be affected by charters including the legislative and executive branches, county constitutional officers, city-county relations, and powers reserved to the people; whereupon, he discussed legislative branch districting schemes including at-large districts, single-member districts, and mixed districts. He related that Pinellas County includes four commissioners residing in single-member districts,

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elected only by the voters residing in those districts, and three commissioners who represent at-large districts and are elected by the voters countywide.

Discussion ensued and in response to queries by the members, Mr. Spitzer pointed out that the executive branch of county government can be led by an elected executive, commonly referred to as a mayor, by an appointed professional administrator, as is done in Pinellas County, or by a combination of the two depending upon how the charter of the county is written. He related that each form of leadership has its pros and cons; and that a balancing test exists between utilizing an appointed administrator who professionally manages county staff versus the electorate voting for strong elected leadership.

Discussion ensued regarding the benefits and detriments of having an elected versus appointed individual representing the county. Indicating that he supports looking at having a county mayor while acknowledging that it could be adding another layer of government, Mayor Steingold provided examples of how a strong mayor can employ creativity and implement ideas to achieve goals more quickly than a county commission. Mr. Davis commented that the concept of a strong mayor is more complicated than it appears on the surface; and that the type of leadership an official provides is often more important than the structure of the actual office he or she holds. In response to queries by Mr. Neri, Mr. Spitzer pointed out that all residents of the county, including those residing in municipalities, would elect a county mayor; and that the Sunshine Law would apply to communications between the mayor and the commissioners.

Thereupon, Mr. Steingold requested that the use of only single-member districts within the county be added to the discussion list, noting that one of the benefits would be commissioners in proximity to the citizens they represent. Discussion ensued wherein Ms. Nelson pointed out that you lose some efficiencies in single-member districts as the commissioners tend to focus only on their own constituents; and Commissioner Welch related that many issues within the county do not know jurisdictional boundaries; and that if the county did go with all single-districts, a county mayor would be necessary to prevent provincialism, which is seen in other counties with single-member districts.

Continuing with the presentation, Mr. Spitzer provided information relating to the county constitutional officers, relating that most charters specifically provide that they are untouched by the provisions of the charter; that they are chosen by the voters at the county level; and that they are mandated to do certain state functions whether elected or appointed. He pointed out that if the constitutional status is removed, there could be a uniform policy for services such as Personnel, Purchasing, Risk Management, Data Processing, Audit, and Fleet

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Management; that the constitutional officers think that to do their job the absolute best, they need to be independent, while the opposing view cites the economies of scale, control over expenditures and the budget process, and the lack of performance audits of the constitutionals; whereupon, Ms. Churuti provided detailed information relating to the services that the constitutionals share among themselves and/or with the Board of County Commissioners (BCC).

Discussion ensued relating to the BCC gaining greater control over the budgets of the constitutional officers should they lose their constitutional status, and Ms. Nelson related that when you have seven people who have total power over the entire county, checks and balances are lost in the level of customer service provided.

Mr. Spitzer discussed the term *functional consolidation* as it relates to the transfer of programs, assets, and people, and related that a dual vote is required of the electorate prior to a program being transferred to a city. He discussed citizen initiative, relating that many charters provide that the electorate may propose ordinances by a petition process, but the Pinellas Charter does not contain this process; whereupon, he related that a charter amendment can be proposed by the BCC, citizen petition, the Charter Review Commission, or a Special Act of the Legislature; and that the Pinellas County Charter Review Commission differs from others in that there is a requirement for elected officials to serve as members although the converse is true on other commissions.

Mr. Spitzer pointed out items that are common to all charters, including the public's ability to amend the charter; that the BCC may place amendments on the ballot at any time; that the BCC is subject to recall as provided in state law; that the county enjoys increased protection from hostile Special Acts; and that unless specifically prohibited by the charter, the BCC has the power to levy a utility tax in the unincorporated area. He related that the Pinellas Charter is unique in that amendments concerning constitutional officers must be approved by the Legislature; and that amendments authorizing adoption of a countywide policy require a dual vote; noting that a city may opt out of a countywide policy, defer to the state policy, or be more stringent than the countywide policy.

In response to queries by Commissioner Welch, Mr. Spitzer presented information regarding the usual manner in which membership of the Charter Review Commission is formed, noting that members are generally appointed by the BCC.

Mr. Bedinghaus stated that he believes it is fundamentally wrong for elected officials to spend taxpayer money to advocate for government initiatives; and requested that the issue be added to the discussion list. Ms. Churuti advised that Senate Bill 216 significantly

restricts the ability of charter review commissions to expend public funds for such advocating, which possibly extends to the county commissioners; and that criminal penalties are attached to the provision; whereupon, she advised that the members discuss the parameters for advocating for issues it places on the ballot. Discussion ensued, and in response to query by Mr. Angle, Ms. Churuti advised that there is still some uncertainty in Senate Bill 216 as to the distinction between educating and advocating; and that with the Hometown Democracy initiative looming on the horizon, there is a legislative effort to overturn the bill; whereupon, Chairman Duncan indicated that the issue would be discussed under *Code of Ethics* later in the meeting.

FURTHER DISCUSSION OF ITEMS FOR REVIEW

Summary of January 25 Issues

Chairman Duncan called the members' attention to the summary *Issues Identified for Discussion, January 25, 2010 CRC Meeting* and the meeting schedule and work program, which were attached to the agenda packet. He indicated that Mr. Spitzer would address each of the five items listed on the summary and the members would determine whether to keep the items on the list and whether to add additional items. He discussed the work program for future meetings and indicated that time will be allotted for substantive discussion of an item on the evening it is placed on the agenda; and that the members will decide at that time whether to take the item further.

* * * *

The meeting was recessed at 5:56 P.M. and reconvened at 6:03 P.M.

* * * *

Pinellas Planning Council

The authority, duties, and structure of the Pinellas Planning Council.

Mr. Spitzer related that the Pinellas Planning Council was enacted by a Special Act of the Legislature; whereupon, Ms. Churiti related that her law firm is reviewing federal legislation and the Special Act as they apply to merging the Pinellas Planning Council (PPC) and the Metropolitan Planning Organization (MPO), not only from the perspective of what legally can be done, but from a planning perspective, noting that the PPC deals with land use planning

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and the MPO with transportation planning; and that she will provide the information to the members at a future meeting, and Chairman Duncan provided input.

In response to request by Mr. Angle that background information be provided regarding the roles of the PPC and MPO, Chairman Duncan related that when any item is calendared for discussion, the members will be provided information regarding the current status, what has worked and what has not worked in the past, and the best practices from other models throughout the state, which should allow for different perspectives to be discussed.

It was the consensus of the members that the PPC discussion be left on the calendar.

Non-Partisan Election of Supervisor of Elections

Whether elections for the Supervisor of Elections (SOE) should be held on a non-partisan basis, without reference to party affiliations.

Chairman Duncan related that he will invite Deborah Clark to attend the next meeting to share her opinion as to whether elections for the SOE should be held on a non-partisan basis, without reference to party affiliation; and that Ms. Clark's views may have some impact on whether the members desire to engage in future discussion; whereupon, in response to queries by Ms. Nelson, Ms. Churuti, with input by Chairman Duncan, related that information will be provided prior to the next meeting to assist the members in their discussions.

It was the consensus of the members that the non-partisan election of the Supervisor of Elections be left on the calendar.

Later in the meeting and in response to requests by Mr. Harvard and Commissioner Welch, Mr. Spitzer agreed to provide information as to whether the filing date to run for office would change, information relating to the School Board's change to nonpartisan elections, an evaluation as to whether the change led to improvements in the process, and a chart showing which Florida counties have a nonpartisan Supervisor of Elections.

Ms. Jagger suggested that the Chairmen of the Democratic and Republican parties be invited to speak on the Supervisor of Election issue; whereupon, Mr. Figurski suggested that a representative from the League of Women Voters also be invited, and no objections were noted.

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Future Charter Review Commissions

The membership, duration, frequency of convening and other policies relating to subsequent Charter Review Commissions.

Mr. Spitzer related that the members would be discussing the membership, duration, frequency of convening and other policies relating to future Charter Review Commissions.

It was the consensus of the members that the Future Charter Review Commissions item be left on the calendar.

Code of Ethics

Examination of the provisions of the Charter and BCC policy (as contained in the Code of Ethics) concerning lobbying.

Chairman Duncan pointed out that the request of Mr. Bedinghaus to add elected officials using taxpayer money to advocate for various government initiatives as an issue to discuss would fall under this item; and Ms. Churuti noted that lobbyist registration warrants additional discussion.

It was the consensus of the members that the issue of elected officials using taxpayer money to advocate for government initiatives be added to the discussion list; and that the lobbyist registration item be left on the calendar for discussion.

Single Subject Rule

Whether charter amendments proposed by a Charter Review Commission should be required to concern only one subject and matters directly related thereto.

Mr. Spitzer related that the item relates to whether charter amendments proposed by a Charter Review Commission would only concern one subject and matters directly related thereto.

It was the consensus of the members that the Single Subject Rule be left on the calendar for discussion.

Additional Items For Discussion

Upon request by Chairman Duncan for additional items to be added to the list, Mayor Steingold suggested that the Charter Review Commission weigh in on allowing

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municipalities to bid on maintaining parks and roads within their jurisdictional boundaries and the enclaves which fall within those boundaries, and discussion ensued.

Mayor Steingold reiterated his requests that the county mayor discussion and seven single-member districts discussion be added to the list; whereupon, Chairman Duncan indicated that as it would take some time to provide background and historical information to the members, the items would be placed on one of the later calendars.

Chairman Duncan stated that County Administrator Robert S. LaSala has suggested that the Commission look at the library services throughout the county to determine if there is a way to provide a tier of services to the community that would save money, be more efficient and effective, and yet allow the municipalities to retain their own neighborhood library identity. He indicated that the county has engaged a consultant in advance of the renewal of the interlocal agreement regarding libraries; and that the consultant's report should be completed in April; whereupon, he requested approval to invite Mary Brown, who heads the county library cooperative, to discuss the matter with the Commission.

Mayor Steingold expressed his concerns regarding consolidation of the library system, and in response to query by Mr. Davis, Chairman Duncan agreed that it probably is not a charter issue, but rather an area where the Charter Review Commission would recommend that the Board of County Commissioners carry the matter forward to implementation. Mr. Davis expressed his concern that there would not be time to come up with an intelligent framework or concept; whereupon, Ms. Stanfield clarified that the consultant hired by the library cooperative is not looking at consolidating the libraries.

Following discussion, it was the consensus of the Commission that the library issue would not be added to the list for discussion.

Recognizing the absence of citizen input, Chairman Duncan indicated that he has invited the Chairman of the Council of Mayors, the Chairman of the Big-C representing the beach communities, and the Council of Neighborhoods Associations in both north and south county to come to a meeting and share their views and perspectives with the Commission on various nights when they are available and as time allows, and no objections were noted.

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WEBSITE UPDATE

Chairman Duncan indicated that the photographing of the members for the website is complete.

OPEN DISCUSSION

The members requested that PowerPoint presentations be provided to them before the meetings; and Mr. Spitzer agreed to provide them with a copy of tonight's presentation.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:48 P.M.

AGENDA

Pinellas County Charter Review Commission
Monday, February 22, 2010 -- 4:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome
- II. Approval of Minutes of February 9, 2010 meeting
- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals
- IV. Presentations
 - ❖ Andy Steingold, Mayors Council of Pinellas County
 - ❖ CONA
 - ❖ Deborah Clark, Supervisor of Elections
- V. Further Discussion of Items for Review
 - ❖ Summary of February 9th Issues Attached
- VI. Open Discussion
- VII. Adjournment

Clearwater, Florida, February 22, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 4:03 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ed Hooper, State Representative
Kenneth T. Welch, County Commissioner
James Angle
Paul Bedinghaus
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Not Present:

Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor

Late Arrival:

Gerald A. Figurski

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene J. Kennare, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of February 9, 2010 Meeting
- III. Public Comment
 - ▶ Audience
 - ▶ Website Submittals
- IV. Presentations
 - ▶ Andy Steingold, Mayors Council of Pinellas County
 - ▶ CONA
 - ▶ Deborah B. Clark, Supervisor of Elections

- V. Further Discussion of Items for Review
 - ▶ Summary of February 9th Issues Attached
- VI. Open Discussion
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 4:01 P.M., noted that a quorum was present, and welcomed those in attendance.

MINUTES OF THE MEETING OF FEBRUARY 9, 2010

Chairman Duncan related that the minutes of the meeting of February 9, 2010 are not yet available; and that they will be submitted for approval at the next meeting.

PUBLIC COMMENT

Audience

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

Website Submittals

Chairman Duncan indicated that all website submittals as of February 18, 2010, copies of which have been filed and made a part of the record, have been distributed with the agenda packet and, if necessary, will be discussed later in the meeting.

PRESENTATIONS

Deviating from the agenda, Chairman Duncan related that Mayor Steingold, who is scheduled to make a presentation to the CRC on behalf of the Mayors Council of Pinellas County, has indicated that he will be delayed; that his presentation will be heard later in the meeting; and that the presentation relative to the office of the Supervisor of Elections (SOE) will be heard at this time, followed by the remarks of a representative of the Council of North County Neighborhoods (CNCN), and no objections were noted.

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Deborah Clark, Supervisor of Elections

Referring to his memorandum dated February 17, 2010, a copy of which has been filed and made a part of the record, Mr. Spitzer provided information relative to the issue of the election of the SOE on a non-partisan basis; and related that there are 20 charter counties in the State of Florida; that eight of those counties provide for the SOE to be elected on a nonpartisan basis; and that one of those eight counties, Volusia County, first abolished the position as a constitutional office and then reestablished it as an elected charter office. He indicated that the other seven charters simply provide that the office is elected on a nonpartisan basis; that most of the charters have specific protective language which states that the amendment is not intended to alter the independent status of the office; and that the charters may contain language indicating that the officer will be chosen “in another manner,” as authorized in the Florida Constitution.

He outlined the arguments for and against electing the SOE on a non-partisan basis, and related that in many of the counties where a nonpartisan method is used, the office maintains its independent status; that the most populous county with a non-partisan Supervisor of Elections is Palm Beach County; and that in Duval County a unitary election system is still used, although the legislature pre-empted that method several years ago.

Attorney Churuti provided historical background information specific to the Pinellas County Charter Review Commission vis-à-vis its power to regulate or change the status and duties of the constitutional officers; and, referring to her memorandum dated June 1, 2005, a copy of which has been filed and made a part of the record, described five possible options which could be used in order to change the manner in which the SOE is elected. She related that while Volusia County abolished the constitutional status of the SOE and then made the election of the office nonpartisan, other charter counties have made the election nonpartisan without abolishing its constitutional status; and that it is not known whether this action is constitutional because it has not yet been challenged and litigated; whereupon, Representative Hooper provided information relative to a bill he has filed regarding various facets of the Election Law (H.B. 1019; S.B. 900).

Noting that the CRC is free to explore any of the options, Ms. Churuti indicated that it is important to determine how much risk it is willing to take with regard to the constitutionality of its action; whereupon, responding to queries by the members, she related that the CRC has powers independent of the legislative delegation, as well as ballot access; and discussion ensued wherein the members considered various questions regarding the possible effects a change in the way the SOE is elected could have on the independent status of the office, the constitutionality of the various options, and the process by which action could be taken.

* * * *

At this time, 4:28 P.M., Mr. Figurski entered the meeting.

* * * *

Responding to queries by Chairman Duncan, Ms. Churuti provided detailed information on the two-step process of abolishing the SOE as a constitutional office and then establishing it as a charter office; and Mr. Spitzer related that the “saving” clause specifically indicates that the amendment expresses the intent of the voters to choose the SOE in another manner; that it clarifies that the charter amendment is not intended to alter, transfer, diminish, or abolish any of the powers or duties of the SOE; and states that if any part of the amendment is found to be invalid, or unconstitutional, the office reverts back to its constitutional status.

At the invitation of Chairman Duncan, Supervisor of Elections Deborah B. Clark addressed the CRC and thanked the members for their time and service on the commission. Noting that there are valid arguments on both sides of the question, Ms. Clark indicated that one cannot legislate integrity; that while she is not concerned about the issue of a nonpartisan election for the office of SOE, any process that would put the status of the constitutional office of the SOE at risk causes her great concern; that constitutional officers are responsible directly to the citizens; that she cannot think of any greater or more effective accountability; that the most important objective of the CRC should be to preserve the independence and autonomy of the constitutional offices; and that to do otherwise would be a disservice to the citizens of Pinellas County; whereupon, she related that although hers is currently a partisan office, it is run in a nonpartisan manner; and that any change making the SOE a county charter office would eliminate the autonomy necessary to run the office efficiently and effectively.

