

**Report to the Citizens  
of  
Pinellas County**

Pinellas County Charter Review Commission  
July 2004

*prepared by*  
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## INTRODUCTION

This Report is submitted pursuant to Section 6.03 of the Pinellas County Charter. Every six years a Charter Review Commission is required to review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend any amendments to the Charter. This is the fifth Charter Review Commission (“CRC”) since the adoption of the Pinellas County Charter by the voters in 1980.

The Board of County Commissioners appoints the 13 members of the Commission 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 an elected County Commissioner; and
- Nine members from the public at-large, none of whom may be an elected official.

After their appointment, the 2004 CRC held an organizational meeting in January to select a chair and vice-chair, and be briefed on the basic operations of county government. It subsequently adopted operating rules, identified issues to be examined and adopted a schedule for its meetings.

The Board of County Commissioners is required to call a referendum election to be held in conjunction with the next general election for the purpose of voting on amendments that the CRC proposes. The BCC may not reject or revise proposed amendments passed by the CRC.

Amendments to the Charter that are proposed by the CRC are not subject to 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 or resolutions that are not binding on the County.

## COMMISSION MEMBERSHIP

The members of the 2004 Pinellas County Charter Review Commission are listed below. They devoted over 500 hours of personal time to the CRC process. Members served without compensation.

<b>Member</b>	<b>City</b>	<b>Representing</b>
Robert Decker, Chair	North Redington Beach	Public At-Large
Lou Kwall, Vice-Chair	Palm Harbor	Public At-Large
Ed Armstrong	Dunedin	Public At-Large
John Bryan	St. Petersburg	Elected City Official
Ricardo Davis	St. Petersburg	Public At-Large
Roy Harrell	St. Petersburg	Public At-Large
Mayme Hodges	Clearwater	Public At-Large
George Jirotko	Belleair Shore	Public At-Large
Susan Latvala	Palm Harbor	Elected County Commissioner
Elizabeth Mannion	Clearwater Beach	Public At-Large
Everett Rice	Treasure Island	Constitutional Officer
James Sebesta	St. Petersburg	Pinellas Legislative Delegation
Roger Wilson	Seminole	Public At-Large

## Staff

Kurt Spitzer and Associates, Inc., Tallahassee, provided consulting services. Susan Churuti, Pinellas County Attorney, and the staff of the Office of the County Attorney, provided legal advice. Elithia Stanfield, Assistant County Administrator and the staff of the County Administrator's Office provided research assistance and logistical support.

## OVERVIEW OF CHARTER GOVERNMENT

The Florida Constitution prescribes the basic mechanisms by which counties and municipal governments are created. It sets out the basic structure and powers of both non-charter and charter counties. It invites consideration of changes to the basic structure and powers of non-charter counties, and identifies the ways in which such changes can be considered and adopted.

The electorates in 19<sup>1</sup> of Florida's 67 counties have adopted charter forms of government. Well over 80% of the state's residents live in a charter county. The phenomenon of charters is no longer limited to the moderate to large-sized counties and 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 Columbia with 58,000 people.

Likewise, there is great diversity in terms of structure and service delivery mechanisms in charter counties, ranging from those jurisdictions where there are no discernable changes to the county, to charters where changes have been adopted affecting the County Officers, the structure of the County Commission and the executive branch, the relationship between the county and its cities, and the rights of the electorate.

Generally, charters can implement a wide range of changes including:

- The transfer of the duties of the County Officers to other positions and alternative methods for their selection.
- Changes in the size, terms and districting schemes of the County Commission, and changes to the administrative branch of government.

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

- The authorization for the establishment of policy on a countywide basis.

But 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 - population growth rate, density, number of municipalities, urbanization, municipal service delivery, demographic diversity, etc.

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



## **THE PINELLAS CHARTER**

In contrast with each of the other 18 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 contains significant procedural requirements that limit the public’s ability to consider policy changes in Pinellas County government.

- Amendments concerning the County Constitutional Officers may not be presented to the voters for their consideration without having to first be adopted as a Special Act by the Florida Legislature. 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 requiring a dual vote for amendments authorizing policy countywide.

All charters reflect the sentiments of community leaders and the local electorate. All contain some elements based on “politics” and others based on “policy”. Since its adoption in 1980, the Pinellas charter has contained measures that severely limit the public’s ability to consider amendments. In fact, the original charter required that almost all future amendments must first be approved by the Legislature as a Special Act before being considered by the voters of Pinellas County.

The 1998 Charter Review Commission considered two amendments to revise that policy. One (concerning the County Officers) received majority support of the CRC but failed to receive the necessary majority-plus-one vote (as required by the CRC rules at that time) to be passed as a recommendation.

The other amendment concerned future recommendations on countywide policy. It passed the CRC by the necessary super-majority vote and was sent to the Legislative Delegation. The amendment would have deleted the requirement for such amendments (in the future) to be first considered by the Legislature. However, the Delegation revised the amendment to the current language in the charter requiring the dual vote.

In addition to the above-mentioned restrictions embedded in the charter itself, there are numerous Special Acts<sup>2</sup> that contain their own provisions concerning county government. To the extent that such Acts are usually amended only by a future action of the Legislature, the Acts may serve as additional limitations on the ability of the electorate to consider changes to their county government.

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<sup>2</sup> Such Acts include: The 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.

## **ISSUES CONSIDERED**

The Charter Review Commission considered the following issues during its course of work:

1. Pinellas Planning Council – The duties, authority and responsibilities of the Pinellas Planning Council. No recommendations are offered in this area.
2. Office of the County Administrator – The role and responsibilities of the County Administrator. The CRC has adopted four amendments concerning the County Administrator.
3. Accounting, Audit and Finance – The CRC devoted three meetings to the Office of the Clerk of the Court, especially the responsibilities for the audit, accounting and general finance functions. While consideration was given to moving some of those functions to another position, a formal recommendation to do so was not adopted by the CRC.
4. Countywide Powers – The mechanisms by which the charter could be amended to authorize the Board of County Commissioners to set minimal standards in certain policy areas on a countywide basis. Further consideration of amendments in this area was deferred to the reconstituted CRC.
5. Parks and Recreation – The delivery of county recreation services. No recommendations are offered in this service area.
6. Transportation Services – The provision of certain aspects of transportation services countywide. No recommendations for Charter amendments are contained herein. However, two Resolutions concerning the Pinellas Suncoast Transit Authority were adopted by the CRC.

7. Fire and EMS Services – The process by which fire and emergency medical services are delivered in Pinellas County. No recommendations are offered in this service area.
8. Annexation – The procedures for voluntary and non-voluntary annexations and the deliberations of the Pinellas Assembly process on the subject of annexation. Further consideration of amendments in this area was deferred to the reconstituted CRC.
9. Housekeeping and Technical Revisions – Numerous potential changes to the Charter were identified that are of a “housekeeping” or “technical” nature. Most were held in abeyance in anticipation of consideration by the reconstituted CRC beginning in November of 2004. Some are included as recommendations relating to the County Administrator.
10. CRC process – Significant consideration was given to adopting a recommendation creating a Charter *Revision* Commission or granting future review entities the power to recommend repeal and replacement of the charter. After significant debate, the CRC has adopted a recommendation to reconstitute itself beginning in November 2004 and concluding in December of 2006.

## RECOMMENDATIONS FOR CHARTER REVISIONS

### 1. Prohibition Against Interference by Commissioners with Administrative Staff

*RECOMMENDATION: The Charter Review Commission recommends that a “Non-Interference” clause be added to the charter that prohibits County Commissioners from directing the activities of staff under the control of the County Administrator, except through instructions given to the Administrator.*

The amendment furthers the implicit policy existing in the charter that provides for a separation of the legislative and executive branches of government. The separation of legislative and executive functions is the hallmark of the modern “Commission-Manager” form of government and has its origins in the movement for reform in local government that began 80 years ago.

Matters relating to the development, debate and adoption of policy are the purview of the County Commission – the legislative body of the county. Executing or administering policy adopted by the Board is the responsibility of the County Administrator, who serves as the head of the administrative branch of the county government and is selected by the Board on the basis of training, education and experience.

In Florida, all county charters - except for Pinellas – specifically provide for a separation of legislative and executive functions between the Board of County Commissioners and the County Administrator’s position or that of an elected executive. The proposed amendment specifically recognizes the intent of the electors to separate the legislative and executive branches of government.

In furtherance of the intent to separate the responsibilities of the legislative and executive branches of government, most county charters also contain provisions that specifically prohibit members of the County Commission from giving instructions to staff of the County

Administrator, except through directives given to the Administrator. However, Commissioners are authorized to communicate, observe and otherwise interact with such staff as long as such actions do not interfere with the administrative operations of the county.

The proposed amendment adds such a policy to Article III of the Pinellas charter. Violations of the policy may constitute malfeasance in office.

## 2. Designation of the Administrator as the County Budget Officer

*RECOMMENDATION: The Charter Review Commission recommends that Section 4.01(c) of the charter be amended to provide that the County Administrator is designated as the Budget Officer for the county.*

Boards of County Commissioners are specifically authorized by law to designate a staff person to serve as the county's Budget Officer. The Pinellas County Commission adopted a Resolution in 1986 that designated the County Administrator as the Budget Officer.

The proposed charter amendment codifies the action of the County Commission directly in the charter. While a Resolution of the Board of County Commissioners can be amended or repealed by subsequent action of a Board, provisions of the charter may only be amended by a vote of the electorate of Pinellas County.

### 3. Clarification of the Procedure to Terminate the Administrator

*RECOMMENDATION: The Charter Review Commission recommends that the procedure to terminate the County Administrator be clarified in the Charter.*

This is a largely “housekeeping” amendment that clarifies procedural ambiguities in the charter.

The County Administrator is selected and appointed by an affirmative vote of five members of the Board of County Commissioners. The Administrator is terminated by one of two methods: A vote of five members at any meeting or a vote of four members that occurs at two separate meetings of the Board.

However, in the case of four votes for termination, it is not clear at what kind of meetings of the Board such a vote may occur or how much time must separate the meetings. For example, must both meetings be regularly scheduled meetings of the Board or may one or both be special meetings? Also, may the meetings at which four votes for termination are recorded be separated by two weeks, two months or one year?

The amendment clarifies that a vote for removal of four members must occur during two consecutive, regularly scheduled meetings of the Board of County Commissioners.

### 4. Ability of the Administrator to Terminate Unclassified Employees

*RECOMMENDATION: The Charter Review Commission recommends that Section 4.01(c)(3) of the Charter be amended to provide that the County Administrator may terminate senior staff without cause and that such terminations are not subject to confirmation by the Board of County Commissioners.*

The charter currently provides that the County Administrator may terminate any employee of the Board of County Commissioners for cause, subject to the provisions of the County Civil Service plan. The termination of persons in unclassified (exempt) positions is subject to confirmation by the Board of County Commissioners.

The amendment deletes the requirement for confirmation by the Board of County Commissioners when the Administrator terminates personnel in unclassified positions. It also deletes the requirement to show *cause* when terminating employees. However, protections contained in the County's Civil Service Plan remain in effect for personnel in classified positions.

Almost all charters allow the manager to employ and terminate exempt staff without seeking the approval of the County Commission. Doing so provides a new manager or County Administrator with the flexibility needed to build his or her team of senior staff.

#### 5. Reconstitute the Charter Review Commission

*RECOMMENDATION: The Charter Review Commission recommends that the Charter be amended so as to reconstitute the CRC effective November 2004 for an additional two years.*

Throughout the course of their work, the CRC encountered numerous instances where the procedural idiosyncrasies of the charter or Special Acts prohibited meaningful consideration of policy changes for Pinellas County government. Additionally, the very nature of some of the subject matter and the relationship between the County and the municipal governments in the county require much more time than is currently authorized for the CRC to thoroughly study an issue, build consensus with other stakeholders, and adopt recommendations.



Reconstituting the current CRC offers several opportunities: It helps to avoid the necessity for new CRC members to become familiar with the issues confronting the county. Allowing the reconstituted CRC to remain in existence through the November 2006 elections will afford sufficient time to study issues in depth and build consensus before making recommendations. It will permit the Pinellas Assembly process to move forward and its recommendations to be finalized and available for consideration by the CRC. Finally, it also allows the CRC to make recommendations for changes to Special Acts during the 2006 Legislative Session.

## RESOLUTIONS ADOPTED BY THE CRC

### 1. Pinellas Suncoast Transit Authority Structure

*RECOMMENDATION: The Charter Review Commission recommends that four additional members of the PSTA Board of Directors be added, with three appointed from the membership of the Pinellas County Commission and one from the City Council of the City of St. Petersburg.*

The PSTA Board of Directors, the Pinellas County Metropolitan Planning Organization and the Pinellas County Board of County Commissioners established a special task force to examine governance of the PSTA. The Transit Governance Task Force recommended changes to the size and composition of the PSTA Board of Directors so that an additional three members would be appointed from the Pinellas County Board of County Commissioners and an additional member from the St. Petersburg City Council.

Revenue for new types of mass transit (such as light rail systems) will likely come from sources under the control of the Board of County Commissioners. The recommended changes to the PSTA governing structure recognizes the County's expanding role in providing mass transit services.

### 2. Pinellas Suncoast Transit Authority Powers

*RECOMMENDATION: The Charter Review Commission recommends that the Special Act creating the PSTA be amended to provide for countywide transit service.*

In addition to the recommendations concerning the structure of the PSTA, the Transit Governance Task Force recommended changes to the powers of the PSTA so that it may provide services on a countywide basis.

Currently, a number of cities and some unincorporated areas of the county are not within the service area of the PSTA. In order to have a truly countywide transit service, all parts of Pinellas County must be within the jurisdiction of the PSTA.

Implementing the recommended change concerning transit services requires a countywide vote of approval and reflects a fundamental question of whether transit services are to be viewed as a countywide service. The CRC supports the recommendations of the PSTA Governance Task Force.

### 3. Procedures for the Reconstituted CRC

*RECOMMENDATION: In the interest of continuity and efficiency, the Charter Review Commission recommends that the current consultant be continued to assist the reconstituted CRC, and that the consultant continue to examine problems and issues confronting the County and its municipalities with the intent of building consensus on solutions before making recommendations for amendments to the charter.*

This Resolution is interconnected with and further embellishes the intent of Amendment #5.

The CRC believes that further research is needed to examine problems or issues confronting local governments in Pinellas County. Such research should include a review of the Pinellas Assembly process and its recommendations, general city-county relations, annexation policy, and other studies that have previously been completed, such as the 1992 MGT Study.

Once the preliminary work is completed, the findings or recommendations will be presented to the reconstituted CRC in December 2004. After its initial review of the consultant's recommendations, the CRC will convene meetings with the Mayor's Council, the Board of County Commissioners, the Pinellas County Legislative Delegation and other stakeholders for the purpose of building consensus toward approval of recommendations for consideration as charter amendments.

## **Appendix A**

### **Pinellas County Charter**

**as amended in 2000**

**PART I**  
**CHARTER\***

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\* **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.

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**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.

## **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.

## **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.

### **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.

## 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.

### **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.

## 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.

### **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.

### **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.

## **Appendix B**

### **Proposed Charter Amendments**



**Pinellas County Charter Review Commission**  
**Charter Amendment #1 – Non-Interference**

Article III of the Pinellas County Charter (Legislative Branch), as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended by adding the following new provision after Section 3.02:

“Section 3.03:

(a) It is the intent of the county to separate the legislative and administrative branches of government. Except for the purpose of inquiry and information or as otherwise permitted by law, the board of county commissioners and its members shall deal with county employees who are subject to the direction or supervision of the administrator solely through the administrator, and neither the board nor its members shall give any commands, directives or instructions to, or make any other demands or requests of, any such employee, either publicly or privately.

(b) Nothing in this section shall be construed to prohibit individual members of the board from interaction, communication and observation of all aspects of county government operations so as to obtain independent information to assist the board in the formulation of policies to be considered by the board. It is the express intent of this section, however, that any such action not interfere with the administrative operations of

the county and that recommendations for change or improvement in county administrative operations be made to, and through, the administrator.”

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, 2004.

BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR PROHIBITION OF COUNTY COMMISSION’S INTERFERENCE WITH ADMINISTRATION OF COUNTY GOVERNMENT

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

[       ]       YES FOR APPROVAL

[       ]       NO FOR REJECTION

**Pinellas County Charter Review Commission**

**Charter Amendment #2 – County Administrator Designated Budget Officer**

The Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended by renumbering Article IV, Section 4.01(c)(5) as Article IV, Section 4.01(c)(6) and by adding a new Section 4.01(c)(5), which shall state:

Section 4.01(c)(5).

‘To act as the county budget officer and carry out the duties of such budget officer as required by law or as directed by the board of county commissioners.’”

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, 2004.

BALLOT TITLE: AMENDS CHARTER TO DESIGNATE COUNTY ADMINISTRATOR AS COUNTY BUDGET OFFICER.

BALLOT QUESTION: Shall a new section, 4.01(c)(5), be added to the Pinellas County Charter, which would designate the county administrator as the county budget officer?

[       ]       YES FOR APPROVAL

[       ]       NO FOR REJECTION

**Pinellas County Charter Review Commission**

**Charter Amendment #3 – Termination of the County Administrator**

Section 4.01(a) of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to read as follows:

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~~ the County Administrator 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) ~~consecutive~~ separate, regularly scheduled 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 at any one meeting of the board.

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, 2004

BALLOT TITLE: AMENDS VOTING REQUIREMENTS FOR TERMINATING COUNTY ADMINISTRATOR

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

☐ YES FOR APPROVAL

☐ NO FOR REJECTION

## **Pinellas County Charter Review Commission**

### **Charter Amendment #4 – County Administrator’s Employment Powers**

Article IV, Section 4.01(C)(3) of the Pinellas County charter as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended to read:

Subject to the provisions of the County civil service plan, ~~To~~ supervise all departments, ~~department heads~~ and employees of the board of county commissioners under his control and authority and, in his discretion, to terminate ~~for cause~~ the employment of any such employees ~~of the board of county commissioners~~. ~~Termination of persons in unclassified position shall be subject to confirmation by the board of county commissioners.~~

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, 2004.

BALLOT TITLE: CHANGE IN DUTIES OF THE COUNTY ADMINISTRATOR

BALLOT QUESTION: Subject to the provisions of the County civil service plan, shall Article IV, sec. 4.01(c)(3), be amended to change the duties of the County Administrator by increasing

his or her discretion to terminate from employment any employees of the board of county commissioners, with or without cause, without the confirmation by that board?

[       ]       YES FOR APPROVAL

[       ]       NO FOR REJECTION

## **Pinellas County Charter Review Commission**

### **Charter Amendment #5 – Reconstitution of the CRC**

The Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby further amended by adding a Section 6.05, which shall state:

Section 6.05. Reconstitution of 2004 Charter Review Commission.

- (a) The members of the charter review commission appointed to serve in 2003 shall be deemed members of a reconstituted 2004 charter review commission, which shall serve from November 8, 2004 through December 1, 2006. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.
- (b) On behalf of the citizens of Pinellas County, the reconstituted charter review commission shall continue to examine the Pinellas County Charter, the operations of the Pinellas County government and any limitations imposed upon those operations by the charter or any special acts of the Legislature. This examination will include review of the Pinellas Assembly process, further investigation by consultants as deemed necessary and discussions with municipal officials and members of the Pinellas County Legislative Delegation. After such examination, the reconstituted charter review commission will have the authority to make recommendations for amendments, including substantial revision of the Charter. Prior to submitting such recommendations, the reconstituted charter review commission shall hold three public hearings at intervals of not less than ten (10) nor more than twenty (20) days. At the final hearing, the reconstituted charter review commission shall incorporate any recommendations it deems desirable, vote upon a proposed form of revised charter, and forward said charter to the board of county commissioners.



- (c) The reconstituted charter review commission established pursuant to this section shall complete its review and submit a report to the board of county commissioners no later than June 30, 2006, unless such time is extended by the board of county commissioners. Included within the report shall be any proposed amendments to the Charter, which may include substantial revisions of 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 reconstituted 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 2006 general election, 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 revision 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.
- (d) Except as otherwise provided in this Section 6.05, the provisions of Section 6.03 of the Charter shall apply to the operation of the reconstituted 2004 charter review commission.
- (e) This section 6.05 shall be repealed effective January 1, 2007.

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, 2004.

