

# Pinellas County Charter Review Commission

Public Hearings  
June 2010

# 2010 Pinellas CRC

- Voters in 20 of 67 counties have adopted charters. Operation of county charters differs from those of cities
- The CRC is a requirement of the charter...a regular independent review of county operations

# European Origin of County Structure

- France, Germany – Divide country into subdivisions known as “Counts”
- England (9<sup>th</sup> century) – “Shires”
  - Appointed head of the Shire: the “Shireeff”
  - Shireeff = Keep order; Collect Taxes

# Florida History

- 1821 - Andrew Jackson issues first ordinance:
  - divided State into two counties
  - recognized cities of Pensacola and St. Augustine
  - provided that five Justices of the Peace would govern each County

# Florida History

- Historically, counties viewed primarily as subdivisions *of the state* . . . . Value property & collect taxes, conduct elections, provide for judicial system, etc.
- Collegial governing body with five other offices that operate independently of the BCC

# Florida History

- Higher Service Level or Different Structure?
  - Incorporate as City Government and/or seek Special Act of Legislature
  - Operated under “Dillon’s Rule”

# 1968 Constitutional Revision

## Home Rule Powers

- Pre-1968: Dillon's Rule
  - Look for Authorization
- Post-1968: Home Rule
  - Look for Prohibition

# 1968 Constitutional Revision

## Home Rule Powers

### Key Provisions

- Charter Counties have all powers of local self-government that are not inconsistent with general law or a special law that is approved by a vote of the electorate



# 1968 Constitutional Revision

## Home Rule Powers

### Key Provisions

- Charters may provide for alternative methods of selecting County Officers and may transfer duties to other positions
- Size, terms, districting schemes of County Commission may be changed; structure and relationship between BCC and Executive Branch may be changed

# 1968 Constitutional Revision

## Home Rule Powers

### Key Provisions

- County charters are required to specify if and when county ordinance prevails over a municipal ordinance
- County charters are adopted, amended or repealed only by vote of the electorate

# Example Policy Areas

Primary policy areas that may be changed by vote of the electorate include:

- Legislative-Executive Branch
- County “Constitutional” Officers
- City-County Relations
- Powers reserved to The People
- Charter Review process/entity

# Voters in 20 of 67 Counties Have Adopted Charters

COUNTY	Adopted	Population	# Cities
Alachua	1987	228,607	9
Brevard	1994	494,102	15
Broward	1975	1,669,153	30
Charlotte	1986	148,521	1
Clay	1991	149,901	4
Columbia	2002	58,372	2
Duval	1968	809,394	5
Hillsborough	1983	1,055,617	3
Lee	1996	475,073	5
Leon	2002	248,039	1

# Voters in 20 of 67 Counties Have Adopted Charters

COUNTY	Adopted	Population *	# Cities
Miami-Dade	1957	2,312,478	31
Orange	1986	955,865	13
Osceola	1992	193,355	2
Palm Beach	1985	1,183,197	37
Pinellas	1980	933,994	24
Polk	1998	502,385	17
Sarasota	1971	339,684	4
Seminole	1989	387,626	7
Volusia	1971	459,737	17
Wakulla	2008	30,700	2

*\* About 80% of Florida's residents live in a charter county.*

# Pinellas County Charter

“Limited” Home Rule – Some amendments must undergo extraordinary process before consideration and/or adoption by voters

- Only charter retaining Legislative oversight concerning amendments relating to the County Constitutional Officers
- Only charter requiring “dual vote” of electorate to adopt amendments authorizing BCC to set minimal standards or policy countywide

# Pinellas County CRC

- CRC constituted every six years. Meets for six months.
- 13 members. Four elected officials; nine laypeople.
- Operates independently of County.

# Pinellas County CRC

“The CRC 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.”



# Proposed Amendments and Recommendations 2006 CRC

# 2006 CRC Amendments

- #1 – Mosquito Control Districts. Transferred language of original special acts to county charter. PASSED.
- #2 – General. Revised County Administrator's personnel powers. Corrected gender references. FAILED.
- #3 – CRC revisions. Prohibited elected officials. Extended timeframe and duration between meetings. FAILED.

# 2006 CRC Amendments

- #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.
- #5 – Annexation. Required informational mailings for non-voluntary annexations; established 7 year moratorium between annexation attempts; contained consent provisions. PASSED.