During discussion and in response to queries by the members, Ms. Clark related that she does not break her office down by Republicans and Democrats; that most Supervisors of Elections recognize that it is the public’s perception that the Supervisor of Elections should run the office in a nonpartisan manner; that nonpartisan candidates appear on the ballot in a primary election; that if no candidate receives a clear majority vote in that election, the top two candidates have a runoff during the general election; and that voter turn out runs at about 40 or 50 percent in a primary election, as opposed to 75 or 80 percent in a general election. Responding to comments by Commissioner Welch, Ms. Clark reiterated that if the office lost its constitutional status, she would be extremely concerned about the associated loss of independence and autonomy; and in response to queries by Mr. Bedinghaus, related that if a citizen has a preconceived notion of her or her office, it is difficult to change his mind; and that

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once a citizen learns the process of the office, he may be more open-minded on the subject. Responding to query by Mr. Harvard, Ms. Clark related that due to the complexity of the job, an SOE needs experience, flexibility, good organizing and planning skills, and backbone.

Chairman Duncan invited the Chairman of the Pinellas County Republican Executive Committee, Jay J. Beyrouti, to address the members; whereupon, Mr. Beyrouti related that the Republican Executive Committee vigorously supports the retention of the partisan method of election; that the two-party system opens issues up for debate and allows the voter to analyze the social and fiscal agenda of the candidates before they make their choice; and that any candidate who does not have integrity, Democrat, Republican, or otherwise, will not be a good elected official.

Chairman Duncan noted that there has been email communication with Ramsay McLauchlan, Chairman of the Pinellas County Democratic Executive Committee (DEC), a copy of which has been filed and made part of the record; that Mr. McLauchlan has indicated that the DEC has not taken a position on the issue; and that he has passed the invitation to his board members, cautioning them that if they appear before the CRC they should indicate that they are expressing their own views and not those of the DEC.

At the invitation of Chairman Duncan, Martha (Marti) Folwell, President of the League of Women Voters of North Pinellas County, related that her organization has supported the nonpartisan election of the SOE statewide for many years; that it is important to avoid even the perception of party politics in the Supervisor's office; and that a candidate's campaign should be based on qualifications, not politics; whereupon, she shared email communications, copies of which have been filed and made a part of the record, relative to the manner in which the SOE is elected in several other counties throughout the state.

Chairman Duncan noted that Republican State Committeeman Tony DiMatteo was not present when public comment was called for and invited him to address the members at this time; whereupon, Mr. DiMatteo expressed his concerns relative to the fact that nonpartisan candidates run in the primary election, which disenfranchises independent voters; and related that he is in support of a partisan election of the office of Supervisor of Elections.

Responding to the comments by Mr. DiMatteo and queries by Commissioner Welch, Ms. Clark clarified that while nonpartisan candidates run during a primary election, it is an open primary where all voters have the opportunity to cast a ballot whether they are enrolled in a political party or not; that no voters are disenfranchised by holding an election during a primary; and that the holding of a second primary has been permanently repealed by the legislature.

Following discussion wherein the members expressed their views on the issue, Chairman Duncan indicated that the consensus among the members is to continue discussion of this topic at a future meeting; and requested that additional information on the process followed in other charter counties relative to changing the office of SOE to nonpartisan be provided; whereupon, Commissioner Welch indicated that more input from a broader cross-section of citizens should be solicited; and requested that Ms. Clark provide data comparing a partisan School Board election to a nonpartisan School Board election, information on voter drop off or under vote, and statistics on the number of voters in the County by political party; and Ms. Clark indicated that she will provide the requested information to Mr. Spitzer.

Council of North County Neighborhoods, Inc.

At the invitation of Chairman Duncan, President of the CNCN Don Ewing provided background information relative to the formation of CNCN; and indicated that its role in the community is to provide a voice to government for the unincorporated area in north county. Referring to a document titled *Introducing the Council of North County Neighborhoods, Inc.*, a copy of which has been filed and made a part of the record, Mr. Ewing described issues and concepts which the CNCN believes are important to its citizens, as follows:

- County should provide an active representation rather than a demand government in the incorporated areas.
- More efficiency in government; trend toward leaner government when economies of scale can realize a better cost/benefit ratio for the majority.
- Increased awareness of lack of infrastructure development and a focused effort to catch up.
- Protection of parks and preserve lands in North Pinellas County.
- Investigation of alternatives for increasing available mass transit option and the inclusion of North County in the planning while considering the character of the area.
- Focus efforts on planning to help retain major sports franchises in Pinellas County.

Responding to query by Commissioner Welch, Mr. Ewing indicated that community overlays can be the vehicle used to characterize and identify an unincorporated area; and responding to query by Mr. Bedinghaus, Commissioner Welch defined “community overlays” as a set of zoning and planning models specific to a certain area which reflect the

character of a particular community; and discussion ensued with Mr. Ewing providing additional information.

Responding to queries by Mr. Neri, Mr. Ewing indicated that CNCN is not saying that consolidation is a good idea in any particular aspect of the County, but that it should be considered in some cases; that annexation is the number one issue for CNCN this year; and that Palm Harbor and East Lake are self-taxing districts; whereupon, Chairman Duncan suggested that CNCN consider the issues of special districts and a countywide mayor and provide input when those issues are discussed by the CRC; and Mr. Ewing indicated that he would take those issues back to the CNCN board.

Andy Steingold, Mayors Council of Pinellas County

Chairman Duncan indicated that since Mayor Steingold has not yet arrived, his presentation will be heard at a future meeting.

FURTHER DISCUSSION OF ITEMS FOR REVIEW

Responding to query by Chairman Duncan regarding additional issues to be considered by the CRC, Commissioner Welch related that Commissioner Seel has requested that the CRC explore the concept of integrating 2-1-1 Tampa Bay Cares into the County's 9-1-1 services through its charter and examine information on other counties which have done so; whereupon, in response to query by Chairman Duncan, Attorney Churuti related that 9-1-1 is created by special act; and that countywide authority over 9-1-1 is an enumerated power of the BCC. Chairman Duncan indicated that Commissioner Seel had also spoken to him about the issue; and that even though it is not appropriate for action by the CRC directly, perhaps it could be sent back to the BCC as a recommendation if the CRC feels strongly about it.

Summary of February 9th Issues

Responding to query by Mr. Bedinghaus, Attorney Churuti indicated that spending taxpayer funds to advance or advocate a particular position is a criminal activity; that she will be presenting information to the CRC relative to what is and is not permitted under state law with respect to that issue; and that this is not an area that can be regulated by the CRC; whereupon, Representative Hooper related that the problem with the current law is that electioneering communication was not defined; and that there is legislation pending to solve that problem.

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Attorney Churuti related that she will present information on the lobbyist registration laws at the state and county levels and what the current state law is regarding lobbyist disclosure; and that this is a topic that can be considered by the CRC for charter amendment.

OPEN DISCUSSION

Mr. Neri indicated that he has been in touch with the Unincorporated Seminole Council of Neighborhood Associations and is awaiting a reply.

Chairman Duncan acknowledged the presence of the City of St. Petersburg City Council Chairman Lesley Curran and Immediate Past Chairman Jeff Danner. Chairman Curran noted that it is difficult to hear members' comments from the audience; whereupon, Ms. Kynes indicated that microphones should be provided in order for the members to be heard by both the audience and the board reporter to ensure that there is a clean record of all deliberations; and Chairman Duncan indicated that an effort for better amplification will be made.

Maureen Stafford, Chairman of the Executive Committee of the Council of Neighborhoods Associations (CONA), noted that she is in attendance to introduce herself to the CRC and not to provide comment.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:25 P.M.

AGENDA

Pinellas County Charter Review Commission
Tuesday, March 9, 2010 -- 4:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of February 9, 2010 meeting
Approval of Minutes of February 22, 2010 meeting

- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals

- IV. Presentations
 - ❖ Andy Steingold, Mayors Council of Pinellas County
 - ❖ Jim Lawrence, Barrier Islands Governmental Council
 - ❖ CONA
 - ❖ Ethics/Lobbying Policy

- V. Review of SB 216 (2009) and Limitations Applicable to the CRC

- VI. Open Discussion

- VII. Adjournment

Clearwater, Florida, March 9, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 4:01 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
Gerald A. Figurski
Deborah Kynes
Raymond H. Neri

Not Present:

James Angle
Ed Hooper, State Representative

Late Arrival:

Paul Bedinghaus
Ricardo Davis, Vice-Chairman
William B. Harvard, Jr.
Melissa B. Jagger

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes
 - ▶ February 9, 2010 Meeting
 - ▶ February 22, 2010 Meeting
- III. Public Comment
 - ▶ Audience
 - ▶ Website Submittals

- IV. Presentations
 - ▶ Andy Steingold, Mayors Council of Pinellas County
 - ▶ Jim Lawrence, Barrier Islands Governmental Council
 - ▶ Council of Neighborhood Associations (CONA)
 - ▶ Ethics/Lobbying Policy
- V. Review of SB 216 (2009) and Limitations Applicable to the CRC
- VI. Open Discussion
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 4:01 P.M., noted that a quorum was present, and welcomed those in attendance.

MINUTES OF THE MEETINGS OF FEBRUARY 9, 2010 AND FEBRUARY 22, 2010

Chairman Duncan presented the February 9, 2010 and February 22, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Ms. Kynes and carried, that the minutes be approved as submitted (Vote 7 – 0).

PUBLIC COMMENT

Audience

In response to the Chairman’s call for individuals wishing to be heard, Norman Atherton, Palm Harbor, appeared and proposed that there be five at-large county commissioners.

* * * *

At this time, 4:04 P.M., Ms. Jagger and Mr. Harvard entered the meeting.

* * * *

Norm Roche, Clearwater, appeared and submitted a document titled *Pinellas County Charter Review Recommendations*, which has been filed and made a part of the record, and disclosed that he is a Republican candidate running for the county commission in the November election, but that he is appearing as a citizen. Mr. Roche proposed that membership on the Board of Commissioners (BCC) be limited to two four-year terms or, in the alternative,

the individual seats be limited to two four-year terms; that the Supervisor of Elections, Board of County Commissioners, Clerk of the Circuit Court, Sheriff, Property Appraiser, and Tax Collector all be made non-partisan seats; that the Supervisor of Elections, Property Appraiser, Clerk of the Circuit Court, and Tax Collector be removed from the election process altogether; that the Property Appraiser and Tax Collector offices be consolidated; and that the Public Works and Utilities departments be consolidated.

* * * *

At this time, 4:08 P.M., Mr. Davis entered the meeting.

* * * *

Commissioner Welch related that the County Administrator is considering consolidating Utilities and Public Works to address the budget deficit this year; and Mr. Roche clarified that he is recommending that term limits be applied only to the BCC at the present time.

City of St. Petersburg Councilmember Jeff Danner appeared and discussed the potential consolidation of the Metropolitan Planning Organization (MPO) and Pinellas Planning Council (PPC); indicated that he met with Representative Kriseman, PPC Executive Director Dave Healey, Pinellas County Planning Director Brian K. Smith, and County Administrator Robert S. LaSala last week. He stated that pursuant to an agreement reached at that meeting, a committee comprising BCC, PPC, and MPO members will be created to address some of the details not included in the bill related to representation, duties, responsibilities, and staffing; that the committee will provide recommendations to Representative Kriseman before the bill is resubmitted in November; and that meeting dates will begin to be scheduled after the committee membership has been finalized.

Mr. Danner requested that the CRC, after its deliberations are concluded, make a recommendation to the BCC and Representative Kriseman if the issue is not put on the charter. In response to comments and queries by Mayor Steingold regarding the BCC currently sitting as the Countywide Planning Authority (CPA) and the cities requesting CPA representation separate from the BCC, Mr. Danner indicated that the composition of the CPA is the main issue and will receive the most discussion; and that the intent is that the new body created by the consolidation will adopt and amend a countywide plan and make recommendations back to the local municipalities, thereby taking away authority from the County as the CPA; whereupon, he offered to attend all future discussions regarding the issue; and Chairman Duncan pointed out that discussions regarding the PPC issue are scheduled to begin at the March 22 CRC meeting, and invited Mr. Danner to attend the meeting.

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Bill Israel, South Pasadena, appeared, indicated that he represents the South Pasadena Golf Club Estates Civic Group, and expressed concerns regarding the inequitable method of determining millage rates for dependent fire districts; whereupon, he urged the CRC to consolidate all of the fire districts or, in the alternative, consolidate all of the dependent fire districts into a single district or single planning and budgeting function so that the millage rate applies equally to all of the districts, as it does for emergency medical services.

Website Submittals

Chairman Duncan pointed out that copies of the website submittals are included in the agenda packet; and expressed his satisfaction with citizens using the website to make comments and suggestions.

PRESENTATIONS

Mayors Council of Pinellas County

Mayor Steingold indicated that the Mayors Council does not perceive any contentious issues, but it does request that the CRC not make any changes to the Charter that would impact home rule or the dual vote provision. He indicated that home rule is defined as allowing cities to operate independently; that the County agreed in the May 2, 2007 settlement agreement that the dual vote provision is Constitutional and that it will not seek a referendum to remove the provision from the Charter; and that the settlement agreement precludes the CRC from addressing certain issues. Mayor Steingold pointed out that consolidating fire and emergency management services (EMS) would be an invasion of the home rule authority granted through the Florida Constitution and Florida Statutes, Chapter 166, noting that fire and EMS services are provided at different levels depending on the city or the part of the county.

Attorney Churuti added that many of the dual vote provisions are also Florida Constitution protections; that the Constitution states that functions or powers require a dual referendum; and that the Charter states that functions, services, powers, or regulatory authority require a dual referendum by a vote of the electors, not the elected bodies, noting that the court retains jurisdiction to enforce the terms of the settlement agreement.

During discussion and in response to queries by Commissioner Welch and Mr. Davis regarding whether or not the current CRC is considered a party to the settlement agreement and if it is precluded from addressing certain issues, Attorney Churuti discussed the

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settlement agreement, noting that the CRC was a party to the settlement, but adjourned sine die; that the CRC was discharged from the lawsuit as part of the judgment on its face; and that a new CRC has been appointed.

During discussion and in response to comments and queries by the members, Mayor Steingold indicated that favorable input has been received from several elected officials in regard to having an elected official, accountable to the public, serve as the county executive; and that the overall consensus is that having a county mayor may improve the relationship between the cities and the county officials.

Mayor Steingold stated that the Mayors Council did not identify any specific issues for discussion by the CRC; and that the implied consensus of the cities is that they want to be left alone. He related that the incoming president of the Mayors Council will be Pinellas Park Mayor William F. Mischler; whereupon, Chairman Duncan encouraged the Council's continued participation.

Barrier Islands Governmental Council

Indian Shores Mayor and Barrier Islands Governmental Council (BIG-C) president Jim Lawrence appeared, provided a brief overview of the overall purpose of the BIG-C, and stated that the BIG-C membership requested that he speak to the CRC regarding the fate of the Pinellas Planning Council (PPC); whereupon, he related that the cities need the PPC or a very similar organization; that the PPC is the only available avenue for smaller municipalities to have their voices heard in the county planning process; that the PPC provides professional planning expertise to smaller cities without professional planners; and that the PPC assists smaller cities with difficult planning concepts and planning deficiencies and provides assistance on a weekly basis.

Mayor Lawrence pointed out that the PPC recently provided assistance with rewriting the building ordinances to be consistent with the countywide ordinances; that the PPC is the only county agency able to provide this level of support to the cities; and that maintaining that capability is extremely important to the smaller cities. In response to queries by Mayor Steingold, Mayor Lawrence indicated that the main concern is that the BIG-C maintain access to the planning expertise it currently receives from the PPC; and noted that the BIG-C will be represented on the proposed committee.

* * * *

At this time, 4:55 P.M., Mr. Bedinghaus entered the meeting.

* * * *

In response to comments and queries by Chairman Duncan and Commissioner Welch, Mayor Lawrence indicated that compensation for the services of the PPC are negotiable, noting that compensation was paid to the PPC for a yearlong project; and that the County's planning department may be able to provide the services, but may not have the time to fulfill the requirements of 24 municipalities; whereupon, Mayor Steingold provided input regarding unfunded mandates from the state.

Discussion ensued wherein Mr. Figurski related that his understanding is that the PPC was created by Special Act to allow cities to have a say in the county planning process so they are not overpowered by the County; and Attorney Churuti clarified that the PPC was created to provide cities with a forum and an opportunity for discussion and a step in the process, but that the PPC is advisory to the BCC; whereupon, Chairman Duncan invited Mayor Lawrence to attend the March 22 meeting and participate in the discussion regarding the PPC.