BALLOT TITLE: AMENDS CHARTER TO RECONSTITUTE THE 2004 CHARTER  
REVIEW COMMISSION WITH AN EXPANDED TERM

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

☐ YES FOR APPROVAL

☐ NO FOR REJECTION

## **Appendix C**

### **Resolutions of the Charter Review Commission**

**Pinellas County Charter Review Commission**

**RESOLUTION NUMBER 1**

WHEREAS, the membership of the Pinellas Suncoast Transit Authority (PSTA) is established by special act; and

WHEREAS, the Pinellas County Metropolitan Planning Organization (MPO), the Board of County Commissioners (BCC) and the PSTA Board of Directors established a transit governance task force to discuss the governance of PSTA; and

WHEREAS, the Transit Governance Task Force made recommended a change to the PSTA Board of Directors' size and composition; and

WHEREAS, by its Resolution #04-03, the PSTA Board of Directors urged the continuation of non-elected official representation and the expansion of the PSTA Board of Directors to include three additional members from the BCC and one additional member from St. Petersburg; and

WHEREAS, on June 9, 2004, the MPO voted to agree with the recommendation of the PSTA Board of Directors; and

WHEREAS, the Pinellas County Charter Review Commission was convened pursuant to the Pinellas County Charter and has reviewed the countywide transit issues and has determined that action in their role reviewing the Pinellas County Charter could not effectuate the proposed amendment to the special act of PSTA.

NOW THEREFORE, BE IT RESOLVED by the Pinellas County Charter Review Commission that the Pinellas County Charter Review Commission agrees with the recommendations of the PSTA Board of Directors and recommends that the PSTA Special Act be amended to add four additional members to the Board of Directors, three to be appointed from the membership of the BCC and one to be appointed from the membership of the City Council of the City of St. Petersburg; and

BE IT FURTHER RESOLVED by the Pinellas County Charter Review Commission that this Resolution be included in the final report to the citizens of the Pinellas County Charter Review Commission and that this Resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2005 legislative session.

This Resolution shall become effective upon its adoption.

**Pinellas County Charter Review Commission**  
**RESOLUTION NUMBER 2**

WHEREAS, the Pinellas Suncoast Transit Authority (PSTA), as established by special act, does not include the Cities of Kenneth City, Treasure Island, St. Pete Beach, Belleair Beach, and Belleair Shore, and the unincorporated areas known as Tierra Verde and South Pasadena Fire District; and

WHEREAS, in order to evaluate the best approach to pursue the transit initiative of the future for Pinellas County, a Transit Governance Task Force established by PSTA, the Board of County Commissioners (BCC) and the Metropolitan Planning Organization (MPO); and

WHEREAS, the Transit Governance Task Force recommended that the first step would be to establish an agency that could function countywide in the provision of transit service and that the best approach to providing such authority would be to amend the special act of the PSTA; and

WHEREAS, by its Resolution #03-15, the Board of Directors of PSTA supports efforts to expand PSTA to include all of Pinellas County; and

WHEREAS, by action at its December 17, 2003 meeting, the MPO supported amendment of the PSTA special act to allow countywide authority and further took action to recommend that the BCC agree to support said amendment; and

WHEREAS, by action at its January 6, 2004 meeting, the BCC agreed with the recommendations of the MPO; and

WHEREAS, the Pinellas County Charter Review Commission was convened pursuant to the Pinellas County Charter and has reviewed the countywide transit issues and has determined that action in their role is not as effective as would be the proposed amendment to the special act of PSTA.

NOW THEREFORE, BE IT RESOLVED that the Pinellas County Charter Review Commission agrees with the recommendations of the PSTA, the MPO and the BCC and joins them in urging the legislative delegation to amend the special act of the PSTA to provide for countywide transit service; and

BE IT FURTHER RESOLVED that this Resolution be included in the final report to the citizens of the Pinellas County Charter Review Commission and that this Resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2005 legislative session.

This Resolution shall become effective upon its adoption.

## **Pinellas County Charter Review Commission**

### **RESOLUTION NUMBER 3**

WHEREAS, the Pinellas County Board of County Commissioners appointed the Charter Review Commission pursuant to the county charter in December of 2003; and

WHEREAS, the Charter Review Commission is charged with reviewing the operations of the county government and is authorized to propose amendments to the charter directly for the consideration of the voters of Pinellas County; and

WHEREAS, the Charter Review Commission has found that there are several impediments that have prohibited the meaningful consideration of amendments to the charter, including special acts of the Legislature and provisions of the charter itself; and

WHEREAS, the Charter Review Commission has met twice each month since January of 2004 but has found that meaningful consideration of revisions to the charter and problems confronting local government in Pinellas county require much more time than has been available to the Charter Review Commission and other stakeholders in the charter review process; and

WHEREAS, the Charter Review Commission has adopted a proposed amendment to reconstitute itself effective November of 2004 through December of 2006; and

WHEREAS, the Charter Review Commission is desirous of utilizing consulting services beginning August 1, 2004 and continuing those services as necessary throughout the duration of the reconstituted Charter Review Commission.

NOW THEREFORE, BE IT RESOLVED by the Pinellas County Charter Review Commission that the Pinellas County Board of County Commissioners is urged to continue the engagement of the current charter consultant effective August 1, 2004; and



BE IT FURTHER RESOLVED by the Pinellas County Charter Review Commission that the charter consultant will continue to examine problems and issues confronting the county government and the municipal governments within the county, including other studies that have been completed previously. Such examination shall include a review of the Pinellas Assembly process and its recommendations, annexation policy and procedure, and other studies that have been completed in Pinellas County over the past several years. The results and recommendations from this initial examination will be completed prior to the end of December of 2004; and

BE IT FURTHER RESOLVED by the Pinellas County Charter Review Commission that, if the proposed amendment to the charter reconstituting the Charter Review Commission is adopted by the electorate in November of 2004, the charter consultant will present his initial findings and recommendations to the Charter Review Commission no later than the end of December 2004; and

BE IT FURTHER RESOLVED by the Pinellas County Charter Review Commission that, after its initial review of the proposed recommendations to the charter, the Charter Review Commission will convene meetings with municipal governments and the Mayor's Council, the Pinellas County Legislative Delegation, the Board of County Commissioners and others, for the purpose of building consensus toward approval of recommendations for inclusion as charter amendments.

This Resolution shall become effective upon its adoption.

## **Appendix D**

### **Meeting Agendas and Minutes**

## AGENDA

### **Pinellas County Charter Review Commission**

January 14, 2004

1:00 to 3:00 PM

Public Works – Technical Services Building

First Floor Conference Room

440 Court Street, Clearwater

1. Welcome and Introductions of Members and Staff
2. Review of Sunshine and Financial Disclosure Laws
3. Review of Role, Scope and Process of the Charter Review Commission
4. Election of Chair and Vice-Chair
5. Overview of Florida Charter Government
6. Next Meeting Date and Future Calendar
7. Other Business
8. Adjourn

Clearwater, Florida, January 14, 2004

A meeting of the Pinellas County Charter Review Commission (as created by Chapter 80-590, Laws of Florida) was held in the Public Works Technical Services Building, First Floor Conference Room, 440 Court Street, Clearwater at 1:04 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman (late arrival)  
Jim Sebesta, State Senator  
Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
George Jirotko  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Absent:

Roy Harrell

Also Present:

Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Sarah Richardson, Senior Assistant County Attorney  
Betsy Stegg, Senior Assistant County Attorney  
Dennis Long, Senior Assistant County Attorney  
Geoff Hamlin, Legal Assistant  
D. Gay Lancaster, Chief Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
Kurt Spitzer, KS&A  
Other interested individuals  
MaryAnn Penhale, Board Reporter

## AGENDA

1. Welcome and Introductions of Members and Staff
2. Review of Sunshine and Financial Disclosure Laws
3. Review of Role, Scope and Process of the Charter Review Commission
4. Election of Chair and Vice-Chair
5. Overview of Florida Charter Government
6. Next Meeting Date and Future Calendar
7. Other Business
8. Adjournment

### WELCOME AND INTRODUCTIONS OF MEMBERS AND STAFF

Commissioner Latvala welcomed those in attendance; whereupon, the members and staff introduced themselves.

### REVIEW OF SUNSHINE AND FINANCIAL DISCLOSURE LAWS

Attorney Churuti distributed handouts of a document regarding the Sunshine Law and the role, scope and process of the Charter Review Commission, a copy of which has been filed and made a part of the record; whereupon, she introduced members of the County's legal staff who will provide support to the Commission.

\* \* \* \*

At this time, 1:11 P.M., Mr. Kwall entered the meeting.

\* \* \* \*

Attorney Churuti reviewed the Sunshine Law with regard to public meetings and public records as outlined in the aforementioned document and informed the members that they are not required to file financial disclosure.

### REVIEW OF ROLE, SCOPE AND PROCESS OF THE CHARTER REVIEW COMMISSION

Referring to page two of the handout document, Attorney Churuti summarized the role, scope and process of the Charter Review Commission and stated that a report to the citizens of Pinellas County is due by July 31, 2004. Responding to queries by the members, she noted that any written communications received should be submitted to the Clerk in order to be made part of the public record; and further clarified Sunshine Law issues.

ROBERT C. DECKER ELECTED CHAIRMAN; LOUIS K WALL ELECTED VICE-CHAIRMAN

Noting that citizens should serve in the capacity of Chairman and Vice-Chairman, Commissioner Latvala opened the floor for nominations for those positions. Mr. Wilson moved, seconded by Senator Sebesta, that Mr. Decker be elected Chairman of the Commission.

In response to Commissioner Latvala's call for other nominations, Ms. Hodges nominated Mr. Kwall for the position of Chairman. Mr. Spitzer related a message from Mr. Harrell suggesting Commissioner Latvala as Chairman and Councilmember Bryan as Vice-Chairman; whereupon, Commissioner Latvala indicated that she would inform him that it would be inappropriate for elected officials to serve in these positions. Mr. Kwall expressed appreciation for the nomination but indicated that he would defer to Mr. Decker.

Following discussion and upon call for the vote, the motion to elect Mr. Decker Chairman of the Charter Review Commission carried unanimously.

Mr. Decker assumed the gavel and entertained nominations for the election of a Vice-Chairman. Commissioner Latvala nominated Mr. Kwall, seconded by Ms. Hodges. No one responded to the Chairman's call for other nominations; whereupon, he declared the election of Mr. Kwall as Vice-Chairman by acclamation.

OVERVIEW OF FLORIDA CHARTER GOVERNMENT

Mr. Spitzer referred to a handout titled *Florida Charter Counties*, a copy of which has been filed and made a part of the record, and indicated that there are 19 charter counties in the State of Florida; and that approximately 80 percent of the State's population lives in charter counties. He conducted a computer presentation titled *Understanding Charter Government*, a copy of which has been filed and made a part of the record, and discussed Dillon's Rule versus Home Rule, historical background information, key policies, the legislative and executive branches, county officers, the Charter amendment process and other related matters.

NEXT MEETING DATE AND FUTURE CALENDAR

At the request of Chairman Decker, Mr. Spitzer provided historical background information regarding meeting dates and the development of possible future presentations and agenda items. Responding to query by Councilmember Bryan, Assistant County Administrator Stanfield indicated that the Airport had not been considered as a possible location for the meetings; and that staff had looked at the Swisher Building as a suitable site with regard to parking and public access considerations. Discussion ensued as to possible sites for future meetings; whereupon, Vice-Chairman Kwall moved that the members let the Chairman decide where the meetings are to be held. Chairman Decker suggested that the meetings be held on Mondays, with alternate time frames of 8:30 A.M. to 10:30 A.M. for the first and 5:00 P.M. to 7:00 P.M. for the second; that any special meetings for specific issues be scheduled at appropriate times; and that the County Administrator and the Constitutional Officers be scheduled for presentations.

Thereupon, Councilmember Bryan moved that the Commission meet on the first and third Monday of each month from 8:30 A.M. to 10:30 A.M. and at any other appropriate times which the Chair deems necessary. Following discussion, Councilmember Bryan amended his motion to encompass the first and third Monday of each month, with the first Monday meeting to be held from 8:30 to 10:30 A.M. and the third Monday meeting to be held from 5:30 P.M. to 7:00 P.M.

Following discussion, Chairman Decker noted the consensus of the members that the meetings be held on the second and fourth Mondays from 8:30 A.M. to 10:30 A.M. and 5:00 P.M. to 7:00 P.M., respectively, with meetings to be scheduled for February 9 and 23 at the aforesaid times; that the next meeting be held on January 26, 2004 at 5:00 P.M. in the Public Works Technical Services Building, first floor Conference Room; that additional input be provided by staff at that time as to the availability of locations for future meetings; and that presentations by Commissioner Latvala and the County Administrator be scheduled for the next meeting, subject to Mr. Spratt's availability.

#### OTHER BUSINESS

- Mr. Kwall suggested that two votes be taken on each issue, with one vote at the time of first consideration and a second vote of reconfirmation at the final meeting.
- Responding to query by Chairman Decker, Attorney Churuti discussed issues related to use of the Internet and indicated that any substantive material be sent to Mr. Spitzer for distribution.
- At the request of the members, Attorney Churuti circulated a list for member input as to names, e-mail addresses, et cetera, and suggested that they send their biographical material to Mr. Spitzer for distribution.
- At the suggestion of Senator Sebesta, the members indicated their availability for the January 26 meeting in order to establish a quorum.
- Mr. Davis moved, seconded by Commissioner Latvala and carried, that Robert's Rules of Order be adopted as the procedural guide for Charter Review Commission meetings.
- Responding to query by Councilmember Bryan, Attorney Churuti provided clarification regarding the Sunshine Law and the public forum exception.

#### ADJOURNMENT

The meeting was adjourned at 2:35 P.M.

# AGENDA

## **Pinellas County Charter Review Commission**

January 26, 2004

5:00 PM to 7:00 PM

Public Works – Technical Services Building

First Floor Conference Room

440 Court Street, Clearwater

1. Call to Order
2. Approval of minutes
3. Public Comment
4. Overview of Pinellas County government
5. Recommendations from BCC
6. Discussion of CRC voting procedures
7. Discussion of CRC meeting locations
8. Discussion of issues for consideration by CRC
9. Other business
10. Adjourn



Clearwater, Florida, January 26, 2004

A meeting of the Pinellas County Charter Review Commission (as created by Chapter 80-590, Laws of Florida) was held in the Public Works Technical Services Building, First Floor Conference Room, 440 Court Street, Clearwater at 5:00 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
George Jirotko  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Absent:

Jim Sebesta, State Senator  
Roy Harrell

Also Present:

Susan H. Churuti, County Attorney  
Stephen M. Spratt, County Administrator  
James L. Bennett, Chief Assistant County Attorney  
Chris Staubus, Assistant Director, Utilities  
Kurt Spitzer, KS&A  
Other interested individuals  
Cathy Fickley, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Overview of Pinellas County Government
5. Recommendations From Board of County Commissioners (BCC)
6. Discussion of Charter Review Commission (CRC) Voting Procedures
7. Discussion of CRC Meeting Locations
8. Discussion of Issues for Consideration by CRC
9. Other Business

10. Adjournment

CALL TO ORDER

Chairman Decker called the meeting to order at 5:00 P.M.; and at his request, the members introduced themselves.

MINUTES OF MEETING OF JANUARY 16, 2004 – APPROVED AS AMENDED

Commissioner Latvala moved, seconded by Mr. Jirotko, that the minutes of the regular meeting of January 14, 2004 be approved; whereupon, Councilmember Bryan requested that bullet number three under “Other Business” be amended to read, “At the request of the members, Attorney Churuti circulated a list for member input as to names, e-mail addresses, et cetera; and Councilmember Bryan suggested that they forward their biographical material for distribution,” and no objections were noted. Thereupon, upon call for the vote, the motion carried unanimously.

PUBLIC COMMENT – NONE

In response to query by Mr. Armstrong, Chairman Decker indicated that the rules regarding public comment would be addressed later in the meeting.

OVERVIEW OF PINELLAS COUNTY GOVERNMENT

Mr. Spratt presented a PowerPoint program titled *Pinellas County*, a copy of which has been filed and made a part of the record; and provided historical background information, a fiscal overview and a description of how the County’s government is organized.

Alluding to citizen and business opinion surveys, Mr. Spratt related that areas of major concern are transportation and traffic congestion, mass transit and traffic flow; and that the issues have been extremely difficult to address due to the division of jurisdictional responsibilities. He provided examples of similar duties and powers prescribed in the County Charter and by special acts of the legislature; and suggested that the members address the issue of improving the way County authority is vested. Referring to the administration of County government, he discussed the following issues:

- appointment or removal of non-classified positions;
- budget officer clarification; and

- non-interference provisions.

Mr. Spratt referred to the power and duties of the County Commission and suggested that the members review the issue of auditing power; whereupon, Mr. Kwall requested that Mr. Spratt's suggestions, and all future presenter suggestions, be submitted in writing for the members' review; and no objections were noted. Thereupon, Mr. Wilson requested that Mr. Spratt also provide the graphics presented in the PowerPoint program, and a listing of all County Commission appointments. Discussion ensued with regard to Countywide expenditures; potential judiciary costs; Clerks' fees; and the provision of County building inspection services to municipalities.

#### RECOMMENDATIONS FROM THE BOARD OF COUNTY COMMISSIONERS (BCC)

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Commissioner Latvala concurred with Mr. Spratt's suggestions; and discussed the following BCC recommendations:

- non-interference policy;
- transportation and Pinellas Suncoast Transit Authority (PSTA) issues;
- County auditing services; and
- Pinellas Planning Council.

During discussion and in response to queries by the members, Commissioner Latvala provided brief historical background information and an overview of the PSTA structure; and urged the members to review the Countywide transportation issues; whereupon, Attorney Churuti provided input with regard to dual referendum requirements and Charter procedures; and Mr. Spratt referred to a task force proposal presented to the Metropolitan Planning Organization (MPO) that addresses government structure changes; and indicated that a copy of the proposal would be forthcoming.

Alluding to duplication of services, Commissioner Latvala suggested that the members consider a transfer of the County's financial auditing services; and discussed the elimination of the Pinellas Planning Council, noting that the County has a Planning Department. She referred to a document prepared by staff at the request of Mr. Spratt that recommends changes to the laws and Charter provisions governing them; and Attorney Churuti indicated that the changes may be placed on referendum as administrative or housekeeping items; whereupon, Mr. Spratt indicated that the document will be provided to the Commission in the near future.

Thereupon, Chairman Decker requested that Commissioner Latvala submit her BCC suggestions in writing to the members for review.

During further discussion and in response to queries by the members, Mr. Spratt reviewed road improvement procedures; indicated that the Intelligent Transportation System process has not concluded; provided an update of the Pinellas Assembly process; and discussed Charter references to voluntary annexation procedures; whereupon, Councilmember Bryan noted that a major issue to be considered is fair representation of the cities and the County.

\* \* \* \*

At the direction of Chairman Decker, there being no objection, the meeting was recessed at 6:15 P.M. and reconvened at 6:22 P.M.

\* \* \* \*

#### MISCELLANEOUS

Deviating from the agenda, Chairman Decker referred to a document titled *Pinellas Charter Review Commission*, a copy of which has been filed and made a part of the record, and indicated that his telephone number is listed incorrectly; and requested that the members review the document and provide any changes to Mr. Spitzer; and that biographical sketches be submitted to Mr. Spitzer as soon as possible.

Referring to a framework for public comment, Chairman Decker requested input by the members; whereupon, Commissioner Latvala suggested that public comment be placed at the beginning of the meeting with a three-minute time limit; and no objections were noted.

Chairman Decker requested that staff provide a sign-in sheet and cards for public comment; whereupon, Mr. Davis suggested that the subject matter be limited to Charter review issues; and no objections were noted.

#### DISCUSSION OF CRC VOTING PROCEDURES

Mr. Spitzer provided historical background information pertaining to the voting procedures of previous Charter Commissions. During discussion, Mr. Bryan moved, seconded by Mr. Kwall, that a majority vote be required at the time an issue is discussed, and at the meeting prior to the final meeting; and that a majority plus one vote be required for final approval. During further discussion, it was determined that a quorum

shall consist of seven members; and that an issue that is initially voted down could be reconsidered later in the process; whereupon, upon call for the vote, the motion carried 10 to 1, with Mr. Davis casting the dissenting vote.

#### DISCUSSION OF CRC MEETING LOCATIONS

Mr. Staubus referred to a document titled *Charter Review Commission Potential Meeting Facilities*, a copy of which has been filed and made a part of the record, and described several facilities that have been considered for future meetings; and indicated that staff has recommended the Swisher Building, 509 East Avenue South, Clearwater; whereupon, following discussion, Mr. Armstrong moved, seconded by Commissioner Latvala and carried, that staff recommendation be approved.

#### DISCUSSION OF ISSUES FOR CONSIDERATION BY THE CRC

Mr. Spitzer referred to a Timeline attached to his Memorandum of January 20, 2004, a copy of which has been filed and made a part of the record, and indicated that the members need to decide the issues to be discussed at upcoming meetings. He conducted a PowerPoint presentation titled *Charter Discussion Issues*, a copy of which has been filed and made a part of the record, and provided a review of Charter powers; key policies; the legislative and executive branches; County-City relations; the Pinellas Assembly process and other related matters.

