

Charter Review Commission
June 19, 2006

5:22:42 PM ~ Members in: Commissioner Susan Latvala, Roger Wilson, Ricardo Davis, Alan Bomstein, Karen Burns, Councilmember John Bryan, Robert Decker, Sallie Parks (Lou Kwall and Sheriff Jim Coats via phone)

5:31:06 PM ~ Bomstein: Call meeting to order. For the record clocks on wall are fast so real time is about 5:31. We do have a quorum; we have on speakerphone Sheriff Coats (I'm here) and Lou Kwall, well we had Lou Kwall.

5:31:44 PM ~ Spitzer He'll call back.

5:31:51 PM ~ Bomstein: Present with us tonight are (Burns, Bryan, Davis, expecting Jirotko, Parks, Latvala, Decker, Wilson and Cole indicated on her way).

5:32:20 PM ~ Bomstein: You have rec'd minutes of last meeting, any additions, corrections, comments? Hearing none declare minutes approved as submitted. Just to go over our process we have completed 3 public hearings during the last 5 weeks. Those took place in this room, Tarpon Springs and St. Petersburg. During course of those public hearings we heard from a lot of public, good number of elected officials and I hope each of you had opportunity to digest that. I know not all of you made all of the meetings but nonetheless had significant input. There also has been email which I know you all probably received; there's 32 or 33 emails from public that I counted. At last public hearing question was asked whether or not we would be taking any testimony tonight. We decided at that time that we wd not; that there were 3 public hearings to fulfill the need for public to be able to address commission, and that if we attempted to do that again tonight, it would bog down process of trying to go through approval or action on these amendments to charter. However, we did state that as pertains to any amendments to the proposed charter amendments, if we have amendments to the previous language and had discussion on the specific amendment language, we would allow public input on that. I will do my best to cipher out if we have public comment, to make sure appropriately directed toward those amendments. By rules we established when we first met on February 7, 2005

5:34:48 PM ~ Cole in

5:34:51 PM ~ Bomstein: We do have a requirement to have 8 votes to approve any action. That is an absolute number regardless of number in attendance at the mtg. It was designed to be majority plus one of a commission of 13 but in no event less than an absolute 8. That's the number of votes needed to carry and approve any action. Any questions relative to that? Welcome Katie. Any questions? Let's move ahead and talk about the charter amendments, the charter recommendations we have before us.

5:35:56 PM ~ spitzer: We will go through similar process as we did with hearings and that is some of the amendments will be explained by myself, some by Susan Churuti and some by Mr. Bennett but we will do that quickly and note if there have been any suggestions for revisions to any of the proposed amendments in your packet.

5:36:10 PM ~ Jirotko in

5:36:13 PM ~ spitzer: We still have 7 amendments plus the special act authorization to repeal the charter. So the first amendment is abolishment of dependent special districts.

5:36:37 PM ~ Churuti: The abolishment of the dependent special districts has been accomplished. The special acts have now been signed into law by governor. These are

the charter amendments that add the special powers of the county, those dependent special districts. So the organization is not going to be changing, taxing structure, personnel structure is not being changed; essentially no changes to how these things are structured except that in order to amend them in the future we do not need to go to legislature, we will follow the Chapter 189 process for other dependent special districts. If somebody locally wants to change the dock size or dock permit, we can do that without having to go to legislature. That's example we have been using.

5:37:24 PM ~ Bomstein: Special --go ahead (from speaker phone - inaudible)
(Kwall in)

5:37:30 PM ~ spitzer: We will speak up. The first amendment we are on is the abolishment of the two dependent special districts. There are no amendments to the amendment.

5:37:45 PM ~ Latvala: Move approval.

5:37:48 PM ~ parks: Second.

5:37:57 PM ~ Bomstein: Have motion and second for approval of the abolishment of the special dependent districts which is proposed amendment no. 1. Any further discussion? All in favor - all. None opposed. Motion carries unanimously.

5:38:09 ~ Bryan: May I suggest when we get to more controversial ones we ... hand vote.

5:38:22 PM ~ Bomstein: We will. So item a, amendment No. 1 is approved and will move forth out of this commission.

5:38:38 PM ~ Bomstein: No. 2, or b, is the administrative employment powers

5:38:43 PM ~ spitzer: This is the revision to the charter that accomplishes 2 objectives as relates to that section dealing with the county administrator; one, it corrects some gender references in the charter and two, it codifies current practice as it relates to the county administrator's ability to terminate senior staff and that is he may terminate senior staff without seeking approval of the BCC. There are no amendments to the amendment.

5:39:12 PM ~ Latvala: Move approval.

5:39:14 PM ~ Bryan: Second

5:39:19 PM ~ Bomstein: We have motion and second, further discussion.

5:39:25 PM ~ Kwall: I stated my opposition before, want to make it clear it has nothing to do with the present county administrator.

5:39:38 PM ~ Bomstein: That's Lou Kwall speaking; all in favor signify aye (all but Davis and Kwall); voting yes, burns, Bryan, Jirotko, Latvala, parks, Decker, Wilson, Cole, Bomstein. That will carry forth and is approved. Sheriff Coats voted yes, correct Sheriff (correct).

5:40:18 PM ~ Bomstein: Item c is amendment 3, future charter review commissions and there is a proposed amendment to our revision.

5:40:28 PM ~ spitzer: This amendment as originally drafted effectuated a few different changes to the future CRCs. First it put them on an 8-year time line so that their recommendations would fall on the November presidential ballot when voter turnout is higher. Secondly it clarifies that the CRC is authorized to retain and employ independent staff. It also provides that the CRC is authorized to pay expenses based on rules that it adopts. It requires that future CRCs hold at least 2 hearings before transmitting any final recommendations to the ballot, provides that the CRC may remain in existence thru the November general election for the purpose of supervising or conducting a public

informational campaign. Finally, in original draft of proposed amendment, it deletes requirement that four elected officials of four different categories serve on future CRCs and prohibits elected officials and staff of local government from serving on future CRC. Mr. Bryan has prepared amendment that is identical to original version of the CRC's proposal except it does not alter current requirement that 4 elected officials serve on the CRC. There are 2 technical glitches in amendment prepared by Mr. Bryan's staff, let me note these. One, it states that not later than June 1, 2011 and every year thereafter a CRC is empanelled. Clearly, this should be every 8th year thereafter. Secondly, the original draft says that in addition to the 4 elected officials, 9 members from the public at large; that should read as the current charter does, 9 members from the public at large none of whom shall be an elected official.

5:43:13 PM ~ Bryan: That is correct.

5:43:16 PM ~ Bomstein: The process we are going to do here, everybody have a copy of proposed amendment?

5:43:50 PM ~ spitzer: They were emailed last week; folks on phone will have those already.

5:43:56 PM ~ Bomstein: You have at your place and you have received by email previously the proposed amendment to amendment no. 3 which is the future CRCs. This was brought forth by Bryan, I'm going to give you opportunity to elaborate if you wish.

5:44:23 PM ~ Bryan: All of you heard me say on multiple occasions, I don't believe it's about elected officials, it's about categories. Past CRCs have very carefully chosen the categories. As you well know, constitutional officers, a member of legislative delegation and official from cities and BCC. They have to be elected so that's why they are but when county commissioners do make the choices, for example when they go to constitutional officers they have 4 to choose from. When they pick from the county commissioners, they have 8 to choose from so they are not being told to pick anybody. When they come to the legislative delegation I think we have 12, 13 to choose from, and when talking about the cities they have a huge number to choose from. So they have broad ability to choose folks that they are comfortable with putting on this commission but the category is the important thing that we have the expertise of those different people. I think through this process--and it's a minority, it's only 4 out of 13, so there's nobody dictating anything. I think it's been invaluable to have feedback Latvala gives on issues she deals with daily. We found earlier when we were looking at constitutionals to get information we were getting from Sheriff Rice cause he was very active in discussions of things we didn't know. Jim Sebesta certainly talked about legislative situation on several occasions and may have kept us on track. I feel like categories are important to continue to have in this process. When we went to public hearing. there was 17 people who spoke on maintaining elected officials in the 3 public hearings; nobody spoke against having elected officials at the public hearing so I think that was pretty clear. We can debate this out, that's what we are here to do. But everything else stays the same, instead of 6 years it will be 8 years and everything else we moved for I think is very important and needs to stay in place.

5:47:08 PM ~ Latvala: May I rebut Mr. Chair (Bomstein - sure).

5:47:14 PM ~ Latvala: For all the reasons Mr. Bryan said we should have elected officials, I say we shouldn't. I don't know of any other city charters in this county who have elected officials serving on their charter review panel. The charter is the framework

of how the government should be operational by the citizens, the citizens determine what charter is about and how they want their, whether it's city, county, state--

5:47:49 PM ~ coats and Kwall: We are losing you.

5:47:54 PM ~ Latvala: This CRC is a prime example of how it doesn't work. This has turned into forum for elected officials in the county and I don't think it was appropriate. I think it stifled conversation with citizens and we had very few actual citizens attending our meetings and giving input. I think it would have been a very different scenario had there only been citizens sitting here. I think citizens have a different perspective than elected officials do and this turned into serving the various elected officials. So I will not support amendment.

5:48:39 PM ~ Bomstein: Other comments.

5:48:42 PM ~ parks: I have been around here so long that I remember when the first charter was discussed, in fact previous to the charter that was finally adopted. One of the issues certainly was that it was important for the people, citizens, this is the constitution essentially for this county; it's our framework as Commr. Latvala said. I think it is time for us to move away from elected officials. There may be some other alternatives to look at and I would like to discuss that after we vote on this particular one. But I will not be (inaudible) (coats - I can't hear anything)

5:49:24 PM ~ Bomstein: Summarizes Sallie Parks statement.

5:49:43 PM ~ Davis: I would also not support the amendment to the amendment. I think that sitting through this charter review process, it became obvious early on that several critical votes, I believe, turned in a certain direction because of the composition of elected officials. I think it is an inherent conflict of interest for this CRC to oftentimes consider issues that might have affect some of the ... elected official that sit on the commission, and I also agree that it should be a citizen driven process. I don't believe by excluding elected official we have any risk whatsoever of not getting their input. In fact, we have gotten more input from elected officials than I think some of us would like to have. So I don't think we are going to run that risk. I believe that we will not lose input from elected officials irrespective of whether it's state, county or city government. I think it will make process much more citizen driven to have only citizen participation in the CRC. (Kwall - I can't hear)

5:51:00 PM ~ Bomstein: Summarizes Mr. Davis' statement.

5:51:50 PM ~ Decker: I'd like to ask Spitzer if characterization by Susan Latvala was accurate in terms of what is the norm in the state for CRC composition.