# 2006 CRC Amendments

- #6 – Annexation. Restricted use of public funds to induce annexations, with certain exceptions. PASSED.
- #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

# 2010 CRC Process

Gathered information and suggestions from three sources:

## 1. Public –

- 10 public meetings
- Robust website
- Suggestions received via e-mail

# 2010 CRC Process

Gathered information and suggestions from three sources:

## 2. Community Organizations/Leaders –

- Mayors Council
- Beach Communities
- CNCN
- CONA
- League of Women Voters
- USEM
- Political Parties

# 2010 CRC Process

Gathered information and suggestions from three sources:

## 3. CRC Members –

- Examined issues from last CRC. Identified those for review in 2010.
- Identified other issues for further research/review by staff and consideration by CRC



# 2010 CRC Process

Issues identified for further consideration by CRC:

1. Supervisor of Elections – Election of the SOE on non-partisan basis
2. Pinellas Planning Council – The status, structure and duties of the PPC.
3. Fire/EMS – Revisions to the delivery of fire/EMS services in Pinellas County
4. Single-member districts for the BCC
5. Term Limits for the BCC

# 2010 CRC Process

Issues identified for further consideration by CRC:

6. 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.
7. Sports Authority – Whether the Sports Authority should be recreated and the form/powers thereof.
8. Airport Authority – Whether an airport authority should be created within Pinellas County

# 2010 CRC Process

Issues identified for further consideration by CRC:

9. CRC – Whether the charter’s provisions on future CRC’s should be revised and how, including the “single-subject” rule.
10. Repeal – Whether the question of whether the voters should be granted the power to repeal the charter at some point in the future.
11. Ethics/Lobbying Policy – Whether current policy should be revised.

# Tentative Recommendations

## 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<sup>st</sup> of year prior to presidential election. Currently during December prior to election.

# Tentative Recommendations

## Charter Review Commissions

- Hearings – If charter amendments proposed, must hold at least two public hearings prior to final adoption.
- Duration - If charter amendments are proposed, CRC may remain in existence through general election.

# Tentative Recommendations

## Special Act – Repeal/Replacement

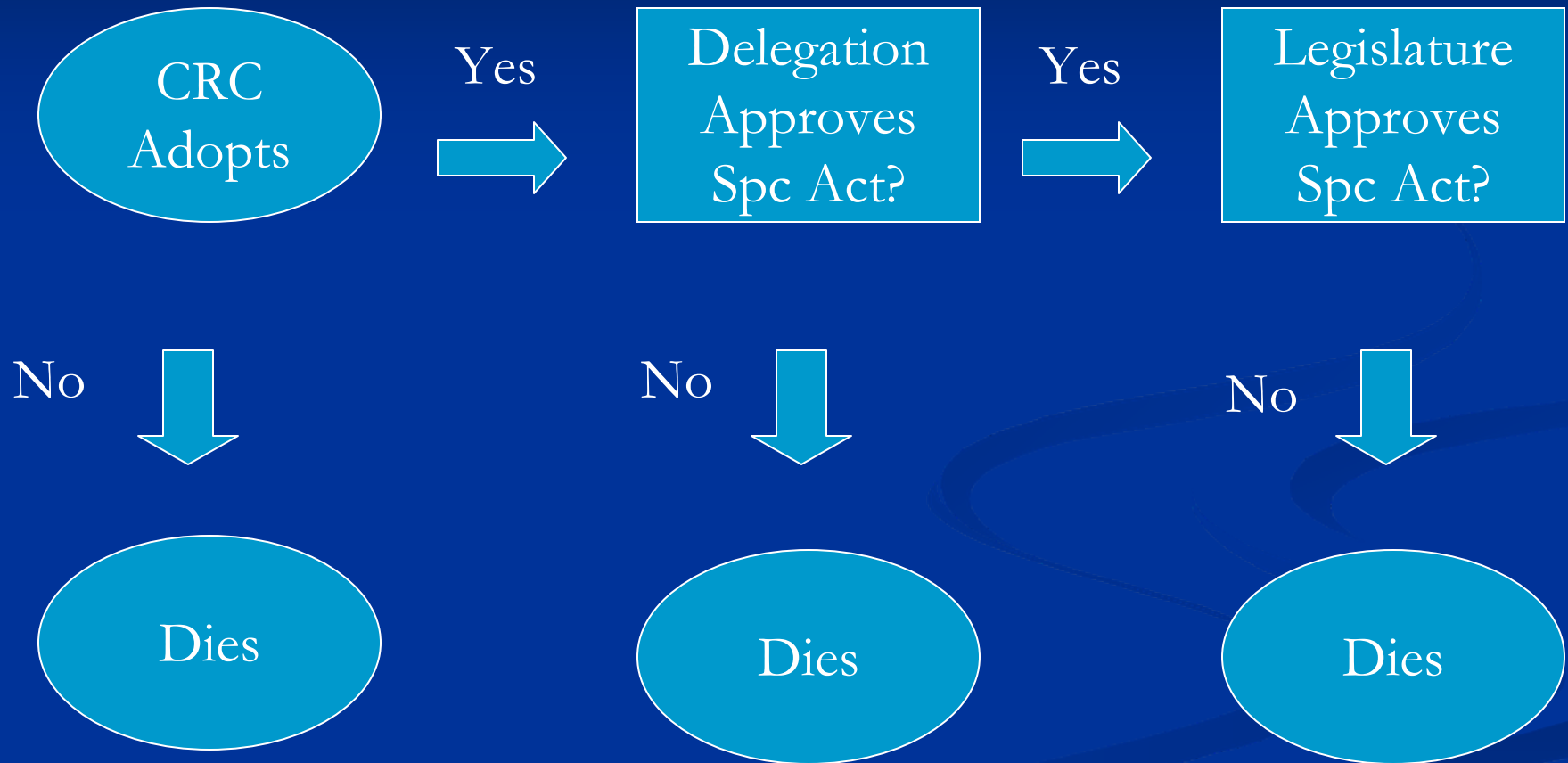
Request for Special Act of Legislature - If adopted, would present a charter amendment to voters to consider authorization of repealing and replacing the current charter with a revised charter at some point in the future.