Mayor Lawrence agreed to provide the BIG-C's written position on the county mayor and single district issues.

COUNCIL OF NEIGHBORHOOD ASSOCIATIONS (CONA)

Maureen Stafford, Executive Director of CONA land development and historic preservation, appeared and indicated that CONA has an interest in the county mayor issue; and Chairman Duncan related that the issue is scheduled for discussion at the April 26 meeting.

ETHICS/LOBBYING POLICY

Attorney Churuti discussed and explained the state ethics and lobbying process and described the different ethics modes. She stated that Ordinance No. 97-19 defines a lobbyist as someone who accepts compensation, and lobbying as meeting privately; whereupon, she highlighted the history of amendments to the County's lobbying policy, noting that the BCC adopted a very rigorous provision in February 2010 providing for zero tolerance for communications when procurement items are in the bidding process. In response to query by Mayor Steingold, Attorney Churuti indicated that Florida Statute 112.3215 is not applicable to the BCC; that several jurisdictions adopted local lobbying provisions, including a local lobbyist registration form; and that she will advise CRC on the issue, but it is more appropriate as a code

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provision than a charter amendment; whereupon, she related that when the BCC began regulating ethics, it adopted and incorporated the provisions in the existing state laws as amended day-to-day.

Attorney Churuti discussed the honest services provision prosecutions and theories and related that Florida is one of the minority jurisdictions where a state law violation of the ethics code is not required in order to have a federal crime; that the legal argument has been made that the honest services provision is unconstitutionally vague; and that there is a state law pending proposing an honest services statute for the State of Florida, noting that there is also an amended U.S. statute.

During discussion and in response to comments and queries by Chairman Duncan and Mr. Bedinghaus, Attorney Churuti pointed out that the real teeth for ethics issues lies with the grand juries in the individual jurisdictions statewide; indicated that the CRC would not generally address the issue, but that it could; and noted that the commission on ethics complaint process can be misused. Mr. Bedinghaus related that his interest is in exploring the BCC's lobbying registration issue and what is not covered by the County's existing ordinance; whereupon, Attorney Churuti indicated that lobbying activity needs to be addressed, but that the real issue may be the definitions; and following further discussion, Commissioner Welch suggested that the definition of a lobbyist be addressed first.

Discussion ensued regarding violations and penalties and in response to query by Mr. Bedinghaus, Attorney Churuti indicated that a citizen could file a criminal complaint for violations of the ordinance; whereupon, Chairman Duncan reiterated his position that it is not a CRC issue, but that recommendations could be made to the BCC; and suggested that Attorney Churuti bring back draft modified language for the CRC to review, and no objections were noted.

Following discussion regarding enforcement, unintended consequences, and public records requests, Attorney Churuti confirmed that she will redefine the definition of lobbying, come up with additional provisions from other ordinances around the state to address the loopholes, look at potential unintended consequences, and examine the lobbyist registration process to better assist commissioners in knowing certain contacts have been made.

In response to comments by Mr. Bedinghaus regarding the need for a meaningful enforcement provision, Attorney Churuti discussed the procurement provision and related that enforcement cannot be criminalized, noting that the maximum authority the counties have is the second degree misdemeanor provision; whereupon, following brief discussion, Commissioner

Welch recommended that the lobbyist registration and lobbying information be made public by putting the information on the County's website, and no objections were noted.

* * * *

The meeting was recessed at 5:49 P.M. and reconvened at 5:57 P.M.

* * * *

REVIEW OF SENATE BILL (SB) 216 (2009) AND LIMITATION APPLICABLE TO THE CRC

Attorney Churuti distributed a copy of Senate Bill (SB) 1928, a copy of which has been filed and made a part of the record, and indicated that the CRC, the Cities, and the County are currently governed by SB 216 prohibiting a public government from expending public funds to advertise or campaign for or against an issue, referendum, or amendment that is subject to the vote of the electors; that SB 1928 is a proposed amendment to SB 216; and that there are great concerns regarding the passage of SB 216. She referenced the Florida Senate bill analysis of fiscal impact statement in the member packet, a copy of which has been filed and made a part of the record, and indicated that it discusses some of the issues raised by the legislation; and that the most significant issue, which is not apparent from the face of the statute but is part of the elections code, is that violations of SB 216 are criminal and are enforced by the State Attorney, and discussion ensued.

Attorney Churuti related that the League of Cities has taken the conservative position that only factual determinations can be given; and in response to comments and queries by Commissioner Welch and Mr. Harvard, indicated that it is clear that County resources cannot be used to advocate for or oppose an issue and can be used for informational purposes only, and Assistant County Administrator Elithia V. Stanfield provided input.

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OPEN DISCUSSION

In response to comments by Mayor Steingold, Attorney Churuti agreed to look into the potential impact the elections bill may have on the term limits for county and city elected officials.

Mr. Neri related that some citizens have expressed concern regarding the time the CRC meetings are held; suggested that the meeting time be changed to accommodate working citizens, and recommended that one meeting a month be held at a later time to accommodate those citizens who work and cannot attend the 4:00 P.M. meetings; whereupon, following discussion, Mr. Neri moved, seconded by Commissioner Welch, that all future CRC meetings be held at 6:00 P.M., effective immediately. Upon call for the vote, the motion carried by a vote of 10 to 1, with Mr. Bedinghaus dissenting.

Thereupon, in response to Chairman Duncan's request, Ms. Stanfield agreed to update the website and the media with the new meeting time.

Chairman Duncan outlined the presentations to be made at the next CRC meeting, distributed the Office of Program Policy Analysis and Government Accountability (OPPAGA) Report and a report provided by the Supervisor of Elections, copies of which have been filed and made a part of the record, and stated that he would like to reach a decision regarding whether or not to move forward with a ballot initiative to make the Supervisor of Elections position non-partisan at the next meeting.

Mr. Davis related that his understanding of the purpose for placing an issue on the ballot was to get the public to weigh in on the issue and whether it should be adopted; and indicated that he felt the prior consolidation issue was handled inappropriately in that the decision was made not to put the issue on the ballot because there was opposition expressed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:29 P.M.

AGENDA

Pinellas County Charter Review Commission
Monday, March 22, 2010 - 6:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of March 9, 2010 meeting

- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals

- IV. Presentations
 - ❖ USEM Community Association

- V. Issues Discussion
 - ❖ Supervisor of Elections
 - ❖ OPPAGA Fire/EMS Study
 - ❖ Pinellas Planning Council

- VI. Open Discussion

- VII. Adjournment

Clearwater, Florida, March 22, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 6:01 P.M. on this date with the following members present:

Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
Raymond H. Neri

Not Present:

Ronnie E. Duncan, Chairman
Ed Hooper, State Representative
Andy Steingold, City of Safety Harbor Mayor
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes

Late Arrival:

Paul Bedinghaus

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene L. Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of March 9, 2010 Meeting
- III. Public Comment
 - Audience
 - Web Site Submittals

- IV. Presentations
 - USEM Community Association

- V. Issue Discussion
 - Supervisor of Elections
 - OPPAGA Fire/EMS Study
 - Pinellas Planning Council

- VI. Open Discussion

- VII. Adjournment

WELCOME

Vice-Chairman Davis called the meeting to order at 6:01 P.M. and welcomed those in attendance; whereupon, noting the lack of a quorum, he directed that the approval of the minutes would be addressed later in the meeting; and no objections were noted.

PUBLIC COMMENT

Audience

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

Web Site Submittals

Vice-Chairman Davis related that one web site submittal was received, a copy of which is included in the agenda packet.

PRESENTATIONS

USEM Community Association

Dot Miller, USEM Community Association, expressed her thanks for the opportunity to address the Commission and provided background information regarding the

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USEM organization, noting that the Association was founded to inform residents of the unincorporated community on various issues that affect them directly; that they hold regular public events with programs on diverse issues; and that their membership consists of approximately 2,000 individuals who live near a number of Pinellas County cities.

Ms. Miller related that the hot-button issue with the members is annexation; that, contrary to the cities' wishes, the unincorporated residents would like to be left alone; and that the USEM Community Association is requesting that the CRC take action to level the playing field between the unincorporated area and the cities.

Ms. Miller suggested that a resident who is approached by a city or who requests information from a city regarding the annexation process be directed to a representative of the unincorporated area so that they can hear both sides of the issue and make an informed decision; and that unincorporated community representatives could be qualified volunteers or even County staff, as the County represents both the unincorporated areas and the cities; whereupon, noting that not all 67 counties in Florida have an annexation problem, she stated that annexation in Pinellas County should not be governed by statewide legislation.

Responding to queries by Commissioner Welch, Ms. Miller indicated that she is referring to both referendum and voluntary annexations; that the City of Seminole has been unsuccessful in attempts to annex by referendum; that USEM members live in unincorporated areas around a number of cities including Largo, Pinellas Park, and St. Petersburg, as well as Seminole; and that she does not feel most unincorporated residents know the true difference between being a resident of a city and the unincorporated area.

In response to query by Commissioner Welch, Pinellas Planning Council (PPC) Executive Director David P. Healey discussed the *Truth in Annexation Worksheet* fiscal analysis tool available on the PPC website, noting that there are some things, both pro and con, that cannot be quantified or measured in terms of being in one jurisdiction or the other; and that a list is provided directing residents to the appropriate county or city staff member to contact for follow-up information. He indicated that the cities are not required to provide comparative data to residents considering annexation, nor is there any automatic mechanism to do so; and that it is the responsibility of the resident to learn the facts regarding annexation.

During discussion and in response to queries by Commissioner Welch, Attorney Churuti confirmed that the CRC cannot enact anything through the Charter that would conflict with State statutory provisions; and Mr. Healey related that there is a requirement pertaining to notice of the parties prior to a referendum annexation; that there is no requirement that a city or

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property owner advise the County that they have been approached regarding a voluntary annexation; and that the County may not become aware of a pending voluntary annexation until the application has been formulated and the process is in motion for adoption of the ordinance. Mr. Neri suggested that the CRC could make a recommendation to the Legislative Delegation proposing a statewide provision allowing a county to apply for jurisdictional control over annexation once it reaches a certain level of development.

Thereupon, Vice-Chairman Davis acknowledged the concerns raised by Ms. Miller and Mr. Neri; and noting that there may be nothing the Commission can do from a Charter standpoint, indicated that the CRC may wish to consider making certain recommendations to the County, cities, and Legislative Delegation.

MINUTES OF THE MEETING OF MARCH 9, 2010

At this time, 6:20 P.M., noting the arrival of Mr. Bedinghaus and the presence of a quorum, Vice-Chairman Davis presented the March 9, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Commissioner Welch and carried, that the minutes be approved as submitted (Vote 7 – 0).

SUPERVISOR OF ELECTIONS

Supervisor of Elections Deborah B. Clark referred to a demographic analysis of Pinellas County voters and statistical data pertaining to School Board races from 1992 to 2008, copies of which have been filed and made a part of the record, and responding to queries by Commissioner Welch, indicated that there are many variables, making it hard to draw conclusions regarding voter trends; that there is generally a lower percentage of voter drop-off during presidential election years; that in general elections, the percentage of under-votes was considerably higher after the School Board races were changed to non-partisan; that under-votes tend to increase on a lengthy ballot due to “voter fatigue”; and that voters tend to skip judicial and school board races and referendum items if they do not understand the questions.

Responding to query by Vice-Chairman Davis, Ms. Clark stated that she does not have an issue with the Supervisor of Elections office being non-partisan, but she is greatly concerned about maintaining the Constitutional status of the office, which provides the authority and autonomy necessary to carry out the duties of the position. Referring to discussions at the February 22, 2010 CRC meeting, Attorney Churuti reiterated her concerns that making the office

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non-partisan could risk its Constitutional status, and Mr. Spitzer provided input. Discussion ensued wherein Ms. Nelson stated that voters are disenfranchised if they do not know the candidates' party and would rather leave the ballot blank than risk voting for someone who does not share their ideology; and Commissioner Welch indicated that a non-partisan Supervisor of Elections would help with the transparency and voter perception of the office; that the matter is worth looking into if the independence can be preserved; and that he would like to know the citizens' opinion on the issue.

Vice-Chairman Davis thanked Ms. Clark for her input and acknowledged her concerns, noting that the Commission will continue its deliberation and make a decision on the matter at a future meeting.

OPPAGA FIRE/EMS STUDY

Mr. Spitzer referred to Office of Program Policy Analysis & Government Accountability (OPPAGA) Report No. 10-25 pertaining to Fire and Emergency Medical Services (EMS) in Pinellas County, a copy of which has been filed and made a part of the record, and provided a brief summary of the findings. He noted that the last CRC spent a considerable amount of time discussing Fire/EMS, but that the current Commission has not tagged it as an issue.

Discussion ensued, and responding to queries by Ms. Nelson and Mr. Neri, Mr. Spitzer related that a study underway by the County is focused on EMS, not fire services; and that he is unsure whether the OPPAGA recommendation would add new duties to the existing EMS Advisory Council or create a new board; whereupon, responding to queries by Commissioner Welch, Assistant County Administrator Elithia V. Stanfield indicated that she believes the intent is to create a new body; that the EMS Advisory Council is part of the ordinance that created the EMS Authority, that the OPPAGA report makes recommendations, but there is no requirement to implement them; that the Legislative Delegation, which commissioned the study, may choose to implement a bill to address the recommendations; and that the County's consultant is tentatively scheduled to release its EMS study report in July 2010.

Mr. Angle indicated that he did not find anything in the report that was Charter related; that the recommendations are addressed to the Legislature and pertain to modification of Florida Statutes; and that he interpreted the recommendation to mean that they would eliminate the current EMS Advisory Council and create a combined Fire and EMS advisory council.

PINELLAS PLANNING COUNCIL

Mr. Spitzer noted that the CRC has tagged the Pinellas Planning Council as an issue for further discussion; that the matter was discussed by the last CRC and no action taken; and that the agenda package contains several memoranda pertaining to the subject; whereupon, he conducted a PowerPoint presentation titled *Planning Practices*, a copy of which has been filed and made a part of the record, and discussed the following topics:

- Historical background of the PPC; its purpose and composition
- Joint Land Use/Transportation Committee recommended by the County Administrator
- Other Models/Options to be considered
- Comparison of similar planning entities – Pinellas, Broward, and Volusia Counties
- Identification of the problem to be solved

Responding to query by Mr. Angle, PPC Executive Director David P. Healey provided information regarding the bill proposed by Representative Rick Kriseman calling for elimination of the PPC and merging of the function into the Metropolitan Planning Organization (MPO) and confirmed that the bill had been withdrawn. He related that it is his understanding that the bill was designed to better integrate land use and transportation functions to improve the end product and achieve increased cost efficiency; that the bill had failed to address the issue of representation of the 24 cities, the unincorporated county, and the School Board, as does the PPC; and that he hopes the guiding principles for any discussion would be that any such entity would be at least as effective and at least as efficient as the current arrangement, hopefully more so; and that the structure would provide for representation of all parties.

Ms. Nelson stated that identification of the problem to be solved is a key consideration; and suggested that it would be helpful to have a list of pros and cons of combining the organizations; whereupon, Commissioner Welch indicated that there are two main issues, one being fiscal concerns and the perception that there is a duplication of efforts, and the other being the need for coordination in land use and transportation planning as efforts move forward toward establishment of a light rail system. Responding to his query, Mr. Healey related that the PPC

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and MPO have each appointed three members to the Joint Land Use/Transportation Committee; and that Chairman Seel has yet to appoint the BCC representatives.

Commissioner Welch indicated that it appears the Joint Committee will address the PPC issue; and that he is unsure if there is anything that should be done from a Charter perspective; whereupon, Attorney Churuti related that the MPO was created by Federal statute, operates through the Florida Department of Transportation (FDOT), and has certain representational requirements, which complicate the issue; that she has been advised by the FDOT that no other county has attempted to modify its MPO; and that the Joint Committee, with its focus on light rail, may be as close as it can get to a merger.

In response to query by Commissioner Welch regarding the possibility of adding transit-related planning to the existing PPC structure, Mr. Healey indicated that the PPC has not considered any organizational structure, pending formation of the Joint Committee and identification of the problem to be solved; whereupon, he related that the Council, at last week's meeting, approved a work program and timetable for participation by the PPC, along with the MPO, Pinellas Suncoast Transit Authority, and Tampa Bay Area Regional Transit Authority, in the application process for a Federal Transit Administration grant. Referring to the concept of transit-oriented development, he explained that hopes are to create an "Overlay District" category in the Countywide Plan that will be broad enough to accommodate the needs of each community as it develops its Station Area Plan.