Chairman Decker suggested that the Pinellas Planning Council be the topic for discussion at the February 9, 2004 meeting; whereupon, following discussion and input by Mr. Spitzer, Mr. Wilson moved that the Pinellas Planning Council and the Pinellas County Planning Department be the topic placed on the February 9, 2004 agenda for discussion, followed by a review of the subjects presented by Mr. Spratt and Commissioner Latvala for calendaring purposes thereafter. During discussion, Mr. Spratt indicated that he would provide a report of the issues organized by article and section of the County Charter, beginning with Article II; whereupon, following further discussion, Ms. Hodges seconded the motion. Following additional discussion and upon call for the vote, the motion carried 9 to 2, with Councilmember Bryan and Mr. Kwall casting the dissenting votes.

#### OTHER BUSINESS – NONE

#### ADJOURNMENT

The meeting was adjourned at 7:00 P.M.

## AGENDA

### **Pinellas County Charter Review Commission**

February 9, 2004  
8:30 AM to 10:30 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of minutes
3. Public Comment
4. Discussion of issues for consideration by CRC
5. Discussion of the Pinellas Planning Council
6. Other business
7. Adjourn

A meeting of the Pinellas County Charter Review Commission (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 8:35 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
George Jiroka  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Late Arrival:

Roy Harrell

Absent:

Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Everett S. Rice, Sheriff  
Ricardo Davis

Also Present:

Susan H. Churuti, County Attorney  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
David P. Healey, Executive Director, Pinellas Planning Council (PPC)  
Brian K. Smith, Planning Director  
Kurt Spitzer, KS&A  
James L. Bennett, Chief Assistant County Attorney  
Dennis Long, Senior Assistant County Attorney  
Jewel White Cole, Senior Assistant County Attorney  
Robert Jackson, Mayor, City of Largo  
Bill Foster, Councilmember, City of St. Petersburg  
Pete Bengston, Councilmember, City of Seminole  
Frank DiDonato, Mayor, City of Tarpon Springs  
Nadine S. Nickeson, Commissioner, City of Safety Harbor  
David Goodwin, Assistant Director of Development Services, City of St. Petersburg  
Herb Polson, City of St. Petersburg  
Chris Staubus, Assistant Director, Utilities  
Other interested individuals  
Dawn Rubio, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes

3. Public Comment
4. Discussion of Issues for Consideration by CRC
5. Discussion of the Pinellas Planning Council
6. Other Business
7. Adjournment

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:35 A.M.

### MINUTES OF MEETING OF JANUARY 26, 2004 - APPROVED

Commissioner Latvala moved, seconded by Mr. Armstrong and carried, that the minutes of the regular meeting of January 26, 2004 be approved.

### PUBLIC COMMENT - CONSIDERED UNDER ITEM NO. 5

Chairman Decker requested that public comment be deferred until consideration of Item No. 5, Discussion of the Pinellas Planning Council; and no objections were noted.

### DISCUSSION OF ISSUES FOR CONSIDERATION BY CRC - APPROVED AS SUBMITTED

Mr. Spitzer called attention to a document titled *Charter Discussion Issues*, a copy of which has been filed and made a part of the record; and related that the document is in draft form and is intended to assist in the identification and scheduling of specific issues for discussion; and that additional items may be added later.

He indicated further that the issues fall into groupings such as powers of the County Administrator; relationship between the County and municipal governments, including annexation; and housekeeping or technical changes; and that a suggestion had been made to form a subcommittee to discuss the issues; whereupon, Mr. Armstrong related that he prefers to meet more often as a group in order to hear all the discussion; and Commissioner Latvala agreed.

In response to query by Mr. Armstrong, Attorney Churuti indicated that Section 2.02(e), as it relates to protection of human rights, may not need to be included in the Charter as federal law offers protection; and that she will provide more detail at a later date.

Thereupon, Commissioner Latvala moved, seconded by Councilmember Bryan and carried, that the discussion issues as presented be approved for further consideration.

### DISCUSSION OF THE PINELLAS PLANNING COUNCIL (PPC)



Chairman Decker indicated that the meeting will continue with presentations regarding the Pinellas Planning Council (PPC); and requested that detailed dialogue regarding the PPC be considered at a later date in order to allow Mr. Spitzer more time to prepare for the discussion.

\* \* \* \*

At this time, 9:05 A.M., Mr. Harrell entered the meeting.

\* \* \* \*

Mr. Spitzer reported that several Florida counties also operate with separate planning councils; and indicated that the need for the Pinellas Planning Council has become a matter of debate and opinion.

Mr. Healey gave a brief history of the PPC; outlined the functions of the Council; and indicated that the PPC provides a system of checks and balances by having representation from the cities; that the Council process is an efficient system; that the PPC serves as a model to other built-out counties; and that the PPC should be preserved and enhanced.

Mr. Smith provided a history of the Planning Department; elaborated on the changing roles of the PPC since its inception; related that the planning process has become very complex in recent years; and emphasized the need for local input in the planning process.

Following discussion and in response to Councilmember Bryan, the following individuals expressed their concerns:

- Mayor Jackson indicated that the PPC operates as a system of checks and balances; that the planning services provided to smaller cities are billed to those cities; and that the Planning Council offers a forum for elected city officials with regard to countywide issues.
- Mayor DiDonato stated that he is President of the Council of Mayors; that the mayors' council passed a resolution requesting that the PPC be enhanced rather than eliminated; and suggested that duplication of planning efforts could be reduced by the PPC's acting as a countywide planning authority with an appeal process provided by the Board of County Commissioners (BCC).
- Councilmember Foster related that the PPC provides an independent process and offers a forum for the 24 municipalities; and suggested that the issue has become a contest between the cities and the County.
- Mr. Goodwin contended that the smaller cities would not be able to provide similar services in an efficient and cost-effective manner.
- Councilmember Bengston indicated that he believes a lack of communication exists between the BCC and the cities.
- Ms. Lancaster related that the issue involves community resources and efficiency in the decision-making process; and in response to Councilmember Bryan, indicated that she will provide an analysis of the County's planning budget figures compared to the cities' costs for planning functions.

Mr. Wilson expressed a desire that the public be represented in the planning process; and that the entities work together on the issue.

Commissioner Latvala referred to a flow chart titled *State Local Plan Amendment Process*, a copy of which has been filed and made a part of the record; and indicated that the cities are included in the amendment plan process.

In response to query by Mr. Harrell, Ms. Mannion and Attorney Churuti indicated that the zoning process will be covered during discussions relating to annexation and city/county relations.

Mr. Jirotko expressed his support of the PPC; and indicated that the Planning Council acts as a mediator in disputes between the cities.

#### OTHER BUSINESS

Mr. Wilson stated that the next meeting will be held February 23 at 5:00 P.M.; and Mr. Spitzer announced that the agenda will include the role of the County Administrator and the audit and finance functions of the County.

#### ADJOURNMENT

The meeting was adjourned at 10:40 A.M.

## AGENDA

### **Pinellas County Charter Review Commission**

February 23, 2004  
5:00 PM to 7:00 PM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to order
2. Approval of Minutes
3. Public comment
4. Further discussion of issues for consideration by CRC
5. Discussion of audit, accounting and financial systems
6. Other business
7. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 5:06 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Roy Harrell  
George Jirotko  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Absent:

Ricardo Davis

Also Present:

Karleen F. De Blaker, Clerk of the Circuit Court  
Claretha N. Harris, Chief Deputy Director, Finance Division  
Myriam Irizarry, Chief Deputy Director, Court and Operational Services Division  
Robert W. Melton, Chief Deputy Director, Internal Audit Division  
Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
Mark Woodard, Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
Kurt Spitzer, KS&A  
Other interested individuals  
Caroline J. Jones, Board Reporter

## AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Further Discussion of Issues for Consideration by CRC
5. Discussion of Audit, Accounting and Financial Systems
6. Other Business
7. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 5:06 P.M.

### MINUTES OF MEETING OF FEBRUARY 9, 2004 – APPROVED

Commissioner Latvala moved, seconded by Ms. Hodges and carried, that the minutes of the regular meeting of February 9, 2004 be approved.

### PUBLIC COMMENT – NONE

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

### DEADLINE OF MAY 24, 2004 - APPROVED FOR ACCEPTANCE OF NEW CRC ISSUES; MAJORITY VOTE PLUS ONE REQUIRED AFTER DEADLINE

Chairman Decker offered an April 12, 2004 deadline for consideration as the cut-off date for any new issues to be brought before the Commission for its deliberation; whereupon, input from the members included:

Senator Sebesta suggested widespread advertising of deadline if approved.

Councilmember Bryan expressed preference for a majority vote.

Mr. Armstrong suggested May 24 as an appropriate deadline.

Following further discussion, Councilmember Bryan moved, seconded by Commissioner Latvala, that the May 24, 2004 deadline for acceptance of additional issues be approved with the stipulation that any other issues brought before the Commission after said date require a majority plus one vote. Upon call for the vote, the motion carried unanimously.

Referring to a draft timeline enumerating the issues scheduled for review by the Commission; a copy of which has been filed and made a part of the record, Chairman Decker conducted a survey of the members with regard to additional matters or concerns that they wish to include at this time; whereupon, discussion ensued with Mr. Harrell requesting that discussion on retaining a forum where both city and county representatives are able to convene be addressed.

### DISCUSSION OF AUDIT, ACCOUNTING AND FINANCIAL SYSTEMS

Mr. Spitzer provided background information with regard to the responsibility for audit, accounting and finance functions being moved from the Clerk of the Circuit Court; and indicated that the duties of the constitutional officers are mandated by general law; and that the Home Rule Charter does afford adjustment of those positions and duties.

Clerk De Blaker presented an account of her 23-year tenure as Clerk of the Circuit Court and an overview of the duties and responsibilities associated with the constitutional office, a copy of which has been filed and made a part of the record. She noted the importance of an elected official's role with regard to "checks and balances"; that audits are conducted annually by an external auditor; and that the primary function of the Finance Division is to ensure that all expenditures constitute a public purpose; whereupon, she introduced Chief Deputy Directors Claretha N. Harris, Myriam Irizarry, and Robert Melton.

Mr. Spratt stated that the Commission has been asked to consider vesting audit authority with the Board of County Commissioners (BCC) and not an appointed official; and indicated that there are two questions before the Commission for its deliberation:

1. Who should have the responsibility of the audit function?
2. Where should the financial accounting responsibilities reside?

He explained that productivity, efficiency, and maximizing resources are issues which need to be considered with regard to the financial responsibilities; that vesting the County Commission with an audit function does not mean eliminating the Clerk's auditing power; that there has been no coordination between the Clerk's audit and performance reviews performed by the Office of the County Administrator; and that the establishment of a County Commission auditor would eliminate duplicative efforts and provide the Commission with audit jurisdiction.

Responding to comments by Mr. Spratt and to Mr. Spitzer's memorandum of February 16, 2004, Clerk De Blaker indicated her concurrence with payroll transactions being

processed with one type of system although her budget does not allow the purchase of a new computer system; that under Florida Statute 125 the BCC has the right to investigate and request reports of any department; and that the definition of the Clerk's auditing responsibility does not exclude performance audits. Responding to queries by Messrs. Armstrong and Kwall, she indicated that her office performs a pre-audit function wherein expenditures are reviewed for accuracy and public purpose validity before payment; and that the function should remain under the purview of an elected official who only answers to the citizenry. In response to query by Mr. Kwall as to the Clerk's staff currently performing the financial functions, Mr. Spratt indicated that a transfer of capability may be necessary; and that there may be opportunity to economize since there is a duplicity of services performed.

Following discussion and in response to query by Mr. Harrell, Mr. Melton provided examples where problematic financial and performance practices had been identified through the "checks and balances" scenario. Responding to Mr. Harrell's request to identify "gray" areas, Mr. Spratt noted a situation wherein the Clerk had refused to pay an invoice unless deemed a public-purpose expenditure by BCC resolution; and that the role of the Clerk's audit and its relationship to performance in departments under the BCC merits clarification.

Responding to additional queries and comments by Commission members, Mr. Spratt indicated that Clerks in other jurisdictions have deputized an individual to function in the role of a disbursement officer with the Clerk retaining the ability to verify that the pre-audit function is performed adequately; that if a separate audit function is established, the individual should report to the County Commission; and that his staff had been aware of the situation in the Building Department as reported by Mr. Melton, and was in the process of addressing it before the audit was conducted.

Following further discussion and input by the Clerk and Mr. Spratt, Chairman Decker opened the meeting to internal discussion and reaffirmed that there were no citizens to be heard.

Responding to query by Mr. Wilson, Attorney Churuti advised that the current CRC meetings are noticed through the County's Communications Department; that the County does not use the newspaper of general circulation for all its advertising; and that the CRC may direct staff on that decision; and in response to query by the Chairman, indicated that based on member input at the first meeting, advertisement in the newspaper will commence when specific ballot questions have been established in order to alert the public; and that public hearings will be held throughout the County to receive public input.

Councilmember Bryan concluded that if the computer systems were compatible many of the issues would be eliminated; and suggested that the BCC could employ an auditor to look at business from an operational standpoint.

Mr. Harrell indicated that the CRC should assess the issues in a broader scope, taking into consideration their vision for the County in ten to 15 years; whereupon, Mr. Kwall countered that the purpose of the Commission is to deliberate over the issues presented, attempt to resolve many of them, and compress the information in a context the public will readily understand; and that long-term visioning should be left to the BCC.

In response to comments by Messrs. Harrell and Kwall, Commissioner Latvala articulated that she believes the purpose of the CRC is to ensure County government operates in the most efficient and effective manner to assure that the best level of service is provided to its citizens.

#### OTHER BUSINESS

Attorney Churuti referred to two constitutional limitations relevant to the Board of County Commissioners, and advised that the BCC is constitutionally prohibited from hiring its own internal auditors and from conducting audits of the constitutional officers; whereupon, she provided history and background information with regard to former Charter Review Amendments that had failed on the ballot in Pinellas County.

#### ADJOURNMENT

There being no further business to become before the Commission, Chairman Decker adjourned the meeting at 7:02 P.M.



# AGENDA

## **Pinellas County Charter Review Commission**

March 8, 2004  
8:30 AM to 10:30 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. CRC Meeting Times, Schedule and Issues for Discussion
5. Continued Discussion of Audit, Accounting and Financial Systems
  - Gale Sittig, Local Government Finance Consultant
  - Susan Churuti
6. Discussion of Powers of the County Administrator
7. Discussion of City-County Powers
  - William Mischler, President  
Mayors' Council of Pinellas County
  - Steve Spratt
8. Other Business
9. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 8:33 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
George Jiroka  
Mayme Hodges  
Elizabeth Mannion

Late Arrivals:

Everett S. Rice, Sheriff  
Roy Harrell

Absent:

Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Roger Wilson

Also Present:

Robert B. Stewart, County Commissioner  
Karleen F. De Blaker, Clerk of the Circuit Court  
Claretha N. Harris, Chief Deputy Director, Finance Division  
Myriam Irizarry, Chief Deputy Director, Court and Operational Services Division  
Robert W. Melton, Chief Deputy Director, Internal Audit Division  
Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
David P. Healey, Executive Director, Pinellas Planning Council (PPC)  
Richard Hough, Pinellas County Sheriff's Department  
Robert Jackson, Mayor, City of Largo  
Kurt Spitzer, KS&A  
Gale Sittig, Local Government Finance Consultant  
Other interested individuals  
Arlene Smitke, Board Reporter

**AGENDA**

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. CRC Meeting Times, Schedule, and Issues for Discussion
5. Continued Discussion of Audit, Accounting and Financial Systems  
- Gale Sittig, Local Government Finance Consultant

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- Susan Churuti

6. Discussion of Powers of the County Administrator
7. Discussion of City-County Powers
  - William Mischler, President, Mayors' Council of Pinellas County
  - Steve Spratt
8. Other Business
9. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:33 A.M.

### MINUTES OF MEETING OF FEBRUARY 23, 2004 – APPROVED

Mr. Armstrong moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of February 23, 2004 be approved; whereupon, following discussion, with input by Mrs. De Blaker, Mr. Decker requested that Mr. Spitzer forward verbatim transcripts of the previous meetings to the members via e-mail or hard copy, as applicable.

### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Thomas Smith, Safe Water Alliance Pinellas, presented a proposal to amend Section 2.06 of the Pinellas County Charter with regard to drinking water.

### CRC MEETING TIMES, SCHEDULE, AND ISSUES FOR DISCUSSION

Chairman Decker indicated that the current schedule of the CRC of two-hour, bi-monthly meetings may not be sufficient to allow completion of its tasks in the necessary time frame; whereupon, following discussion, Mr. Jirotko moved, seconded by Mr. Armstrong and carried, that the meeting schedule be adjusted as follows: the first meeting of the

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month will be held from 8:00 to 11:00 A.M. and the second meeting of the month will be held from 5:00 to 8:00 P.M.

Chairman Decker stated that although the deadline for submission of new issues to the CRC was several months away; he was encouraging members to submit additional topics as early as possible to allow staff sufficient time to research them.

Referring to previous discussions regarding the Pinellas Planning Council (PPC), Chairman Decker confirmed receipt of resolutions from the Cities of Seminole and Belleair Beach supporting the PPC as an independent planning agency and submitted them to the clerk to be filed as part of the record.

#### CONTINUED DISCUSSION OF AUDIT, ACCOUNTING AND FINANCIAL SYSTEMS

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At the request of Chairman Decker, Mr. Spitzer introduced consultant Gale Sittig and presented an overview of her experience in the field of government finance and accounting.

Ms. Sittig began her comments by stating that she believes the finance and accounting functions and the auditing function are two distinct issues; that the finance area as a functional department can carry out budget and capital planning along with payroll and accounting or there can be a separate budget office; and, after recounting some of her personal experiences, said that although an integrated operation is what she would recommend, she believes an organizational structure will be successful if the individuals involved are working as a team and protecting the financial interests of the County.

\* \* \* \*

At this time, 8:50 A.M., Mr. Harrell entered the meeting.

\* \* \* \*

Responding to query by Mr. Davis, Mr. Spitzer said that as stated in the Florida Constitution, the Clerk of the Circuit Court is the accountant, recorder, and custodian of county funds.

Continuing with the audit function, Ms. Sittig stated that after conducting an examination of a department and assessing its performance and financial controls, the internal auditor can act as a facilitator for change in a positive way; that the auditing function must be independent and above the organizational structure; and that although it is her opinion that the internal auditor report to the commission, it would be essential to establish the

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auditor's responsibilities in the charter and fill the position with the right person who has the backing of the commission and administration. In response to a question by Councilman Bryan, Ms. Sittig noted that external auditors are not comfortable discussing financial management; and that the safeguard of public money requires proper purchasing and auditing practices and the need for checks and balances in the process.

Attorney Churuti referred to her memoranda entitled *Role of the Clerk of Circuit Court – Auditor and Accounting* and *Charter Amendment Process*, copies of which have been filed and made a part of the record; reviewed their content pointing out that the Board of County Commissioners (BCC) cannot audit the five constitutional officers nor create an independent county auditing department; and responding to queries by Councilman Bryan, indicated that the BCC is permitted to hire an independent outside auditor; that the CRC has the power to create an independent county auditing department, however, it would have no more power than the BCC currently has and cannot in any way diminish the Clerk's powers, duties, and responsibilities unless the Clerk's position is abolished or split; and that the ability to change the status of a constitutional officer would require a Special Act of the Legislature and referendum.

Proceeding to the second subject of city-county powers, Mrs. Churuti explained that the current provision is a result of action by the last Charter Commission; and that transfer of powers between counties and cities requires approval by dual referendum and a majority vote of the electorate.

At the request of Councilman Bryan, Mrs. De Blaker summarized current accounting and auditing procedures; noted that external auditors are selected by consensus of the constitutional officers, the BCC, and the administration; and that auditors are changed periodically following a proposal process. She pointed out that the current system provides necessary checks and balances; that only 19 of Florida's 67 counties have changed the financial responsibilities of the Clerk; noted that while the County Attorney represents all of the constitutional officers, she works for the BCC and is advisory to the County Administrator; and that occasionally it is necessary to hire outside counsel to represent the Clerk's office in order to avoid a conflict of interest; whereupon, at Mrs. De Blaker's request, Mr. Melton distributed to the members an informational packet that he had prepared, a copy of which has been filed and made a part of the record.

\* \* \* \*

At the direction of Chairman Decker, there being no objection, the meeting was recessed at 9:47 A.M. and reconvened at 9:56 A.M.