# Tentative Recommendations

## Special Act – Repeal/Replacement

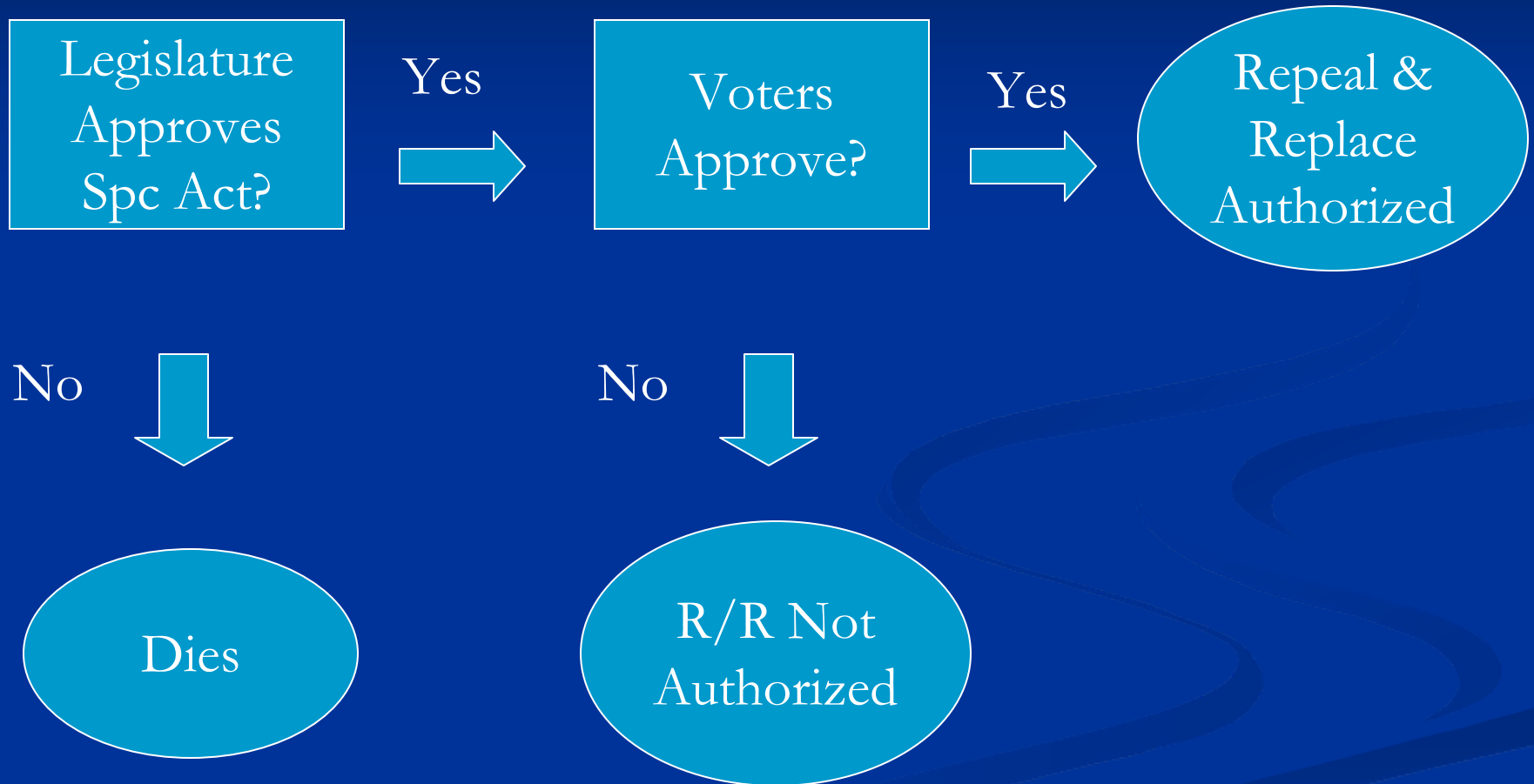
- Does not specify the content of the charter to replace the current version.
- Does not require repeal/replacement - only authorizes consideration
- Requires adoption of Special Act proposing amendment, and adoption thereafter by voters

# Repeal & Replacement Process





# Repeal & Replacement Process



# Tentative Recommendations

## Recommendation on Lobbying Policy

Recommendation to 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.

# Tentative Recommendations

## Recommendation on Lobbying Policy

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

- 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 Hearing

Pinellas County  
Charter Review Commission  
2010