5:52:10 PM ~ spitzer: The norm is to not require elected officials to serve on a CRC. My understanding is the practice with county charters is a little bit different than municipal charters. Having said that, there are some charters that have specific prohibitions against elected officials from serving; there are others simply silent on subject. Pinellas is the only charter that requires 4 elected officials to serve on CRC.

5:52:58 PM ~ Bomstein: Did you catch that Lou and Jim (yes). Any other comments relative to the amendment to amendment. Is there any public input from a technical aspect? I will call the question; on the amendment to the amendment, we don't need the absolute 8; the 8 is to approve action, this is just a majority so we have 12 people, need 7 for amendment to pass. Was there a motion made?

5:53:38 PM ~ Bryan: Move.

5:53:41 PM ~ Decker: Second.

5:53:44 PM ~ Bomstein: The motion is to approve changes that you are suggesting, the substantive one being reinstatement of elected officials. Burns, no; Bryan, yes; Davis, no; Jirotko no; Latvala, no; parks, no; Decker, yes, Wilson, no, Cole, no coats, no; Kwall, no, Bomstein, no; 10-2 vote so the amendment is defeated. We will move forward with revision as previously drafted and taken to the previous public hearings.

5:54:52 PM ~ Latvala: Move approval

5:54:54 PM ~ Davis: Second.

5:55:00 PM ~ Bomstein: Further discussion.

5:55:07 PM ~ parks: I haven't had advantage of having all this dialogue in the past and I couldn't find in this in the minutes but it probably was discussed. Was there any discussion where cities could make recommendation and the county could make recommendations. Some kind of combination, I thought of six from city, six from county and none being elected officials, and one more being appointed by that group of 12. I don't know whether that's been discussed.

5:55:41 PM ~ spitzer: That was not discussed although that could be an option but that was not discussed by the CRC prior to you coming on board with this particular review commission.

5:55:55 PM ~ Bomstein: I think the only discussion simply was to delete requirement for elected officials, but not change the appointment process which is now a BCC process.

5:56:07 PM ~ Cole: Although I agree that elected officials are inappropriate to sit in this forum, it is a citizens' charter, I do feel some sympathy for the municipalities in the sense of those municipalities feeling as though they only have one voice on this commission. I know that some charters may mandate membership geographically throughout their community or by some other formula. I apologize for not ... in writing last week cause it came to me over the weekend that possibly rather than eliminating elected officials we could some clause that mandates a certain number of representatives on the commission who are members of the unincorporated community and a minimum number of members who are from municipalities or the incorporated community to keep some level of threshold of representation of the entire county. Whether or not we need to go into geographics or each district, I don't know if that's necessary. I feel confident that given parameters, the BCC can come up with suitable representatives from those municipalities.

5:57:29 PM ~ Bomstein: I hear you and I think perhaps appropriate means to address that at this time given how far down road we are would be a recommendation as part of our final report to the BCC that in their appointment process they seriously consider either by rule or policy that they will address the diversity of this board as to all of these things being city, county residents, north/central/south county. I think they attempted to do that in this composition of this board. I'll let Susan talk to this, but I think the BCC is acutely aware of nature of representation trying to get all segments of this community somehow represented on this commission. So maybe it's better coming out of here as a recommendation cause at this point in time to try to modify the amendment would be difficult.

5:58:40 PM ~ Bryan: I thought you made it very clear you didn't receive an amendment that we don't change anything.

5:58:49 PM ~ Bomstein: I'm just being nice.

5:58:53 PM ~ Bryan: Everybody needs to understand that we can't go through and adjust any of these, they are either amendment that was asked for or the way it is.

5:58:58 PM ~ Bomstein: We did state that any amendments that come before us needed to be done ahead of time so we could have the language corrected so that we would address the actual language. But that being said, I tried to you and Susan would you comment.

5:59:16 PM ~ Latvala: We certainly did look to that and if you look at make up of this board, the vast majority of members live in cities and not unincorporated areas. I think there are 4 of us from unincorporated area out of 13. We did take that into consideration and also looked at north, south, mid-county, large and small cities. We are very conscious of that and I think any commission in the future would continue to do that because we now have single member districts and the at large members, it just naturally rises in the conversation.

5:59:57 PM ~ parks: What if this is voted down; we go back to what we have?

6:00:05 PM ~ Bomstein: Then there is no change to charter.

6:00:10 PM ~ Jirotka: Have a question, maybe directed more to Susan. What was the rationale, as I recall the conversation or rationale of doing away with the categories that it wasn't a city-county dispute. What is rationale for eliminating all elected officials?

6:00:39 PM ~ Latvala: Attendance was part of it; the constitutional officer comes to some meetings and not others. After we made the decision, and this has been true ever since this group has been meeting, once those issues were put to bed, that person wasn't here as much. The legislative member has responsibilities outside the county and has many meetings because of that. Just seemed like the appropriate direction to go that they should all go. Again, other charters don't have elected officials. What we talked about early on, if we need expertise of a constitutional officer, whether it's the Sheriff of Clerk of Court or Supervisor of Elections, call them in to make presentation and be questioned and then deal with that particular issue and move on.

6:01:38 PM ~ Kwall: Asks Chair for summary.

6:02:00 PM ~ Bomstein: Do we have motion to adopt--

6:02:31 PM ~ burns: One technical question. Paragraph c, should that be provide that the CRC with d on end?

6:02:46 PM ~ Bomstein: Have a technical question on paragraph c, center of paragraph, underlying language change. Karen is questioning whether provided should be past or present tense.

6:03:04 PM ~ Churuti: Think it should be in the past tense. (Several agree)

6:03:09 PM ~ Bomstein: I think it's okay; providing space, secretarial staff and assistance--

6:03:17 PM ~ Churuti: Except for the CRC may employ staff and consult and retain experts as it deems necessary and desirable. So I think the language that's there is appropriate.

6:03:28 PM ~ Bomstein: Before this meeting is over I'm going to ask this commission to empower me to act on your behalf with the county attorney's office if we have any other of these kinds of tense issues, language, wording, things that are not substantive but purely technical in that regard. We'll get to that later.

6:03:45 PM ~ Churuti: Example, there has been new administrative rule promulgated to harmonize these various ballot questions statewide. So we'll be making some changes with regard to capitalization versus small case letters where we say yes for approval we will have to change that to say yes. So we will be harmonizing it to the administrative code provisions after you determine where you want to head on that.

6:04:13 PM ~ Wilson: I would move amendment no. 3.

6:04:17 PM ~ Decker: Second.

6:04:21 PM ~ Bomstein: Motion and second to adopt amendment no. 3, the changes to future CRCs. If no further discussion, I'll call the question and do roll call vote. Burns, yes; Bryan, no; Davis, yes; Jirotko, yes; Latvala, yes; parks, yes; Decker, yes; Wilson, yes; Cole, yes; coats, yes; Kwall, yes; Bomstein, yes. Motion carries by 11 to 1.

Amendment 3 will move forward with action we have taken.

6:05:17 PM ~ Bomstein: Go to amendment no. 4, the deletion of the requirement for the dual vote. You have in your amendment package a suggestion from the county attorney's office that we change the language of the question on page--is this strictly portion on page one a change.

6:05:47 PM ~ spitzer: It's not a change from the existing proposal.

6:05:52 PM ~ Bomstein: All right. On page 2 however, the county attorney is suggesting changing the language of the ballot question. The previous language that we had approved was shall Section 604 of the Charter be revised to delete the requirement of the dual vote retaining a single vote requirement for any amendment affecting a transfer of city, county or special district service or regulatory authority so that the Charter procedures will follow the provisions of the Florida Constitution. The County Attorney has suggested the change of language that appears at the bottom of page 2 and I'll let Susan Churuti address that.

6:06:34 PM ~ Churuti: We know that you did consider similar language to this new language which is more precise and does cite the specific language in the charter currently. We think there is some chance that this will be easier to defend, that is the language on the bottom of the page. However, at your last discussion you had to balance will the voters really understand it. We know that the language at the bottom of the page is less understandable. The language that we crafted for you after you told us nobody will understand this ballot question is the stricken through language. That is the language at the bottom of the page which was editorialized toady in the St. Petersburg Times which said it is really confusing. So you have to balance the due process parts of it and we want to have specific language that clearly cites the language in the charter currently or do we want to have a more understandable ballot question. The editorial board of the St. Petersburg Times said we think you should have a clear ballot question. I think the fact that you have had this discourse is helpful, we may have a challenge where we have for example a temporary restraining order to keep us from having an election. So we could reach the question of is this ballot language unclear before the election; we could also have question decided after election. I will tell you that the only charter amendment that we have had that was challenged was the 8 is enough amendment. There was an attempt to stop the election, to prevent the language from going on the ballot. That was unsuccessful. The judge determined that he felt that he would want election to go forward because if the voters didn't approve it, then there would be no controversy for him to decide. The question did go on ballot, then there was an issue as to whether or not

it was constitutional or not. It went through the trial court system, the appellate system to the Supreme Court who did eventually throw the ballot question out. That was a citizen initiative, it wasn't something that came from this charter commission. The difficult task that you have this evening is to decide do you want clarity for the voters or specificity for the court system. Tough road for you to decide. I think that in either event, we can defend the ballot question that goes forward and we will make our best effort to do that for you. I also think that the fact that there has been public discussion and the fact that the CRC itself debated which approach they wanted to take will be helpful to the court system and that you are the appropriate people to vote on that.

6:09:28 PM ~ Bomstein: I will comment on this first because I tried to digest this question as best I could. When I first saw it I thought to myself this is not really user friendly. But I realize I may have been jaded so I took it to 3 of the smartest people that work in our company today and I asked them to read this and give me their response if they were in a voting booth and 2 of them looked at me like I was nuts when I got half way through it and the third one said I would just move on to the next question, I wouldn't vote on it. I called Susan back and said this language is really troublesome. As much as I hate to admit it, the St. Pete Times was probably correct in their assessment of it. I hope they were referring to this language and not the previous language in their editorial. I do have issue with it however, when I talked to Susan she said remember that we are just trying to protect ourselves legally from withstanding a challenge. My response was maybe if we don't adopt the language we can at least somehow acknowledge the language as being appropriate but not for a ballot question. Appropriate at least as to the intent of the commission if that is our decision. But if I were making the motion which I'm not, I would stay with what we had coming out of here originally. I don't even think that language is great but it's good enough, but at least it's more understandable.

6:11:19 PM ~ Wilson: In this proposal here there are too many commas not enough periods and you can't understand it. I guess it's legalese. Question is do we want to satisfy a potential question from a potential judge or do we want to satisfy the public's understanding. I think we have to go with latter. It's classic proposed statutory language, and Susan, with all due respect, too many commas and not enough periods.

