

Clearwater, Florida, February 22, 2010

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

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

Not Present:

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

Late Arrival:

Gerald A. Figurski

Also Present:

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

AGENDA

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

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

WELCOME

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

MINUTES OF THE MEETING OF FEBRUARY 9, 2010

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

PUBLIC COMMENT

Audience

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

Website Submittals

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

PRESENTATIONS

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

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Deborah Clark, Supervisor of Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council of North County Neighborhoods, Inc.

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

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

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

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

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

Andy Steingold, Mayors Council of Pinellas County

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

FURTHER DISCUSSION OF ITEMS FOR REVIEW

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

Summary of February 9th Issues

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

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

OPEN DISCUSSION

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

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

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

ADJOURNMENT

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