

Clearwater, Florida, June 20, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Katie Cole
George Jirotko
Louis Kwall
Roger Wilson

Late Arrival:

Susan Latvala, County Commissioner

Absent:

Robert C. Decker
Roy Harrell

Also Present:

Susan H. Churuti, County Attorney
Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
Elithia V. Stanfield, Assistant County Administrator
Brian K. Smith, Planning Director
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Commission
Deborah Kynes, Chairman, Pinellas Suncoast Transit Authority (PSTA)
Board of Directors
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Chief Dan Graves, City of Seminole
Caroline J. Jones, Deputy Clerk
Other interested individuals

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AGENDA

1. Welcome
2. Approval of Minutes
3. MGT Progress Report
4. Supervisor of Elections
5. Overview of CRC Status and Issues
 - Recommendations Pending
 - Other Subjects for Consideration
 - Future Calendar
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, referring to Item No. 4, indicated that Supervisor of Elections Deborah Clark is unable to attend the meeting; and that the item would be deferred to the July 18 CRC meeting.

MINUTES OF MEETING OF MAY 23, 2005 – APPROVED

Upon presentation of the minutes, Councilmember Bryan moved, seconded by Ms. Burns and carried, that the minutes of the May 23, 2005 meeting be approved.

MGT OF AMERICA PROGRESS REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, presented the second progress report with regard to the Fire/EMS Services review and the Building/Zoning/Code Enforcement update, which has been filed and made a part of the record. Mr. Humphrey indicated that information would be forthcoming from the fire administration Computer-Aided Dispatch (CAD) System that will be shared with the fire chiefs in an effort to identify issues that may not be evident from the existing information. He indicated that the Fire Chief's Association had been asked to review a

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draft questionnaire which MGT had intended to distribute to each fire department/district soliciting information with regard to issues the fire chiefs would like addressed in the study; that subsequently Chief Angle, on behalf of the Fire Chief's Association, had submitted an e-mail to MGT expressing reservations concerning the questionnaire, advising of the Association's intent to withdraw from the process, and also suggesting that each individual fire chief be asked to speak for their respective department. Mr. Humphrey stated MGT's intent is to go forward with a revised questionnaire which would specifically focus on the five areas outlined in the scope of the study; and indicated that information would be gathered from individual fire chiefs throughout the county; whereupon, he sought consensus from the members.

Mr. Spitzer noted that after receiving a copy of the fire chief's e-mail, he had spoken with Chief Angle who had expressed concerns with the amount of time involved working on the survey and with the methodology of the report.

In response to queries by the members, Mr. Humphrey advised that the questions contained in the survey are specific and relate to operational aspects; that upon completion of the study, a four-chapter report containing precise recommendations will be provided to the CRC; and that delivery of service benchmarks had not been included in the proposal but could be addressed at the time the study is completed.

Commissioner Latvala expressed unease with the study addressing efficiency issues rather than decisions pertaining to governance; whereupon, discussion ensued with regard to the relevance of service and operational recommendations.

Responding to Councilmember Bryan's suggestion that in lieu of a joint meeting with the Legislative Delegation, the CRC compose a document to be submitted to each of the legislators posing specific questions pertaining to its relinquishing authority on certain local issues. Senator Sebesta expressed support of the study and asserted that he would seek consensus from his fellow legislators with regard to its conclusions but opined that any survey of the delegation at this time would prove premature; and in response to an additional query by Councilmember Bryan, indicated that right now his support pertains only to the fire district issue.

In response to queries by Ms. Cole, Mr. Humphrey indicated that the reluctance of the fire chiefs may be related to expectations of an accreditation study; and that not all of the areas that the fire chiefs sought are included in the study scope, although the county administrator's office has agreed to address those issues.

Responding to query by Chairman Bomstein with regard to the County Administrator's role in addressing issues not included in the study, Mr. Spratt indicated that reports will

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be presented to the CRC on a regular basis; whereupon, Ms. Lancaster expressed concern with the fire communities acceptance of the data generated by county staff.