\* \* \* \*

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Councilman Bryan requested procedural clarification regarding voting on the issues; whereupon, following discussion and input by Mr. Spitzer, it was the consensus of the members that time will be set aside for discussion of each issue before proceeding; and that the PPC and the responsibilities of the Clerk and Administrator will be discussed during the first hour of the next scheduled meeting. Responding to a suggestion by Mr. Jirotko, Chairman Decker agreed to consider not having the bulk of the voting take place at the May 24 meeting, as several members will not be in attendance on that day.

#### DISCUSSION OF POWERS OF THE COUNTY ADMINISTRATOR

Mr. Spitzer referred to his memo dated March 2, 2004 regarding powers of the County Administrator, a copy of which has been filed and made a part of the record, and discussed the issue of granting power to the Administrator to terminate senior staff unilaterally and the inclusion in the Charter of a non-interference clause which separates the executive and legislative branches of County government.

Responding to query by Chairman Decker, Commissioner Latvala indicated that the BCC had voted to give Mr. Spratt authority to terminate supervisory staff at the time of his hiring; that it currently is policy only; and that authority should be included in the Charter. Following discussion, with input by Attorney Churuti, Chairman Decker requested that the County Attorney revise the wording of the proposed non-interference clause and distribute it to the members prior to the next meeting; and no objections were noted.

#### DISCUSSION OF CITY-COUNTY POWERS

Attorney Churuti clarified that it was the legislative delegation, not the CRC, which had initiated the dual-referendum requirement related to city-county relationships.

Mr. Spitzer called attention to spreadsheets detailing the countywide powers of other Florida charter counties and summarized the Powers section of the Pinellas County Charter; and conducted a PowerPoint presentation entitled *Defining City-County Powers*, copies of which have been filed and made a part of the record.

City of Largo Mayor Robert Jackson, representing the Mayors' Council of Pinellas County, indicated that he had not discussed the information contained in the *County Powers* document with the members of the Mayors' Council; that he will provide his initial response to the document at this time; and that following today's meeting, he will elicit comments from the Council to be submitted in writing to the CRC; whereupon, he

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reviewed each item and indicated concurrence, with the exception of the following points:

- 2.01. What powers might be added to the County Commission in the Charter?
- 2.04. There are occasions where regulatory authority vested in the County Commission conflicts with local interest and creates confusion; provide clarification.
  - a. Expand emergency communication system authority to police services.
  - d. Provide definition of “control.”
  - e. The provider of fire services should receive revenue from lessees of airport property.
    - l. Review the issue of fire protection to ensure fair taxation.
    - s. Review land use authority for potential conflict with local interest.
  - t. The Mayors’ Council will consider annexation policies at its next meeting.
- 2.06. The Mayors’ Council is working with the County re Municipal Services Taxing Unit (MSTU) allocation procedures.

County Commissioner Robert B. Stewart noted that he has served on the St. Petersburg City Council, the BCC, and both the St. Petersburg and County Charter Commissions; and emphasized the opportunities available to the Commission to address the challenges facing Pinellas County and the need for regional coordination among various governmental entities; whereupon, he suggested the following items for review by the CRC:

- dual referendum vote requirement
- transportation: traffic signalization; countywide mass transit – bus, light rail
- water
- annexation and elimination of enclaves
- impact fees

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- smart growth and creating livable communities
- County Administrator versus Elected Official form of government
- strengthening or weakening of Charter provisions
- educating voters regarding Charter issues

Administrator Spratt reviewed the various items contained in the *County Powers* matrix; provided comments; and pointed out inconsistencies relating to Home Rule and powers controlled by Special Act of the Legislature.

#### OTHER BUSINESS

Commissioner Latvala suggested that the CRC may want to consider creating a new Charter, as opposed to modifying the existing document; and requested input from Attorney Churuti regarding timing and procedures for doing so; whereupon, Mrs. Churuti indicated that she will provide information prior to the March 22 meeting.

#### ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 11:06 A.M.



# **AGENDA**

## **Pinellas County Charter Review Commission**

March 22, 2004  
5:00 PM to 8:00 PM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to order
2. Approval of Minutes
3. Public comment
4. Discussion of new issues for consideration by CRC
5. Continuation of discussion on Countywide Powers
6. Issues review and entertainment of motions
  - Pinellas Planning Council
  - County Administrator
  - Responsibilities for Finance/Accounting and Audit
7. Presentation and discussion of process: Charter Review vs. Charter Revision vs. Amended/Restated Charter
8. Initial discussion of parks and recreation services
9. Other Business
10. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 5:02 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
Ricardo Davis  
George Jirotko  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Everett S. Rice, Sheriff  
Jim Sebesta, State Senator  
E. D. Armstrong, III

Also Present:

Karleen F. De Blaker, Clerk of the Circuit Court  
Claretha N. Harris, Chief Deputy Director, Finance Division  
Myriam Irizarry, Chief Deputy Director, Court and Operational Services  
Division  
Robert W. Melton, Chief Deputy Director, Internal Audit Division  
Susan H. Churuti, County Attorney  
Sarah Richardson, Senior Assistant County Attorney  
Betsy Steg, Senior Assistant County Attorney  
Dennis Long, Senior Assistant County Attorney  
Geoff Hamlin, Legal Assistant  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
David P. Healey, Executive Director, Pinellas Planning Council (PPC)  
Richard Hough, Pinellas County Sheriff's Department  
David Goodwin, City of St. Petersburg  
Robert Jackson, Mayor, City of Largo  
Kurt Spitzer, KS&A  
Other interested individuals  
Barbara Harb, Board Reporter

## AGENDA

1. Call to Order
2. Approval of Minutes
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  - Pinellas Planning Council
  - County Administrator
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7. Presentation and discussion of process: Charter Review vs. Charter Revision vs. Amended/Restated Charter
8. Initial discussion of parks and recreation services
9. Other Business
10. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 5:02 P.M.

### MINUTES OF MEETING OF MARCH 8, 2004 – APPROVED

Commissioner Latvala moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of March 8, 2004 be approved.

### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Clerk of the Circuit Court Karleen F. De Blaker, appearing as a private citizen, expressed concern with the lack of citizen input relative to suggestions or changes to the Charter; and urged the members to solicit input from the public and to report the Commission's activities via the press or public service information vehicle. Mrs. De Blaker suggested that: 1.) Section 4.02 be amended to include a sentence stating that an individual Constitutional Officer or independent agency may employ an outside attorney if desired and that an external attorney should be employed when representation

by the County Attorney does, or might, constitute a conflict; 2.) Section 6.03(a) be amended to establish a CRC every eight or ten years, rather than the current six years, noting that city charters are reviewed every five or six years and that the State Constitution is reviewed every 20 years; and 3.) the calendar of the CRC be changed from the present time frame of January through July to the period July through December to make it easier for the legislative delegate to the CRC to attend meetings. She then noted for the record that some written information had been provided to the CRC members prior to the meeting; and that copies have been filed and made a part of the record.

Thereupon, in response to query by Mr. Wilson as to whether there were any members of the press present, an individual in the audience indicated that he represented the St. Petersburg Times.

#### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC - NONE

#### CONTINUATION OF DISCUSSION ON COUNTYWIDE POWERS

Mr. Spitzer referred to previous discussion relative to countywide powers, noting that spreadsheets summarizing the current powers of the Board of County Commissioners (BCC) provided for in the Charter as presently worded, and countywide powers of other Florida charter counties had been provided; whereupon, he conducted a PowerPoint presentation entitled *Charter Discussion Issues*, a copy of which has been filed and made a part of the record.

During discussion with regard to current local boards and authorities indicated in Mr. Spitzer's presentation, it was noted that several were inactive; whereupon, in response to query by the members, Attorney Churuti indicated that the CRC does have the ability to propose an amendment to abolish, revise or amend a board or council at the local level. Mr. Wilson requested that staff explore the matter for further discussion at the next CRC meeting; whereupon, Mr. Spratt indicated that many of the authorities referred to in the presentation are, in fact, the BCC. Mr. Spitzer indicated that he would prepare a more thorough description of the governing body and its composition and powers; whereupon, Attorney Churuti stated that her office represents 56 boards and that she would provide the members with information regarding each of them.

\* \* \* \*

At this time, 5:25 P.M., Mr. Harrell entered the meeting.

\* \* \* \*

Responding to query by Mr. Kwall, Chairman Decker indicated that roads and transportation will be discussed at the April 12 and 26 meetings; whereupon, Mr. Kwall suggested that reduced transit fares for persons over the age of 65 be considered.

Continuing his presentation, Mr. Spitzer outlined the countywide powers existing in the Pinellas County Charter and provided examples of countywide powers in other Florida county charters; whereupon, in response to query by Mr. Jirotko, Attorney Churuti stated that the regulation and sale of fireworks is overseen by the Countywide Fire Protection Authority and it is under this authority that the fireworks ordinance was adopted. In response to query by members, Attorney Churuti provided background information relative to the special act granting countywide authority to regulate the hours for sale of alcohol and indicated that not all of the cities agreed on the issue; that the requirement for a dual referendum for countywide regulatory ordinances was added by the legislative delegation prior to the adoption of the special act; that the provision could possibly be removed by placing it directly on the ballot without first going to the legislature; that issues have arisen whereby a County ordinance takes precedence over a city ordinance; and that the annexation provision of the charter is currently in litigation.

At the request of Chairman Decker, Councilman Bryan explained the position of the City of St. Petersburg with regard to countywide signalization; whereupon, discussion ensued relative to potential savings to the Cities of Clearwater and St. Petersburg; possible funding sources; the willingness of the County to assume the responsibility for countywide signalization; having a forum for cities and the county to submit issues to be voted upon; and the possible effect of the American Assembly process.

Thereupon, Attorney Churuti advised that the Florida Constitution requires a dual referendum for the transfer of functions or powers; that under Chapter 125, interlocal agreements are not considered dual referendum requirements; and that the legislature has made a specific finding with regard to law enforcement contracts, that a dual referendum is not required if both governing bodies agree.

Alluding to comments by Mr. Harrell with regard to submission of issues through a forum between the cities and the county, Mr. Spitzer related that the Chairman of the Mayors' Council declined to make a presentation to the CRC until the Council has had an opportunity to discuss the issues; that the spreadsheets he referred to earlier in his presentation have been distributed to all of the mayors for their review and comment; that the Mayors' Council will meet prior to the next CRC meeting; and that perhaps the Council may make a presentation at that time.

## ISSUES REVIEW AND ENTERTAINMENT OF MOTIONS

### Pinellas Planning Council (PPC)

Chairman Decker related that a joint meeting of the BCC and the PPC has been scheduled for March 30; that it has been suggested that the CRC defer further discussion until after that meeting. He distributed a handout authored by Mayor Robert Jackson, Chairman of the PPC, on

behalf of the PPC, a copy of which has been filed and made a part of the record. Mr. Kwall moved that further discussion relative to the PPC be deferred; whereupon, Councilman Bryan interjected that in addition to the three recommended options with regard to the structure of the PPC, some of the cities are suggesting that the transfer of County powers to the PPC be included as an option for consideration. Following discussion, Mr. Jirotko moved, seconded by Mr. Kwall and carried, that the PPC discussion be tabled; and that it can at some later date be removed from the table. Upon call for the vote, the motion carried unanimously.

#### County Administrator

Mr. Spitzer indicated that the two issues under consideration with regard to powers of the County Administrator are the authority to hire and terminate senior staff unilaterally and the inclusion in the charter of a non-interference clause, and noted that the charter now requires the concurrence of the BCC for the hiring or termination of senior staff; and that a non-interference clause is not currently in the charter; whereupon, Councilman Bryan moved, seconded by Mr. Harrell, that the County Administrator be authorized to hire and terminate senior staff. Following discussion with regard to separation of the hiring and termination issue; whether termination be with or without cause; the definition of "senior staff" and the number of staff included in said definition, Councilman Bryan amended his motion to be that the County Administrator be granted authority to hire senior staff unilaterally; and the seconder concurred. Upon call for the vote, the motion carried unanimously.

Thereupon, Councilman Bryan moved, seconded by Mr. Harrell, that the County Administrator be granted the power to terminate senior staff unilaterally without cause. Following discussion, the motion carried 9-1, with Mr. Kwall casting the dissenting vote.

At the request of the Chairman, Mr. Spitzer summarized what a non-interference clause would address and noted that alternatives in wording of the clause could be provided prior to the final vote of the CRC. During discussion, Attorney Churuti read into the record the proposed referendum question and stated that the item will be presented to the members at the next meeting for their review; whereupon, Mr. Jirotko moved, seconded by Mr. Harrell, that subject to refinement, a non-interference clause be added to the charter. Upon call for the vote, the motion carried unanimously.

\* \* \* \*

At the direction of the chairman, there being no objection, the meeting was recessed at 6:15 P.M. and reconvened at 6:30 P.M.

\* \* \* \*

Mr. Spitzer referred to his memorandum dated March 16, a copy of which has been filed and made a part of the record, and indicated that the Pinellas County Charter has not made any changes to the Constitutional Officers, including the Clerk of the Circuit Court; that

approximately one-half of the 19 charter counties have made some changes; and that in terms of the Clerk of the Court, most counties that have made changes have moved the responsibility for finance and accounting either to the County Administrator or to a position under the County Administrator. He outlined the options available for the CRC to entertain and noted that any recommendations that abolish the constitutional status of a County officer must be approved by the legislature as a special act, in addition to approval by the electorate; whereupon, Mr. Wilson moved, seconded by Ms. Hodges, that financing, accounting and audit activities remain as they are.

Thereupon, Mr. Harrell expressed concern as to the County Administrator being able to properly function and the extent that the motion would hamper him from doing so; whereupon, Mr. Jirotko suggested that the audit function of the Clerk remain the same; and that a County internal performance auditor function be created. Mr. Spratt clarified that he was not suggesting that the Clerk not have an audit function; that his proposal was for a coordinated audit plan; that such a plan would prevent opportunities for overlap and duplication; that he favors the Leon County model of setting up an audit committee of experts appointed jointly by the Clerk and the BCC to formulate an audit plan; and cited a recent example where a coordinated effort would have been helpful. In response to query by the members, Mr. Spratt indicated that the audit committee would be composed of lay people who are experts in their fields and provided further details relative to the function of the audit committee.

Discussion ensued with regard to other county models; whereupon, in response to query by Mr. Kwall, Mrs. De Blaker stated that she has had no experience with the audit committee concept; that the BCC and the County Administrator have always been invited to add audits to the audit plan; and that another model that she felt was very effective is that of splitting the duties of the Clerk between two elected officials, which would continue to provide checks and balances. In response to query by Councilman Bryan, Mrs. De Blaker stated that an audit request from the BCC or the County Administrator would be performed as a courtesy; that it has not been her practice to give advance notice of an audit, but that the County Administrator does receive notice.

Following further discussion, Mr. Spitzer indicated that he could provide different options for the makeup and qualifications of audit committee members; whereupon, Councilman Bryan moved, seconded by Commissioner Latvala, that the original motion be amended to include the concept of an audit committee jointly appointed by the BCC and the Clerk.

Thereupon, in response to query by Ms. Mannion, Attorney Churuti advised that the Clerk is an independent state Constitutional Officer; that the powers of the Clerk cannot be limited unless the status was amended from a Constitutional Officer to a Charter Officer. During further discussion relative to the creation of parallel systems; establishment of an audit committee by interlocal agreement between the BCC and the Clerk, Attorney Churuti indicated that there is an issue as to whether an interlocal agreement could bind a future elected official; whereupon, Mrs. De Blaker stated that currently the BCC utilizes primarily a financial external auditor; and that the BCC and the County Administrator are afforded an opportunity annually to recommend any department they wish to be audited.

Responding to query by the members, Mr. Spratt indicated that the amount spent on external audits is in the six-digit number range; that the impetus for the requested change is to improve the coordination of auditing activity; and that the charter can set up a structure that provides for cooperation. Following discussion, Councilman Bryan withdrew his amended motion; whereupon, Ms. Hodges and Mr. Jirotko called the question.

Thereupon, Chairman Decker reiterated that the motion being considered is to make no changes to the financial and auditing duties of the Clerk. Upon call for the vote, the motion carried 8-2, with Commissioner Latvala and Mr. Davis casting the dissenting votes.

#### PRESENTATION AND DISCUSSION OF PROCESS: CHARTER REVIEW VERSUS CHARTER REVISION VERSUS AMENDED/RESTATED CHARTER

Attorney Churuti referred to her memorandum dated March 11, 2004, a copy of which has been filed and made a part of the record, and reviewed the questions and answers relative to the authority of the CRC to repeal Pinellas County's limited home rule charter and replace it with a full home rule charter, which would fully vest home rule powers with the County, and described the process for achieving that goal.

During discussion, Councilman Bryan stated that he concurred with Mrs. De Blaker's suggestion to change the review of the charter to more than six years; and Commissioner Latvala said that she felt the time was appropriate to create a new charter amending the language to make it more relevant. Mr. Harrell indicated that there needs to be a proper forum for discussion of the issues between the cities and the county; whereupon, in response to query by Chairman Decker, Mr. Spratt reported on the status of the Pinellas Assembly task force recommendations and noted that the position of the BCC and Mayors' Council should be known by August. Mr. Harrell clarified that his recommendation was for a forum of government officials, not private citizens.

Alluding to comments by Mr. Wilson, Attorney Churuti read the ballot question adopted by the last CRC and noted that the legislature adopted House Bill 1139 in 1999 delegating power to the CRC to place amendments directly on the ballot for presentation to the voters without prior referral to or approval by the legislature, with the exception of the constitutional status of Constitutional Officers and the dual referendum requirement; whereupon, Ms. Mannion moved, seconded by Mr. Jirotko, that the CRC consider Mrs. De Blaker's suggestion to change the time frame for the CRC in order to allow the legislative delegate to attend the meetings. Following discussion, Chairman Decker clarified that the motion was to change the time frame of the CRC calendar so that it does not conflict with the legislative session. Upon call for the vote, the motion carried unanimously.

#### INITIAL DISCUSSION OF PARKS AND RECREATION SERVICES - DEFERRED

Chairman Decker expressed a desire for the item to be addressed along with the roads and transportation discussion, which would allow additional time for Mr. Spitzer to prepare for both subjects; whereupon, in response to query by Commissioner Latvala, Mr. Spratt explained that



the issue involved insertion of the word "programming" to the enumerated powers in the current charter.

Thereupon, Commissioner Latvala moved, seconded by Mr. Kwall, that the word "programming" be added to the language of the current charter in terms of control of county-owned property. In response to query by the members, Mr. Spratt provided a definition of "programming," and Attorney Churuti stated that draft language with regard to most of the issues has been prepared and can be made available to the members for review prior to the May 24 meeting.

#### MISCELLANEOUS

Following discussion with regard to the availability of members for the May 24 meeting, Chairman Decker directed that everyone bring their calendar to the next meeting to confirm the schedule for decision sessions, and no objections were noted.

#### OTHER BUSINESS - NONE

#### ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 7:40 P.M.

## AGENDA

### **Pinellas County Charter Review Commission**

April 12, 2004  
8:00 AM to 11:00 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. Discussion of new issues for consideration by CRC
5. Special Districts and Local Boards
  - Susan Churuti
6. Issues review and entertainment of motions
  - Pinellas Planning Council
7. Initial discussion of transportation services
  - Roger Sweeney, PSTA
8. Other Business
9. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater, Florida at 8:05 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
Roy Harrell  
Mayme Hodges  
George Jirotko  
Elizabeth Mannion  
Roger Wilson

Late Arrivals:

Susan Latvala, County Commissioner  
Everett S. Rice, Sheriff

Absent:

Jim Sebesta, State Senator

Also Present:

Karleen F. De Blaker, Clerk of the Circuit Court  
Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Dennis Long, Senior Assistant County Attorney  
Sarah Richardson, Senior Assistant County Attorney  
Betsy Steg, Senior Assistant County Attorney  
Geoff Hamlin, Legal Assistant  
Bob Adikes, Legal Assistant  
David Terry, Legal Intern  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
Katherine Burbridge, Intergovernmental Liaison  
Brian K. Smith, Planning Director and Executive Director, Metropolitan Planning Organization (MPO)  
David P. Healey, Executive Director, Pinellas Planning Council (PPC)  
Sue Berfield, representing Senator Jim Sebesta  
Robert Jackson, Mayor, City of Largo  
Steve Ross, City of Largo  
Bill Jonson, City of Clearwater Councilmember  
Bob Bray, City of Pinellas Park  
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority (PSTA)

Kurt Spitzer, KS&A  
Other interested individuals  
Dawn Rubio, Board Reporter

## AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Discussion of New Issues for Consideration by CRC
5. Special Districts and Local Boards -  
Susan Churuti
6. Issues Review and Entertainment of Motions - Pinellas Planning Council
7. Initial Discussion of Transportation Services -  
Roger Sweeney, PSTA
8. Other Business
9. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:05 A.M.