6:11:48 PM ~ Bomstein: I'm concerned that the public doesn't know what an elector is no less a transferor or transferee. It's really kind of difficult when you are putting this question in and it's going to be a busy ballot and you would like to get some response.

6:12:06 PM ~ Davis: I would also agree that we should be more concerned about the public's ability to understand what we are asking them to do than ...

6:12:16 PM ~ Wilson: It might be a judge reading this couldn't understand it and he would be sympathetic to the original version.

6:12:24 PM ~ Jirotko: It's not going to come before me (laughter). I mean, you got a problem; I don't really want to speak to it cause the more I think about it, I'm going to vote against the idea. It's a problem.

6:12:57 PM ~ Latvala: I am in support of original language; however, I have a problem with that too because it plays into the hands of all the cities who have spoken against this. The citizens nor the cities seem to understand what the Florida Constitution says where it requires a dual vote to transfer any of those special police departments, fire departments, etcetera. This opens the door for that dialogue to continue in a major

campaign played out against us. It sounds very simple and most people I think would understand whatever the state law is is the right thing to abide by but it's very easy for people to say we are taking away something when, in fact, we are not because that dual vote comes from the Florida Constitution, not from our charter in those circumstances.

6:13:58 PM ~ parks: Could someone give us a readers digest summary of what the dual vote does require. Is it just for fire and--

6:14:07 PM ~ Churuti: No. Any transfer of services requires a dual vote under the Florida ... (Parks - so it could be (both speaking)

6:14:16 PM ~ Bomstein: Constitutionally it requires it regardless of what is adopted to the County Charter. (Churuti - correct.)

6:14:23 PM ~ Wilson: Would it be fair to say Susan that constitutionally, the city services are protected?

6:14:31 PM ~ Churuti: Correct.

6:14:34 PM ~ parks: Think the point is well taken, but it doesn't give the meat and potatoes that people want when they are voting on this to have the comfort knowing it is not going to take away services. (Kwall - can't hear)

6:14:51 PM ~ Bomstein: Sallie is making the point that the language does not give voter any comfort level that the city services are protected under the state constitution.

6:15:08 PM ~ Kwall: ... case law from what I read; I read case law presented last time (inaudible)

6:15:18 PM ~ Churuti: Right.

6:15:20 PM ~ Bomstein: Sallie's concern is that the question put before voters does not enumerate or elaborate that point. It simply says the charter procedures will follow the provisions of the Florida Constitution. Sallie would prefer that that said something to effect of and that services provided by the cities will remain protected by the Florida Constitution, something like that which I don't know that we can say.

6:15:47 PM ~ Churuti: In 75 words.

6:15:51 PM ~ burns: Should we take a vote and see how many of us are in support of the concept before we try and fine-tune the language?

6:16:00 PM ~ Bryan: We can't fine-tune the language.

6:16:03 PM ~ Jirotko: We can; I think the issue is will it withstand a legal challenge. I would like to see personally how many people are in favor of going forward.

6:16:18 PM ~ Bomstein: In which case I would need a motion to approve the amended language suggested by the county attorney. If there is no motion to approve that then it dies for lack of a motion.

6:16:40 PM ~ Decker: So moved. (Bomstein - is there a second to the motion?)

6:16:48 PM ~ burns: Sure.

6:16:53 PM ~ Latvala: It's okay to let it die. (Cole - oh, okay (laughter).

6:17:05 PM ~ Bomstein: Are you withdrawing your second?

6:17:10 PM ~ burns: Sure.

6:17:12 PM ~ Bomstein: There is a motion to approve the county attorney's language that appears at the bottom of page two. Is there a second to that motion? Hearing no second, that motion is defeated and we go back to original question which simply is do we adopt the language as proposed or try to massage it further.

6:17:42 PM ~ Bryan: How are you going to massage it further?

6:17:45 PM ~ Latvala: I like what Alan said when he was clarifying to the people on the phone--

6:17:51 PM ~ Churuti: Maybe what we can do is delegate to Alan the ability to work with county attorney's office if, in fact, there are votes present to approve the simplified dual vote language. We can fine-tune it; there has been some new case law which was sent to you in the past 3 weeks from the Supreme Court on dual vote issue. We will research that and you can delegate to him the ability to clean up the language before the final report which is due July 1.

6:18:20 PM ~ Wilson: So his 3 employees will understand it.

6 6:18:22 PM ~ Bomstein: Those are the 3 smart ones. (Latvala - I would move that.)

6:18:31 PM ~ Wilson: Second.

6:18:35 PM ~ Bomstein: That is the motion to authorize approval of amendment 4 granting me the authority to work with county attorney's office to elaborate better language if possible.

6:18:51 PM ~ Latvala: And that language should be about clarifying the city services are protected ... (Latvala - and county services, it goes both ways, are protected and dual vote will be ...)

6:19:07 PM ~ Kwall: I don't think you can say that cause state law may change. I think clearly that's what state law is now. I don't think we can (inaudible) remain that.

6:19:16 PM ~ lat: No, you reference state law then define what state law is.

6:19:21 PM ~ Churuti: Currently.

6:19:24 PM ~ Jirotko: What happens if it changes then? (Latvala - then the next CRC changes it.)

6:19:30 PM ~ Churuti: But it would take a constitutional amendment to do that.

6:19:34 PM ~ Kwall: Yeah, it would.

6:19:36 PM ~ Bomstein: Whatever protection language we use would be followed by as provided for in the Florida Constitution. So if as provided for changes that would follow along.

6:19:48 PM ~ Bryan: I am very uncomfortable with rewriting-- why not do on it all of them then.

6:19:57 PM ~ Bomstein: We have the authority to. We asked at last meeting that if anyone wanted to change it to please get it to us ahead of time so we could have legal language crafted. There is no law binding us to not be able to make a change tonight, it's just a lot more difficult. The solution Susan is suggesting is while we can't craft the exact language tonight, delegate the authority to me to approve the exact language, or I will email it to everybody or something.

6:20:26 PM ~ Churuti: Or meet again between now and July 1.

6:20:34 PM ~ Bomstein: Or we meet again to approve that exact language if we want to change it. Susan made motion to approve this with the authority granted to me to work with County Attorney's Office to try to make the language more explicit relative to the protections afforded the cities.

6:20:48 PM ~ Bryan: I will also say that Susan attempted to do this once and we just voted it down. She just brought us an amendment that she thought clarified this. (Bomstein - Churuti?) Churuti. She did an amendment which she thought was necessary to make this right. This group just voted it down, now we are going to go back and say Susan do it again.

6:21:15 PM ~ Bomstein: Not exactly. What we are doing is trying to add a clarifying phrase to elaborate on the protection the cities are afforded under the state constitution. We are limiting it to that, a clarifying phrase--

6:21:34 PM ~ Davis: And the authority to approve is in the Chairman not in Susan Churuti.

6:21:38 PM ~ Latvala: And the one that was voted down was written to make a judge happy ... to be held in court. Wasn't that your ...

6:21:45 PM ~ parks: Second the motion.

6:21:49 PM ~ Bomstein: Motion to approve amendment 4, granting the chairman authority to add a clarifying phrase with the County Attorney's Office as to the protections afforded the cities under the state constitution.

6:22:14 PM ~ burns: Are we voting on the amendment?

6:22:16 PM ~ Bomstein: No, the amendment failed for lack of motion. This is the real amendment--

6:22:17 PM ~ Churuti: This is the version in your yellow.

6:22:22 PM ~ Decker: I came in here wanting this to pass cause I think it's the right thing to do for the county. I can't sit here in all due respect to the players and delegate that kind of authority without this group meeting again and approving or disapproving, just can't do that. So I'm going to vote against it if that's the route we are going.

6:22:45 PM ~ Wilson: I have a question for Susan and Kurt. Would we be jeopardizing our authority, could it be argued that we failed, and I'm playing the devil's advocate here, by virtue of giving this authority to chairman and staff. Would somebody be able to make the argument that the commission as a body abdicated or gave away too much authority.

6:23:21 PM ~ Churuti: The question would be did Alan appropriately word the intent that's referenced in the various transcripts when you discussed the dual vote issue. So maybe it's a better idea to just go ahead and try to craft something right now so you can vote.

6:23:37 PM ~ Wilson: My next question is if that's correct maybe we should avoid that but is it within our authority to have a vote say by email.

6:23:54 PM ~ Churuti: No, you can't do that.

6:23:56 PM ~ Bomstein: That's what I was thinking was we could email language and ask if anyone had a problem with it to get back to us before I would act on your behalf but apparently--

6:24:08 PM ~ Churuti: We could do that as long as you delegated it to Alan and you could send him comments for you to take into consideration, but you couldn't vote that way.

6:24:16 PM ~ Latvala: I'm not opposed to another meeting.

6:24:19 PM ~ roger: Do we have to meet before July 1?

6:24:22 PM ~ spitzer: You have to finish by July 1.

6:24:23 PM ~ Churuti: You have to finish by July 1 by the language in the existing charter.

6:24:27 PM ~ Wilson: So we could meet again this week.

6:24:33 PM ~ Bryan: Technical question. Is the motion on the table about the whole issue or simply about allowing you to change it if you want to. (Bomstein - thought it was about the whole issue but--)

6:24:44 PM ~ Davis: About the whole issue with a proviso that--

6:24:47 PM ~ Bryan: So we need to debate the issue right now also not just--cause the motion does include the change.

6:24:57 PM ~ Bryan: As again we have heard in public hearings which we must think is important because we added them into the language we just passed to have them again, we had 3 public hearings, we had a total of 45 citizens come and speak against dual vote. We had zero citizens come to support keeping this amendment. This is something I can tell you the cities, three quarters of the people in the county, the city representatives, feel strong about, I believe it was 17 cities did public resolutions opposed to putting this on ballot. We've heard all arguments in public hearings about came into effect in 1998; it's never been used; it was put into effect by legislature. Many cities have hired attorneys to first talk to us and secondly probably challenge this in court. One might argue it takes a dual vote to adopt a dual vote. I think that if Roy Harrell were here you would hear quite a speech right now about not putting cities and the county at odds. The cities and the county have been trying to work together very effectively. This will probably undo some of that because I think you will see the cities are willing to invest a lot of money to fight this amendment, not only in court but publicly if it goes to the polls. There's some other things I would question. We're talking about, there was a question the other day and it was a fire official stood up and said can this affect my fire station. Somebody here, I don't remember who, said no. I would argue with that because you can set a standard, hypothetically, that you have to have a certain type of equipment in your station that this station can't afford to have and in essence would shut the station down. It's a stretch, but reality is by setting standards, rules and regulations you can do that.

