

Clearwater, Florida, February 9, 2010

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

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

Late Arrival:

Paul Bedinghaus

Not Present:

Ed Hooper, State Representative

Also Present:

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

AGENDA

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

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

WELCOME

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

MINUTES OF THE MEETING OF JANUARY 25, 2010 – APPROVED

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

PUBLIC COMMENT

Audience

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

Website Submittals

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

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

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PRESENTATION

Comparative Policies In Urban County Charters - Kurt Spitzer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER DISCUSSION OF ITEMS FOR REVIEW

Summary of January 25 Issues

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

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

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Pinellas Planning Council

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

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

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

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

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

Non-Partisan Election of Supervisor of Elections

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

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

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

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

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

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Future Charter Review Commissions

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

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

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

Code of Ethics

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

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

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

Single Subject Rule

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

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

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

Additional Items For Discussion

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

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

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

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

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

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

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

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WEBSITE UPDATE

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

OPEN DISCUSSION

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

ADJOURNMENT

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