Referring to memoranda submitted by County Administrator LaSala and Attorney Churuti, Mr. Angle suggested that the CRC may wish to take the subject of the PPC off the table; and Vice-Chairman Davis concurred, indicating that, pending further discussion, the PPC may be one of several subjects that the members will decide not to pursue.

OPEN DISCUSSION – None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:02 P.M.

AGENDA

Pinellas County Charter Review Commission
Tuesday, April 13, 2010 - 6:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of March 22, 2010 meeting

- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals

- IV. Presentations
 - ❖ Elected County Mayor form of Government
 - Linda Chapin, former Orange County Mayor
 - John Wesley White, former Sarasota County Administrator
Florida City and County Managers Association

- V. Issues Discussion
 - ❖ Future Charter Review Commissions

- VI. Open Discussion
 - ❖ CRC Schedule

- VII. Adjournment

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held April 13, 2010, at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Not Present:

Ed Hooper, State Representative
Paul Bedinghaus

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene Kennare, Board Reporter, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes
March 22, 2010 Meeting
- III. Public Comment
Audience
Website Submittals
- IV. Presentation - Elected County Mayor Form of Government
Linda Chapin, Former Orange County Mayor
John Wesley White, Former Sarasota County Administrator
- V. Issues Discussion
Future Charter Review Commissions

- VI. Open Discussion
CRC Schedule
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 6:03 P.M., noted that a quorum was present, and welcomed those in attendance.

MINUTES OF THE MEETING OF MARCH 22, 2010

Chairman Duncan presented the March 22, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Commissioner Welch and carried, that the minutes be approved as submitted (Vote 11 – 0).

PUBLIC COMMENT

Audience

The following people responded to the Chairman's call for citizens wishing to be heard:

- Dot Miller, Unincorporated County (Seminole), re Annexation Notice
- W.C. Snipes, Clearwater, re Jobs Lost/Annexation (presented paper)
- Sally Israel, South Pasadena, re Fire and EMS Consolidation

In response to the recommendation of Ms. Israel that the Commission add consolidation of fire districts to its agenda, Commissioner Welch reported that consolidation would require legislative action and cannot be implemented solely by the CRC; that the previous CRC review updated the study prepared by MGT of America; and that a new study focusing on EMS is due in July and is different in that it is looking at fire transport; whereupon, Mr. Angle indicated that a group consisting of the county administrator, some city managers, fire district officials, and representatives from allied areas are working as a resource to the consultant doing the study.

Chairman Duncan related that he would like the Commission to contemplate a strong recommendation to the Board of County Commissioners (BCC) regarding

consolidation of the fire districts; whereupon, Mr. Davis responded that while the current financial crisis is forcing all governments to find ways to do more with less, only a strong grassroots push would force the issue; and that the credibility of the former report depended upon the viewpoint of the reader. Speaking from the perspective of the cities, Mayor Steingold stated that the majority of residents in his city are pleased with the fire department and do not complain about the cost; and that municipal officials will be open to the consolidation of the fire districts when it is shown that the service can be provided just as effectively for less dollars; whereupon, Mr. Neri discussed the political aspect of consolidation and the need for equality.

Website Submittals

Chairman Duncan pointed out that one website submittal is included in the agenda packet.

PRESENTATIONS

Elected County Mayor Form of Government

Chairman Duncan introduced the two featured speakers, noting that although they have different perspectives on the issue, both are highly regarded and have great credibility; whereupon, he indicated that Mr. Spitzer will provide an overview of the executive branch structure of county government.

Mr. Spitzer reviewed the practices and options available to the 20 charter counties in Florida, noting that only three have not retained the professional manager structure of government. He discussed the following five options for county governments to structure the delivery of service:

- County Commission Form
- Appointed Professional Administrator
- Elected Chair
- Elected Mayor
- Elected Executive

Mr. Spitzer indicated that while the election of a head of government would place him on par with other elected officials within the community and create a leadership position for the county on regional issues, it would diminish the role and responsibilities of the county commissioners. In response to queries by the members, Mr. Spitzer stated that if the proposed amendment in Hillsborough County passes, it would mean a strong elected executive

with veto power but would not eliminate the city mayor; that the Charter Review Commission could decide whether or not to give the elected official veto power; and that he is not aware of any studies comparing the effectiveness of the systems; whereupon, Ms. Jagger indicated that one of the Hillsborough commissioners had mentioned that one exists; and Chairman Duncan indicated that staff would provide the study if possible.

Linda Chapin, Former Orange County Mayor

Ms. Chapin related that there was a lot of support for a strong elected official in Orange County when it was put on the ballot in 1986, and it handily passed; that the county was dealing with explosive growth; that two thirds of the population and two thirds of the land were in the unincorporated county as opposed to the 13 cities and there was growing dissatisfaction with the delivery of urban services. She said that the citizens wanted accountability; and that they wanted to do away with the dodging and weaving of the elected officials about who was responsible when things went wrong. Ms. Chapin said that she was serving on the county commission at the time the amendment was passed, and ran for and was elected to the post two years later. She related that she hired a strong county administrator; and that the first years were difficult, as the county commissioners were asked to become a legislative and policy-making body instead of an administrative body, and they were reluctant to give up their power and influence.

Ms. Chapin indicated that the second four years went very smoothly; that the change led to a more efficient and more effective government; and that the accountability the people were looking for was provided. She indicated that the change provided a very clear economic development opportunity, as the business community highly approved of having one go-to official. Ms. Chapin indicated that she believes cities are destined to grow and that counties should not fight the growth of cities if there is managed growth that works to the benefit of the people, and described the working relationship she had with the city governments. In closing, Ms. Chapin emphasized that a strong administrator is necessary; and that veto power is a phony issue that should not be the determining factor since she neither had the power nor needed it, as everyone worked by consensus and collaboratively to deliver the services in the most efficient and cost effective way.

Questions & Answers for Ms. Chapin

Q What was the reaction of sitting commissioners following the change to the government structure?

A *Following initial resentment of loss of salary and power, the commissioners focused on policy decisions and options. Along with the community, the business community, the cities, and the staff, the commissioners would now agree that the change was positive.*

Q Did the development community need to seek support from each commissioner for projects or only from staff and the elected county mayor?

A *The elected county mayor, but the Commissioners were encouraged to focus on policy, economic impacts, proper land use and efficiency, and to meet with everyone.*

Q Was the change revenue neutral?

A *Yes, through salary cuts of the commissioners. The commissioners who were grandfathered in kept their original salaries for the remainder of their term.*

Q Were there term limits for the commissioners?

A *Yes.*

Q Did the commissioners bring community issues to the elected county mayor?

A *Yes, at publicly noticed meetings. Everything was in the Sunshine.*

Q How did the budgeting process work?

A *The elected county mayor created and presented the budget and the county commission approved or made changes. There were always changes, but by and large there was an amicable consensus.*

Q Were you in the Sunshine?

A *Yes, we were totally in the Sunshine.*

Q Who had the authority to hire or fire the county administrator?

A *The elected county mayor, with board approval.*

Q Who did the mayors of the cities deal with before the change?

A *The chair of the county commission, and it was difficult. The change gave the county some parody in terms of negotiations, agreed-upon collaboration, and community projects.*

Q Was the office partisan or non-partisan, and was it a countywide election?

A *The election was countywide. The office was partisan at the time of change, and became non-partisan during my first term.*

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Q Which can advance an agenda, such as rapid transit, more quickly, an elected county mayor or a county commission?

A *The elected county mayor, because that is the one person who can go to the business community, the legislature, or a mayor of another city and negotiate.*

Q Did single-member districts lead to greater parochialism as opposed to countywide districts?

A *I would not favor single-member districts without a strong executive.*

Q What was the reason the citizens decided they needed an elected county mayor?

A *The citizens had enormous anxieties about growth.*

Q As the elected county mayor, what was your relationship with the constitutional officers and the city mayors?

A *The relationships were never perfect, but improved with an elected mayor.*

Q What advantage do you see for Pinellas County to change its form of government, as it is pretty much built out?

A *Among many reasons, leadership and accountability. When I took office, a survey of the citizens found that 35 percent of the electorate believed the county commission was taking the county in the right direction, and when I left, 78 percent said they believed it. The elected county mayor system increased the respect of the citizens for their local government.*

John Wesley White, Former Sarasota County Administrator

Noting that Mr. Spitzer had usurped much of his presentation, Mr. White related that he had worked in both forms of government; that he was the county administrator of Sarasota County for 10 years and the chief administrative officer of Prince Georges County, Maryland for four years, serving under the elected county mayor. He queried why Pinellas County would want to change its form of government since it has a good track record, noting that the right people can make any form of government work. Mr. White indicated that leadership and accountability are the selling points of the elected county mayor form of government, but there are no guarantees that you will not elect people with human foibles and managerial weaknesses; and that there are tradeoffs in how you gauge accountability. He recommended that the Commission focus on unintended consequences, including the diminution of authority of the county commission, and a pervasive atmosphere of personality of the elected county mayor; and pointed out that a mixed single-member and at-large-member system blends advantages of both.

In response to query by the members, Attorney Churuti advised that it would be difficult to put restrictions on the qualifications of an elected county mayor, as it may

be unconstitutional, but should the Commission decide to pursue the issue, she would do the necessary research. She indicated that it is possible that term limits for the county commission could be put on the ballot.

* * *

The meeting was recessed at 8:14 P.M. and reconvened at 8:20 P.M., at which time discussion continued on the elected county mayor issue.

* * *

During discussion, the following information was requested:

- Identify cost involved; compare costs of an elected county mayor with the current county commissioner form
- Identify mechanisms available to keep revenue neutral
- Identify parameters/responsibilities of elected county mayor or strong elected official in other counties, i.e., veto authority, spending authority
- Identify the role of the elected county mayor and the remaining commissioners
- Evaluate effectiveness of one elected official versus seven members of the BCC
- Provide executive summary of the issue
- Provide a list of expected benefits

Discussion ensued wherein Mr. Davis questioned whether there is a need for a change in government in Pinellas County; and Mr. Figurski pointed out that from the information heard so far, it appears that a strong elected mayor would provide a focus for the county; and that it would be easier for the people of the community and mayors of the cities to work with an elected county mayor as opposed to dealing with seven county commissioners. Chairman Duncan stated that he is a believer in the status quo; whereupon, he related anecdotes from his term as chair of the county commission and stated that he found that being the commission chair carries no additional authority.

Commissioner Welch stated that while the cost could be dealt with, he would have to be convinced that the change would be to the good. He agreed that there are

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instances where having a collective body of seven complicates decision making; and suggested that if the change is made, it would still be necessary to have a county administrator; and that the elected county mayor would need the authority to do the job, including veto power. He related that the city mayors he has spoken with are in support of an elected county mayor; whereupon, Ms. Nelson stated that, as a constitutional officer, she has a very good working relationship with the county commission, which would make it difficult to support a change.

Mayor Steingold asked that the Commission not look at the issue as "if it's not broke, you don't fix it," but rather to ask where we are going in the future and whether the change would benefit the citizens in this county and the relationship between the county government and city governments; and pointed out that the county is losing industry and tourism; whereupon, Mr. Figurski asked that the city mayors weigh in on whether a strong elected county mayor would really make a difference in terms of negotiations. Discussion ensued wherein Mr. Davis observed that someone who could be elected to the position does not necessarily bring the ability to run a multi-million dollar enterprise; whereupon, Ms. Kynes noted that Ms. Chapin had stressed that a strong county administrator would still be needed.

Mr. Neri suggested augmenting what already exists by designating one of the countywide commissioners as chairman, with additional powers, and discussion ensued.

ISSUES DISCUSSION

Chairman Duncan related that at the next meeting, the discussion about the elected county mayor issue will continue, as well as the issues concerning future Charter Review Commissions, BCC term limits, and single-member districts; that there is an open slot in May; and that he recommends that the Commission soon vote on which issues to pursue and whether more information is needed. Ms. Nelson suggested that the Commission discuss an elected School Board chairman; and Mayor Steingold asked that the Commission discuss the sports and airport authorities.

OPEN DISCUSSION

Chairman Duncan noted that a new work program will be in the next agenda packet.

ADJOURNMENT

April 13, 2010

There being no further business, the meeting was adjourned at 9:03 P.M.

AGENDA

Pinellas County Charter Review Commission
Monday, April 26, 2010 - 6:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of April 13, 2010 meeting

- III. Public Comment
 - ❖ Audience
 - ❖ Web Site Submittals

- IV. Issues Discussion
 - ❖ Countywide Mayor
 - ❖ Future Charter Review Commissions

- V. Consideration for Placement on Decision Agenda
 - ❖ Nonpartisan Election of SOE
 - ❖ Fire and EMS Services
 - ❖ Ethics/Lobbying Policy
 - ❖ Pinellas Planning Council

- VI. Open Discussion
 - ❖ CRC Schedule

- VII. Adjournment

Clearwater, Florida, April 26, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 5:59 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
William B. Harvard, Jr.
Raymond H. Neri

Late Arrivals:

Paul Bedinghaus
Melissa B. Jagger
Deborah Kynes

Not Present:

Ed Hooper, State Representative

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Michael P. Schmidt, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of April 13, 2010 Meeting
- III. Public Comment
 - Audience
 - Website Submittals

April 26, 2010

- IV. Issues Discussion
 - Countywide Mayor
 - Future Charter Review Commissions
- V. Consideration for Placement on Decision Agenda
 - Nonpartisan Election of Supervisor of Elections (SOE)
 - Fire and Emergency Medical Services (EMS)
 - Ethics/Lobbying Policy
 - Pinellas Planning Council (PPC)
- VI. Open Discussion
 - CRC Schedule
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 5:59 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF APRIL 13, 2010

Chairman Duncan related that the minutes of the meeting of April 13, 2010 are not yet available.

PUBLIC COMMENT

Audience

In response to the Chairman's call for individuals wishing to be heard, Beth Rawlins, Clearwater, appeared and expressed her concerns on the topic of a strong mayor versus a council manager.

Website Submittals

Chairman Duncan related that no website submittals have been received.

ISSUES DISCUSSION

Countywide Mayor

Mr. Spitzer gave a PowerPoint presentation titled *Overview of Executive Branch Structure* and, noting that there can be many variations of each option, presented an overview of the following:

- Head of Executive Branch
- Elected Chair
- Elected Mayor
- Elected Executive

Chairman Duncan suggested that following discussion of each issue, the members decide whether to: (1) dispose of the item because of lack of interest, (2) make a recommendation to the citizens and the Board of County Commissioners (BCC) that the issue be considered, perhaps through a Blue Ribbon Panel, or (3) move the item forward, and begin looking at ballot language, and no objections were noted.

Members in support of the issue indicated that a change in local government would:

- √ Facilitate redevelopment, transportation, commerce and tourism.
- √ Ease conflict between cities and county.
- √ Ease inter-commission squabbles.
- √ Provide a point person for the county.
- √ Empower leadership and vision.
- √ Resolve difficulties caused by lack of formal structure of BCC chairman duties.

Members in opposition to a change in local government indicated that:

- √ There is no compelling reason for a change.
- √ It would add an additional layer of government.
- √ There is no groundswell of support to change the form of government.
- √ Pinellas County Government is not broken.
- √ The BCC has a good mix of single-member and at-large member districts.
- √ It would result in a concentration of power.
- √ A change to an elected mayor would weaken the BCC.
- √ The present form of government creates checks and balances.

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During discussion, Mr. Spitzer indicated that he could not locate a list of benefits an elected mayor would provide as was requested at the last meeting; and Attorney Churuti indicated that she has researched the various county charters in the state about each of the options; and advised that it would be a complicated issue to draft and to get a consensus.

Thereupon, Vice-Chairman Davis moved that the CRC not further consider the County Mayor form of government, and Mr. Bedinghaus seconded the motion.

In response to query by Commissioner Welch, Chairman Duncan requested that, regardless of the outcome of the vote, the issue not be brought back for discussion unless there is compelling evidence and a degree of comfort that the result would be overturned, and no objections were noted.

Following discussion, the motion was approved (vote 9-3, with Ms. Kynes, and Messieurs Steingold and Harvard dissenting).

* * * *

The meeting was recessed at 7:16 P.M. and reconvened at 7:23 P.M.

* * * *

Future Charter Review Commissions

Chairman Duncan asked that the members decide whether to change, alter, or enhance the CRC process.

Mr. Spitzer gave a PowerPoint presentation, discussed the importance of the CRC, and compared the practice in Pinellas County to the practices in other charter counties, noting that charters are important because they are adopted or amended by a vote of the people and cannot be changed by the county commission or by the legislative delegation.