6:27:58 PM ~ Bomstein: Would take a vote of the full county.

6:28:03 PM ~ Bryan: I understand. But the city that owns the station wants a say of whether they keep that station or not. Going to use another example, the county could put something on ballot about an adult use ordinance and we may have one of our municipalities that has very strong feeling about adult use and would have an ordinance saying it was more strict than the one being proposed by the county. In this particular case, if it's not a dual vote that city can't opt out. So all of a sudden, their feelings are going to get tromped on--that's why you have municipalities. It's a collection of people with different ideas.

6:28:41 PM ~ Churuti: You can always have a more stringent requirement in the city. You can't opt out and not have it apply at all.

6:28:51 PM ~ Bryan: And it works the other way; that city may not want the more stringent requirement. City may want the lesser requirement. In that case, can they opt out, Susan.

6:29:00 PM ~ Churuti: No, it would be (both speaking).

6:29:03 PM ~ Bryan: It goes either way. I use that example you can think through there are many examples of this. I go back and say we have not exercised this capability. If it's a good idea that goes on ballot it's going to pass. It will pass the municipalities. If it's not a good idea, it probably won't. Why are we scared to give the municipalities the power to opt out of a vote. Like I said, I think if we pass this today, it's going to be a

pretty active time between now and election, and probably very dividing between the cities and the county. I hate for that to happen cause I'd like to think we were going in the right direction. I don't know for a fact that this is going to happen, but I heard public hearings were pretty clear that that would probably happen. Hope you consider that we leave things as they are today. Thank you.

6:30:08 PM ~ Bomstein: Sheriff Coats, go ahead.

6:30:10 PM ~ coats: I just think voter clarification, that's what we are talking about here is the ballot question. Why don't we just clean it up and come up with a proposal then just vote on it right on.

6:30:30 PM ~ Latvala: Susan is working on that as we speak.

6:30:37 PM ~ Bomstein: Hold on, we are doing language crafting here.

6:30:46 PM ~ Churuti: Okay, here is proposed language; it should be what you have in front of you. The new ballot title is amends not revises charter. That's the same to harmonize it with the other ballot questions. Amends charter to delete dual vote except when required by the Florida Constitution, that's the new ballot title. The new ballot question is, Shall section 6.04 of the charter be amended to delete the requirement of a dual vote in the charter for any amendment effecting a transfer of county, city or special district, service or regulatory authority which remains protected by the Florida Constitution.

6:31:27 PM ~ Bomstein: You are deleting the dual vote requirement--

6:31:31 PM ~ Churuti: In the charter--

6:31:35 PM ~ Bomstein: For any amendment effecting a transfer--

6:31:39 PM ~ Churuti: Of service or regulatory authority. Those are the 2 things still in the Florida Constitution so those remain protected. So transfers of services remain protected but the dual vote provision in the charter which relates to functions and powers-

6:31:58 PM ~ Latvala: But is it going to be understood is the question. I understand it but (Bomstein - I'm not sure I do.)

6:32:15 PM ~ Jirotko: I know with a lot of these issues we exhaustively discuss, spend a lot of time ... Is this a huge problem this dual vote? I come in here, we got legal problems, let's go this way then we're going to get sued. I don't know, so on and so forth. Is this whole concept a huge problem with the functioning of county government from 1998 until now; it's never been used.

6:32:49 PM ~ burns: I'm not sure what problem we are trying to solve. Think we are just creating one.

6:32:59 PM ~ Bomstein: Well it's only been in place six years.

6:33:04 PM ~ Jirotko: But nothing has happened.

6:33:07 PM ~ Bomstein: That's the point. It possibly hasn't been there long enough to test it to find out. Had during that six-year period of time the county attempted to do some kind of countywide environmental management program that they brought to voters then yes, it would have required a dual vote and we would have found out. Reality is that hasn't happened but it certainly seems to me that it could happen. There's the concern that this becomes cumbersome to do anything certainly from an environmental aspect countywide it would go to the voters otherwise. I don't know, I don't think it's been in place long enough to say that--if this had been like this for the last 30 years and hasn't been a problem, I ..., but to say it's not a problem cause it's been there for the last six

years and hasn't been in the way, I don't buy it. I don't think it's been there long enough to prove it's not in the way.

6:34:05 PM ~ Jirotka: Is it worth a fight, that's the question.

6:34:13 PM ~ Bomstein: Are you up for a good fight? (Jirotka - probably not.)

6:34:16 PM ~ parks: I do not remember whether we have had legislative action before 1998--this is the alternative to legislative delegation making recommendations to the whole legislature. Did we have occasions when that was used.

6:34:44 PM ~ Churuti: We have never had a dual vote in Pinellas.

6:34:47 PM ~ parks: I don't mean a dual vote--

6:34:51 PM ~ Churuti: The legislature actually when they adopted 80-590 Laws of Florida which was the original charter, a lot of those provisions would have required this dual vote if they had been in place like countywide EMS, countywide solid waste facilities, so a lot of those provisions that we kind of take for granted there hasn't been a dual vote issue. When we did impose the EMS Authority, when we created countywide EMS Department, we did have one city, the City of Indian Rocks Beach which did raise a dual vote issue and said it wasn't appropriately constituted. In that case, Sallie is right. Our argument was, and we had Alan Sunberg(?) who was just off the Supreme Court, former Supreme Court justice representing the county and our argument was the legislature itself specified how the election was to occur and it was not by dual vote. So there can always be a special act exception to the dual vote requirement because the language in the dual vote in the constitution says or as otherwise provided by law, so the legislature can always otherwise provide by law. So you are exactly right.

6:36:09 PM ~ Bryan: So there is an opportunity to not have a dual vote if legislature mandates it.

6:36:21 PM ~ Churuti: Correct.

6:36:24 PM ~ Kwall: Couldn't hear anything.

6:36:33 PM ~ Bomstein: Essentially Susan said a lot of things adopted in charter in 80-05 were actually grandfathered in would have been the kinds of things that would have required a dual vote had we tried to adopt them whether it's countywide solid waste management, EMS services, that sort of thing. Because it was already in place when the charter was adopted, we didn't actually have to have the countywide vote. If we did have to have it today under the present charter, those items would have required a dual vote.

Or special act--

6:37:13 PM ~ Bryan: Which allowed you to have a non-dual vote.

6:37:22 PM ~ Bomstein: Or the legislature by special act--

6:37:25 PM ~ Churuti: Plus a referendum.

6:37:30 PM ~ Bomstein: And one countywide vote referendum (Churuti - correct.)

Susan, I'm going to comment here and that is I think you've muddied the waters with your concern about the language to protect the cities, and I'm not comfortable that recrafting this on the spot flies. I'm reading this language and having trouble with it. I'm going to do it again. Shall Section 6.04 of the charter be amended to delete the requirement of the dual vote in the charter for any amendment effecting a transfer of city, county or special district service or regulatory authority. If I stop at that point, what you have done is deleted the requirement of the dual vote for any amendment effecting a transfer of authority. And then it goes on to say--

6:38:26 PM ~ Churuti: Let's just stick with the original language if there's any ambiguity about it. That's the problem - (several speaking)

6:38:33 PM ~ Bomstein: I know, we're trying to craft it on the fly and I'm not comfortable with it because I'm reading that and I'm getting a whole nother meaning out of it. What do you want to do, it's your motion.

6:38:46 PM ~ Latvala: Do we want to go to war?

6:38:54 PM ~ Jirotko: On this issue?

6:38:59 PM ~ Bomstein: Do you still want to do the additional ... language?

6:39:02 PM ~ Latvala: I'm not going to fall on my sword over that. Is there enough support to pass it as written?

6:39:09 PM ~ Bomstein: Make a motion and you'll find out.

6:39:14 PM ~ Churuti: I think we have a motion and a second on that.

6:39:15 PM ~ Bomstein: We have a motion and a second, but that motion included adding the protective language for the chairman which we sense there is a lack of comfort with.

6:39:17 PM ~ Latvala: I'll remove the language delegating authority to Alan.

6:39:25 PM ~ Bomstein: Is the second okay with that?

6:39:28 PM ~ parks: Yes.

6:39:30 PM ~ Bomstein: Okay, so now we have a motion to simply approve amendment no. 4 as originally submitted, not as amended by the county attorney previously or tonight.

6:39:41 PM ~ Churuti: With the understanding you would be delegated authority--

6:39:45 PM ~ Bomstein: No, I'm not delegated any authority on this other than what you might delegate at the end of the meeting for grammar.

6:39:50 PM ~ Davis: Once we take away all the things we ... we are down to the original amendment I presume. I am even inclined to vote against it now, not because I'm convinced that ... should not be put to the voters, I just think language is not good enough to present to voters. I think it's confusing and it appears we don't have time or the wherewithal to fix it. I have a concern that this language will be so confusing to the voters that it will defeat what we are trying to accomplish which is to raise the question to the voters. Let me add this observation. I find it troubling to some extent that folks are worried about whether or not the voters should have a right to vote this issue up or down. It's very interesting just sitting here for the last two years hearing a lot of the commentary. What that says to me is that we don't want voters to decide this issue, we don't even want it on the ballot question. That's a little bit troubling especially as I go back and research how we got this in first place. The voters never ruled on this. Voters didn't have anything to do with it. This, as I understand it, happened primarily through a previous CRC language that was amended by the legislative delegation. I don't want to point fingers but I suspect strongly lobbied by the cities.

6:41:45 PM ~ Bryan: Then it went to vote.

6:41:49 PM ~ Davis: Then it went to the voters? I must have missed that part. If it went to voters after the amendment by the legislative delegation, I'm still not convinced that one, we shouldn't put questions to voters because of a potential threat of a lawsuit. I'm not sure that should be the litmus test for any CRC, but in addition to that, I mean the voters may decide they want it exactly they way it is and vote it down and I don't know

that I have a problem--I'm just convinced that the way it written currently is so confusing-

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6:42:32 PM ~ Kwall: I for one am comfortable that by time it comes to a vote that every voter in the county will be sick and tired of (inaudible) made up their own mind ...

6:42:49 PM ~ burns: I have a grammar question, I'm rereading for the 20th time now the original wording. With the way it is laid out, are we retaining a single vote requirement for any amendment effecting a transfer of the county, city blah, blah. Is that a straight comma after requirement?

6:43:14 PM ~ Churuti: Correct. We are deleting the requirement of a dual vote for any amendment, and we are retaining a single vote requirement for any amendment so you have to have a comma there because it's both.