### MINUTES OF MEETING OF MARCH 22, 2004 - APPROVED

Mr. Davis moved, seconded by Ms. Hodges and carried, that the minutes of the regular meeting of March 22, 2004 be approved.

### PUBLIC COMMENT - NONE

### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC

Ms. Mannion offered the following items for future consideration by the CRC:

- Independence of the CRC versus its role as an advisory board

- CRC meeting period extended to one year and held every eight years versus every six years
- Non-partisan election of County Commissioners, Supervisor of Elections, Tax Collector, Property Appraiser, and Clerk of the Circuit Court
- More frequent disclosure of election campaign donors during election years
- Establishment of forum for discussions between cities and the County

Councilmember Bryan requested more discussion concerning programming in regard to control of County-owned property.

\* \* \* \*

At this time, 8:15 A.M., Commissioner Latvala entered the meeting.

\* \* \* \*

In response to query by Chairman Decker, Mr. Spitzer commented that he will add the aforementioned items to the agenda for future discussion.

In response to query by Mr. Kwall, Attorney Churuti indicated that interpretation of the elections code requires a partisan primary for County Commissioners; and that Constitutional Officers are not governed by a similar provision and could run in a non-partisan race if their Constitutional status were abolished or if the Legislature allowed that change.

Following further discussion, Mr. Kwall moved, seconded by Mr. Harrell, that a teleconference be available for the meetings in which the CRC votes on its final recommendations.

Following input by Attorney Churuti that a quorum must be assembled but that teleconference voting is in compliance with state law; and upon call for the vote, the motion carried unanimously.

\* \* \* \*

At this time, 8:25 A.M., Sheriff Rice entered the meeting.

\* \* \* \*

## SPECIAL DISTRICTS AND LOCAL BOARDS

Attorney Churuti called attention to documents titled *Analysis of Special District Dissolution and Board, Authorities, Districts and Councils Created by Special Acts of the Legislature Listed in the County Charter*, copies of which have been filed and made a part of the record; and related that procedures for dissolution of special districts depend upon whether the district is independent or dependent; that charter commissions do not have the ability to create or abolish independent special districts; and that dissolution of dependent special districts requires a local referendum, and in some cases, a dual referendum.

\* \* \* \*

Referring to Ms. Mannion's earlier suggestions, Mr. Kwall moved, seconded by Commissioner Latvala and carried, that future Charter Review Commissions meet jointly with the legislative delegation at the second CRC meeting and at the end of the sessions for delegation input.

\* \* \* \*

In response to query by Councilmember Bryan, Attorney Churuti indicated that ballot questions would be effectuated only upon subsequent Legislature approval.

Following further discussion of special districts, Mr. Kwall moved, seconded by Councilmember Bryan and carried, that the Pinellas County Construction Licensing Board be examined for consideration of its continued existence.

Following input from Sheriff Rice regarding the Police Standards Council, Mr. Kwall moved, seconded by Commissioner Latvala and carried, that the Pinellas Police Standards Council also be examined for consideration of its continued existence.

In response to query by Mr. Wilson, Attorney Churuti indicated that the Pinellas Sports Authority is an independent special district; and that the Department of Community Affairs (DCA) will probably take action due to the Sports Authority's inactive status.

## ISSUES REVIEW AND ENTERTAINMENT OF MOTIONS

### Pinellas Planning Council

Mr. Spitzer reported that the Board of County Commissioners (BCC) and the Pinellas Planning Council (PPC) met jointly on March 30 and are scheduled to meet again in June; and that no final decisions were made at the meeting.

In response to query by Mr. Harrell, Attorney Churuti indicated that the PPC was created by special act and is a dependent council; and that a dual referendum is required to transfer regulatory authority, powers, functions or duties.

Councilmember Bryan presented resolutions from ten municipalities, the PPC and the Mayors' Council in support of the PPC; whereupon, he moved, seconded for discussion purposes by Mr. Harrell, that the PPC remain as it is.

Discussion ensued regarding other forums for dialog between the cities and the County; whereupon, Commissioner Latvala reiterated the suggestion she made at the joint BCC/PPC meeting regarding establishment of a council of governments (COG); and Mr. Spitzer commented regarding a successful operation of a COG in Volusia County.

Mayor Jackson requested permission to speak; and indicated that the PPC is agreeable to updating its duties, but opposes elimination of the Council and replacement by another forum; whereupon, Mr. Armstrong related that he will not support the abolishment of the PPC, but that he believes that the PPC's function could be improved by adding more County Commissioners to the Council.

Mr. Harrell suggested that the CRC faces three options: (1) to leave the PPC as it is; (2) to eliminate the PPC; or (3) to find some interim position; whereupon, he reminded the members that a motion was made at the previous CRC meeting to table the issue.

Thereupon, Councilmember Bryan amended his motion and moved that the issue be brought back to the table; and Mr. Harrell indicated that his second to the original motion was in agreement with the revised motion.

Commissioner Latvala indicated that the BCC has not discussed the disposition of the PPC; and that she will not support the motion to bring back the issue.

Upon call for the vote to bring back the issue, the motion carried 9 to 2 with Commissioner Latvala and Mr. Harrell casting the dissenting votes.

Chairman Decker called for Councilmember Bryan's earlier motion to leave the PPC as it is; Ms. Hodges seconded the motion; and the motion carried 7 to 4 with Commissioner Latvala, Mr. Harrell, Mr. Kwall and Mr. Wilson casting the dissenting votes.

\* \* \* \*

At the direction of the Chairman, there being no objection, the meeting was recessed at 9:20 A.M. and reconvened at 9:31 A.M.

\* \* \* \*

#### INITIAL DISCUSSION OF TRANSPORTATION SERVICES

Mr. Sweeney distributed a document titled *Pinellas Suncoast Transit Authority - Presentation to Pinellas County Charter Review Commission*, a copy of which has been filed and made a part of the record; and gave a brief history of the PSTA. He related that the MPO, the BCC and PSTA Board had met in 2003 and had recommended the following: (1) expanding PSTA's service area; (2) increasing the PSTA Board of Directors to allow more representatives from the BCC and the City of St. Petersburg; and (3) considering other tax revenue sources in addition to ad valorem taxes; and that the recommendations be submitted to the legislative delegation in time for the 2004 legislative session; whereupon, he acknowledged that the deadline for the 2004 legislative session was missed.

In response to queries by the members, Mr. Sweeney indicated that the two main recommendations for the 2005 legislative session are for a countywide referendum to bring the remaining five areas into the PSTA, and to increase the size of the PSTA Board to include three more County Commissioners and one more member from the City of St. Petersburg; whereupon, he related that in addition to the establishment of commuter express service to Tampa, the Board is exploring express service along major corridors, additional neighborhood types of specialized services and bus rapid transit.

Councilmember Bryan commented that transit governance includes designating an agency to make decisions regarding future transportation issues, such as a monorail system, and to receive federal transportation money, and whether the agency should be the PSTA, a newly created authority, or a new County department.

Attorney Churuti confirmed that the CRC cannot take away power from an independent special district, but can initiate a countywide transit authority.

Mr. Sweeney related that the next PSTA strategic planning session will be held on May 7; and that the strategic and visioning process has not been finalized.

Mr. Smith distributed documents titled *MPO Staff Report on Transit Governance* and *Recommendation Concerning Transit Governance for Pinellas County*, along with his memorandum of January 26, 2004 regarding the Transit Governance Task Force's recommendations pertaining to PSTA Board membership, copies of which have been filed and made a part of the record.

Mr. Smith provided information regarding the Pinellas Mobility Initiative (PMI), including the feasibility of a high-speed guideway system, the need for a countywide transit system, and revenue options including a personal tangible tax and a one-cent "transit surtax" sales tax.

Discussion ensued regarding ways to bring the five excluded communities into a countywide transit agency and the possibility of legislative action for a countywide referendum later this year; whereupon, Councilmember Bryan reminded the members that a parallel agency would not receive federal transportation funding; and Commissioner Latvala indicated that special sessions are called by the Governor for discussion of one issue only.



Thereupon, Mr. Harrell moved, seconded by Mr. Armstrong and carried, that the CRC support the recommendations for a countywide transit authority and to increase the membership of the PSTA Board of Directors.

#### OTHER BUSINESS

Mr. Decker noted that the next CRC meeting will be on April 26 at 5:00 P.M.

Mr. Spitzer indicated that the CRC could authorize the establishment of a charter revision commission that would enable a future Charter Review Commission to repeal the Charter.

\* \* \* \*

At this time, 10:31 A.M., Ms. Hodges left the meeting.

\* \* \* \*

Ms. Lancaster commented that the previous Charter Review Commission had voted to amend the Charter in order to add two members to the BCC; and that the legislative delegation had changed the recommendation to include four single-member districts in the previously all at-large membership.

#### ADJOURNMENT

The meeting was adjourned at 10:43 A.M.

## AGENDA

### **Pinellas County Charter Review Commission**

April 26, 2004  
5:00 PM to 8:00 PM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. Review of issues raised at previous meeting
5. Discussion of new issues for consideration by CRC
6. Review of Available Options for Consideration by CRC
7. Continued Discussion - Transportation Services
8. Initial Discussion – Fire and EMS Service Delivery
9. Other Business
10. Adjourn

Clearwater, Florida, April 26, 2004

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater, Florida at 5:00 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
Mayme Hodges  
George Jirotko  
Elizabeth Mannion  
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney  
Betsy Steg, Senior Assistant County Attorney  
Chuck Kearns, Director, Pinellas County Emergency Medical Services (EMS) and Fire Administration  
Dwayne Booth, Assistant Director Pinellas County EMS & Fire Administration  
Brian Smith, Director, Planning Department, and Executive Director, Metropolitan Planning Organization (MPO)  
David P. Healey, Executive Director, Pinellas Planning Council  
Kurt Spitzer, KS&A  
Paul Bertles, Traffic Operations Manager, City of Clearwater  
Other interested individuals  
MaryAnn Penhale, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Review of Issues Raised at Previous Meeting

April 26, 2004

5. Discussion of New Issues for Consideration by CRC
6. Review of Available Options for Consideration by CRC
7. Continued Discussion – Transportation Services
8. Initial Discussion – Fire and EMS Service Delivery
9. Other Business
10. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 5:00 P.M.

### MINUTES OF MEETING OF APRIL 12, 2004 – APPROVED

Upon presentation by Chairman Decker of the minutes of April 12, 2004, he indicated that on page 3 under *Discussion of New Issues for Consideration by CRC*, the sentence “Councilmember Bryan requested more discussion concerning programming in regard to control of County-owned property,” the word “property” should be changed to “parks. Following clarification by Attorney Churuti indicating that “property” is sufficient, Mr. Bryan moved, seconded by Mr. Armstrong and carried, that the minutes of the regular meeting of April 12, 2004 be approved.

### PUBLIC COMMENT

In response to the Chairman’s call for persons wishing to be heard, Thomas Smith, Chairman, Safe Water Alliance Pinellas, read the Alliance’s proposed Safe Water Amendment and requested that the Commission approve placing it on the ballot.

Martine Zundmanis, Co-chair of Education, Green Party of Pinellas County, spoke in support of the Safe Water Amendment and requested that the Commission place it on the ballot in November.

Sallie Parks, Palm Harbor, expressed her views regarding nonpartisan elections and commented regarding the increasing number of independent voters; cited differing legal opinions as to whether nonpartisan elections could be accomplished in Pinellas County under current law; and encouraged the members to debate the issue.

April 26, 2004

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At this time, 5:10 P.M., Mr. Harrell entered the meeting.

\* \* \* \*

Responding to query by Mr. Kwall, Ms. Parks indicated that she could provide additional information as to the counsel cited; whereupon, Attorney Churuti indicated that the Constitutional Officers could not be changed to nonpartisan affiliation in elections; and that the general election law seems to indicate that County Commissioners should be nominated in primary elections.

Deviating from the agenda, Chairman Decker distributed copies of a letter received from Mr. Healey, together with a memorandum from legal counsel regarding issues attendant to any proposal to eliminate or substantially alter the PPC, copies of which have been filed and made a part of the record.

#### REVIEW OF ISSUES RAISED AT PREVIOUS MEETING

Mr. Spitzer referred to his memorandum dated April 21, 2004, a copy of which has been filed and made a part of the record, and reviewed the first four issues raised at the meeting of April 12, 2004 as follows.

##### Charter Review Commission

Mr. Spitzer related that the membership includes elected officials as well as independent entities; that recommendations are submitted to the Board of County Commissioners to schedule an election on the issue; and that the time frame for completion is approximately six months.

##### Nonpartisan Elections

Mr. Spitzer referenced two spreadsheets offering arguments for and against nonpartisan elections and summary information regarding other charter counties. He cited an Attorney General's opinion which indicates that a charter could provide that County Commissioners be elected on a nonpartisan basis; whereupon, Attorney Steg referred to a statute which indicates that the County Commission shall be nominated at primary elections; and stated that the aforesaid opinion discussed various other cases regarding the Supervisor of Elections. Responding to query by Ms. Mannion, Attorney Churuti discussed the elections code and the use of the word "nominate" to mean nominated by the party. Following discussion, Mr. Kwall moved, seconded by Mr. Jirotko, that a straw vote be taken to ascertain whether there is a strong consensus either for or against the nonpartisan issue in an effort to reduce any unnecessary discussion time. Ms. Mannion requested that the numbers indicating a consensus be established; whereupon, Mr. Kwall stated that the members would recognize the consensus upon call for the vote. Chairman Decker

April 26, 2004

restated the motion, asking for those in favor of nonpartisan elections to so indicate by saying aye; whereupon, those in favor responded. He then asked for those opposed to respond by saying no; whereupon, those opposed did so. At the direction of the Chairman, the members then proceeded with discussion and provided input as to their opinions. Following deliberations, Mr. Harrell requested that the Chairman call the question; whereupon, Chairman Decker stated that open discussion had been held on the issue and that a motion could be offered.

Thereupon, Mr. Harrell moved, seconded by Mr. Bryan, that nonpartisan elections for County Commissioners only be approved. Upon call for a vote by hand count, the motion failed by a vote of 5 to 7, with Chairman Decker, Mr. Armstrong, Mr. Jirotko, Mr. Kwall, Ms. Latvala, Sheriff Rice, and Mr. Wilson casting the dissenting votes.

#### Reporting of Campaign Contributions

Mr. Spitzer related that no other county charters contain policy on the reporting of campaign contributions; and Attorney Churuti reviewed a memorandum from Attorney Steg regarding the subject, a copy of which has been filed and made a part of the record.

#### Local Government Forum

Mr. Spitzer outlined the bylaws from the Volusia County Council of Governments (VCOG, Inc.), a copy of which has been filed and made a part of the record, and indicated that the entity had been created by interlocal agreement; whereupon, he stated that the members could consider use of a similar model which could be provided through the Pinellas County Charter. Responding to query by Mr. Jirotko, he indicated that participation in the VCOG, Inc. is voluntary.

#### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC

Mr. Harrell referred to an earlier comment by Mr. Wilson and queried as to when the members would discuss how the Charter review process could become more meaningful. Mr. Spitzer indicated that this agenda item would encompass the subject; whereupon, Chairman Decker suggested that the review of available options be presented next, which will segue into the matter.

#### REVIEW OF AVAILABLE OPTIONS FOR CONSIDERATION BY CRC

Mr. Spitzer conducted a PowerPoint presentation titled *Review of Available Options*, a copy of which has been filed and made a part of the record, provided a recap of items discussed to date by the CRC and reviewed the upcoming calendar of meeting dates and preliminary actions taken by the Commission. With regard to the Commission's vote to support structural changes to the Pinellas Suncoast Transit Authority (PSTA) as recommended by the Task Force, Councilmember

April 26, 2004

Bryan indicated that the statement is inaccurate; that after receiving recommendations from the MPO, the PSTA had created the makeup of its Board.

Mr. Spitzer reviewed options for consideration and noted that although the legislature is not authorized to repeal the Charter without the approval of the local electorate, establishment of a Charter Revision Commission could be accomplished by proposing an amendment which would then have to be approved by the voters. He summarized possible next steps to address various issues including County officers, Countywide policy, independent districts and a comprehensive revision of the Charter. Responding to query by Mr. Kwall, Attorney Churuti confirmed that no CRC has the power to change independent special districts. In summary, Mr. Spitzer indicated that some issues could be addressed by placement on the ballot for voter consideration; and that other issues require procedural changes, which would involve presenting the issues to the legislature for approval and then placing the issues on the ballot for consideration by the voters.

Following discussion, Commissioner Latvala moved, seconded by Mr. Jirotko, to place a referendum on the ballot reconstituting the present group in January 2005 for the purpose of creating a new Charter in 2006. Commissioner Latvala clarified that the motion encompasses that the present group be retained; and the seconder concurred. Pursuant to additional discussion, at the request of Chairman Decker, Commissioner Latvala restated the motion to indicate that the Commission put a referendum on the ballot establishing a Charter Revision Commission in January 2005 for the purpose of writing a new Charter; and the seconder concurred. During discussion, Councilmember Bryan commented on the significance of the possible creation of a proposed Home Rule Charter; and Mr. Spitzer stated that the future Commission would still be bound by the same requirements to go back to the legislature in some areas. In response to query by Mr. Davis regarding the Home Rule Charter, Mr. Spitzer stated that the legislative delegation could still pass special acts which would affect Pinellas County, but in general, they would not be effective unless approved by the voters; whereupon, Attorney Churuti offered input as to Constitutional requirements for dual referendum and issues related to special acts; and Sheriff Rice commented regarding possible future consolidation matters.

Following discussion, Chairman Decker indicated that the vote is being taken to ascertain that the item is one which everyone agrees should be voted on again during the final voting process. Upon call for further discussion, Attorney Churuti indicated that consolidation issues will be considered. Mr. Harrell queried as to whether a time certain should be included; whereupon, Attorney Churuti stated that July 31, 2006 is the current deadline for placing issues on the November 2006 ballot. Responding to request by Councilmember Bryan, Commissioner Latvala indicated that the date certain of July 31, 2006 be included in the aforesaid motion; and the seconder concurred. Upon call for the vote, the motion carried by a vote of 11-1, with Sheriff Rice casting the dissenting vote.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 6:30 P.M. and reconvened at 6:43 P.M.

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Mr. Harrell indicated that he wished to clarify that Mr. Spitzer and Attorney Churuti will have the ability to revisit procedural issues related to dealing with the legislature and the appropriateness of putting the dual referendum issue on the ballot.

#### CONTINUED DISCUSSION – TRANSPORTATION SERVICES

Mr. Smith presented an overview of the existing traffic signal system and displayed maps indicating the location of approximately 700 traffic signals in the County. He related that there are three control centers for the Cities of St. Petersburg and Clearwater and Pinellas County; that the traffic signals are computerized, and that traffic control encompasses other mechanisms such as stop signs, yield signs, directional guides, speed bumps, et cetera. He distributed a document titled *Traffic Control Jurisdictions*, a copy of which has been filed and made a part of the record, and presented a summary of traffic signals on State roads, County roads in municipalities, County roads in the unincorporated area, local roads in municipalities and local roads in the unincorporated area; whereupon, he described the new Intelligent Transportation System (ITS) program; and indicated that it would be run by the County at one main control center with two support centers in St. Petersburg and Clearwater. He discussed cost issues associated with operation of the system; and in response to query by Mr. Armstrong, indicated that discussions are in progress with the cities of Clearwater and St. Petersburg regarding an interlocal agreement; whereupon, Mr. Bertles stated that the City of Clearwater had reached agreement with the County regarding an interlocal agreement but that the matter of an identifiable funding source is still pending. Responding to query by Sheriff Rice as to why Gulf Boulevard is not represented as a major corridor, Mr. Smith stated that the map is being updated.

Discussion ensued as to the dual referendum issue, interlocal agreement issues and the status of discussions among the County and the Cities of St. Petersburg and Clearwater.

In response to query by Mr. Jirotko as to when the dual referendum will be discussed, Mr. Spitzer related that the issue was identified and could be a recommendation which would go directly to the ballot in addition to the Charter Revision Commission if the members wish to do so; whereupon, Attorney Churuti confirmed that the amendment from Mr. Harrell was to make sure it was clear that the County Attorney office staff and Mr. Spitzer address the process of how to deal with the dual referendum issue.