During discussion and in response to queries by the members, Attorney Churuti advised that there is a state law provision for the single-subject rule, but it does not apply to charter commissions; and that the CRC can place items directly on the ballot except for those that were retained as a state power, which must go through the legislative delegation.

Mr. Spitzer identified the CRC practice issues to consider; whereupon, each issue was discussed and various motions were made and amended. The final action on each issue was as follows:

Frequency and Duration

Mr. Figurski moved, seconded by Ms. Kynes and carried unanimously, that the maximum duration of the CRC be 12 months, or one year, from August 1 to July 31, occurring at the time of the presidential election (vote 12-0).

Membership

Mr. Figurski moved, seconded by Tax Collector Nelson and carried unanimously, that the membership of the CRC remains the same (vote 12-0).

Public Hearings

Mr. Figurski moved, seconded by Tax Collector Nelson and carried unanimously, that the CRC hold no less than two public hearings at intervals of not less than 10 days but not more than 21 days immediately prior to transmittal of recommendations to the BCC (vote 12-0).

Single-Subject Rule

Mayor Steingold moved, seconded by Mr. Davis and carried unanimously, that the CRC not address changing the language in the current Charter regarding the single-subject rule (vote 12-0).

Appointment Process

Mr. Figurski moved, seconded by Mayor Steingold and carried unanimously, that the appointment process remains the same (vote 12-0).

During discussion and in response to query by Mr. Bedinghaus, Commissioner Welch indicated that issues that have come before the CRC that he was not expecting were the County Mayor and the ethics/lobbyist.

Thereupon, Mr. Steingold moved, seconded by Mr. Davis, that the CRC recommend to the BCC that a survey be taken at least three months prior to the initial appointment of a new CRC to determine issues of interest to the community; whereupon, Chairman Duncan suggested that staff prepare language for the recommendation and bring it back to the Commission for approval, and the motioner and seconder concurred. Upon call for the vote, the motion carried unanimously (vote 12-0).

CONSIDERATION FOR PLACEMENT ON DECISION AGENDA

Chairman Duncan asked that the members decide whether to dispose of the issue, to recommend further discussion outside of the CRC, or to continue discussion and make the issue part of the work program, and no objections were noted.

Nonpartisan Election of Supervisor of Elections

Mr. Davis moved, seconded by Tax Collector Nelson and carried, that no further action be taken on the nonpartisan election of the Supervisor of Elections (vote 9-3, with Ms. Kynes, Mr. Neri and Commissioner Welch dissenting).

Fire and EMS Services

Mr. Angle moved, seconded by Mr. Steingold, that no further action be taken on the Fire and EMS Services issue; whereupon, Commissioner Welch stated for the record that another study is in progress and a collaborative process is moving forward.

Thereupon, upon call for the vote, the motion carried unanimously (12-0).

Ethics/Lobbying Policy

Referring to previous queries and requests by the members, Attorney Churuti indicated that she has defined "lobbyist," that the current county ordinance does not include telephone conversations and the statewide provisions do; that one unintended consequence could be that the CRC would unintentionally violate statewide provisions on issues that have county implications, i.e., the red light cameras; that the CRC can recommend that the BCC have a better process to determine the identity of a lobbyist and who he is lobbying; that lobbyists can be debarred if they violate the county lobbying ordinance; and that the county can allow lobbyists to register online; whereupon, she advised that the ethics/lobbying policy not be codified in the Charter, but rather, if the CRC decides to go forward with the ethics policy, it make recommendations for the BCC to consider as part of its ordinance adoption process.

Thereupon, Mr. Steingold moved, seconded by Mr. Figurski and carried unanimously, that the proposals defined by Attorney Churuti be recommended to the BCC (vote 12-0).

Pinellas Planning Council

Mr. Figurski moved, seconded by Mr. Steingold, that no further action be taken on the Pinellas Planning Council; whereupon, Commissioner Welch stated for the record that a collaborative process is moving forward.

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Upon call for the vote, the motion carried unanimously (vote 12-0).

OPEN DISCUSSION

CRC Schedule

Chairman Duncan indicated that the schedule would be revised and sent to the members; and in response to query by Mayor Steingold, indicated that the Sports Authority issue would be on the next agenda.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 P.M.

AGENDA

Pinellas County Charter Review Commission
Tuesday, May 11, 2010 - 6:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of April 13, 2010 meeting
Approval of Minutes of April 26, 2010 meeting

- III. Public Comment
 1. Audience
 2. Web Site Submittals

- IV. Issues Discussion
 1. Future Charter Review Commissions
 - review of preliminary revisions
 - consideration of other issues
 - authority to repeal Charter
 2. Single-Member Districts
 3. Term Limits for BCC
 4. Sports Authority
 5. Airport Authority

- V. Open Discussion
 1. CRC Schedule

- VI. Adjournment

Clearwater, Florida, May 11, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 6:00 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Melissa B. Jagger
Gerald A. Figurski
Deborah Kynes
Raymond H. Neri

Late Arrivals:

Paul Bedinghaus
William B. Harvard, Jr.

Not Present:

Ed Hooper, State Representative

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of April 13, 2010 Meeting
Approval of Minutes of April 26, 2010 Meeting
- III. Public Comment
 1. Audience
 2. Website Submittals

- IV. Issues Discussion
 - 1. Future Charter Review Commissions
 - Review of preliminary revisions
 - Consideration of other issues
 - Authority to repeal Charter
 - 2. Single-Member Districts
 - 3. Term Limits for Board of County Commissioners (BCC)
 - 4. Sports Authority
 - 5. Airport Authority
- V. Open Discussion
 - 1. CRC Schedule
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 6:00 P.M. and welcomed those in attendance.

MINUTES OF THE MEETINGS OF APRIL 13 AND 26, 2010

Chairman Duncan presented the April 13 and April 26, 2010 meeting minutes. Ms. Kynes requested that the record reflect that during discussion regarding the countywide mayor at the April 26 meeting, she and Mr. Harvard suggested that a recommendation be forwarded to the BCC to appoint a Blue Ribbon Task Force; whereupon, Mr. Figurski moved, seconded by Ms. Nelson and carried, that the minutes be approved with the record reflecting the changes requested by Ms. Kynes (Vote 10-0).

* * * *

At this time, 6:01 P.M., Mr. Bedinghaus entered the meeting.

* * * *

PUBLIC COMMENT

AUDIENCE

In response to the Chairman's call for individuals wishing to be heard, W. C. Snipes, Clearwater, appeared and expressed his concerns regarding anti-business statutes.

WEBSITE SUBMITTALS

Chairman Duncan pointed out that the website submittals are included in the agenda packet.

* * * *

At this time, 6:08 P.M., Mr. Harvard entered the meeting.

* * * *

ISSUES DISCUSSION

FUTURE CHARTER REVIEW COMMISSIONS

Review of Preliminary Revisions

Referring to the draft amendment concerning future Charter Review Commissions, Mr. Spitzer indicated that the primary amendments (1) extend the CRC cycle from every six years to every eight years, coinciding with presidential election years, (2) increase the term of the CRC from six months to a minimum of 12 months, and (3) require the CRC to hold at least two hearings separated by at least ten, but not more than 21, days on any recommendations for proposed amendments prior to submittal to the BCC; whereupon, he clarified that the CRC will convene again in six years, which is a presidential election year, and then every eight years thereafter.

Mr. Spitzer indicated that there was discussion at the last meeting regarding proposed Charter amendments to change the status of the CRC's legislative representative to an ex officio, non-voting member and to allow a CRC to remain in existence through the general election for the purposes of coordinating a public educational effort, noting that most Charters have such a provision. He related that there was also discussion regarding a non-Charter

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recommendation that the BCC survey the citizens of Pinellas County prior to future CRCs convening to determine the appropriate issues for their review.

Mr. Bedinghaus questioned the purpose of continued discussion on the issue of changing the status of the legislative delegation representative to an ex officio, non-voting member of the CRC, noting that he recalls the members voting favorably at the last meeting to not make any changes to the current CRC membership; and Mr. Figurski confirmed that the members voted unanimously to retain the current CRC membership, which included the CRC remaining a 13-member board and the legislative delegation representative remaining a voting member of the CRC.

Noting Representative Hooper's absence tonight and at the last meeting, Chairman Duncan related that the issue was placed back on the agenda in anticipation of allowing Representative Hooper an opportunity to weigh in on the issue; and Mr. Spitzer related that Representative Hooper's aide reported that Representative Hooper will support the decision of the remaining CRC members; whereupon, following discussion, Chairman Duncan confirmed that there is consensus by the members that no changes be made to the current CRC membership.

During discussion and in response to concerns and queries by Mr. Angle regarding the CRC adjourning prior to elections when the CRC has an item on the ballot and the process for resolving issues where additional information may be required, Attorney Churuti indicated that the language in the proposed amendment gives a future CRC the flexibility to maintain its existence through the general election. Chairman Duncan noted that if the proposed amendment is approved, the next CRC should ensure that its staff is aware of the possibility of an extended session, and Attorney Churuti provided input.

Mr. Figurski moved, seconded by Mayor Steingold, that the proposed amended language be adopted with the following changes to Section 6.03(a), and subject to further discussion after public hearing:

- Change the number of members back to 13.
- Delete "*who shall serve as a non-voting, ex officio member.*"
- Change the number of members from the public at large back to nine.

Thereupon, following brief discussion and upon call for the vote, the motion carried unanimously (Vote 12-0).

Consideration of Other Issues

Survey

Chairman Duncan indicated that the members had discussed recommending to the BCC that a survey of the citizens be conducted to determine the appropriate issues for review prior to each CRC convening; and referring to the document titled *Recommendation Concerning Future Charter Review Commissions*, related that the language in the document could be included as part of a recommendation to the BCC; and that it would not necessarily be in the Charter amendment; whereupon, he solicited feedback from the members, and discussion ensued.

Commissioner Welch suggested that the CRC design the survey, submit an outline of the survey items to the BCC by September 1, and allow 30 days for the survey to be conducted, and discussion ensued regarding the resources available to the CRC. Chairman Duncan suggested that the CRC recommend to the BCC that funding be allocated for the CRC staff and a survey in the fiscal years in which the CRC convenes; and that the CRC have control of the funds for the survey as it does the budget; and in response to query by Tax Collector Nelson regarding who determines the amount of funding provided to the CRC, he stated that the BCC provides the funding; and Ms. Stanfield provided input regarding the funding provisions in the Charter and the process for requesting additional resources from the BCC.

Mr. Neri questioned whether the CRC is understanding and addressing the concerns of the silent majority; and suggested that it may be appropriate to schedule a presentation to explain the dynamics of conducting a survey and the probable costs.

During further discussion, Mr. Spitzer responded to comments and queries by the members regarding the typical budget for CRCs that exist for 12 months or more, the cost and effectiveness of surveys that have been conducted by other counties, and the typical attendance at CRC meetings; and the members provided their respective positions on the issue; whereupon, Chairman Duncan indicated that it is the consensus of the members not to pursue the survey issue, and no objections were noted.

Non-Charter Recommendation Re Lobbying

Mr. Spitzer distributed a document titled *Recommendation Regarding Pinellas County Lobbying Ordinance*, a copy of which has been filed and made a part of the record.

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Referring to recently passed legislation, Attorney Churuti noted that the provision to strengthen the County's ability to enforce ordinance violations with an enhanced penalty was passed by both Houses, but has not yet been approved by the Governor; and related that she will continue monitoring the legislation. She indicated that the CRC members previously discussed and generally agreed on an amendment allowing for penalties of up to one year, rather than six months; and that the amendment would be added to the recommendation distributed by Mr. Spitzer.

Mr. Bedinghaus moved, seconded by Mr. Figurksi, that the CRC approve the recommendation; whereupon, Ms. Jagger pointed out that the word "contract" in paragraph one should be changed to "contact," and no objections were noted.

In response to queries by Commissioner Welch and Mr. Neri, Attorney Churuti clarified that the CRC recommendation is that the BCC amend its lobbying ordinance to include any type of contact; and that it adopt the lobbyist registration form provision of Chapter 112, which would include any kind of contact by anyone receiving monetary value, with exceptions for attorneys who represent clients in judicial proceedings, an employee of an agency, a confidential informant, and a person who lobbies pursuant to a contract in which the contract threshold is less than a certain amount. She cited the statutory definition of lobbyist, noting that it includes any kind of lobbying.

Thereupon, upon call for the vote, the motion carried unanimously (Vote 12-0).

Authority to Repeal Charter

Mr. Spitzer noted that the previous CRC made a recommendation to the legislative delegation to adopt a Special Act to authorize the repeal of the Charter by a future CRC, which was not acted upon; and that the issue was on the last meeting's agenda, but was not addressed.

In response to queries by Commissioner Welch and Mayor Steingold, Mr. Spitzer and Attorney Churuti indicated that there is an Attorney General's opinion that states that unless the Charter specifically authorizes an action for repeal, the CRC cannot undertake such action; that the authority to repeal is considered a retained power of the Legislature from its initial adoption of the Special Act creating the Charter; that the Legislature would have to grant the authority to the CRC by Special Act; and that once the authorization was granted by Special Act and thereafter confirmed by the electorate, a measure to repeal the Charter or to repeal the Charter and replace it with a new document could be considered by a CRC at some point in the future.

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Mr. Spitzer pointed out that the Pinellas Charter is the most limited Charter in the State of Florida; and that one way to address that concern would be to repeal and replace the existing Charter with a new Charter. Ms. Kynes indicated that the provision would allow the CRC to legally strengthen the Charter in the future; whereupon, Attorney Churuti reiterated that the CRC will have to ask the Legislature to adopt a Special Act to authorize the repeal of the Charter, noting that the previous CRC's request was declined by the legislative delegation, and discussion ensued.

Mayor Steingold moved, seconded by Ms. Jagger, that the CRC not address the authority to repeal the Charter.

Thereupon, following additional discussion and upon call for the vote, the motion failed by a vote of 5 to 7, with Ms. Kynes, Commissioner Welch, and Messrs. Bedinghaus, Davis, Figurski, Harvard, and Neri dissenting.

Ms. Kynes moved, seconded by Mr. Bedinghaus, that the CRC re-propose a recommendation to the Legislature that they adopt a Special Act to authorize the repeal of the Charter; and discussion ensued wherein several members indicated that it would be appropriate for Chairman Duncan to attend the legislative delegation meeting to make the argument supporting the adoption of a Special Act. In response to query by Ms. Jagger, Mr. Spitzer distributed a copy of the language submitted to the legislative delegation by the previous CRC, a copy of which has been filed and made a part of the record; whereupon, he reviewed the language and described the process for its adoption.

During discussion regarding whether repealing the existing Charter and adopting a new Charter would be accomplished under one or separate ballot questions, Attorney Churuti indicated that typically the repeal and adoption would be done in one ballot question; that it is possible to repeal the Charter and become a non-Charter County; and that if two ballot questions were presented, the potential exists for one ballot question to pass and the other to fail, in which case the BCC would revert to five at-large commissioners, and discussion ensued.

Chairman Duncan polled each member regarding the issue. Mr. Harvard expressed concern that the proposed ballot language only references repealing, not rewriting, the Charter; and in response to queries by Mr. Neri regarding the Legislature's rationale for denying the previous CRC's recommendation to adopt a Special Act, Attorney Churuti indicated that there are constituencies that do not want the limitations in the Charter removed; and Ms. Stanfield added that when the legislative delegation reviewed the recommendation, most were satisfied with the current status of the County's Charter.

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Discussion ensued and in response to query by Mr. Figurski, Mr. Spitzer related that municipal Charters are not required to be adopted by the voters like county Charters; whereupon, in response to the Chairman's request to restate the motion, Ms. Kynes indicated that her motion would allow a future CRC, citizen petition, or the BCC by a certain vote, to bring forward changes to the Charter.

Thereupon, upon call for the vote, the motion carried by a vote of 9 to 3, with Tax Collector Nelson, Mr. Angle, and Mayor Steingold dissenting.

Following the vote, Mr. Spitzer stated that he will review the document containing the language previously submitted to the Legislature to ensure it is still accurate; and in response to query by Chairman Duncan, Attorney Churuti indicated that the recommendation would not be part of an overall amendment, noting that it has a different ballot route.

SINGLE-MEMBER DISTRICTS

Mr. Spitzer referred to the table in his May 9 memorandum in the agenda packet, a copy of which has been filed and made a part of the record, and stated that there are 11 charter counties with populations greater than 500,000; that several counties have mixed districting systems; and that three counties have County Commissions composed exclusively of single-member districts; whereupon, he indicated that the Pinellas County system is a blend of the two systems, which results in each voter having the ability to vote for the majority of the BCC and allowed the BCC to draw a minority influence district in the St. Petersburg area. He related that the existing system could be changed to a system of all single-member districts, noting that the shape and location of the districts would remain within the BCC's purview.