6:43:27 PM ~ burns: I'm not reading it that way (reads - can you retain the single vote requirement for any amendment that has to do with the transfer of services or regulatory--)

6:43:37 PM ~ Churuti: You are deleting the requirement for dual vote and you are retaining a single vote requirement for those amendments. So you read the full sentence; you are deleting requirement for dual vote a parenthetical says, and we are also retaining a single vote requirement.

6:43:49 PM ~ burns: And what are you retaining that single vote requirement for--

6:43:51 PM ~ Churuti: For any amendment.

6:43:54 PM ~ burns: Right (both speaking); comma is making dual skip over

6:44:02 PM ~ Bomstein: I'm going to agree with Karen. If you put retaining a single vote requirement inside parenthesis, you should be able to remove that phrase and read the sentence without it in which case you would be reading a sentence that is not (several speaking). Yeah, a parenthetical phrase like that needs to be able to be removed, that's (several speaking).

6:44:18 PM ~ Churuti: It can be removed.

6:44:23 PM ~ Bomstein: This doesn't make sense if you remove it (Churuti - yes it does.) (Reads - you delete the requirement of the dual vote for any amendment effecting the transfer of city, county or special district services or regulatory authority.) (Churuti - correct.) No you are retaining the single vote--

6:44:35 PM ~ Churuti: They are doing both, we are retaining the single vote, one countywide vote but we are eliminating the dual vote.

6:44:38 PM ~ burns: For which things are you retaining the single--

6:44:45 PM ~ Wilson: Why can't we put a period after word vote and perhaps use the word but retaining a single vote required for any amendment effecting etcetera.

6:45:00 PM ~ Churuti: We can.

6:45:02 PM ~ Wilson: We need to use for clarity a period, a series of commas (several speaking)

6:45:04 PM ~ Churuti: You can't have two questions. You can't have a period in the middle of a ballot question.

6:45:18 PM ~ Bomstein: Karen, I think Susan is right because if you take that phrase out, it still reads correctly. (Reads - you are deleting the requirement of the dual vote for amendment effecting transfer city, county, special district regulatory authority). You are deleting it for that.

6:45:39 PM ~ Wilson: For clarity why not insert word but so it is understood that we are retaining this vote requirement.

6:45:48 PM ~ Churuti: I'll count the number of words and we'll see if we can do that.

6:45:53 PM ~ Wilson: Limited to 75?

6:46:06 PM ~ Churuti: We can definitely add the word but before retaining.

6:46:10 PM ~ Wilson: Can we take out comma after requirement?

6:46:16 PM ~ Churuti: No we cannot do that.

6:46:22 PM ~ Bomstein: We can do the but.

6:46:36 PM ~ Wilson: I think that makes it somewhat emphatic and understandable.

6:46:42 PM ~ Bomstein: Before we take action on this, it's almost seven o'clock. Let's take a five or seven minute break and give the attorneys time to discuss this before we vote on it so we can get some better feedback. I'm not comfortable that we're all on the same page here.

6:47:23 PM ~ Pause

7:02:43 PM ~ Resume

7:02:57 PM ~ Bomstein: Reconvene. (Confirms that coats and Kwall still there)
You will have to pay attention cause we are unable to give you what we have physically in front of us, the entire legal department of county just convened and managed to come to some language that they think addresses what they heard spoken here during last half hour. I'm going to ask Susan to please read that with apologies to Lou and Sheriff.

7:04:34 PM ~ Churuti: The new ballot title is Amends charter to delete dual vote except when required by the Florida Constitution. The new ballot question reads, Shall Section 6.04 of the charter be amended to delete the requirement of the dual vote and retaining a single vote requirement for any charter amendment effecting a transfer of county, city, or special district service or regulatory authority so that the charter procedures will follow the provisions of the Florida Constitution that require a dual vote to effect a transfer of a county, city or special district function or power.

7:05:17 PM ~ Bomstein: If I read this correctly if a voter says what does this mean, I would be able to say that any changes that effect a city, county or special district service or regulatory authority would require a single vote but anything that effects the function or power would require a dual vote because that's what the constitution is giving protection over. So the first half of this question is basically saying we are going to delete the dual vote, you only need a single vote for service or regulatory authority and that the Florida Constitution will require the dual vote on functions or powers. That's in a nutshell what this says if you think that's understandable.

7:06:17 PM ~ Kwall: Susan I thought that case said if it was services that the (inaudible).

7:06:25 PM ~ Churuti: Correct. We are deleting the requirement of a dual vote in the charter for what the constitution requires--

7:06:42 PM ~ Kwall: Okay, I got you.

7:06:45 PM ~ Churuti: Cause it's in the constitution.

7:06:50 PM ~ Wilson: Susan, in the title you have used except when as opposed to when, the word as, except as required. When has a chronological feature to it.

7:07:07 PM ~ Churuti: How do you feel about that Mr. Chairman?

7:07:11 PM ~ Bomstein: I think as is a great word.

7:07:12 PM ~ Churuti: Okay. We will change it to read except as. Do you want to vote it up or down?

7:07:23 PM ~ Bomstein: I'm waiting to see what comes next.

7:07:25 PM ~ Davis: The last part that requires a dual vote for effecting transfer of a county, city or special district function or power. I know it was inserted to further clarify the distinction--

7:07:42 PM ~ Churuti: Because that is in the constitution. Those two are in the constitution, the previous ones are in the charter but they will be completely deleted, they will not be anywhere. Service or regulatory authority will remain in constitution; function or power won't be anywhere.

7:08:04 PM ~ Bomstein: Would it be the pleasure to vote on this amended language first, or do you want to just vote on whole thing? I'll let it go either way.

7:08:18 PM ~ Davis: I think we should vote on the whole thing.

7:08:24 PM ~ Bomstein: I don't think you have to vote on amended language if it's the prerogative to go ahead and vote on the question as now drafted.

7:08:33 PM ~ Churuti: Correct.

7:08:35 PM ~ Bomstein: What's the pleasure; someone care to make a motion?

7:08:42 PM ~ Bryan: Susan had a motion on floor.

7:08:48 PM ~ coats: I move that we vote on the charter revision and the ballot question amendment.

7:08:57 PM ~ Bomstein: Your motion is to adopt the amendment as modified presently?

7:09:08 PM ~ coats: Correct.

7:09:11 PM ~ Bomstein: No second; dies for lack of second. Someone else care to make a motion?

7:09:19 PM ~ Bryan: That's the end of it, isn't it?

7:09:23 PM ~ Bomstein: No, that was a motion that didn't pass. If someone wants to make a different motion--

7:09:34 PM ~ Bryan: What motion are you going to make now, to go back to original language? (Bomstein - if somebody wanted to vote just on the language, I don't care. If there's no more motions, then we move on.)

7:09:41 PM ~ Jirotko: I will move that we delete this amendment no. 4 from consideration. (Bryan - that's a negative motion and you can't make it.)

7:09:54 PM ~ Bomstein: It's a negative motion.

7:09:55 PM ~ Jirotko: All right, then you all are on your own.

7:10:01 PM ~ Kwall: Motion ... approve original language before we broke--

7:10:07 PM ~ Bomstein: That was withdrawn, correct Susan?

7:10:10 PM ~ Latvala: Yes.

7:10:14 PM ~ Bomstein: That was withdrawn by Susan and Sallie, sorry if you missed it. So right now we have no motion, no action. If I don't hear something soon, the gavel is going down and this auction stops.

7:10:21 PM ~ Kwall: I move we adopt original language. (Bomstein - we have a motion to adopt the original language as presented to us before 6:50 tonight, before the public hearings. Is there a second?)

7:10:39 PM ~ coats: Second. I liked the amended version better but--

7:10:48 PM ~ Bomstein: But you'll take that in lieu of nothing. We have a motion and second to accept original language and not this amended language. Discussion.

7:11:01 PM ~ Davis: This is really directed to motion maker. I must have missed something here. You may have to repeat- I'm trying to understand, Lou is making a motion... the purpose of that motion I thought that language was much more non-understandable than this revision. I'm just curious as to why we would want to move for a more difficult language to understand on the ballot.

7:11:36 PM ~ Bomstein: Lou do you want to respond? (Kwall - I couldn't hear what he said.)

7:11:43 PM ~ Bomstein: Rick asked the question he wanted to know what the rationale was for your motion which was to adopt language which he felt was more--

7:11:53 PM ~ Kwall: Here's my rationale. My impression is that this motion will get voted down and the amended language reconsidered; let's vote on the original, if you want to vote down, vote it down then we can reconsider the amendment ... county attorney presented.

7:12:18 PM ~ Bomstein: Motion by Lou Kwall, second by Sheriff Coats, further discussion?

7:12:27 PM ~ Wilson: His motion is on the original language?

7:12:30 PM ~ Bomstein: To adopt the original language. (Wilson - if that fails--) If that fails and another motion appears, fine. If no other motion appears, we move on.

7:12:41 PM ~ Wilson: I don't want to lose the concept. Having some trouble here but I like the concept. I had a question on this amended draft, whatever you want to call it.

7:13:01 PM ~ Bomstein: That's not the motion. I mean, I can't stop your question though actually, if it will help you understand whether you want to vote on this motion or not, go ahead and ask your question.

7:13:18 PM ~ Wilson: I wish we would have stayed on this suggested amended version for at least discussion purposes.

7:13:30 PM ~ Bomstein: There was no second to the motion. Further discussion? Have a motion and second to accept language as originally submitted to us for ballot question amendment no. 4. Take a roll call vote to accept the language as originally presented: burns, no; Bryan, no; Davis, no; Jirotko, no; Latvala, no; parks, no; Decker, no; Wilson, reluctantly no; Cole, no; Bomstein, no; Kwall, I'll vote no (inaudible - many speaking); coats, no.; Unanimous no vote including maker and seconder. So that motion was defeated; is there another motion?

7:15:02 PM ~ coats: I don't know if the hang up is because someone wants to have a motion or vote just on the amended ballot question. Or is everybody hung up on the whole issue?

7:15:17 PM ~ Kwall: I'll move to accept language presented after the break.

7:15:22 PM ~ coats: Second. (Bryan - we already did that.)

7:15:25 PM ~ Bomstein: No, we never had a motion to accept that, we had no second. (Churuti - now we do.) We have a motion and second. Let me just clarify. Is the motion and second just on amending language or to accept ballot question?

7:15:46 PM ~ Kwall: To accept the whole thing with the amending language.

7:15:50 PM ~ Bomstein: Okay. Is that correct for the seconder?

7:15:52 PM ~ coats: Yes, that's my original motion.