## INITIAL DISCUSSION – FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DELIVERY

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Mr. Kearns conducted a PowerPoint presentation titled *Fire and EMS Delivery in Pinellas County*, a copy of which has been filed and made a part of the record; and discussed the portfolio of services offered and a brief history of the EMS system, including performance-based contracts for paramedic first responder service with 18 municipalities and Fire Districts, centralized 9-1-1, and the number of personnel. He indicated that funding is now provided for Bayflite for helicopter ambulance service; and displayed photos of various response vehicles. Mr. Kearns explained single tier dual response factors and noted that the fire rescue component of EMS is funded through the Countywide EMS ad valorem tax; whereupon, he discussed user fees and the competitive bid process.

Mr. Kearns provided historical background information related to the creation of the Fire Protection Authority; and indicated that it is funded through special ad valorem taxes. He explained Insurance Services Organization (ISO) ratings, displayed a map showing the location of fire stations in the County, related that functional consolidation has been achieved in fire service, reviewed responses for a single family house fire, and displayed a slide showing existing fire districts in the County. Referring to two of the slides, he reviewed budget figures for FY 2001/2002, pointed out the total figure of approximately \$112,000,000, and discussed the ongoing issue of inequity to unincorporated area residents.

Discussion ensued as to the inequity issue, the number of fire chiefs in the County and the construction of a firefighter training center. Responding to query by Mr. Wilson, Mr. Booth indicated that travel time to a facility located in another county would result in loss of work time by the firefighters. In response to query by Councilmember Bryan, Mr. Kearns indicated that with regard to Sunstar, the County owns the building, radio infrastructure, communications center, garage and lifts for the ambulances; and that the ambulance contractor owns the ambulances, the monitor defibrillators and the dispatching hardware and software which they utilize. Alluding to comments by Mr. Wilson, Mr. Kearns explained base rate charges for transport from a hospital to a nursing home.

In response to query by Councilmember Bryan, Chairman Decker related that consolidation issues may be considered by the members; Commissioner Latvala stated that disparity in the amount of money citizens pay for fire service is a matter for consideration; and Attorney Churuti referred to a potential dual referendum issue.

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#### OTHER ISSUES

In response to query by Mr. Wilson regarding a document titled *Pinellas County Charter Review Commission Revised Timeline*, Mr. Spitzer related that the document remains unchanged since the last revision in March.

Chairman Decker noted that the next meeting will be held on May 10 at 8:00 A.M.

#### ADJOURNMENT

The meeting was adjourned at 8:04 P.M.

# AGENDA

## **Pinellas County Charter Review Commission**

May 10, 2004  
8:00 AM to 11:00 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. Discussion of new issues for consideration by CRC
5. Continued Discussion
  - Construction Industry Licensing Board
  - Pinellas Police Standards Council
  - “Programming” of county parks
6. Annexation
7. Removal of Charter Limitations
  - Dual Vote
  - Legislative Oversight of Charter re: Constitutional Officers
  - Charter Revision Commission/Repeal
8. Other Business
9. Adjourn

Clearwater, Florida, May 10, 2004

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater, Florida at 8:01 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III  
Ricardo Davis  
Roy Harrell  
Mayme Hodges  
George Jirotko  
Elizabeth Mannion

Late Arrivals:

Everett S. Rice, Sheriff  
Susan Latvala, County Commissioner  
Roger Wilson

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney  
James L. Bennett, Chief Assistant County Attorney  
Jacob F. Stowers III, Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
Kurt Spitzer, KS&A  
Other interested individuals  
Arlene Smitke, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Discussion of New Issues for Consideration by CRC
5. Continued Discussion
  - ▶ Construction Industry Licensing Board
  - ▶ Pinellas Police Standards Council
  - ▶ "Programming" of County Parks

6. Annexation
7. Removal of Charter Limitations
  - ▶ Dual Vote
  - ▶ Legislative Oversight of Charter re: Constitutional Officers
  - ▶ Charter Revision Commission/Repeal
8. Other Business
9. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:01 A.M.

### MINUTES OF MEETING OF APRIL 26, 2004 – APPROVED

Upon presentation by Chairman Decker of the minutes of April 26, 2004, Ms. Hodges moved, seconded by Mr. Harrell and carried, that the minutes of the regular meeting of April 26, 2004 be approved.

\* \* \* \*

At this time, 8:02 A.M., Mr. Wilson entered the meeting.

\* \* \* \*

Referring to a letter dated April 28, 2004 from the East Lake Tarpon Special Fire Control District, a copy of which has been filed and made a part of the record, Chairman Decker asked that the letter be made part of the record and requested that the members read the letter at their convenience.

He referred to expense documentation received from Kurt Spitzer and Associates (KS&A); whereupon, Mr. Spitzer read from the Charter, indicating that expenses are to be verified by a majority vote of the Commission and presented to the Board of County Commissioners (BCC) for payment; requested ratification of invoices already paid by the County; and presented April expenses for approval. At the direction of the Chairman, further action was postponed until later in the meeting.

\* \* \* \*

At this time, 8:04 A.M., Commissioner Latvala entered the meeting.

\* \* \* \*

## PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Norm Roche, Clearwater, proposed a change in the Charter to allow for a seven member, fully-at-large structure for the BCC; whereupon, W. C. Snipes, Clearwater, spoke regarding annexation.

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At this time, 8:11 A.M., Sheriff Rice entered the meeting.

\* \* \* \*

## DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC

Referring to the proposal by Mr. Roche, Mr. Wilson inquired whether the matter will be addressed by the CRC; and the Chairman indicated that while it could be put on the table, the issue was included in the initial items for consideration; and that no one had indicated a desire to pursue it for further review.

## CONTINUED DISCUSSION

Pinellas County Construction Licensing Board (PCCLB) and Pinellas Police Standards Council (PPSC)

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Referring to a memorandum dated April 22, 2004 from Managing Assistant County Attorney Dennis R. Long, a copy of which has been filed and made a part of the record, County Attorney Susan H. Churuti indicated that changes to the status, duties, or responsibilities of the PCCLB and the PPSC could be accomplished only by special act of the Legislature; and responding to query by Mr. Kwall, she confirmed that the organizations are funded by licensing fees and charges assessed on traffic offenses; and that they are not supported by ad valorem taxes.

### "Programming" of County Parks

Mr. Spitzer noted that the CRC had previously approved an item pertaining to special powers related to County parks; that several members had asked that it be revisited in terms of the meaning of the word *programming*; and that the word *operations* might be a more general term to use; whereupon, Ms. Churuti indicated that the County has the right to operate and program County-owned land; that the specific word used is irrelevant; and recommended that the word *operations* be used, as it is preferred by the County Administrator.

Councilmember Bryan stated that he had requested that the issue be revisited to clarify his understanding of its intent; that the County should address the need for regional and neighborhood recreational facilities; and voiced concern that the cost of neighborhood facilities be born 100 percent by unincorporated taxpayers. In response, Ms. Churuti pointed out that the MSTU and countywide tax levies are controlled by Florida Constitutional law and cannot be

limited by the local Charter; and that the methodology currently employed is approved by the League of Cities.

Following discussion, Mr. Bryan suggested that the existing wording be retained; Ms. Churuti concurred; and no objections were noted.

### ANNEXATION

Referring to a document titled *Annexation Task Force's Recommendations*, a copy of which has been filed and made a part of the record, Assistant County Administrator Jacob F. Stowers III indicated that the recommendations regarding voluntary annexation were to be considered as a package; that the BCC had agreed with items B and C, but had voted against the package; that all recommendations regarding referendum annexation were approved; that both recommendations regarding enclaves were defeated; and that all recommendations regarding overall principles were approved. In response to query by Chairman Decker, he explained that the BCC and Mayors' Council will both vote to approve or deny each of the task force recommendations as originally worded; that they are noting caveats and possible modifications; and that the groups will meet to determine how to proceed.

Chief Assistant County Attorney James L. Bennett noted that the special act that created the PPC gave them the authority to review municipalities' ability to serve areas to be annexed; that the provision became less relevant over time as the County was developed; that planning agreements allow municipalities to plan outside their boundaries for purposes of future annexation; that some planning area boundaries are not exclusive; that the County has authority to draw boundaries only for voluntary annexation; that proposed legislation granting authority to draw lines for both voluntary and referendum-based annexations had failed this year; that the PPC now reviews referendums for legal sufficiency; that the CRC could ask the legislature to amend general law or to provide a special act to supplement the County's authority but could not change authority by the Charter; and that, alternatively, a Charter amendment could be added granting the BCC the authority if it were granted by general or special law.

### REMOVAL OF CHARTER LIMITATIONS

#### Dual Vote

Mr. Spitzer indicated that Pinellas is the only Charter county in Florida requiring a dual vote to move authority for setting policy from one jurisdiction to another; that the Florida Constitution requires a dual vote to move any function or power of a county or municipality to another jurisdiction; and that a draft ordinance (a copy of which has been filed and made a part of the record) removes the language relating to dual votes on policy matters and relies upon the Constitutional requirements; whereupon, Ms. Churuti noted that the BCC can put the revision on the ballot without legislative action.

Mr. Harrell moved, seconded by Mr. Jirotko, that the draft ordinance be approved; and discussion ensued. Responding to queries by the members, Ms. Churuti indicated that the

proposed amendment would not apply to the PSTA issue as it is governed by the Florida Constitution; that the fireworks ordinance was enacted under the BCC's power as the Fire Protection Authority; and that the rationale for addressing the issue at this time is to clear the way for possible amendments by the next CRC. In response to a request by Mr. Bryan, she noted that the proposed amendment would cover anything not included in the enumerated list of powers in the current Charter. Following further discussion, Mr. Harrell requested that a list of examples be provided prior to the final vote; and urged that the motion be approved; whereupon, upon call for the vote, the motion passed 11-1, with Mr. Bryan casting the dissenting vote.

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At the direction of the Chairman, there being no objection, the meeting was recessed at 9:15 A.M. and reconvened at 9:30 A.M.

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#### Legislative Oversight of Charter re Constitutional Officers

Mr. Spitzer referred to the requirement for approval by the Legislature of any Charter amendments affecting Constitutional Officers and noted that the requirement is also unique to the Pinellas Charter; that the issue was considered by the previous CRC and had not passed; and that approval of the change would set the stage for amendments by future Commissions. Following discussion with input by Ms. Churuti, Mr. Spitzer pointed out that even if the requirement is removed, no changes would be made without a vote by the public. Following further comments by the members, Mr. Wilson moved that the Commission not take up the issue; and Sheriff Rice seconded; whereupon, Chairman Decker clarified the motion, defining the issue as the amendment relating to the Constitutional Officers in terms of limitation of powers as set forth in the proposed ordinance; and stated that a vote in favor of the motion would maintain status quo. The maker concurred, and upon call for the vote, the motion passed 9-3, with Ms. Mannion and Messrs. Harrell and Davis dissenting.

#### Charter Revision Commission/Repeal

Mr. Spitzer reviewed the document entitled *Sec. 6.05. Special Charter Revision Commission*, a copy of which has been filed and made a part of the record, and noted that where possible, the draft policy was taken from the provisions of the current Charter. He indicated that the proposed amendment contains no requirement for public hearings; and that it is common for a Charter Revision Commission to remain in existence until the date of election for purposes of public education.

Referring to item (e), Mr. Wilson questioned the 18-month term of the revision commission; whereupon, Ms. Churuti advised that the time frame had been set to allow advertisement of the ballot questions prior to the November vote; and that the final report of the revision commission could be completed at any point within that time frame. In response to query by the Chairman, she indicated that the biggest legal issue relates to the power of the Charter Review Commission to repeal the current Charter; and reviewed the provision regarding constitution of the revision commission membership.



In response to query by Mr. Kwall regarding authority of the Charter Review Commission to hire a consultant, Ms. Churuti indicated that the current Charter, as well as statutory provisions, would require that expenses of a consultant be paid by the BCC. Mr. Harrell proposed that the consultant be engaged prior to convening of the revision commission, in order to frame the issues for its deliberation; whereupon, Commissioner Latvala noted that the BCC would likely agree; and suggested that a study previously conducted by MGT, a management consulting firm, be updated as well. Ms. Churuti suggested that Mr. Spitzer's firm be engaged for that purpose and Commissioner Latvala concurred; following which, Assistant County Administrator Elithia V. Stanfield suggested that the consultant might be retained in January and perform the work during the first three to six months of the 18-month time frame.

Mr. Bryan pointed out that the revision commission would be primarily appointed by the BCC; and voiced his concern regarding the potential for an adverse impact on the municipalities; whereupon, Mr. Armstrong noted that the amendment would need to be approved by a countywide vote; and that roughly 70 percent of the voters live in municipalities. During discussion, Ms. Stanfield provided input regarding the legislative schedule and election dates; and Mr. Jirotko suggested that the BCC make appointments to the revision commission no later than December 31. Mr. Bryan and Commissioner Latvala requested that sufficient time be allotted to hear comment by municipal and countywide representatives and the general public; and in response, Chairman Decker suggested that the issue be included in the May 24 agenda, in lieu of a second discussion on annexation, as scheduled.

Following comments by Mr. Wilson regarding annexation and further discussion of the Charter Revision Commission issue, Mr. Jirotko moved, seconded by Commissioner Latvala, that the Charter Revision Commission/Repeal amendment proposal be approved; whereupon, Mr. Armstrong requested that a public hearing be required. Mr. Jirotko restated his motion to approve the amendment proposal as presented by staff, subject to a public hearing requirement, to the timeline for appointment to the revision commission, and to the timeline for a final report or reports; and the seconder concurred. Mr. Harrell confirmed that the vote is an interim vote only and that further input will be allowed at a future meeting. Upon call for the vote, the motion passed 11-1 with Mr. Bryan dissenting.

Thereupon, Mr. Bryan moved, seconded by Mr. Harrell, that the CRC not attempt to change annexation at this time; whereupon, following further comments by Mr. Wilson, Mr. Kwall suggested that the motion be amended to table the issue, which would allow it to be discussed at a future meeting if time allows; and Mr. Bryan concurred.

During discussion and referring to annexation information sheets alluded to by Mr. Wilson, Ms. Mannion requested that copies be distributed to the members for their consideration; and he agreed to provide the information for distribution.

Upon call for the vote, the motion to table further annexation discussion passed 11-1, with Commissioner Latvala dissenting.

Chairman Decker voiced concern with regard to the time allocation for public comments related to the Charter Revision Commission issue; whereupon, Mr. Kwall noted that public comments

are subject to a three-minute time limit; and Mr. Harrell suggested that the BCC and the Mayors' Council each present a single viewpoint; and noted that the number of citizens wishing to comment cannot be restricted.

#### OTHER BUSINESS

Chairman Decker requested approval of the KS&A expenses discussed earlier; whereupon, Mr. Bryan moved, seconded by Mr. Harrell and carried, that the expenses be approved. Responding to query by Mr. Davis, Ms. Churuti stated that the Charter requires that the Commission vote to accept the expenses, rather than delegating such authority to the Chairman.

Sheriff Rice commented that the annexation issue will probably go away in a few years; and broached the subject of de-annexation; whereupon, Ms. Churuti alluded to an issue raised in the Legislature wherein communities could vote to immunize themselves from future annexation.

Following comments by Mr. Jirotko regarding telephone conferencing, Ms. Churuti indicated that a quorum must be physically present in the room; but that members may appear and vote via telephone; whereupon, Mr. Decker requested that anyone wishing to attend the May 24 meeting via telephone contact Mr. Spitzer to make arrangements.

#### ADJOURNMENT

The meeting was adjourned at 10:40 A.M.

## AGENDA

### **Pinellas County Charter Review Commission**

May 24, 2004  
5:00 PM to 8:00 PM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. Discussion of new issues for consideration by CRC
5. Decision Topics – Charter Amendments
  - Charter Revision Commission and Composition
  - Dual Vote
  - Employment Authority of Administrator
  - Non-Interference Policy
6. Discussion and Review of Technical Amendments
  - Budget Authority of Administrator
  - Termination Process of Administrator
7. Decision Topics – Recommendations
  - PSTA Structure
8. Annexation (Tabled May 10<sup>th</sup>)
9. Hearing Locations
10. Other Business
11. Adjourn

Clearwater, Florida, May 24, 2004

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter, 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater, Florida at 5:01 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Susan Latvala, County Commissioner  
John Bryan, City of St. Petersburg Councilmember  
E. D. Armstrong, III (via telephonic conference call)  
Ricardo Davis  
Mayme Hodges  
Elizabeth Mannion  
Roger Wilson

Late Arrival:

Roy Harrell

Absent:

Everett S. Rice, Sheriff  
George Jirotko

Also Present:

Susan H. Churuti, County Attorney  
Elithia V. Stanfield, Assistant County Administrator  
Kurt Spitzer, KS&A  
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority  
Other interested individuals  
Cathy Fickley, Board Reporter

## AGENDA

1. Call to Order
2. Approval of Minutes
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  - Charter Revision Commission and Composition
  - Dual Vote
  - Employment Authority of Administrator
  - Non-Interference Policy

6. Discussion and Review of Technical Amendments
  - Budget Authority of Administrator
  - Termination Process of Administrator
7. Decision Topics – Recommendations
  - PSTA Structure
8. Annexation (Tabled May 10<sup>th</sup>)
9. Hearing Locations
10. Other Business
11. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 5:01 P.M.

### MINUTES OF MEETING OF MAY 10, 2004 - APPROVED

Commissioner Latvala moved, seconded by Councilmember Bryan and carried, that the minutes of the regular meeting of May 10, 2004 be approved; whereupon, Chairman Decker noted that the nine members present constitute a quorum, and one member is available via telephonic conference call.

### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Norman Roche, Clearwater, requested that the commission recommend that a temporary moratorium be placed on all annexation activity in Pinellas County.

W. C. Snipes, Clearwater, distributed an informational packet pertaining to the annexation issue, a copy of which has been filed and made a part of the record; and requested that the members provide feedback following review of the documents.

City of Pinellas Park Mayor and Mayors' Council President William Mischler provided a review of three resolutions recently passed by the St. Petersburg City Council, copies of which have been filed and made a part of the record. He expressed concern with regard to the proposed Charter revision; and suggested that revision members be appointed by the Council of Mayors or from a list prepared by the cities in an effort to promote cooperation and trust between the cities and the county; and Mayor Dottie Reeder, City of Seminole, and Mayor J. J. Beyrouti, Town of Redington Shores concurred.

City of St. Petersburg Mayor Rick Baker discussed the Pinellas Assembly process; and referring to the aforementioned resolutions, suggested that the CRC continue to discuss and attempt to resolve the issues prior to the formation of a Charter Revision Commission; and City of Dunedin Mayor John Doglione and City of Largo City Manager Steve Stanton concurred and indicated that the cities and county must work together in that regard; whereupon, City of Gulfport Mayor Michael Yakes related that similar resolutions will be presented for adoption at an upcoming Gulfport City Council meeting; and requested that the CRC consider adopting the municipal issues into the Charter.

\* \* \* \*

At this time, 5:16 P.M., Mr. Harrell entered the meeting.

\* \* \* \*

City of Clearwater Vice-Mayor Frank V. Hibbard stated that the issue was discussed at a recent City Council meeting; that the greatest concern is for fair representation and cooperation between the cities and the county; that a dual referendum position has not been established; and that there is no opposition to the convening of a Charter Revision Commission, but that further dialogue be pursued in that regard.

#### DISCUSSION OF NEW ISSUES FOR CONSIDERATION BY CRC – NONE

#### DECISION TOPICS – RECOMMENDATIONS

##### Charter Revision Commission and Composition

Commissioner Latvala requested that clarification be provided with regard to the concerns surrounding the proposed Charter Revision Commission; whereupon, Mr. Spitzer outlined the following differences between the CRC and a Charter Revision Commission:

- Charter Revision Commission is authorized to propose up to and including a repeal of the Charter in its current language, although prior authorization from the legislative delegation may be required
- Charter Revision Commission would have 18 months to review issues and provide recommendations; CRC normally convenes for six months
- Proposed amendment language specifically directs the Charter Revision Commission to examine limitations that exist in the Charter or in special acts in addition to looking at county government and Charter operations

- The CRC has the power to determine the composition of the Charter Revision Commission

Mr. Spitzer referred to a copy of an amended draft ordinance that provides for the establishment of a Charter Revision Commission, a copy of which has been filed and made a part of the record, reviewed the changes previously requested by the members, and clarified certain changes in the language of the ordinance. He related that the Pinellas Charter is unique in that it requires a number of elected officials to sit on the Commission; and that other charters in Florida prohibit some or all elected officials from serving. Mr. Spitzer called attention to a "glitch" in the ordinance pertaining to the convening of the next CRC which is scheduled to take place two years after the Charter Revision Commission has completed its work in November 2006; and suggested that the members may want to address the timeline.