Following brief discussion, Mr. Figurski moved, seconded by Ms. Kynes and carried, that the CRC not pursue the issue of single-member districts, leaving the County's system as it currently is (Vote 12-0).

TERM LIMITS FOR BCC

Referring to the table in the May 9 memorandum in the agenda packet, Mr. Spitzer related that six of the larger Charter counties have term limits of two terms, one has term limits of three terms, and the others do not have a term limit provision in their Charters.

During discussion, Mr. Neri indicated that the people can vote to keep or get rid of incumbents at every election; and that setting term limits takes away peoples' votes. In

response to comments and queries by Mr. Bedinghaus, Mayor Steingold indicated that setting term limits would bring new perspective to the BCC, noting that eight years is somewhat short, but 12 years is a long time; and Attorney Churuti pointed out that if term limits are imposed, Commissioners can change seats and run district-to-district after reaching the respective term limits, noting that there is a residency requirement in Pinellas County; and that language limiting how often a member can appear on the ballot is a qualification of office and is unconstitutional, and discussion ensued.

Mr. Figurski moved, seconded by Tax Collector Nelson and carried, that the CRC not address the issue of term limits for the BCC (Vote 12-0).

SPORTS AUTHORITY

Mr. Spitzer related that the creation of an authority allows the management of a particular program to be shifted away from the general purpose government to a more focused single-purpose government or authority; and that there may be economies of scale and greater coordination of abilities. He noted that some of the downsides to creating an authority are that the majority of the entity is appointed by the Governor, the electorate loses the ability to select the governing body who may have the ability to impose fees or taxes, and the direct control over the program may be limited; and Mayor Steingold related that a sports authority would enable raising revenues for a new stadium or eliciting teams to come to the area; whereupon, Mr. Spitzer stated that Pinellas County had a Sports Authority for many years, but that the Legislature repealed it on the recommendation of the CRC in 2006.

In response to query by Chairman Duncan, Attorney Churuti provided a brief history regarding the former Pinellas Sports Authority, noting that the members were initially appointed by the Legislature and the Special Act and then reappointed by the BCC. She explained that the essential function of the authority was to issue Pinellas Sports Authority bonds for what is now Tropicana Field; that the City of St. Petersburg decided it preferred to issue the bonds; and that the bonds were refinanced and reissued in the name of the City of St. Petersburg; whereupon, she noted that the authority continued to meet as a vestigial group with some powers but no money.

Ms. Stanfield pointed out that the authority was a dependent district; and indicated that all independent and dependent districts are legally required to file certain reports and have audits; and that the Department of Community Affairs sent dunning letters stating that the authority was not adhering to the law and recommended the authority be repealed if it was a dormant entity; whereupon, in response to query by Ms. Jagger, Attorney Churuti indicated that a Special Act would be required to establish a new sports authority.

Discussion ensued wherein Mr. Davis questioned the benefit having an authority would gain vis-à-vis the Tampa Bay Rays, given the contractual relationship between the Tampa Bay Rays and the City of St. Petersburg; whereupon, Attorney Churuti pointed out that Tropicana Field was transferred to the County because the County is immune to ad valorem taxation, whereas the City can only be exempt, noting that the County is the owner of Tropicana Field, but has an agreement with the City of St. Petersburg.

Tax Collector Nelson moved, seconded by Mr. Davis and carried, that the CRC not pursue the issue of a Sports Authority (Vote 12-0).

AIRPORT AUTHORITY

Mayor Steingold related that he initially raised the issue to determine if a central airport authority could potentially bring in more flights and tourism. Chairman Duncan indicated that the area airports currently pool their funds for purchasing power; whereupon, Attorney Churuti discussed cooperative purchasing regarding fuel, noting that all of the Emergency Management Services and School Board vehicles are subject to cooperative purchasing.

Tax Collector Nelson moved, seconded by Commissioner Welch and carried, that the CRC not pursue the issue of an Airport Authority (Vote 12-0).

OPEN DISCUSSION

Chairman Duncan outlined the three issues moving forward to public hearing, as follows:

- Future CRC Process – proposed language approved
- Repeal of Charter – proposed language approved
- Non-Charter Amendment – approved recommendation to the BCC to revise and amend its lobbying policies and ordinance

CRC Schedule

Chairman Duncan related that the next CRC meeting is scheduled for May 24, with a public hearing scheduled for June 14; and that County staff assistance will be needed for outreach and notifying the public; whereupon, Mr. Spitzer indicated that the non-Charter amendment will be brought back for review and the repeal language will be brought back for another vote at the May 24 meeting.

In response to queries by Tax Collector Nelson, Chairman Duncan indicated that the public may bring up issues at the public hearing; and that the CRC will need to determine whether to entertain, act on, or dispose of those issues. Discussion ensued regarding the need to hold a second public hearing, potential locations, and the possibility of televising the public hearings; whereupon, during discussion and in response to comments and queries by the members, Attorney Churuti related that this CRC is not required to hold any public hearings.

Chairman Duncan noted that June 21 was set aside as an alternate public hearing date, which can be noticed and cancelled if it's not needed; whereupon, he suggested that the June 14 and 21 public hearing dates be noticed. Tax Collector Nelson related that the CRC has a responsibility to the public to be present at both hearings if both dates are noticed; and Mr. Neri stated that the purpose of the CRC is to serve the public.

During discussion, Commissioner Welch suggested that the BCC Assembly Room be used to hold the public hearings; and Ms. Kynes recommended that the public hearings be held two weeks apart; whereupon, she moved, seconded by Tax Collector Nelson, that the public hearings be held on June 14 and 28, 2010; and in response to query by Mr. Davis, Ms. Stanfield related that she will verify the availability of the BCC Assembly Room, and discussion ensued.

Chairman Duncan stated that the motion on the floor is for public hearings to be held June 14 and 28, with the issues of where they are to be held and whether they will be televised to be addressed at a later meeting; and suggested that a final decision be reached at the May 24 meeting after the dates and availability of the BCC Assembly Room are confirmed, and no objections were noted.

* * * *

At this time, 8:17 P.M., Tax Collector Nelson left the meeting.

* * * *

During discussion, Mr. Angle confirmed that the June 8 CRC meeting will not be held; and in response to his query, Chairman Duncan indicated that a meeting will be held some time after June 28 to consider the public input received at the public hearings, noting that options will be brought back at the May 24 meeting, and no objections were noted.

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Thereupon, upon call for the vote, the motion carried unanimously (Vote 11-0).

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:19 P.M.

AGENDA

Pinellas County Charter Review Commission
Monday, May 24, 2010 - 6:00 PM
Tax Collector's Mid County Service Center
Starkey Lakes Corporate Center
13025 Starkey Road, Largo

- I. Welcome

- II. Approval of Minutes of May 11, 2010 meeting

- III. Public Comment
 1. Audience
 2. Web Site Submittals

- IV. Discussion of Tentative Recommendations
 1. Charter Amendments
 - Future Charter Review Commissions
 - Authority to Repeal Charter
 2. Recommendation to Board of County Commissioners
 - Revisions to Lobbying Policy

- V. CRC Schedule
 1. June 14 - Public Hearing
 2. June 28 – Public Hearing
 3. July 13 – Final Meeting

- VI. Adjournment

Clearwater, Florida, May 24, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 5:58 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ed Hooper, State Representative
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
James Angle
Paul Bedinghaus
Gerald A. Figurski
William B. Harvard, Jr.
Deborah Kynes
Raymond H. Neri

Late Arrivals:

Andy Steingold, City of Safety Harbor Mayor
Melissa B. Jagger

Not Present:

Ricardo Davis, Vice-Chairman

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene L. Smitke, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of May 11, 2010 Meeting
- III. Public Comment
 1. Audience
 2. Website Submittals

- IV. Discussion of Tentative Recommendations
 - 1. Charter Amendments
 - Future Charter Review Commissions
 - Authority to Repeal Charter
 - 2. Recommendation to Board of County Commissioners (BCC)
 - Revisions to Lobbying Policy
- V. CRC Schedule
 - 1. June 14 – Public Hearing
 - 2. June 28 – Public Hearing
 - 3. July 13 – Final Meeting
- VI. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 5:58 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF MAY 11, 2010

Chairman Duncan presented the May 11, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Ms. Nelson and carried, that the minutes be approved as submitted (Vote 10–0).

PUBLIC COMMENT

AUDIENCE

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

WEBSITE SUBMITTALS

Responding to query by Chairman Duncan, Assistant County Administrator Elithia V. Stanfield confirmed that no website submittals have been received since the last meeting.

DISCUSSION OF TENTATIVE RECOMMENDATIONS

CHARTER AMENDMENTS

Future Charter Review Commissions

Chairman Duncan indicated that the Commission had reviewed and disposed of a number of items at its last meeting; and that the entire list of issues will be reviewed again later in the meeting; whereupon, referring to a document titled *Pinellas County Charter Review Commission, Charter Amendment #1, Future Charter Review Commissions*, a copy of which has been filed and made a part of the record, he requested that Mr. Spitzer present an overview of proposed Charter revisions.

Mr. Spitzer noted that there are several changes embedded in the Amendment, as follows:

- The frequency with which the CRC meets will be changed from every six years to every eight years, timed so any ballot recommendations would appear on a presidential election ballot.
- There is a transition period. The CRC will meet in six years, and every eight years thereafter.
- There is a requirement that two public hearings shall be held if there are any recommendations for a ballot Amendment. The public hearings are to be separated by at least ten, but not more than 21 days.
- At the discretion of the CRC, it may remain constituted through the General Election, at which time any proposed ballot initiatives would be considered.

* * * *

Mayor Steingold entered the meeting at 6:02 P.M.

* * * *

Ms. Nelson suggested, and thereby moved, that the document language include an explanation that the frequency change will coincide with the presidential election in order to achieve greater participation by the voters; whereupon, Mr. Spitzer and Attorney Churuti indicated that the information could be included in the body of the Amendment and in the final report of the CRC, but that there are limitations on the number of words that can be included in the ballot title and the ballot question. Mr. Figurski seconded, and upon call for the vote, the motion carried unanimously (Vote 11-0).

* * * *

Ms. Jagger entered the meeting at 6:05 P.M.

* * * *

Following discussion, Ms. Nelson moved, seconded by Ms. Kynes, that the following ballot language be adopted, as suggested by Attorney Churuti:

“Shall Section 6.03 of the Pinellas County Charter be amended to lengthen the time between meetings of the Charter Review Commission from six (6) to eight (8) years to coincide with the presidential election cycle, to allow it to remain constituted through the general election and require at least two (2) public hearings prior to its transmittal of its recommendations to the Board of County Commissioners?”

Mr. Bedinghaus questioned the necessity to include the words, “commencing in 2015,” and Attorney Churuti indicated that the proposed wording should be sufficient; whereupon, responding to query by Commissioner Welch, she suggested that the first sentence of Section (e) of the Amendment be modified to read as follows:

“...and each eight (8) years thereafter, in order to coincide with the presidential election cycle.”

Upon call for the vote, the motion carried unanimously (Vote 12-0).

Authority to Repeal Charter

Mr. Spitzer called attention to the document titled *Proposed Special Act*, a copy of which has been filed and made a part of the record, and indicated that it would be necessary for the Florida Legislature to enact a Special Act to place a Charter Amendment on the ballot for consideration of the voters of Pinellas County to allow for repeal of the existing Charter; and that the proposal would affect three Charter sections, as follows:

- Amendments proposed by the BCC; a majority-plus-one vote by the BCC is required.
- Amendments proposed by citizen initiative; requires signatures equal to at least ten percent of the registered electors at the time of the last general election, with certain restrictions.
- Amendments proposed by a CRC.

Commissioner Welch noted that discussions regarding repeal of the Charter tend to raise questions by the cities; whereupon, St. Petersburg City Council Member Jeff Danner appeared and expressed his concerns as to how a repeal would affect the “dual vote” provision, the settlement agreement resulting from the last Charter Review process, and other issues. In response, Attorney Churuti indicated that repeal of the Charter would result in the repeal of the dual vote provision, as well as all other Charter provisions; whereupon, she provided historical background information regarding the Pinellas County Charter, noting that home rule power was granted to the County by the Legislature, but that the power to repeal the Charter was retained by the Legislature and never given to the County; and that following a repeal, the county would be left without a Charter, similar to when the Florida Constitution Commission rewrote the State Constitution in 1968; and that the last Pinellas CRC had proposed exactly the same language as is under consideration today. Councilmember Danner related that the City of St. Petersburg opposes any proposal that would take away the dual vote provision; and indicated that the subject of repeal and replacement of the Charter will require a lot of discussion; and that it is not appropriate for the CRC to take up the matter at this time.

At the request of Mr. Bedinghaus, Attorney Churuti provided a detailed explanation of the dual vote provision, and Mr. Spitzer provided input; whereupon, Mayor Steingold expressed concerns regarding various matters pertaining to the proposed repealer provision. In response, Ms. Churuti indicated that a repeal would change every aspect of the Charter and return Pinellas County to the status of a non-charter county. She pointed out that

only charter counties have the ability to impose a transit tax; that the BCC at this time can only change the status of the Constitutional Officers by going through the State Legislature; and that a repeal could affect the current check-and-balance scenario.

Chairman Duncan pointed out that the repealer is not a last-minute issue, that it was left over from the last CRC; and that the members indicated at the last meeting that they wished to pursue the discussion; whereupon, he expressed concern regarding the risk created by including a provision for repeal of the Charter without reference to a replacement; and at the request of Commissioner Welch, Attorney Churuti proposed that, in every instance, the words “and replacement” be added following the word “repeal.”

A lengthy discussion ensued wherein the members expressed their opinions, discussed options, and, with input by Mr. Spitzer and Attorney Churuti, clarified the following:

- Only the State Legislature currently has the right to repeal the Charter.
- It is a two-part process; the proposed Special Act would grant authority to put the question on the ballot for a decision by the voters at some future date.
- The repeal and replacement approval would be achieved by a single ballot question.
- If the people voted against the repeal and replacement, the existing Charter would remain in effect.
- The new Charter would be created by citizens, the BCC, or a CRC.
- The entire new Charter would be widely available for review by the voters prior to the referendum.
- Repeal of the Charter would not affect current Pinellas Suncoast Transit Authority (PSTA) funding.

- In the event the Charter were repealed without a replacement, Pinellas County would lose its status as a charter county and would not have authority to levy a local option transit tax.

Commissioner Welch moved, seconded by Ms. Kynes, that the CRC submit the proposed Special Act to the Pinellas County Legislative Delegation for its approval; whereupon, in response to queries by the members, Attorney Churuti indicated that the Delegation did not approve the Special Act proposed by the last CRC; that she can only speculate as to the reason why; and that the CRC cannot put the item on the ballot because only the Legislature has the authority to do so. Discussion continued, and responding to queries by the members, Representative Hooper and Attorney Churuti provided information regarding the legislative process and timeframe.

Mr. Angle pointed out that the CRC voted to approve the proposed Special Act at its last meeting, and requested clarification of the intent of the motion; and Chairman Duncan confirmed that the vote would be to include the words “and replace” in all instances following the word “repeal”; whereupon, Mr. Bedinghaus referred to Section 6 of the document and suggested a friendly amendment extending the referendum deadline from December 31, 2012 to December 31, 2018, in order to give the Delegation additional time to consider the issue; and the maker of the motion concurred. During continued discussion and responding to query by Ms. Jagger, Attorney Churuti related that other counties provide for repeal of their charter by a simple majority vote of the electorate; and Mr. Spitzer indicated that thresholds for Charter Amendments have been imposed in two counties, with one having been challenged and thrown out in appellate court; and that the Charter could be amended to provide certain thresholds for the BCC, citizen initiative, or CRC to put the repeal question on the ballot.

Thereupon, Mr. Bedinghaus repealed and amended his friendly amendment to provide that the date be changed to the year 2014, rather than 2018; and the maker and seconder accepted.

Chairman Duncan acknowledged a request from the audience to address the Commission; whereupon, City of South Pasadena Mayor Kathleen Peters echoed the comments of Councilmember Danner, indicted that it appears the CRC has already made a decision to pursue the Special Act, and stated for the record that the City does not support it and would appreciate it if the CRC would reconsider the matter.