7:15:55 PM ~ Bomstein: So the motion before us is to accept ballot question as amended with language you have in front of you now that offers the additional supplementary language at the end. Further discussion?

7:16:18 PM ~ Wilson: Susan, the title is fine but I want you to clarify section 6.04 charter be amended to delete requirement of a dual vote and retaining a single vote requirement, you still have the comma in there (Churuti - correct) for any charter amendment effecting a transfer of county, city and special district service or regulatory authority (Churuti - correct) so that charter procedures will follow the provisions of the Florida Constitution. Do you put a comma there or--

7:17:00 PM ~ Churuti: Nothing.

7:17:02 PM ~ Wilson: that require a dual vote to effect a transfer.

7:17:16 PM ~ Churuti: Of a function or power, those things are the ones that are in the Florida Constitution.

7:17:20 PM ~ Wilson: Function or power, you don't want to put those words in there or (Churuti - they are there, they are at the end). Oh, okay, I'm sorry. So you are attempting to qualify that this will not effect what's in the constitution now and the people still have the authority or power to vote on that issue involving a function or power.

7:17:30 PM ~ Churuti: Correct. Exactly.

7:17:45 PM ~ Bomstein: Further discussion. All right let's take a vote. Cole, yes; Wilson, yes; Decker, yes; parks, no; Latvala, yes; Jirotko, no; Davis, yes; Bryan, no; burns, no; Kwall, yes; coats, yes; Bomstein, yes. We have 8 votes yes; amended language accepted, the question moves forward and that will be part of our final report.

7:18:51 PM ~ Bomstein: Next item is annexation.

7:18:55 PM ~ Churuti: Ask Mr. Bennett to come forward and speak into the speaker phone so that the Sheriff and Lou Kwall can hear the comments with regard to the amendments on annexation.

7:19:15 PM ~ Bomstein: This is proposed charter amendment no. 5 which is miscellaneous controls. Are there any recommended changes to this?

7:19:34 PM ~ Churuti: Yes.

7:19:36 PM ~ Bomstein: Jim Bennett is going to elaborate that?

7:19:37 PM ~ Bennett: Yes. Amendment no. 5 miscellaneous controls, details the ways in which cities are secure, necessary consent (inaudible). The proposed amendment would include notice to electors in the case where there is going to be a referendum so that in a referendum election both property owners and registered electors receive notice. In the case where there is no referendum, then the notice would go to the property owner. With that amendment that you have in front of you, that's the only change ...

7:20:23 PM ~ Wilson: Where are you going to insert that?

7:20:26 PM ~ Churuti: It's the underlined language in your packet.

7:20:31 PM ~ Bomstein: Top of page 2 of your amendment package.

7:20:34 PM ~ Bennett: Very top line, we have inserted, registered electors in the event of a referendum and all-- that's no. 5.

7:20:49 PM ~ parks: That was replacing that potential word wasn't it that was the problem?

7:20:55 PM ~ Bennett: No, essentially the intent all along, this goes back to the discussion original maker of the motion to accept originally wanted both electors and

property owners to receive notice and the language just never got in. Now we are giving notice to electors (inaudible)

7:21:20 PM ~ Bomstein: Questions of Mr. Bennett relative to this amended language? This is a relatively minor amendment to the language if you want to go ahead and just make a motion to approve the whole thing, that's fine. If you want to make a motion to approve the amendment to the original, I will take either one whichever your preference is. Anybody want to make a motion?

7:21:48 PM ~ Kwall: Move approval of amendment as modified.

7:21:56 PM ~ Davis: Second.

7:22:02 PM ~ Bomstein: Any discussion on amendment no. 5?

7:22:09 PM ~ Bryan: Would you be shocked if I didn't? Being wounded as I am, I still am going to continue with this. Again, this is a very unpopular referendum with the cities. I go back to our public hearings again although this time we had 10 people speak opposed, we had three people speak in favor of it at 3 public hearings. I didn't get into the count on all of the hearings we had prior to that, but just the 3 public hearings. I want to say 2 things, one is I don't know anywhere that you can have an election that it takes more than a majority, I'm talking about going to the polls election, where it takes more than a majority of citizens to win an initiative. We are doing that here; it's not one man, one vote here, you have to have, even 60 percent of the people can vote affirmative and lose the election. So I think there is some fundamental constitutional questions--

7:23:19 PM ~ Wilson: You got the wrong amendment John.

7:23:25 PM ~ Bryan: I'm talking in general on all amendments to annexation. Just a generality, I'm not going to do each one of them individually. Back to the fact that tell me somewhere in the system where you go to the polls and the majority doesn't win.

7:23:41 PM ~ Bomstein: For clarification purposes, that provision is not an election provision.

7:23:52 PM ~ Bryan: It's the same difference, they have to elect to come in.

7:23:54 PM ~ Bomstein: That is only in the non-referendum referendum where we are saying that two-thirds of the properties must either agree to be in or, I'm sorry, two-thirds of the properties have to have agreed to come in before you can take 33% more. It's not like the guys on the 33% side have a losing vote; there's no vote--

7:24:33 PM ~ Bryan: The guy on the 66% side could have a losing vote.

7:24:42 PM ~ Bomstein: No; it's a city trying to assemble land to be annexed and having the right to take land that has no say in the matter. Now if you want to get into the vote discussion, it's complete non-representation by those who are being taken in in the 33%. They get no vote at all.

7:25:04 PM ~ Bryan: But if 51% want to come--

7:25:10 PM ~ Bomstein: They can come.

7:25:14 PM ~ Bryan: No they can't.

7:25:16 PM ~ Bomstein: Yes they can.

7:25:21 PM ~ Bryan: No it takes 67% of them.

7:25:24 PM ~ Bomstein: No, it takes 67% to drag the other 33 in. (Bryan - that's semantics.) Am I correct (Churuti - you are correct.) If 51% voluntarily want to come in, if any one property voluntarily wants to come into a city they can. The fly in the ointment is if it's non-residential property, you can force other people in right now if they

are part of 49% of a fully described are. But that doesn't stop the other 51% nor any parcel from voluntarily coming in.

7:25:53 PM ~ Bryan: Why do you think legislature put the 51% number in there? Because this is statewide.

7:26:02 PM ~ Wilson: Because the Florida League of Cities is a very powerful special interest, end of discussion.

7:26:11 PM ~ Bryan: So that's where we will go next. We disagree on what we are saying here. You believe what you believe, I believe what I believe. One man, one vote period and that's not what's happening here. Shake your heads all day long, but the reality is that's not what happens. No. 2, and this is the biggest one with me, the bothersome part of this is that when people go to polls and vote for something they expect it to happen. That's not the case necessarily with these items cause these are going to ask the legislature, this is state law, to carve out Pinellas County as exception to state law. So many steps, if the voter go to the polls and say we want this to happen, the steps start with the legislature. There's many places in legislature where this could possibly not make it through. I can tell you what you just said, Roger, is right. The Florida League of Cities will probably fight it like crazy because if the legislature were to carve it out and make Pinellas an exception, it's a threat to every county and city in the state. I think you are going to see a major battle of legislature for that to happen. There's a real chance in the end that even though voters voted for this, it may not happen. It may not happen this time, you can go back the following year and try again and you can keep trying but the voter has a hard time understanding that when they go to the polls they think they are going to vote for something and if it doesn't happen. I can remember doing a vote years ago in this county to tax myself on IT traffic system in the county, well we just did it again. And that bothered me ever since I made that vote it never happened. My real concern here is if it doesn't happen, you have alienated a lot of voters that went to the polls thinking that this is going to be the end. And it doesn't anywhere ... ask the legislature to do this, but there is no guarantee that it is going to come out of the legislature and we're going to be carved out as an exception to the rule. I want you to think about that situation and the credibility we have with voters when we go in to ask them to do something not going to be the final result. It's going to have to go to legislature to make it happen and I think it will be a tough row to hoe when it gets to legislature. I won't get into any more annexation. Lumping it all together one group and you've heard from me.

7:28:51 PM ~ Wilson: Have to respond because the current law and to include as it was amended this last session, is tilted in favor of cities, John, that's just blatant. That's one of the big frustrations for the person that's involved with annexation. It's like they are an outsider and they have very little, in many cases zero, input on how it's going to be done or how it's going to effect them. That's very frustrating to go to bed Tuesday night thinking you are living in the county; you wake up Wednesday morning and guess what, a nearby city has said we are going to annex you. And like what, how does that happen?

7:29:31 PM ~ Bryan: I can understand that but you have Mr. Healey here to say how many successful annexations have we had Mr. Healey, a number like 700 or something, it was huge. How many problem ones have we had, just a handful we heard about. Most of them, 97 or 98% are successful annexations and we are going to make rules to adjust the few that aren't.

7:30:00 PM ~ Wilson: Suppose it depends on how you define successful--

7:30:05 PM ~ Bomstein: I would just comment John that I don't think rules we are making will affect the 98 percent. It doesn't have any effect. You would still have 98% successful, maybe you will have 99%. These rules really were adopted to try to protect abuses to the system as we saw them and that was testimony that we heard about abuses. So this is to address the abuses which is not part of this 95% successful annexation.

7:30:38 PM ~ Latvala: Mr. Bryan seems to have selective memory. If you remember in 2000, and it was overwhelmingly supported by the cities, a referendum was on the ballot that put annexation under the control of us. That's why we have 98% successful annexations. It's done by the will of the people who want to be annexed and we are not stuck with the laws that are in Tallahassee. Tallahassee supported that because we are an anomaly, Pinellas is built out. We have things going on here that other counties don't. In most counties they are annexing huge parcels of undeveloped land to develop it. Very different scenario than what goes on here. We have a few cities who don't play fair. They annex citizens against their will. As the representative of those people, it's not a very good feeling when they come before us and we have no ability to help them. Think about how you would feel if your personal property rights were be taken away by someone else. If you want to annex and the county commission has always supported this, if you want to annex from an unincorporated area into a city, God bless you, go do it but don't drag people along who don't want to go. That's not fair, it's not American, it's unconstitutional and all this does is put a few more protections in place for those who do not want to be annexed. If somebody wants to go, we have always supported it. That's why there are so many successful ones. But you all heard the stories and testimony from people unwillingly annexed; that's who we are trying to protect and I believe that they deserve to have some form of protection. When they are ready, willing and able to annex let them go and they will.

7:32:25 PM ~ Cole: I absolutely agree with Commr. Latvala in regard to dragging people in, but that being said, I am going to vote against this particular amendment just on a process issue and that's although I feel like the individual property owner should definitely be protected, I don't feel the cities and their resources should be wasted in the process. I brought this up during our discussion, I just am uncomfortable with the ... second public hearing. I just think that that provides such an opportunity for waste and my goal sitting here for the past 18 months has been to identify ways to make all our governments more efficient. Not at all against ... standpoint.