Discussion ensued regarding a memorandum received from Geoffrey R. Hamblin, County Attorney's Office, a copy of which has been filed and made a part of the record; and in response to queries by Mr. Harrell, County Attorney Susan H. Churuti related that the legislature must first amend the special act that created the Charter in order to grant the CRC power to repeal or substantially revise the Charter.

During additional dialogue, the members discussed ongoing issues between the county and the cities; and Councilmember Bryan maintained that decisions made by the CRC would directly impact the cities; and that the cities should therefore be included in the proposed Charter Revision Commission; whereupon, the members expressed their frustration in not being able to effect change to the Charter due to insufficient time and legislative requirements. During further discussion pertaining to the makeup of the proposed revision commission, Senator Sebesta urged the members to work with city representatives by addressing each issue in a workshop setting, and thereby possibly negating the need for a revision commission.

During additional discussion, Commissioner Latvala indicated that she would support a Charter Revision Commission composed of citizens appointed by the county commission in an effort to avoid controversy with the cities; and Mr. Kwall added that it should be totally independent from any government entity or employee; whereupon, Commissioner Latvala concurred. Discussion continued as to the makeup of the commission and whether elected officials should be included; whereupon, Attorney Churuti described the composition changes made by the previous CRC, and indicated that the members may be able to place the revision commission composition issue on the November ballot without legislative approval. Referring to the lack of time referenced by several commissioners, Senator Sebesta suggested extending the current CRC process; whereupon, Attorney Churuti interjected that the legislative special act precludes extension of the commission.

In response to Chairman Decker's request that the revision composition issue be placed on the Mayors' Council agenda, Mayor Mischler indicated that the Council has been focusing on the Pinellas Assembly process; and suggested that the county and cities meet in an effort to come to agreement; whereupon, in response to query by Mr. Wilson, Mayor Mischler reiterated that the cities did not have input with regard to the composition of the CRC; and that the cities are of the opinion that nothing will be accomplished until they are represented.

\* \* \* \*

At the direction of the Chairman, there being no objection, the meeting was recessed at 6:36 P.M. and reconvened at 6:52 P.M.

\* \* \* \*

Alluding to the members' comments, Mayor Baker suggested that a consensus between the county and the cities be reached before proceeding forward in an effort to prevent a major conflict within the community; and related that the Pinellas Assembly process has reviewed the same issues and has come to consensus on several. In response to query by Mr. Kwall, Mayor Baker discussed potential areas of concern that may come before the proposed revision commission.

Thereupon, Mr. Wilson moved, seconded by Mr. Kwall, that staff be directed to research a revision commission composed exclusively of citizens. Following discussion and upon call for the vote, the motion carried 7 to 4 with Chairman Decker, Councilmember Bryan, Mr. Armstrong, and Mr. Harrell casting the dissenting votes.

Alluding to the upcoming Council of Mayors' meeting, Chairman Decker requested that Mr. Spitzer attend either by telephone or in person, and attempt to gather information regarding the proposed revision commission issue for review by the members.

#### Dual Vote

Mr. Spitzer referred to the dual vote policy amendment and a spreadsheet titled *Florida Charter Counties*, copies of which have been filed and made a part of the record; and pointed out that one minor technical change has been made in the title of the amendment. He noted that Pinellas County has the only Charter in the state that requires a dual vote in order to propose future amendments that may be considered by the electorate on a countywide basis; that the proposed amendment would delete the requirement for a dual vote; and that it does not make any changes to the powers of the county commission in terms of adopting policy countywide by ordinance. He explained that the Florida Constitution requires a dual vote to transfer functions or powers from a municipality to the county government, described previous CRC recommendations and the resulting legislative action, and provided several examples illustrating the difference between policy and the transfer of people and assets.

During discussion and in response to query by the Chairman, Councilmember Bryan requested feedback from Mr. Spitzer with regard to various city functions and services that would be affected by removal of the dual vote. Lengthy discussion ensued in which several members expressed concern regarding the cities' position on removal of the dual vote; whereupon, in response to a suggestion by Senator Sebesta, it was the consensus of the members to direct staff to research the possibility of reconstituting the present commission following its expiration in July. Responding to query by Mr. Wilson, Senator Sebesta alluded to the possibility of using the remaining time afforded the commission to try to find consensus between the municipalities and the county in an effort to resolve controversial issues.



Employment Authority of Administrator

Ms. Mannion questioned the proposed amendment's ballot question language; whereupon, Attorney Churuti indicated that she would like to confer with County Administrator Stephen M. Spratt before requesting approval by the members; and no objections were noted.

Non-Interference Policy

Mr. Kwall moved, seconded by Senator Sebesta, that the adoption of a non-interference policy be approved. Upon roll call, the motion carried unanimously.

DISCUSSION AND REVIEW OF TECHNICAL AMENDMENTS

Budget Authority of Administrator

Commissioner Latvala moved, seconded by Mr. Harrell, that the County Administrator serve as budget officer for the county. Upon roll call, the motion carried unanimously.

Termination Process of Administrator

Mr. Harrell moved, seconded by Senator Sebesta, that the County Administrator may be terminated by the vote of four County Commissioners at two consecutive, regularly scheduled board meetings, or by a vote of five County Commissioners at any one board meeting. Upon roll call, the motion carried unanimously.

DECISION TOPICS – RECOMMENDATIONS

Pinellas Suncoast Transit Authority (PSTA) Structure

Mr. Harrell moved, seconded by Commissioner Latvala, that the recommendations of the Transit Governance Task Force established by the PSTA be approved. Upon roll call, the motion carried 10 to 1 with Ms. Hodges casting the dissenting vote.

Mr. Bryan indicated that the members had previously voted to support a second resolution relating to the makeup of the PSTA Board; whereupon, following discussion and input by PSTA Executive Director Roger Sweeney, it was the consensus of the members to request that staff review the minutes and provide a report at the next scheduled CRC meeting.

ANNEXATION

Following discussion, Mr. Wilson moved, seconded by Mr. Kwall, that the topic of annexation be removed from the table and left pending; whereupon, following further discussion and upon call for the vote, the motion carried unanimously.

### HEARING LOCATIONS

Assistant County Administrator Elithia V. Stanfield referred to the dates for public hearings selected by the commission members and provided an overview of the available facilities. She indicated that staff had reserved space at Pinellas Park Library and WorkNet for the June 28 hearing; and Clearwater Library located at the intersection of

Drew and Belcher Road for the July 12 hearing. Discussion ensued with regard to whether public hearings would be necessary; whereupon, Chairman Decker indicated that the issue would be finalized at the next scheduled CRC meeting; and no objections were noted.

### OTHER BUSINESS

Ms. Hodges introduced State Representative Kimberly Berfield, Vice-Chairman of the Pinellas County Legislative Delegation, who expressed her support of the CRC.

Mr. Wilson referred to a letter dated April 28, 2004 from the East Lake Tarpon Special Fire Control District, a copy of which has been filed and made a part of the record; and Mr. Spitzer provided a summary of the letter. Attorney Churuti related that the district is independent; and that no action can be taken by the commission.

### ADJOURNMENT

The meeting was adjourned at 8:04 P.M.

## AGENDA

### **Pinellas County Charter Review Commission**

June 14, 2004  
8:00 AM until 11:00 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Public comment
4. Decision Topic – Charter Amendments
  - Employment Authority of Administrator
5. Continued Discussion of CRC Options
  - Charter Revision Commission
  - Extension of current Charter Review Commission
6. Hearing Locations
7. Other Business
8. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 8:04 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Susan Latvala, County Commissioner  
Everett S. Rice, Sheriff  
John Bryan, City of St. Petersburg Councilmember  
Ricardo Davis  
George Jirotko  
Elizabeth Mannion  
E. D. Armstrong, III  
Roger Wilson

Late Arrivals:

Roy Harrell

Absent:

Mayme Hodges

Also Present:

Susan H. Churuti, County Attorney  
Sarah Richardson, Senior Assistant County Attorney  
Betsy Steg, Senior Assistant County Attorney  
Dennis Long, Senior Assistant County Attorney  
Stephen M. Spratt, County Administrator  
Elithia Stanfield, Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
David P. Healey, Executive Director, Pinellas Planning Council (PPC)  
Robert Jackson, Mayor, City of Largo  
Kurt Spitzer, KS&A  
Other interested individuals  
Barbara Harb, Board Reporter

## AGENDA

1. Call to Order
2. Approval of Minutes
3. Public Comment
4. Decision Topic - Charter Amendments
  - Employment Authority of Administrator
5. Continued Discussion of CRC Options
  - Charter Revision Commission
  - Extension of Current Charter Review Commission
6. Hearing Locations
7. Other Business
8. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:02 A.M.

### MINUTES OF MEETING OF MARCH 8, 2004 – APPROVED

Councilmember Bryan moved, seconded by Ms. Mannion and carried, that the minutes of the regular meeting of March 8, 2004 be approved.

### PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, Stephen Bleier, Lealman community, expressed concern with the lack of representation for unincorporated Pinellas County on the Pinellas Planning Council.

\* \* \* \*

At this time, 8:06 A.M., Mr. Harrell entered the meeting.

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The following persons appeared in support of a safe water amendment to the Pinellas County Charter:

Thomas Smith, Clearwater, Chair, Safe Water Alliance  
Peter Glickman, Clearwater, President, Citizens for Safe Water  
Virginia Brown, Clearwater  
Alexandra Belanger, Clearwater  
David, Plyer, Clearwater  
Ellie Esposito, Clearwater  
Cathy Corry, Clearwater  
Billie Niemann, Seminole  
Jacqueline van den Berg, Largo  
John Huckel, Largo  
Charles Gille, Seminole  
Valorie Shillington, Dunedin  
Charles White, Clearwater  
Tammy Cihak, Palm Harbor  
Bill Reed, St. Petersburg  
Mercedes McCaffrey, Clearwater  
Elyse Van Breemen, Clearwater  
Elisa Lenk, Clearwater  
J. B. Pruitt, Clearwater

\* \* \* \*

At the direction of the Chairman, there being no objection, the meeting was recessed at 9:56 A.M. and reconvened at 10:05 A.M.

\* \* \* \*

#### DISCUSSION TOPIC - CHARTER AMENDMENTS

##### Employment Authority of Administrator

Attorney Churuti referred to a memorandum from Senior Assistant County Attorney Carole Sanzeri dated June 8, 2004, a copy of which has been filed and made a part of the record, and stated that the memo explained the charter amendment previously reviewed by the CRC; that the first change would delete the "for cause" in the first sentence of section 4.01(c)(3), which would bring the county administrator in line with the other ten appointing authorities in the Unified

Personnel System; and that the second change would delete the last sentence of section 401(c)(3), which currently requires that the Board of County Commissioners (BCC) confirm the termination of exempt employees; whereupon, she recommended that the CRC adopt the language as outlined in Ms. Sanzeri's memorandum.

Mr. Armstrong moved, seconded by Mr. Harrell, that the recommendation of the County Attorney be approved. Upon call for the vote, the motion carried 10-2, with Mr. Davis and Mr. Kwall casting the dissenting votes.

Deviating from the agenda, Chairman Decker directed that the following item would be considered.

#### Pinellas Suncoast Transit Authority (PSTA) Resolution

Chief Assistant County Attorney James L. Bennett referred to a draft resolution, a copy of which has been filed and made a part of the record, and stated that the PSTA Board of Directors has recommended an expansion of the membership to include three additional members from the BCC and one additional member from the City of St. Petersburg; and that at its June 9, 2004 meeting, the Metropolitan Planning Organization agreed with the recommendation of the PSTA Board of Directors.

Commissioner Latvala moved, seconded by Mr. Kwall and carried, that the CRC agree with the recommendation of the PSTA Board of Directors; that the resolution be included in the CRC's final report to the citizens; and that the resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2005 legislative session.

#### CONTINUED DISCUSSION OF CRC OPTIONS

- Charter Revision Commission
- Extension of current Charter Review Commission

Mr. Spitzer summarized the actions of the CRC at its last meeting relative to a draft ordinance proposing the establishment of a charter revision commission and stated that staff was instructed to: (1) provide options as to the governing body of the charter revision commission and its makeup, and (2) a means in which the current CRC could be continued beyond its scheduled expiration date of July 31, 2004. Mr. Spitzer further stated that, at the request of the CRC, he attended the Mayors' Council meeting; provided the council members with a discussion concept relative to continuation of the current CRC and a spreadsheet comparing the current policies relating to the CRC with policies in the proposed ordinance creating the charter revision commission; and provided other options that could be considered; whereupon, he reviewed a spreadsheet titled *CRC Policy Options* and a draft timeline relative to the continuation of the CRC, and indicated that he felt that most of the policy considerations concerning continuing the CRC versus establishing a charter review commission, are very similar; and that the most significant difference is the concept of continuation of examination of issues in the county, other

work that has been completed, intergovernmental relations, and the continuation of that process from the end of July until the next review entity is created.

Thereupon, Mr. Spitzer addressed the following items:

- The scope of work for a consultant relative to continuing the CRC
- Possible actions between the end of July and the beginning of the next review entity
- The composition, appointment, powers, and duration of the review entity

Mr. Spitzer reported that the Mayors' Council did approve a motion recommending that the CRC take no action on any amendments that would propose major revision to the charter during its current term; whereupon, he recommended that the CRC adopt a resolution urging the county commission to continue the review process between the expiration of the current CRC, and when/if the charter amendment is adopted re-establishing the next review entity.

In response to query by Mr. Kwall, Attorney Churuti stated that it is not within the discretion of the BCC with regard to the appeal of powers; that there is an argument that it is within the discretion of the legislative delegation; that the CRC has the power to amend the charter, subject to voter approval; and that a substantial revision or repeal of the charter would require legislation. Responding to further query by Mr. Kwall, Attorney Churuti indicated that should the CRC wish to repeal the current charter, the procedure would be to place it on the ballot in November and subsequently seek a legislative clean-up bill, or legislative action, which would probably become effective in July 2005.

Mr. Harrell stated that there has been a lack of trust between the county and the cities; that the counties, the cities, and the legislative delegation need to reach a consensus on tentative recommendations; and that he favors continuance of the CRC.

Alluding to comments by Ms. Mannion, Mr. Spitzer clarified that any changes to a special act, and issues relative to the constitutional officers would need to go to the legislative delegation; that beyond those restrictions, the CRC is free to place amendments directly on the ballot; and that if an entity is created in January 2005, there would be nothing prohibiting that entity from meeting with the legislative delegation; whereupon, Attorney Churuti further clarified which amendments would need legislative action.

Thereupon, Mr. Bryan stated that a plan outline should be developed to present to the parties involved in order to gain consensus on the proposed recommendations; whereupon, in response to comments by Mr. Bryan, Senator Sebesta commented that it would be difficult to find an independent entity to meet with all affected parties and develop a totally objective program. Discussion ensued with regard to selection of a consultant or organization to develop a proposal; whereupon, Senator Sebesta stated that although Mr. Spitzer would be the logical choice, the question would be whether the cities and the legislative delegation would buy into that decision. Mr. Armstrong said that the charter is the peoples' charter; that the stewardship function resides with the BCC; that the current process may not be the best; and that if there is a charter revision committee, that group would have extensive dialogue and communication with the municipal and legislative leaders, with the object of obtaining consensus as to recommendations to present



to the voters. Mr. Wilson stated that any recommendation would have proponents and opponents; and that he was concerned with emphasis being placed with one particular entity or another, because the one constituency is the general public. Commissioner Latvala added that a charter controlled by the legislature is not the most efficient and effective way to operate county government.

In response to query by Chairman Decker, Senator Sebesta indicated that the legislative delegation would see no distinction between a charter revision committee or an extension of the CRC; and that the legislative delegation would probably support the recommendations of the group and the BCC, as long as the goal is clearly stated. In response to Senator Sebesta's query, Attorney Churuti explained that the CRC cannot legally extend its existence; and that by consensus, the group could continue to meet until after the November election. During discussion, Mr. Davis said that all the parties involved would not reach a consensus on every recommendation; and that with a consensus on as many recommendations as possible, the charter review process moves forward. Sheriff Rice commented that the CRC should recommend to the legislature that the 1980 special act-created charter be re-visited; and that this would allow for representation of city officials, county commission and the constitutional officers in the creation of a new charter.

Discussion ensued with regard to the legislative delegation's function in the review process, during which Sheriff Rice stated that when the charter was passed, it was a Limited Home Rule Charter; that Pinellas County is one of only two counties in the state with such a charter; and that independence of the constitutional officers and limitations requested by the municipalities were a consideration. In response to query by Mr. Kwall, Attorney Churuti stated that it would be legally possible for the legislative delegation to present a new charter; whereupon, Mr. Harrell indicated that should the delegation relinquish its powers of oversight, delegation of those powers elsewhere would be an issue between the cities and the county. Mr. Armstrong commented that the legislature would want to know what is proposed in place of the current charter before they would take action.

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At this time, Senator Sebesta left the meeting.

\* \* \* \*

Following further discussion with regard to obtaining consensus of all parties involved, preparation of a document outlining initial recommendation; and hiring of a consultant, Mr. Wilson moved that it be recommended to the BCC that the CRC continue its work after July 31. In response to query by Mr. Wilson, Attorney Churuti explained which amendments could be placed directly on the ballot and the current requirement for a general election; whereupon, Mr. Wilson moved, seconded by Sheriff Rice, that the CRC place the continuance of the current review commission on the ballot for the general election. Further discussion ensued with regard to the language of the ballot question; whereupon, Bob Jackson, Mayor, City of Largo, expressed the concerns of the Mayors' Council as to the timing of the review procedure during the course of the American Assembly process, and indicated that unless an assurance would be given that the

BCC, the cities, and the legislative delegation would have some input into the process, the tenor of the Mayors' council would be to work to defeat it.

In rebuttal, Chairman Decker stated that on March 17 the consultant solicited input from all the mayors, but did not receive any responses; that Mr. Bryan has been a strong advocate of the cities' position; and that the recommendation to extend the current CRC is to afford an opportunity for the development of a format outlining the intent of the recommended amendments.

Thereupon, Mr. Wilson called the question, whereupon, following discussion, it was the consensus of the group that the recommendation be that the current 13 members be reappointed; and that the BCC make appointments to fill any vacancies; and the maker of the motion concurred. Upon call for the vote, the amended motion carried unanimously.

Thereupon, Mr. Kwall moved, seconded by Ms. Mannion, that the Sunshine Law govern any informal meetings of the group. Concerns were expressed as to the necessity of a meeting prior to the November election; whereupon, Attorney Churuti advised that the group would not be constituted; therefore, the law would not apply; but that it is probably prudent to agree to not meet together in small groups or in secret to discuss charter amendments. Upon call for the vote, the motion carried unanimously.

\* \* \* \*

At the direction of the Chairman, there being no objection, the meeting was recessed at 10:25 A.M. and reconvened at 10:36 A.M.

\* \* \* \*

Chairman Decker stated that under Item No. 5, the revision commission would not go forward; whereupon, Attorney Churuti confirmed the makeup of the membership; and inquired as to the duration of the review process, and whether the group wished to meet prior to the election. Mr. Wilson said that it would be expedient and helpful to wait until after the election, so that upon approval by the voters, meetings can begin with the legislative delegation; whereupon, Mr. Kwall moved, seconded by Mr. Bryan, that the duration would be January 2005 through July of 2006. Following discussion, Mr. Harrell moved, seconded by Mr. Bryan, that the motion be amended to continue the process through December 2006, if necessary, to complete the review. Upon call for the vote, the motion carried unanimously.

Commissioner Latvala requested that Mr. Spitzer prepare a resolution regarding the process that should be followed by the CRC, so that the citizens would be aware of the issues prior to the election, which was adopted by consensus of the group.

Alluding to comments by Mr. Wilson, Attorney Churuti advised that the CRC is required to issue a report to the electorate that would include all items considered and rejected.

Mr. Bryan raised the question of the selection of a consultant; whereupon, Chairman Decker stated that the CRC could recommend that the BCC retain the services of Mr. Spitzer. Mr. Bryan moved, seconded by Mr. Davis that it be recommend to the BCC that the services of Kurt Spitzer and Associates be retained. During discussion with regard to the MGT of America, Inc. study, Mr. Spitzer noted that the study is 12 years old; that different functional consolidations were considered; and that some of those may have been conducted in practice or by ordinance; whereupon, Attorney Churuti indicated that a resolution would be required to indicate the start date of Mr. Spitzer's retention be August 1.

Thereupon, Chairman Decker stated that it is in the BCC's discretion to direct a start date; and that the recommendation before the group is for Mr. Spitzer's retention. Upon call for the vote, the motion carried unanimously.