Chairman Duncan called for a vote on the amendment to change the date to 2014, and it passed by a vote of 11 to 1, with Mayor Steingold dissenting; whereupon, he called for a

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vote on the motion adding the words “and replace” and changing the referendum deadline date in Section 6 to December 31, 2014. The motion carried by a vote of 7 to 5, with members Hooper, Nelson, Steingold, Angle, and Harvard casting the dissenting votes.

Referring to comments by Mayor Peters, Mr. Angle indicated that the CRC will review all the issues discussed and reaffirm their votes following the public hearings; and Chairman Duncan confirmed the same, adding that the proposed Special Act must also be approved by the Legislative Delegation before going to the voters. Ms. Nelson inquired whether the CRC could put a question on the ballot to give the Delegation a nudge to approve the Special Act; and in response, Attorney Churuti indicated that it would not be appropriate, as the matter involves a Constitutional retained power and the appeal must be made first to the entity holding the power.

RECOMMENDATION TO THE BCC

Revisions to Lobbying Policy

Mr. Spitzer reviewed the recommendations contained in the document titled *Recommendation Regarding Pinellas County Lobbying Ordinance*, a copy of which has been filed and made a part of the record.

Following discussion and in response to concerns raised by Commissioner Welch, Attorney Churuti suggested that recommendation No. 2 be revised to read as follows: “Any registration forms completed by a lobbyist and any records provided should be copied to each County Commissioner...”; and that recommendation No. 3 be revised accordingly. Chairman Duncan suggested that the materials be copied and distributed by the Clerk’s Office; and responding to query by Mr. Bedinghaus, Ms. Stanfield indicated that they could be scanned and distributed electronically, resulting in a minimal impact on staff. Responding to queries by Messrs. Hooper and Bedinghaus, Attorney Churuti indicated that a lobbyist would be anyone who is compensated for making contact with Commissioners, including a lawyer representing a client.

Mr. Figurski moved, seconded by Mr. Neri and carried, that the recommendations to the BCC be approved with the changes recommended by Attorney Churuti (Vote 12-0).

Blue Ribbon Task Force re Countywide Mayor

Referring to discussions at the April 26, 2010 meeting regarding the issue of an elected countywide mayor, Chairman Duncan indicated that he was unsure whether a decision had been made to recommend that the BCC appoint a blue ribbon task force to study the issue; and that he wished to allow the members an opportunity to do so if that is their desire.

Discussion ensued wherein Ms. Kynes indicated that the CRC had decided not to move forward on the countywide mayor issue, and Mayor Steingold indicated that he supports making such a recommendation and that the BCC would not be bound to act on it; whereupon, Mr. Neri moved, seconded by Mr. Harvard and carried, that all items discussed be abbreviated, compiled, commented on, and passed on to future CRCs to act on as they see fit. Commissioner Welch noted that the motion only ratifies what normally happens, and Chairman Duncan concurred, noting that no recommendation will be made to the BCC (Vote 12-0).

Fire Service Advisory Council

Mr. Neri referred to the Office of Program Policy Analysis & Government Accountability (OPPAGA) study pertaining to Fire and Emergency Medical Services (EMS) in Pinellas County and noted that a recommendation to establish a countywide fire panel has not been addressed; whereupon, he read excerpts from the report and moved that the CRC make a recommendation to the BCC to establish a fire service advisory board, similar to the existing EMS Advisory Council.

Attorney Churuti related that the BCC sits as the Countywide Fire Authority; and that the Authority adopts fire standards; whereupon, Mr. Angle indicated that an advisory board such as that proposed by Mr. Neri does not exist and would not have the powers suggested in the OPPAGA report; and that the existing Fire Authority performs the necessary functions.

Commissioner Welch seconded the motion, noting that the BCC could roll the recommendation into its ongoing analysis of EMS and Fire. Discussion ensued wherein Mayor Steingold related that there is an informal group of city managers, fire chiefs, and county staff that meets regularly with the County Administrator regarding fire issues; and Mr. Neri indicated that such meetings should include citizens representing the interests of the taxpayers; whereupon, Mr. Angle related that the County Administrator put together the resource group to assist in the ongoing study; and that their meetings are closed to the public, as are those of the Fire Chiefs' Association.

May 24, 2010

Following additional comments by Commissioner Welch and Representative Hooper, Chairman Duncan clarified that the motion is to recommend that the BCC, not the CRC, appoint a board; and Mr. Neri noted for the record that his request is to include some citizen representatives on the board, not that they dominate its membership.

The motion failed by a vote of 2 to 10, with Commissioner Welch and Mr. Neri voting in favor.

REVIEW OF ISSUES DISCUSSED BY THE CRC

Mr. Spitzer reviewed the issues discussed by the CRC on which they will not be taking action, as follows:

- Whether the Supervisor of Elections should be elected on a non-partisan basis
- Functions and duties of the Pinellas Planning Council (PPC), especially as they relate to transportation issues
- Fire/EMS Services
- Countywide Mayor
- Term limits for the BCC
- Whether all BCC members should be from single-member districts
- Creation of an Airport Authority
- Re-creation of a Sports Authority

Chairman Duncan indicated that the CRC will move forward with the following items, in accordance with discussions at tonight's meeting:

- Charter Amendment No. 1 – public hearings to be held
- Proposed Special Act – to be submitted to the Legislative Delegation
- Recommendation to the BCC regarding lobbying

CRC SCHEDULE

Chairman Duncan related that a public hearing will be held at 6:00 P.M. on June 14, 2010 in the St. Petersburg City Council Chambers; that a second public hearing will take

May 24, 2010

place at 6:00 P.M. on June 28 in the BCC Assembly Room in Clearwater; and that the schedule will be published on the CRC website; whereupon, he requested that staff coordinate with Communications to publicize the hearings through various means including the CRC website, press releases, and the social media; and noted that the public will continue to have the opportunity to provide input via the CRC website.

Referring to the timeline and the requirements for submitting ballot language to the Supervisor of Elections, Chairman Duncan suggested that, following close of the public hearing on June 28, the members review and discuss a draft CRC report, which Mr. Spitzer will prepare and distribute prior to the meeting. He indicated that no vote will be taken on June 28; that the final report will be presented for approval by the CRC at its final meeting on July 13; and that the report will be transmitted to the BCC for submittal to the Supervisor of Elections.

Ms. Stanfield referred to the June 14 public hearing in St. Petersburg and related that, due to cable network restrictions, live telecast of the meeting will not be available countywide; that live streaming video will be available via the Internet; and responding to query by Commissioner Welch, that the video will be recorded and made available on demand via the Pinellas County website.

Attorney Churuti indicated that she has been in coordination with the County Attorney's Office regarding the CRC's progress and the status of the ballot question; that due to the rescheduling of the second public hearing from June 21 to June 28, she will be unable to attend; and that her partner, Grace Dunlap, will attend in her place.

Responding to query by Mr. Bedinghaus pertaining to repeal and replacement of the Charter, Attorney Churuti confirmed that a replacement Charter could contain language specifying that the dual vote provision be retained; whereupon, following comments by Mayor Steingold and Councilmember Danner, Chairman Duncan noted that the CRC has already taken action on the issue; and that it will have the opportunity to reverse its decision on July 13 after listening to citizen comments at the upcoming public hearings.

Chairman Duncan reminded the members that the next meeting will be held at 6:00 P.M. on June 14 at the St. Petersburg City Council Chambers.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:42 P.M.

AGENDA

Pinellas County Charter Review Commission

Public Hearing

June 14, 2010

6:00 PM

St. Petersburg City Council Chambers

175 5th Street North

St. Petersburg

- | | |
|---|---------------|
| 1. Welcome | Ronnie Duncan |
| 2. Approval of Minutes | Ronnie Duncan |
| 3. Review of Charter County Government
and the Pinellas County Charter | Kurt Spitzer |
| 4. Review of the Proposals of the CRC | Kurt Spitzer |
| 5. Public Comment | Ronnie Duncan |
| 6. Discussion of Remaining CRC Schedule | Ronnie Duncan |
| 7. Other Business | Ronnie Duncan |

Clearwater, Florida, June 14, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the St. Petersburg City Council Chambers, 175 5th Street North, St. Petersburg, at 6:00 P.M. on this date with the following members present:

Ricardo Davis, Vice-Chairman
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
William B. Harvard, Jr.
Ed Hooper, State Representative
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Late Arrival:

Ronnie E. Duncan, Chairman

Not Present:

Diane Nelson, Pinellas County Tax Collector
James Angle
Paul Bedinghaus
Gerald A. Figurski

Also Present:

Susan H. Churuti, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Michael P. Schmidt, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes of May 24, 2010 Meeting
- III. Review of Charter County Government and the Pinellas County Charter
- IV. Review of Proposals of the CRC
- V. Public Comment
- VI. Discussion of Remaining CRC Schedule
- VII. Other Business

WELCOME

Vice-Chairman Davis called the meeting to order at 6:00 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF MAY 24, 2010 – APPROVED WITH CHANGE

Vice-Chairman Davis presented the minutes of the meeting of May 24, 2010; whereupon, Attorney Churuti clarified that the first bullet point on page six should read, “only the state legislature currently has the right *to propose legislation allowing the voters* to repeal the charter.”

Thereupon, Commissioner Welch moved, seconded by Mr. Hooper and carried, that the minutes be approved with the record reflecting the changes requested by Attorney Churuti (Vote 8–0).

* * * *

At this time, 6:01 P.M., Chairman Duncan entered the meeting.

* * * *

REVIEW OF CHARTER COUNTY GOVERNMENT AND THE PINELLAS COUNTY CHARTER

Mr. Spitzer referred to a PowerPoint presentation titled *Charter Review Process*, a copy of which has been filed and made a part of the record, and provided highlights of the following:

- 1968 Constitutional Revision of Home Rule Powers
- Key provisions enjoyed by charter counties
- Counties that have adopted charters
- Primary policy areas that may be changed by a charter
- Home Rule limitations

REVIEW OF PROPOSALS OF THE CRC

PROPOSED AMENDMENTS OF THE 2006 CRC

Mr. Spitzer provided an overview of the following proposed amendments of the 2006 CRC:

- Amendment No. 1 – Mosquito Control Districts
Transferred language of original special acts to county charter. PASSED.
- Amendment No. 2 – General
Revised County Administrator’s personnel powers; corrected gender references. FAILED.
- Amendment No. 3 – CRC revisions
Prohibited elected officials; extended timeframe and duration between meetings. FAILED.
- Amendment No. 4 – Dual Vote
Deleted requirement for dual vote to adopt charter amendments concerning policy/standards so as to be consistent with requirements of Florida Constitution. FAILED.
- Amendment No. 5 – Annexation
Required informational mailings for non-voluntary annexations; established a seven-year moratorium between annexation attempts; contained consent provisions. PASSED.
- Amendment No. 6 – Annexation
Restricted use of public funds to induce annexations, with certain exceptions. PASSED.
- Amendment No. 7 – Annexation
Strengthened criteria for “non-referendum, referendum” annexations where property owner has not given express consent. FAILED.

- Recommended Special Act – Repeal of Charter
Proposed Special Act to be presented to voters. If presented and adopted by voters, would allow consideration of ballot question to repeal or repeal and replace charter at some point in the future. NO ACTION TAKEN.

2010 CRC PROCESS

Mr. Spitzer provided an overview of the 2010 CRC process:

- Information and suggestions were gathered from three sources:
 - Public
 - Ten public meetings.
 - Robust website.
 - Suggestions received via email.
 - Community organizations and leaders including:
 - Mayors Council.
 - Beach Communities.
 - League of Women Voters.
 - Neighborhood Organizations.
 - Political Parties.
 - CRC Members
 - Examined issues from the last CRC and identified those for review in 2010.
 - Identified other issues for further research/review by staff and consideration by CRC.
- Issues considered by the 2010 CRC which the members voted not to pursue:
 - Supervisor of Elections – Election of the SOE on a non-partisan basis.

- Pinellas Planning Council – The status, structure, and duties of the PPC.
- Fire/EMS – Revisions to the delivery of fire/EMS services in Pinellas County.
- Single-Member Districts for the BCC
- Term Limits for the BCC
- Elected Mayor – Whether the head of the Executive Branch of the County should be directly elected by the voters and the powers granted to that position.
- Sports Authority – Whether the Sports Authority should be recreated and the form/powers thereof.
- Airport Authority – Whether an Airport Authority should be created within Pinellas County.
- Issues considered by the 2010 CRC on which action has tentatively been taken:
 - Charter Review Commissions
 - Frequency – Adjusted to every eight years to coincide with Presidential Elections when voter turnout is higher.
 - Term – BCC required to appoint not later than August 1 of the year prior to Presidential Election; currently during December prior to election.
 - Hearings – If charter amendments are proposed, at least two public hearings must be held prior to final adoption.
 - Duration – If charter amendments are proposed, CRC may remain in existence through general election.

- Special Act – Repeal/Replacement

Request for Special Act of Legislature – If adopted, would present a charter amendment to voters to consider authorization of repealing and replacing the current charter with a revised charter at some point in the future.

- Does not specify the content of the charter to replace the current version.
- Does not require repeal/replacement – only authorizes consideration.
- Requires adoption of Special Act, proposing amendment and adoption thereafter by voters.

- Recommendation on Lobbying Policy

Recommendation to the BCC to amend Code concerning county policy on lobbying.

- “Lobbying” should include any type of contact, including telephone and electronic.
- Contact forms should be copied and provided to all Commissioners upon filing.
- All lobbyist registration forms and related record should be posted on county website.
- Penalties for failure to comply with lobbying policy should include debarment.

PUBLIC COMMENT

In response to Chairman Duncan's call for persons wishing to be heard, the following municipal officials and their representatives expressed their opposition to the Special Act (Repeal and Replace Charter).

Mayor Kathleen Peters, City of South Pasadena
Councilmember Steve Kornell, City of St. Petersburg
Councilmember Leslie Curran, City of St. Petersburg
Councilmember Jeff Danner, City of St. Petersburg
Mayor Jerry Beverland, City of Oldsmar
Todd Yost, representing Mayor Bill Foster, City of St. Petersburg
Attorney James Denhardt, St. Petersburg, representing the Town of Redington Shores and the City of Pinellas Park

The reasons cited for opposing the Special Act included the following:

- The citizens have voted overwhelmingly not to eliminate the dual vote.
- There was no indication that the issue would arise until late in the Charter Review process.
- There has been no groundswell of support for a repeal and replacement clause in the Charter, nor has it been requested by the general public.
- The potential exists for elimination of the dual referendum.
- The cities find it egregious that the County desires language in the Special Act allowing for unlimited attempts to call for a special referendum election.
- Placing such a divisive issue on the ballot is not desirable at this time.
- Elimination of the dual vote would take away the Home Rule put in place by the citizens to ensure the character, culture, and charm of each city.
- Elimination of the dual vote would strengthen County government at the expense of the cities.
- The issue would invite more litigation that would again divide the cities and the County.
- The cities should have the option of *repealing* and not *repealing and replacing* the charter.
- The language of the Special Act may violate the single-subject rule.

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Commissioner Welch discussed the repeal and replacement clause, and related that it does not require elimination of the dual vote; that the dual vote would most likely be included in any replacement charter; and that while moving power from the state legislature to Pinellas County residents is the intent of the language, it was never stated that the goal was to strengthen Pinellas County Government; whereupon, he clarified that if a future CRC wanted to improve the charter and make it more efficient and effective, it would be able to do so without the Legislature's permission, but that any requested change would still require a vote of the citizenry.

Thereupon, Mayor Steingold stated that at the onset of the discussion by the CRC, one of the reasons given for the purpose of the repeal was to strengthen County government.

During further discussion and in response to queries by Commissioner Welch, Mr. Yost, representing Mayor Foster, related that the issue is broader than just the repeal and replacement clause; that the Mayor is not supportive of the Special Act even if it were to provide some guarantee for a dual referendum; and that while it would have to be approved by the citizens, it could be initiated by other means.

Thereupon, Attorney Churuti discussed the single-subject rule, advising that it does not apply to charter commissions.

During discussion, Ms. Kynes related that the role of the CRC is to work with all citizens in the county, including those residing in the municipalities; that it should provide vision for the county's future; and that the County and cities should not be apprehensive about change, but should look forward, work together, and be flexible in their efforts as they respond to change.

Thereupon, discussion ensued regarding litigation which took place following the most recent CRC and the resulting settlement agreement; whereupon, in response to queries by the members, Attorney Churuti discussed the manner in which the dual vote provision could be guaranteed even if the charter were to be repealed and replaced, but related that it could make things more complicated for future CRCs.

Later in the meeting and in response to queries by Commissioner Welch, Chairman Duncan related that a copy of a letter from Mayor Foster will be placed on the website; and that Mr. Spitzer will distribute a copy to each of the members; whereupon, Attorney Churuti agreed to prepare language, for review by the members, relating to the dual vote being retained in any future charter amendment.