7:33:32 PM ~ Bomstein: We had discussed that before and it is a legitimate concern. The revocability issue is one that has merit.

7:33:43 PM ~ parks: Where was the period of seven years for annexation, was that number from anywhere--

7:33:56 PM ~ Bomstein: A compromise this board was comfortable with. There was discussion of 10, 5, 3 years; 7 years was the one that came out that was most acceptable to the most people. There was no magic about it.

7:34:16 PM ~ Bomstein: So this particular amendment deals with issue of revocability, deals with the timeframe for notice, deals with the 7 year hiatus; and the certified mail, the further notice. That's the essence of amendment number 5.

7:34:41 PM ~ parks: One more question re 7 years. So it does not imply that a person who chose to become annexed to a city could not do that.

7:34:52 PM ~ Bomstein: Voluntary annexation is not affected by this. We had a lot of testimony, you weren't here for that but from people who said how many times do we have to say no. We've been to polls 4 times in last 12 years.

7:35:10 PM ~ Bryan: Those are voluntary annexations Alan. Going to the polls, they are voluntary annexations. If a community goes to polls and votes to be in or out, that's what you were just talking about, right.

7:35:28 PM ~ Bomstein: They would voluntarily vote and majority rules.

7:35:36 PM ~ Bryan: Then that's not voluntary annexation and you have been talking about involuntary. (Bomstein - you talked about involuntary because you brought up the 67% thing (several speaking).

7:35:43 PM ~ Bryan: People that don't want to go would be forced to go.

7:35:50 PM ~ Latvala: That's a process put in place by legislature.

7:35:55 PM ~ Bryan: As is everything we are talking about.

7:35:56 PM ~ Bomstein: If there is a vote it is still 51% majority rules vote for annexation if it is proposed for a neighborhood to come into a city and 51% will carry the day. That is the democratic process that will win that election. That's not being affected by this.

7:36:19 PM ~ Bryan: They are going to have to wait 7 years to do it again.

7:36:23 PM ~ Churuti: Correct, with the same boundaries.

7:36:25 PM ~ Bennett: With non-consenting property owners. They could still establish a new set of boundaries that brought in people who were ...

7:36:33 PM ~ Churuti: They just can't make you vote again.

7:36:36 PM ~ Bomstein: The people who said no are granted relief for 7 years from having to say no again, from having to be asked again.

7:36:43 PM ~ Bryan: That's a voluntary annexation, not involuntary.

7:36:57 PM ~ Decker: Since Mr. Bryan commented on the local annexation issues I'd like to do likewise at least as it relates to 5 and 7. I really like Mr. Hamilton's letter of March 15 representing the Pinellas Planning Council and the proposed changes that I think are debated on April 24, unfortunately I was not here for that. I'm not suggesting that we go back to that and implement those suggested changes, some of which the CRC adopted, but not all of them. I intend to vote no for the one before us and 7. Incentives I don't have a problem with. But that's the reason--I like the process outlined by Messrs. Hamilton and Healey in the dialogue if you will that they presented on March 15. I don't think we are quite there and it seems to be working except for that one in Largo, fairly well. And I'm shocked by that, I was that night, still am. I hope they get some relief somewhere in the court system. That's where I'm going with this vote at least to the 5 and 7 report.

7:38:15 PM ~ Bomstein: Further discussion? Motion by our telephone friends? (Churuti - Yes. Lou Kwall approved the amendment as modified and Mr. Decker seconded it.)

7:38:24 PM ~ Bomstein: So this is for proposed charter amendment no 5 which we were just talking about which is the revocability clause, the calendaring, the 7 years and the certified mail notice. We have motion and second to adopt it in its amended language form. I will call the question. Cole, no; Wilson, yes; Decker, no; parks, yes; Latvala, yes; Jirotko, yes; Davis, yes; Bryan, no; burns, yes; coats, yes; Kwall, yes; Bomstein, yes.

The motion passes with 9 yes votes so amendment 5 is adopted and will go forth in our final report and onto the ballot.

7:39:41 PM ~ Bomstein: Amendment six is next; there are no recommended changes. Who is going to address this?

7:39:50 PM ~ Bennett: Amendment 6 involves incentives and limits expenditure of public funds to incentivize annexations to ... expenditures that serve a paramount public purpose. There are no amendments.

7:40:05 PM ~ Churuti: Do you want to address Mr. Denhardt's letter?

7:40:08 PM ~ Bennett: Yes we did receive a letter saying there was not a problem with these incentives involving voluntary annexations. I reviewed all the information we have and there are problems with incentives both with voluntary and involuntary, it goes across the board.

7:40:25 PM ~ Bomstein: Did everybody on commission get this letter, Jim Denhardt letter, City Attorney from Pinellas Park. He was basically saying that this shouldn't apply to voluntary annexations. But that was not what board discussed. The board discussed that the material incentives would apply in any situation if they are not serving a paramount public purpose.

7:40:56 PM ~ Decker: Mr. Bennett, is there a problem with what Mr. Denhardt outlined in terms of tax incentives or that kind of thing which is a typical transactional negotiated deal when somebody comes into the city?

7:41:15 PM ~ Bennett: Those kinds of things generally can be tailored ... serve a paramount public purpose. The concern is with those cash contributions or in kind services that really only serve property owner, or by a huge amount serve the ...

7:41:36 PM ~ Davis: So that would include what Mr. Denhardt described in his letter reduction in or waiver of some fees that might otherwise be ... other than taxes.

7:41:49 PM ~ Bennett: I can't give you answer to waiver of fees, it depends on the degree, ... and circumstances. There may be circumstances where those kinds of waivers could serve the public purpose, but it's not going to happen in all cases.

7:42:08 PM ~ Bomstein: Motion?

7:42:11 PM ~ parks: Move approval.

7:42:14 PM ~ Latvala: Second.

7:42:16 PM ~ Bomstein: Further discussion on amendment 6. None, we'll call the questions. Burns, yes; Bryan, no; Davis, yes; Jirotko, yes; Latvala, yes; parks, yes; Decker, yes; Wilson, yes; Cole, yes; Kwall, yes; coats, yes; Bomstein, yes. Motion passes with 11 yes votes and that will go forth in our final report and onto the ballot to the voters.

7:42:58 PM ~ Bomstein: Next item is amendment no. 7.

7:43:09 PM ~ Bennett: This amendment no. 7 deals with what has been referred to as non-referendum referendum. This is where our electors ... Generally they involve commercial industrial properties but not exclusively ... other than commercial ... properties. This provision provides that there's a requirement for a non-consenting property owner to be annexed for the 50 percent of the perimeter will be city as a result of successful annexation. Prevents the ... to reach out and grab remote properties ... essentially 50% of the boundary needs to be surrounded either by people who are already in the city or those individuals who consent to the annexation. Further requirement

already discussed here is that 67% approval is required in order to bring in a non-consenting property.

7:44:31 PM ~ Bomstein: I just want to elaborate cause John, I know you have a problem with this one. What this is saying is that right now for commercial property voluntarily wants to annex into a city, the city has the right to grab neighboring properties whether they want to or not, and drag them along with it. Right now, the size of that neighboring property can be up to 49% of the size of agreeing property. Now they all have to be commercial properties, non-residential properties. This amendment would change that to say that the grab of unwilling neighboring properties can only be 33% of the whole, not 49% of the whole. It's not an election; it doesn't preclude the ones who want to come in from still coming in. It just reducing the size of the grab that can be made around the consenting properties in a commercial environment. Hope that's clear to everyone? I've tried to present this before groups have asked me to talk about the amendments and it's a hard one to grab cause most people have difficulty with the idea it can even happen at all. But it can and it's real. This is in direct response to the Evatone situation in Largo that appeared before us.

7:45:58 PM ~ Bennett: Additionally involving the Evatone I would add that this provision also eliminates consenting special districts and municipalities or county properties from going toward that ... They can still come in, just doesn't go toward ... can't grab a large public piece of property and ...

7:46:21 PM ~ Bomstein: Everybody understand? I know you have a problem John--

7:46:27 PM ~ Bryan: ... What happens in here, I think before it ever becomes law going to be a long shot through the legislature so I hate for it to happen here, it will go through that process but I would argue that it probably will not make it.

7:46:47 PM ~ Bomstein: I accept that comment.

7:46:49 PM ~ Latvala: Legislative delegation members I have talked to are very supportive of it.

7:46:58 PM ~ Bomstein: We will find out in the next legislative session. Sheriff, Lou still there? (Kwall out) (Spitzer - he can call back, we can't call him.) Okay so right now we have 11 members, we still need 8. Any further discussion? Is there a motion?

7:47:22 PM ~ Latvala: Move approval.

7:47:24 PM ~ Wilson: Second.

7:47:29 PM ~ Bomstein: Further discussion? Let's vote. Burns, yes; Bryan, no; Davis, yes; Jirotko, yes; Latvala, yes; parks, yes; Decker, no; Wilson, yes; Cole, yes; Bomstein, yes; coats, yes. Passes 9 - 2. It will go forward as part of the final report and to the voters for approval or not.

7:48:21 PM ~ Bomstein: Last item of action is the recommended special act.

7:48:29 PM ~ Churuti: You may remember that I advised you that the right to appeal your charter - (Kwall back). Hey Lou. The last one passed 9 to 2.

7:48:40 PM ~ Bomstein: The last one which was amendment 7 dealing with the-- (Kwall - that passed?) passed 9 to 2. (Churuti - he can vote on it) Do you want your vote on the record on that? (Kwall - please) And your vote would have been (Kwall - yes); So it's a 10-2 vote on that.

7:49:03 PM ~ Churuti: This is a recommended special act calling for repeal of charter. You may remember that if you are not originally granted the right at the creation of the charter, the authority, to repeal charter--. If you weren't given the right to repeal

the charter to retain power of the legislature, this will give it back to you. I have to say I shared your concerns that it was going to be hard to understand, people were going to be saying why do you want to repeal the charter. We don't want to repeal the charter. We want future CRCs to have ability to repeal charter if they ask to do it, we would like to be able to say yes, that's an option for you. This will allow that to happen. The good news is that some of you may have read that the St. Petersburg Chamber of Commerce actually read this provision and apparently understood it and endorsed it. It made me feel a little better that maybe we are too dour in our predictions here that people wouldn't understand the power to repeal, not to repeal it, the authority to repeal.

7:50:07 PM ~ Latvala: Move approval.