Mr. Bryan queried as to the need for obtaining outside legal representation; whereupon, Chairman Decker pointed out the benefits and cost savings associated with the services of the County Attorney's Office; and stated that should a conflict arise, it would be disclosed. In response to query by Mr. Bryan, Attorney Churuti stated that there have been no unavoidable conflicts thus far; whereupon, she indicated the various entities that she represents, and noted that this is the fourth CRC that she has represented. Mr. Bryan clarified that his suggestion was not to refrain from utilizing the services of the county attorney, but rather the addition of an attorney; whereupon, Attorney Churuti stated that should an issue arise that the group desired to have a second opinion, she would not have a problem with them doing so.

\* \* \* \*

At this time, 10:55 A.M., Mr. Kwall left the meeting.

\* \* \* \*

### HEARING LOCATIONS

Chairman Latvala noted that one of the locations, the Hale Activity Center, is located in Dunedin; whereupon, Mr. Spitzer noted that Ms. Stanfield had located facilities to hold the public hearings, but that the next meeting could be held in the current location; and that staff could bring back resolutions and draft charter amendments for review and schedule another meeting on June 28. Ms. Stanfield stated that the dates of June 28 and July 12 were listed in the CRC's matrix as possible hearing dates; but that at the last meeting it was debated whether the hearings should be held; and that she is awaiting the group's decision. During discussion and in response to query by the members, Attorney Churuti related the history of public meetings and the response thereto; and stated that the only public hearing held by a CRC was 12 years ago, to which there was little response.

Thereupon, Chairman Decker suggested that one public hearing be held at the current location, in combination with the June 28 meeting; whereupon, he noted that he would not be in attendance but would be available via conference call for approximately one hours and that there would be a

quorum present. Attorney Churuti indicated that a public announcement regarding the public hearing would be given by the Department of Public Affairs. Chairman Decker confirmed that the public hearing would be held at the Swisher Building conference room on June 28; that the July 12 meeting will be held if necessary; and that the meeting for the final vote will be held on July 26.

OTHER BUSINESS - NONE

Mr. Spitzer presented expense statements for himself and Mr. Bryan, copies of which have been filed and made a part of the record; whereupon, Mr. Armstrong moved that the May expense reports be approved. Upon call for the vote, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Decker adjourned the meeting at 11:05 A.M.

## **AGENDA**

### **Pinellas County Charter Review Commission**

#### **Meeting and Public Hearing**

June 28, 2004

5:00 PM until 8:00 PM

Swisher Building

Conference Room 211

509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Summary of CRC Recommendations
4. Continued Discussion of Options
  - Reconstituting the Charter Review Commission
  - Resolution Concerning Consulting Services
5. Public Comment
6. Other Business
7. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater, Florida at 5:00 P.M. on this date with the following members in attendance:

Louis Kwall, Vice-Chairman  
Susan Latvala, County Commissioner  
E. D. Armstrong, III  
Ricardo Davis  
George Jirotko  
Mayme Hodges  
Roger Wilson

Late Arrival:

Roy Harrell  
Elizabeth Mannion

Absent:

Robert C. Decker, Chairman  
Jim Sebesta, State Senator  
Everett S. Rice, Sheriff  
John Bryan, City of St. Petersburg Councilmember

Also Present:

Susan H. Churuti, County Attorney  
Stephen M. Spratt, County Administrator  
D. Gay Lancaster, Chief Assistant County Administrator  
Elithia V. Stanfield, Assistant County Administrator  
Kurt Spitzer, KS&A  
Other interested individuals  
Dawn Rubio, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Summary of CRC Recommendations
4. Continued Discussion of Options
  - Reconstituting the Charter Review Commission
  - Resolution Concerning Consulting Services
5. Public Comment
6. Other Business

7. Adjourn

CALL TO ORDER

Vice-Chairman Kwall called the meeting to order at 5:00 P.M.

APPROVAL OF MINUTES

The Vice-Chairman expressed concern that the minutes of the regular meeting of June 14, 2004 are not available for approval at this time.

SUMMARY OF CRC RECOMMENDATIONS

The Vice-Chairman referred to a document titled *Charter Review Commission - Ordinances, Resolutions, Charter Amendment and Ballot Questions*, a copy of which has been filed and made a part of the record; invited comment from the members; and indicated that the individual items could be approved by the members in one motion; whereupon, in response to query by Mr. Jirotko, Mr. Spitzer indicated that the questions could appear individually or grouped together on the ballot in November.

Following discussion, Mr. Armstrong moved, seconded by Commissioner Latvala and carried, to accept the six items as all the matters that the CRC has considered and approved to date.

Thereupon, Mr. Armstrong moved, seconded by Mr. Davis and carried, that the items be presented as separate questions to the electorate.

\* \* \* \*

At this time, 5:09 P.M., Ms. Mannion entered the meeting.

\* \* \* \*

CONTINUED DISCUSSION OF OPTIONS

Reconstituting the Charter Review Commission

Noting that the members had approved the reconstitution of the CRC, the Vice-Chairman indicated that it is necessary to discuss the replacement of any member who resigns or may leave office following the November election; whereupon, Mr. Armstrong moved, seconded by Mr. Davis, that any replacement to the group be selected by the Board of County Commissioners (BCC), consistent with the current practice and requirements.

Following further discussion, and upon call for the vote, the motion carried unanimously.

### Resolution Concerning Consulting Services

Vice-Chairman Kwall called attention to a resolution, a copy of which has been filed and made a part of the record, requesting that the BCC continue the consultant services of Mr. Spitzer, beginning August 1, 2004, and continuing through the duration of the reconstituted Charter Review Commission.

Following discussion, Mr. Jirotko moved, seconded by Mr. Davis and carried, that the resolution be approved.

### PUBLIC COMMENT

In response to the Vice-Chairman's call for persons wishing to be heard, the following individuals expressed their concerns:

Peter Glickman, Clearwater - Presented approximately 100 petitions from Pinellas County voters in support of proposed safe water amendment; and announced a public debate on July 8 at 7:00 P.M. at the Harborview Center.

Robert Billhima, Unincorporated - In support of safe water amendment.  
John Huckel, Largo - Urged the members to stop the fluoridation of water.  
Charles Gille, Seminole - In support of safe water amendment.  
Rod Carlson, Clearwater - In support of safe water amendment.  
Lorraine Myers, Clearwater - In support of safe water amendment.  
Alexandra Belanger, Clearwater - In support of safe water amendment.  
Susan Stockton, Clearwater - In support of safe water amendment.  
Ellie Esposito, Clearwater - In support of safe water amendment.  
Dr. Ian Shillington, Dunedin - In support of safe water amendment.  
Valorie Shillington, Dunedin - In support of safe water amendment.  
Tom Smith, Clearwater - In support of safe water amendment.  
David Plyer, Clearwater - In support of safe water amendment.  
Cathy Corry, Clearwater - In support of safe water amendment.  
Louen Graham, Clearwater - In support of safe water amendment.

\* \* \* \*

At the direction of the Vice-Chairman, there being no objection, the meeting was recessed at 5:40 P.M. and reconvened at 5:46 P.M.

\* \* \* \*

At this time, 5:46 P.M., Mr. Harrell entered the meeting.

\* \* \* \*



Alluding to the comments made by citizens, Mr. Armstrong opined that the fluoridation issue is a matter of policy rather than governance; and as such, is a decision for the BCC and is not appropriate for inclusion in the Pinellas County Charter.

In response to query by Mr. Wilson, County Attorney Churuti related that several public hearings were held regarding the fluoride issue; and the Vice-Chairman clarified that the CRC does have the authority to add the question to the ballot, but that it is an issue of appropriateness from a policy standpoint.

## OTHER BUSINESS

### Proposed Charter Amendments

Mr. Spitzer conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record; and reviewed the CRC's recommendations and the charter process in general. He reported that the Pinellas County Charter is the only Florida charter that provides for a process whereby the legislature has a role in approving the amendments before presentation to the voters; and that it is the only charter requiring a dual vote when the electorate considers amendments transferring policy.

\* \* \* \*

At this time, 6:00 P.M., Commissioner Latvala left the meeting.

\* \* \* \*

Mr. Spitzer briefly reviewed the issues discussed by the current CRC; whereupon, the Vice-Chairman opened the meeting to public comment regarding the pending proposals as presented by Mr. Spitzer; and the following individuals appeared and offered comments:

Peter Glickman, Clearwater - Re rights of government.  
Charles Gille, Seminole - Re extent of power granted to government.  
David Plyer, Clearwater - Re powers reserved to the people.  
Ellie Esposito, Clearwater - Re people's right to choose.  
Louen Graham, Clearwater - Re whether safe water amendment out of bounds for charter.  
Dr. Ian Shillington, Dunedin - Called for vote to place safe water amendment on the ballot.  
Keith Dekle, Largo - Re voting process concerning amendments placed on the ballot.  
Albert Redman, Jr., Seminole - Re CRC's discussion of annexation question.  
Mary Schoonover - Re reconstitution of the CRC.

Draft Ordinance re Reconstitution of 2004 Charter Review Commission

Attorney Churuti presented a draft ordinance, and called attention to the proposed addition of Section 6.05 regarding membership and the power of repeals.

Discussion ensued regarding Sheriff Rice's appointment if he is no longer a constitutional officer but becomes a member of the legislative delegation; whereupon, Attorney Churuti suggested that the language in subparagraph (a) would allow him to continue to serve; and in response to query by Ms. Mannion, explained that appointments are made by the BCC and not the legislative delegation; and Mr. Harrell indicated that he does not accept the interpretation of the County Attorney.

Attorney Churuti read the proposed ballot question; and indicated that it is up to the membership as to whether they want to request repealer power from the legislative delegation. Following discussion, Ms. Churuti agreed to remove the phrase "including repealer and replacement" from the ballot language.

Mr. Harrell suggested that the ballot language include a provision regarding building consensus among the municipalities and other local governing entities; whereupon, Mr. Armstrong contended that the provision should not be a part of the ballot question.

Thereupon, Mr. Jirotko moved, seconded by Mr. Davis, that the draft ordinance be approved as presented, including agreed-upon wording changes.

Mr. Harrell again suggested that the objective of reaching consensus be part of the ballot question; and Vice-Chairman Kwall opined that the language would limit the commission's ability to make decisions; whereupon, he asked Mr. Harrell if he would like to make a motion to that effect.

Attorney Churuti then suggested that the phrase "for the purpose of building consensus toward approval of recommendations for inclusion in the charter amendment" could be added to subparagraph (b) of Section 6.05; whereupon, Mr. Harrell moved, seconded by Ms. Hodges, that the suggested language be approved.

Mr. Jirotko noted his objection to the word "in-depth" in subparagraph (b).

Upon presentation of Mr. Harrell's motion, Mr. Jirotko withdrew his motion. Upon call for the vote, the motion failed three to four, with Mr. Armstrong, Mr. Davis, Mr. Wilson and Mr. Jirotko casting the dissenting votes.

Thereupon, Mr. Jirotko moved, seconded by Mr. Davis, that the draft ordinance, as presented, be accepted, subject to noted clerical corrections and removal of the words "repealer," "replacement" and "in-depth." Upon call for the vote, the motion carried six to one, with Mr. Harrell casting the dissenting vote.

Next Meeting - July 12, 2004

Vice-Chairman Kwall related that the final meeting of the CRC will be held July 12; and that Mr. Spitzer will issue a report and Attorney Churuti will provide a final draft of the ordinance regarding Section 6.05.

ADJOURNMENT

The meeting was adjourned at 6:40 P.M.

## AGENDA

### **Pinellas County Charter Review Commission**

July 12, 2004  
8:00 AM until 11:00 AM  
Swisher Building  
Conference Room 211  
509 East Avenue South, Clearwater

1. Call to Order
2. Approval of Minutes
3. Final Approval of Amendment Reconstituting the CRC
4. Review, Discussion and Approval of Final Report of the CRC
5. Approval of Expenses
6. Other Business
7. Public Comment
8. Adjourn

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held in Conference Room 211, Swisher Building, 509 East Avenue South, Clearwater at 8:00 A.M. on this date with the following members in attendance:

Robert C. Decker, Chairman  
Louis Kwall, Vice-Chairman  
Jim Sebesta, State Senator  
Susan Latvala, County Commissioner  
Everett S. Rice, Sheriff  
John Bryan, City of St. Petersburg Councilmember  
Ricardo Davis  
George Jirotko  
E. D. Armstrong, III  
Roger Wilson

Late Arrivals:

Roy Harrell  
Mayme Hodges  
Elizabeth Mannion

Also Present:

Susan H. Churuti, County Attorney  
D. Gay Lancaster, Chief Assistant County Administrator  
Elithia Stanfield, Assistant County Administrator  
Chris Staubus, Assistant Director, Utilities  
Kurt Spitzer, KS&A  
Other interested individuals  
Caroline J. Jones, Board Reporter

AGENDA

1. Call to Order
2. Approval of Minutes
3. Final Approval of Amendment Reconstituting the CRC
4. Review, Discussion and Approval of Final Report of the CRC
5. Approval of Expenses

6. Other Business
7. Public Comment
8. Adjourn

### CALL TO ORDER

Chairman Decker called the meeting to order at 8:00 A.M.

### APPROVAL OF MINUTES

Upon presentation by Chairman Decker, Commissioner Latvala moved, seconded by Councilmember Bryan and carried, that the minutes of the June 14, 2004 CRC meeting be approved; whereupon, Mr. Davis moved, seconded by Mr. Jirotko and carried, that the minutes of the CRC meeting of June 28, 2004 be approved.

### AMENDMENT RECONSTITUTING THE CRC

Chairman Decker related that Attorney Churuti and Mr. Spitzer would conduct a review of the proposed ordinance amending the Pinellas County Charter to reconstitute the CRC, a copy of which has been filed and made a part of the record.

In response to query by Councilmember Bryan, Chairman Decker affirmed that the section of the agenda titled *Public Comment* would be heard at the end of the agenda.

Attorney Churuti conducted a review of the changes to the draft ordinance that had been approved by the CRC at its June 28 meeting, which she noted as:

- ✓ Deleted language *include substantial revision to, or repeal of* and added the word *revised*
- ✓ Page one and Section 6.05(b) – changed *American Assembly* to *Pinellas Assembly*
- ✓ Deleted language *in depth; repeal and replacement*; the word *duties* in the ballot title; and renewed the language in the ballot question including *repealer* and *replacement*

\* \* \* \*

At this time, 805 A.M., Ms. Mannion entered the meeting.

\* \* \* \*

Mr. Armstrong moved, seconded by Mr. Davis, that the proposed revised ordinance be approved; and in response to query by Mr. Wilson, Attorney Churuti stated that the reconstituted CRC would be able to address issues other than the ones set forth in the amendment. Upon call for the vote, the motion carried unanimously.

\* \* \* \*

At this time, 8:06 A.M., Ms. Hodges entered the meeting.

\* \* \* \*

Attorney Churuti referred to the ballot question pertaining to the removal of the County Administrator, noted several grammatical revisions, and read the new ballot question into the record:

*“Shall Section 4.01 of the Pinellas County Code be amended to require an addition to a single meeting vote by five members that any vote to remove the County Administrator by four members of the Board of County Commissioners must occur at two consecutive regularly scheduled meetings?”*

\* \* \* \*

At this time, 8:07 A.M., Mr. Harrell entered the meeting.

\* \* \* \*

In response to query by Mr. Jirotko with regard to the aforesaid ballot question, Attorney Churuti confirmed that two consecutive meetings pertain to the original meeting where four members of the Board of County Commissioners (BCC) voted to remove the County Administrator and the next meeting where a quorum has been obtained; whereupon, following discussion, Senator Sebesta moved, seconded by Mr. Davis and carried, that the ballot language concerning removal of the County Administrator be approved.

Referring to the ballot question with regard to the County Administrator's hire/fire powers, Attorney Churuti advised that new language has been added to clarify that

authority in that regard is limited to exempt employees under the Civil Service Plan; whereupon, Mr. Armstrong moved, seconded by Mr. Davis, that the aforesaid ballot language be approved. In response to query by Mr. Kwall, Attorney Churuti affirmed that the approval pertains only to the changes made to the ballot language. Upon call for the vote, the motion carried unanimously.

Mr. Spitzer referred to the *Report to the Citizens of Pinellas County*, which has been filed and made a part of the record, and presented an overview of the document that included highlights of:

- Comparison of county charters in the State of Florida
- Pinellas Planning Council (PPC)
- Reconstitution of the Charter Review Commission
- Recommendations:
  - ✓ Non-interference clause by Commissioners with County Administrator
  - ✓ Designation of County Administrator as Budget Officer
  - ✓ Clarification of the procedure to terminate the Administrator
  - ✓ Ability of the Administrator to terminate senior employees
  - ✓ Reconstitute the Charter Review Commission
- Resolutions adopted by the CRC:
  - ✓ Pinellas Suncoast Transit Authority structure
  - ✓ Pinellas Suncoast Transit Authority powers
  - ✓ Procedures for the reconstituted CRC
- Proposed Charter Amendments

In response to query by Mr. Kwall, Attorney Churuti advised that the ability for the County Administrator to terminate non-classified employees without cause has always existed under state law.

During review of the report, Mr. Jirotko suggested a change in the wording pertaining to the CRC meeting with the Mayors' Council and pointed out two misspelled words; whereupon, Mr. Wilson noted that the report should indicate that no final action was taken on the PPC issue.

Following discussion, Mr. Armstrong moved, seconded by Ms. Mannion, that the final report be approved with the proposed changes. Following discussion and upon call for the vote, the motion carried unanimously.

Following additional deliberation, Commissioner Latvala moved, seconded by Mr. Jirotko and carried, that all future non-substantive housekeeping or editorial changes to



the final report be delegated to the Chairman for approval. Upon call for the vote, the motion carried unanimously.

#### APPROVAL OF EXPENSES

Upon presentation by the Chairman of the July 2004 expense statements, Mr. Kwall moved, seconded by Mr. Harrell and carried, that the July expenses be approved.

Following discussion, Mr. Kwall moved, seconded by Mr. Harrell and carried, that any additional expenses including travel reimbursements be approved at the discretion of the Chairman. Ms. Stanfield interjected that since the CRC would adjourn July 31, 2004, expenses incurred after that could be approved through the County Administrator's Office; whereupon, Chairman Decker called for a revote on the motion with the amendment that expenses incurred or submitted after July 31, 2004 be approved by the County Administrator's Office and which carried unanimously.

#### OTHER BUSINESS

At the request of the Chairman, Mr. Spitzer provided information to the members concerning methods that other counties utilize to educate citizens with regard to upcoming referendums wherein he suggested public speaking engagements and working with Pinellas County public access television; and related that he would work with the Communications Department in preparing information packets.

Councilmember Bryan suggested that a representative meet with the St. Pete Times Editorial Board to provide accurate information concerning the CRC process; whereupon, Mr. Spitzer indicated that he and the CRC Chairman had done that in 1998.

Responding to comments by the members, Attorney Churuti advised that the CRC does have the right to expend public dollars for advertising in support of charter amendments; and that the BCC would need to approve the request.

Senator Sebesta recommended that an advertising program be put together to effectively communicate the CRC recommendations; whereupon, Councilmember Bryan suggested that a 15-minute informational television program be produced and distributed to the local municipalities. Responding to queries by the members with regard to expenditures, Ms. Stanfield indicated that funds have been allocated in the budget for CRC activities; and that the County Communications Department would conduct special mailings to neighborhood and civic associations.

Following discussion, Councilmember Bryan moved, seconded by Commissioner Latvala and carried, that the County produce a 15-minute informational video outlining the CRC process and recommendations for distribution to libraries, homeowners' associations, and civic groups; and that the BCC and Mr. Spitzer be designated to coordinate any other necessary advertising efforts.

Councilmember Bryan suggested that Mr. Spitzer, by communicating with other counties, produce a draft of a suitable charter for Pinellas County that could be used as a blueprint for moving forward in the process; whereupon, Mr. Harrell contended that only problem areas should be addressed. Commissioner Latvala added that Mr. Spitzer has been involved with the process before and that the CRC should defer to his judgment; whereupon, in response to the Chairman's query, Mr. Spitzer indicated that adequate direction has been provided in the resolution adopted at the June 28, 2004 meeting.

Commissioner Latvala expressed appreciation to the members on behalf of the County Commission for their service on the CRC; and indicated that the BCC would like to recognize the members at an upcoming commission meeting.

#### PUBLIC COMMENT

Chairman Decker opened the meeting to public input and the following individuals appeared and offered comments:

Norm Roche, Clearwater, re final comments and proposed changes  
Valorie Shillington, Dunedin, re safe water amendment  
Dr. Ian Shillington, Dunedin, re safe water amendment; also read comments  
into the record for David Plyer and Cathy Corry, Clearwater, re safe water amendment

#### ADJOURNMENT

The meeting was adjourned at 8:52 A.M.