June 14, 2010

Councilmember Karl Nurse, City of St. Petersburg, in opposition to the BCC having the ability to redraw district lines

Councilmember Nurse requested that an amendment to the charter be put on the ballot eliminating the ability of the Board of County Commissioners to draw their own districts; and in response to queries by Commissioner Welch, related that his proposal regarding gerrymandering is essentially the same as that of the citizens' initiative to change the way the state congressional districts are drawn; and that he is also working to change the way the city district lines are drawn; whereupon, Mr. Spitzer related that general law provides that the BCC draws the Commission lines; and that although the Brevard County Charter allows for the appointment of a citizens' body to assist in the drawing of Commission lines, the BCC still approves the lines.

DISCUSSION OF REMAINING CRC SCHEDULE

Chairman Duncan announced that the second public hearing will be held on Tuesday, June 28, 2010 at the Clearwater Court House; that anything moved forward on a permanent proposed basis will be taken to the BCC; and that the ballot language will be delivered to the Supervisor of Elections for placement on the November 2010 ballot; whereupon, he thanked Mr. Yost and the City of St. Petersburg for hosting the CRC meeting.

OTHER BUSINESS

Attorney Churuti related that the Supervisor of Elections' Office had suggested four technical corrections to the November ballot, which were not substantive in nature; and advised that she would be recommending those changes to the CRC.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:35 P.M.

AGENDA

Pinellas County Charter Review Commission

Public Hearing

June 28, 2010

6:00 PM

Pinellas County Commission Chambers – Board Room

315 Court Street – 5th Floor

Clearwater

1. Welcome Ronnie Duncan

2. Approval of Minutes of June 14, 2010 Hearing Ronnie Duncan

3. Review of Charter County Government
and the Pinellas County Charter Kurt Spitzer

4. Review of the Proposals of the CRC Kurt Spitzer

5. Public Comment Ronnie Duncan

6. Adjournment of Public Hearing Ronnie Duncan

7. Review of Draft Final Report of the CRC Kurt Spitzer

8. Other Business Ronnie Duncan

Clearwater, Florida, June 28, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the County Commission Assembly Room, Pinellas County Courthouse, Clearwater, Florida, at 5:59 P.M. on this date with the following members present:

Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
William B. Harvard, Jr.
Ed Hooper, State Representative
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Late Arrival:

Andy Steingold, City of Safety Harbor Mayor
Paul Bedinghaus

Not Present:

Ronnie E. Duncan, Chairman
Susan H. Churuti, Bryant Miller Olive P.A.

Also Present:

Grace Dunlap, Bryant Miller Olive P.A.
Kurt Spitzer, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes of June 14, 2010 Hearing
3. Review of Charter County Government and the Pinellas County Charter
4. Review of Proposals of the CRC
5. Public Comment
6. Adjournment of Public Hearing
7. Review of Draft Final Report of the CRC
8. Other Business

WELCOME

Vice-Chairman Davis called the meeting to order at 5:59 P.M. and welcomed those in attendance. A sign-in sheet has been filed and made a part of the record.

MINUTES OF THE HEARING OF JUNE 14, 2010 – APPROVED

Vice-Chairman Davis presented the minutes of the hearing of June 14, 2010; whereupon, Commissioner Welch moved, seconded by Ms. Kynes and carried, that the minutes be approved as submitted (Vote 10–0).

* * * *

At this time, 6:00 P.M., Mayor Steingold and Mr. Bedinghaus entered the meeting.

* * * *

REVIEW OF CHARTER COUNTY GOVERNMENT AND THE PINELLAS COUNTY CHARTER

Mr. Spitzer referred to a PowerPoint presentation titled *Pinellas County Charter Review Commission, Public Hearings, June 2010*, a copy of which has been filed and made a part of the record, and provided highlights of the following:

- 1968 Constitutional Revision – Home Rule Powers
- Key provisions enjoyed by Charter Counties
- Primary policy areas that may be changed by a Charter
- Counties that have adopted Charters
- Home Rule limitations

REVIEW OF PROPOSALS OF THE CRC

PROPOSED AMENDMENTS AND RECOMMENDATIONS OF THE 2006 CRC

Mr. Spitzer provided an overview of the following proposed amendments of the 2006 CRC:

- Amendment No. 1 – Mosquito Control Districts
Transferred language of original Special Acts to County Charter. PASSED.
- Amendment No. 2 – General
Revised County Administrator’s personnel powers; corrected gender references. FAILED.
- Amendment No. 3 – CRC revisions
Prohibited elected officials; extended timeframe and duration between meetings. FAILED.
- Amendment No. 4 – Dual Vote
Deleted requirement for dual vote to adopt Charter amendments concerning policy/standards so as to be consistent with requirements of Florida Constitution. FAILED.
- Amendment No. 5 – Annexation
Required informational mailings for non-voluntary annexations; established a seven-year moratorium between annexation attempts; contained consent provisions. PASSED.

- Amendment No. 6 – Annexation
Restricted use of public funds to induce annexations, with certain exceptions. PASSED.
- Amendment No. 7 – Annexation
Strengthened criteria for “non-referendum, referendum” annexations where property owner has not given express consent. FAILED.
- Recommended Special Act – Repeal of Charter
Proposed Special Act to be presented to voters. If presented and adopted by voters, would allow consideration of ballot question to repeal or repeal and replace Charter at some point in the future. NO ACTION TAKEN.

2010 CRC PROCESS

Mr. Spitzer provided an overview of the 2010 CRC process:

- Information and suggestions were gathered from three sources:
 - Public
 - Ten public meetings.
 - Robust website.
 - Suggestions received via email.
 - Community organizations and leaders, including:
 - Mayors Council.
 - Beach Communities.
 - League of Women Voters.
 - Neighborhood Organizations.
 - Political Parties.
 - CRC Members
 - Examined issues from the last CRC and identified those for review in 2010.
 - Identified other issues for further research/review by staff and consideration by CRC.

- Issues considered by the 2010 CRC which the members voted not to pursue:
 - Supervisor of Elections (SOE) – Election of the SOE on a non-partisan basis.
 - Pinellas Planning Council – The status, structure, and duties of the PPC.
 - Fire/EMS – Revisions to the delivery of fire/EMS services in Pinellas County.
 - Single-Member Districts for the Board of County Commissioners (BCC)
 - Term Limits for the BCC
 - Elected Mayor – Whether the head of the Executive Branch of the County should be directly elected by the voters and the powers granted to that position.
 - Sports Authority – Whether the Sports Authority should be recreated and the form/powers thereof.
 - Airport Authority – Whether an Airport Authority should be created within Pinellas County.
- Issues considered by the 2010 CRC on which action has tentatively been taken:
 - Charter Review Commissions:
 - Frequency – Adjusted to every eight years to coincide with Presidential Elections so that any proposed amendments would be placed on the ballot when voter turnout is higher.
 - Term – BCC required to appoint not later than August 1 of the year prior to Presidential Election; currently during December prior to election.

- Hearings – If Charter amendments are proposed, at least two public hearings must be held prior to final adoption.
- Duration – If Charter amendments are proposed, CRC may remain in existence through General Election for the purpose of responding to questions or educating the public concerning the proposed amendments.
- Special Act – Repeal/Replacement:

Request for Special Act of Legislature – If adopted, would present a Charter amendment to voters to consider authorization of repealing and replacing the current Charter with a revised Charter at some point in the future.

 - Does not specify the content of the Charter to replace the current version.
 - Does not require repeal/replacement – only authorizes consideration.
 - Requires adoption of Special Act proposing amendment, and adoption thereafter by voters.
- Recommendation on Lobbying Policy:

Recommendation to the BCC to amend the County Code concerning the County policy on lobbying.

 - “Lobbying” should include any type of contact, including telephone and electronic.
 - Contact forms should be copied and provided to all Commissioners upon filing.

- All lobbyist registration forms and related records should be posted on county website.
- Penalties for failure to comply with lobbying policy should include debarment.

Mr. Spitzer described the repeal and replacement process that must occur before a Charter amendment may be placed before voters for consideration, noting that a Charter amendment can currently be placed before the voters for consideration by either a future CRC, by the voters through a petition process, by the Board of County Commissioners with a majority plus one vote, or by the Legislative Delegation.

PUBLIC COMMENT

In response to Vice-Chairman Davis's call for persons wishing to be heard, the following municipal officials and their representatives expressed their opposition to the Special Act (Repeal and Replace Charter):

Mayor Frank Hibbard, City of Clearwater
Attorney James Denhardt, St. Petersburg, representing the Town of Redington Shores and the City of Pinellas Park
Property Appraiser Pam Dubov, Pinellas County
Councilmember Leslie Curran, City of St. Petersburg
Councilmember Jeff Danner, City of St. Petersburg
Carlen Petersen, Clearwater, representing the Clearwater Regional Chamber
Commissioner Tom Shelly, Town of Belleair, Suncoast League of Cities President
Councilmember Thom Barnhorn, City of Seminole, Suncoast League of Cities Vice-President
Mayor Bill Mischler, City of Pinellas Park, Mayors Council President
Mayor Kathleen Peters, City of South Pasadena
Todd Yost, representing Mayor Bill Foster, City of St. Petersburg

Mayor Hibbard pointed out that Pinellas County is not the only County with the dual vote provision; that Palm Beach County enacted the provision in 2006; and that Alachua and Brevard Counties are most likely going to put the provision on the November ballot; whereupon, he noted that 70 percent of Pinellas County is made up of citizens within cities.

Ms. Stanfield reported that an email had been received during the public hearing from Commissioner Mary Lynda Williams, City of Safety Harbor, regarding the Special Act; whereupon, she distributed the email to the members, a copy of which has been filed and made a part of the record, and at the direction of Vice-Chairman Davis, read the email into the record.

The reasons cited for opposing the Special Act included the following:

- The citizens have voted overwhelmingly not to eliminate the dual vote.
- There was no indication that the issue would arise until late in the Charter Review process.
- There has been no groundswell of support for a repeal and replacement clause in the Charter, nor has it been requested by the general public.
- The potential exists for elimination of the dual referendum.
- Placing such a divisive issue on the ballot is not desirable at this time.
- Elimination of the dual vote would take away the Home Rule put in place by the citizens to ensure the character, culture, and charm of each city.
- Elimination of the dual vote would strengthen County government at the expense of the cities.
- The Charter does not authorize the CRC to make recommendations for Special Acts.
- The issue would invite more litigation that would again divide the cities and the County.
- The cities should have the option of *repealing* and not *repealing and replacing* the Charter.
- The language of the Special Act may violate the single-subject rule.

Mr. Figurski questioned the basis for Mr. Denhardt's allegations that the County influenced the recommendation for a Special Act and requested that he identify the specific information on which he based his allegations; whereupon, following brief discussion, Mr. Denhardt indicated that he should have stated that it is his personal, strong belief that the County influenced the recommendation.

Alluding to comments made by Ms. Petersen and Mayor Mischler, Mr. Neri questioned the cities' fear of eliminating the dual vote provision from the Charter and how anything productive will ever be accomplished within the County if there are 24 additional votes on every issue; whereupon, in response to his queries, Ms. Petersen and Mayor Steingold indicated that the dual vote provision provides the cities with an added protection that they are unwilling to give up; and that the Special Act erodes the existing powers of Home Rule and potentially reduces the autonomy of the cities within the County.

Art Hébert, Largo, proposed that referendums for annexation require cities to obtain approval of 67 percent of the property owners facing annexation, as opposed to the 50 percent currently required.

ADJOURNMENT OF PUBLIC HEARING

Vice-Chairman Davis closed the public hearing and indicated that the CRC will consider the three proposed amendments individually; whereupon, he suggested that the members address the Special Act first due to its controversial nature, and no objections were noted.

SPECIAL ACT

Commissioner Welch expressed concern regarding the allegations of underlying agendas and threats of litigation regarding the dual vote provision raised by the municipal officials and their representatives. He discussed the repeal and replacement clause and related that it does not require elimination of the dual vote; and that while moving power from the State Legislature to Pinellas County residents is the intent of the language, it was never stated that the goal was to strengthen Pinellas County government; whereupon, he clarified that if a future CRC wanted to improve the Charter, it would be able to do so without the Legislature's permission, noting that City Charters are not required to go through the Legislature to make changes.

Mayor Steingold stated that at the onset of the discussion by the CRC, one of the reasons given for the purpose of the repeal was to strengthen County government; and that he is uncertain if the proposed language, yet to be discussed, protects the dual vote as intended, and discussion ensued.

Commissioner Welch pointed out that the only opponents to the Special Act have been elected officials or municipal officers, not citizens; and Representative Hooper countered that no citizens have spoken in support of the Special Act either; and expressed concern regarding the potential unintended consequences if the Special Act is passed, including jeopardizing the status of the current Constitutional Officers and the protection they are entitled under the current State Constitution; whereupon, he provided input regarding the legislative decision-making process, noting that the Legislature has more important issues pending than a Charter repeal; and that even if the Special Act made it through the BCC and the Legislature, it would fail when it came to a vote of the people.

During discussion, Commissioner Welch stated that after hearing the cities' concerns at the last public hearing, he requested that Attorney Churuti prepare language guaranteeing the inclusion of the dual vote in any replacement Charter; whereupon, referring to

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the revised provision, a copy of which has been filed and made a part of the record, Vice-Chair Davis suggested that it be considered as an amendment to the earlier recommendation, and no objections were noted.

At the request of Vice-Chair Davis and Commissioner Welch, Mr. Spitzer read the revised provision into the record. Representative Hooper pointed out that the word “limited” has been included in the title; and Mr. Spitzer clarified that the amendment provides for limited repeal and replacement authority; whereupon, in response to queries by Mr. Bedinghaus, Vice-Chairman Davis related that action has not yet been taken on the new language; and Commissioner Welch reiterated that the amended language was prepared at his request for consideration by the CRC at tonight’s meeting.

Thereupon, Commissioner Welch moved, seconded by Mr. Neri, that the CRC adopt the amended recommendation.

During further discussion, Mr. Figurski stated that the power of County government tends to be limited by a number of constraints placed on it; that the County has the weakest Charter in the State of Florida; and that the people of the County have the right to make the decision. He clarified that the repeal was discussed at an earlier meeting than was referenced by the cities’ representatives; and related that if the members need additional time to consider the revised provision, the CRC could hold its final meeting currently scheduled to be held in July; whereupon, he indicated that he has some concern regarding how the language is set forth, but understands that the language limits the ability to remove the dual vote provision.

During lengthy discussion, the members expressed their respective opinions and concerns regarding the Special Act, and Tax Collector Nelson expressed concern regarding the CRC voting to approve a new Charter without knowing who will write it and what will be in it.

Following brief discussion, Mr. Figurski called the question. Upon call for the vote, the motion failed by a vote of 5 to 7, with Tax Collector Nelson, Mayor Steingold, Representative Hooper, Ms. Jagger, and Messrs. Angle, Bedinghaus, and Harvard dissenting.

Thereupon, Mr. Figurski moved, seconded by Commissioner Welch, that the CRC approve the Special Act as originally written. Upon call for the vote, the motion failed by a vote of 4 to 7, with Tax Collector Nelson, Mayor Steingold, Representative Hooper, Ms. Jagger, and Messrs. Angle, Bedinghaus, Harvard, and Neri dissenting.

FUTURE CHARTER REVIEW COMMISSIONS

Vice-Chairman Davis indicated that a super-majority vote is required; whereupon, Mayor Steingold moved, seconded by Mr. Angle and carried, that the Charter amendment be approved (Vote 12–0).

LOBBYING POLICY

Mr. Bedinghaus moved, seconded by Commissioner Welch and carried, that the recommendation to the BCC regarding the County lobbying policy be approved (Vote 12–0).

REVIEW OF DRAFT FINAL REPORT OF THE CRC

Mr. Spitzer outlined the changes that will be made to the draft Final Report as a result of the actions taken at tonight’s meeting. Vice-Chairman Davis indicated that the members need to decide if the July 13 meeting is necessary; whereupon, following brief discussion, Mr. Figurski moved, seconded by Mayor Steingold and carried, that the Chairman and staff be authorized to finalize the Final Report, subject to the document being distributed to the members prior to official action being taken (Vote 12–0).

Thereupon, Vice-Chair Davis confirmed that the July 13 meeting has been canceled and thanked the members for their service.

OTHER BUSINESS

Mr. Figurski requested that the record reflect his satisfaction with the service provided by Mr. Spitzer and Attorney Churuti in terms of helping the members through the process; and the members concurred.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:37 P.M.