7:50:11 PM ~ Bomstein: To paraphrase, we simply do not have the authority to repeal the charter now. If the legislature passes this, we will have the authority, some future CRC would have authority to repeal the charter if they deemed it necessary.

Latvala made motion to approve.

7:50:27 PM ~ Decker: Second.

7:50:31 PM ~ Bomstein: Any further discussion? Take roll call vote. Cole, yes; Wilson, yes; Decker, yes; parks, yes; Latvala, yes; Jirotko, yes; Davis, yes; Bryan, yes; burns, yes; coats, yes; Kwall, yes; Bomstein, yes. We have a unanimous vote and that one is approved.

7:51:05 PM ~ Bomstein: That concludes the actions needed for the ballot questions to go forth. We have some other items on agenda to clean up. Item 4 is review, discussion and approval of the final report. Kurt. (Spitzer - discussion of final report.)

7:51:30 PM ~ spitzer: You have a skeleton draft of a final report in front of you. (Bomstein - I have wrong agenda, okay, never mind. Item 4 says discussion of final report.) This is just for discussion. It was difficult to write the final report not knowing what your final actions would have been. The report and the amendments are due to BCC not later than July 1. There is a draft, an outline of the final report. Now that you have taken the votes, I will fill in the blanks and I can get this out to you for comment early next week and incorporate your suggestions and pass it on to the BCC.

7:52:27 PM ~ Bomstein: We don't ever as a group need to get together to approve this do we?

7:52:33 PM ~ Churuti: Yes. You can do it tonight and it does need to be approved. Basically it's essentially just reporting on what you have done. I think the reporting requirement, we have wonderful verbatim transcripts prepared by the Clerk of the Circuit Court. They have been very helpful. I don't think we are going to run astray with the votes that have occurred. I think that you can take the draft you have and approve it tonight; delegate the authority to Chairman to make sure all blanks are filled in, but substantively no changes will be made. That also relates to ballot question language that I talked to you about before. We will be conforming those to the Florida Administrative Code provisions but we don't anticipate making any substantive changes, and you now have adopted and instructed us on the language of the dual vote requirement.

7:53:23 PM ~ Bryan: So moved.

7:53:27 PM ~ parks: Second.

7:53:31 PM ~ Bomstein: Have a motion and second to adopt the final report and to delegate authority to the Chair to fill in the blanks if necessary.

7:53:51 PM ~ Churuti: To review and approve. Do you want an opportunity to see another draft (many yes).

7:53:59 PM ~ spitzer: I'll send it out.

7:54:01 PM ~ Bomstein: Before any final approval is made, I'll make absolutely certain that everybody has a copy and can comment back to Kurt if you are unhappy with any language and trust that Kurt will incorporate or tell you why not. This is really intended to regurgitate everything that occurred and not to opine on what occurred. Am I correct? (Churuti - correct.)

7:54:18 PM ~ Jirotko: This has to be done next week right.

7:54:23 PM ~ Bomstein: By July 1. So there's no opining here, this is just the record of what happened.

7:54:31 PM ~ Decker: Earlier we had some discussion concerning the intent of this body to recommend to the BCC about the city composition or something--

7:54:45 PM ~ spitzer: I have noted note--

7:54:49 PM ~ Decker: I would like that included in that if that's the will of the group. I would suggest that it should be.

7:54:51 PM ~ Bomstein: Is everybody comfortable with that? (Bryan - Move approval to accept that addition).

7:54:55 PM ~ parks: Second. (Bomstein - that is recommending to the BCC that they appropriately go through the appointment process and that the appropriate representation be made.)

7:55:28 PM ~ Wilson: On whatever section would be appropriate here, when we list amendments we did adopt I'd like to see a numeric value for the votes put by it also (Bomstein - in the final report?) Yes.

7:55:48 PM ~ Bomstein: That's fine. Do we need a motion to give me any further authority to approve scrivener's errors, grammar, technical or anything like that?

7:56:01 PM ~ Churuti: It is typical that we do at the end of CRC give Chair authority to correct any scrivener's errors or other problems that we may find with the ballot language which will be included in the report.

7:56:16 PM ~ Latvala: Should probably include expenditures to close out the--

7:56:22 PM ~ Bomstein: That's an interesting point, I don't know when we are out of business, we have to talk about that next. That would also grant me the authority to approve bills related to our activities. Motion?

7:56:36 PM ~ Cole: So moved.

7:56:39 PM ~ Decker: Second.

7:56:41 PM ~ Bomstein: Further discussion? All in favor - all. Opposed? Motion carries.

7:56:46 PM ~ Bomstein: Let's talk about how we wrap up. We have public education to deal with and I don't know that that's our responsibility. (Davis - I think it is.) We can adjourn, ... today and be out of business or we can simply adjourn this meeting until further notice, may or may not have to meet again. (Several - do the latter.)

7:57:24 PM ~ Churuti: And probably you want to go ahead and close them out as of date of election just so there won't be any perpetuity.

7:57:31 PM ~ spitzer: So you would not have to meet again.

7:57:36 PM ~ Bomstein: We would move to what, tell me how to say that.

7:57:39 PM ~ Churuti: You would move to adjourn subject to the call of the Chairman until you adjourn ... on the date of election which is first Tuesday of November. Between then if Chairman feels he needs to convene you, say some kind of controversy arises or there is some question about--so you are going to be adjourned officially November 7 unless he calls you is what the effect of that motion is.

7:58:15 PM ~ Davis: So moved.

7:58:19 PM ~ parks: Second.

7:58:21 PM ~ Bomstein: We are adjourning tonight, we will ... on election day November 7 and between now and then we plan nothing unless I need to call you back together. All in favor - all; opposed? What if anything do we need to do about public education and do we have policy. Is Roger Wilson authorized to go out and speak to Chambers of Commerce and stuff like that? Do we have any constraints?

7:58:59 PM ~ Churuti: Breaking news - actually when you reconstituted yourselves you have to serve through December 1, 2006. So you are to adjourn ... effective 12/1/06, but you are adjourning today under the understanding that you will not be called back unless the Chairman needs you.

7:59:19 PM ~ Bomstein: Is everybody okay with that language amendment to the last vote? (Yes:) By consensus that is approved. Kurt you want to talk about public education--

7:59:32 PM ~ spitzer: At the last effort in 2004, the county staff coordinated the public education effort. You can certainly do that in terms of any organized media effort. I see Elithia standing up. (Kwall - I'm about to lose you (inaudible)).

7:59:56 PM ~ Stanfield: You will recall those of you with the group the last time when you decided to do the public education, you committed to going out to speaking engagements etcetera. With all due respect, a lot of that did not happen. The county staff did a lot of that and it was awkward in some circumstances that we were advocating for issues that were the results of an independent body in which the board had not taken any position. I would like for you to consider that in your deliberations on public education.

8:01:03 PM ~ spitzer: That's true. What I was speaking of there was an informational spot produced by the county, but you are right on the point of the members of the CRC making public appearances.

8:01:14 PM ~ Davis: I think some of us did (inaudible).

8:01:21 PM ~ Bryan out

8:01:22 PM ~ Bomstein: I would hope and expect that each of you will do your appropriate civic duty and represent this commission as needed. If Elithia calls to try and be responsive. I'm probably in the worst position of saying no, but I didn't really sign up for an extended tour of duty here either.

8:01:48 PM ~ Bryan back

8:01:50 PM ~ Bomstein: We need to deal with this appropriately.

8:01:55 PM ~ Bryan: I'll volunteer to chair a public education (laughter).

8:02:02 PM ~ Bomstein: So you are on notice. Is there anything else? I'm going to just proffer some parting words. I learned a lot in last 18 months want to thank Kurt Spitzer for outstanding job. There's no way that any one of us as lay people could lead this without the guidance and all the work that was done by Kurt. I know he gets paid but sometimes it all works and you get the right response. I had more conversation with Kurt than any of you. We talked, we met in preparation for meetings, talked in between

meetings about what has to be done. Just a lot of logistics; he went over and above call of duty in getting it done. Want to thank you publicly for great job. Want to thank each of you for diligence and attendance, thoughtfulness and your passion because it comes thru consistently while we have met and I respect that enormously. Even when I personally took positions on things I have a lot of respect for the comments that were made because one of the things I've believed from the beginning is that almost none of us had a dog in the hunt anywhere, I really didn't and I think each of you served here trying to make Pinellas County a better community just out of the altruistic attitude of we are all part of the county and if we can make county more efficient, economical and better we are here to do that. I think I speak on behalf of all of us when I say that nobody had anything personal at stake in any position that they took on any of the issues we debated. Thank you for patience with me; I know there were times when I was outspoken and probably times when I was heavy handed with either the public or you in meetings and I hope that they weren't many and I hope that I controlled myself as best I could. There are no parting gifts that we have to offer you nor is there a home version of this game. I hope we don't have to get together again and that we will officially be out of business on November 6. Assuming that, I hope we all have opportunity to see each other and continue to be friends. I have made new friends here, hope to continue relationships in future. Extend thanks to each of you.

8:05:29 PM ~ Wilson: Curious, Susan technically per your staff, we are still in existence until the end of the year (Churuti - December 1). Does that mean that even though we are adjourning now, do we still fall under the Sunshine Law and we cannot discuss--

8:05:52 PM ~ Churuti: You do. (Several speaking) If he calls you back you might, you are subject to recall. (Several speaking)

8:06:04 PM ~ Wilson: Susan, I raise the question as part of this educational effort that will take place. If maybe 2, 3 of us got together to talk about something--

8:06:15 PM ~ Churuti: It's not considered a Sunshine Law violation, there's a public forum exception to Sunshine Law where if you are presenting something to the public for example candidates on opposite sides, two county commissioners, can show up at a public forum to educate the public and it's not considered--but you shouldn't have dialogue back and forth, would you support this, yes I'll support it if you will support that, that kind of give and take between you should not occur. But if you are both there to present for educational purposes, that's okay.

8:06:47 PM ~ Davis: Mr. Chair, thanks for wonderful job you did it because it made mine fun (laughter). (Bomstein - thank you, I accept that in the vein it was proffered.)

8:07:04 PM ~ Latvala: On behalf of BCC and our nearly one million citizens we thank you. I know how grueling this has been cause I was sitting here with you. You really worked hard to benefit citizens and we appreciate that. It's not a pretty thing to watch this be made, but I think we've done something good and it will improve the quality of life ...

8:07:32 PM ~ Burns: I joined late and I wanted to thank everyone for support they gave me. Wanted to thank Roy because he was very gracious in welcoming me and I was out of the country when he passed away so I wanted to acknowledge his role,

8:07:53 PM ~ Bomstein: Thank you. Adjourned.

8:08:22 PM ~ Stop Recording