In response to the Chairman's call for individuals wishing to be heard, City of Seminole Fire Chief Graves noted inconsistencies with the questionnaire and expressed agreement with Chief Angle's recommendation to delegate responses to the individual fire chiefs.

Responding to query by Ms. Cole, Mr. Humphrey indicated that the information furnished by the County will be an appendix to the report; whereupon, Ms. Burns expressed concern that the fire chiefs may perceive the report as lacking and question its validity.

SUPERVISOR OF ELECTIONS – DEFERRED TO JULY 18

OVERVIEW OF CRC STATUS AND ISSUES

Recommendations Pending

Mr. Spitzer presented a summary of the considerations discussed with regard to special districts, boards, and authorities, a copy of which has been filed and made a part of the record, wherein he reported that out of the six districts studied, the Mosquito Control Board and the Water and Navigation Control Authority are dependent districts; and that the CRC has the option of amending the Charter to bring these functions under the Charter itself which would eliminate the need for future amendments to the special act.

Referring to annexation, Mr. Spitzer noted that Pinellas County has one of the few Charters in Florida that contains policy on voluntary annexation wherein the BCC is delegated the power to regulate voluntary annexation; whereupon, he reviewed the options available, which have been filed and made a part of the record:

- Affirm the current policy with regard to voluntary annexations.
- Revise current voluntary annexation policy by adding specificity such as definitions or criteria.
- Referendum Annexation – recommend revisions to state law that would allow an optional process that could be adopted by the voters that would afford the voters the decision as to the extent and manner in which policy concerning referendum annexation could be set locally.

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Noting the CRC's 2004 recommendation to change the size and composition of the Pinellas Suncoast Transit Authority (PSTA) Board of Directors, Mr. Spitzer reiterated that the proposal had been to add three new members from the BCC and one additional member from the St. Petersburg City Council.

Responding to query by Mr. Davis, Mr. Spitzer indicated that some of the special districts and boards are deemed to be independent and others established by state law and in response to query by Councilmember Bryan, Attorney Churuti advised that the Mosquito Control Board and the Water and Navigation Control Authority are considered defacto county departments and are funded by the general fund, but that any changes to the boards would necessitate legislative support.

Following discussion, Ms. Burns moved, seconded by Mr. Davis and carried, that the Mosquito Control Board be reclassified from a special district to a power of the county; whereupon, Ms. Burns moved, seconded by Mr. Kwall and carried, that the Water and Navigation Control Authority be reclassified from a special district to a power of the county.

Discussion ensued with regard to the ten-mill cap and dependent and independent districts; whereupon, Attorney Churuti advised that two special districts have been abolished and several misnamed; and proposed that the Commission address those issues.

In response to comments by the Chairman, Attorney Churuti provided information with regard to litigation pertaining to a Florida county that had been sued by one of its municipalities over its charter authority; whereupon, responding to additional comments by the members, Administrator Spratt indicated that the charter has been amended to allow the County to manage provisions of voluntary annexation; that his suggestion for amending the charter with regard to annexation would be to address involuntary annexations and the County's authority to exempt portions of its unincorporated areas from annexation; whereupon, he submitted a draft proposal titled *Annexation Proposals to CRC*, a copy of which has been filed and made a part of the record. Mr. Wilson requested that the County Attorney's office review and respond to the proposals set forth by the County Administrator.

During discussion, Senator Sebesta advised that State Senator Dennis Jones has requested an opinion from the Office of Program Policy Analysis and Government Accountability (OPPAGA) concerning the PSTA governance structure; and that he recommends waiting until the findings of that study have been received before proceeding with the matter.

Attorney Churuti advised that Administrator Spratt has contemplated an alternative approach to the PSTA matter by the implementation of a new special district, which in

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theory would report to the CRC rather than the Legislative Delegation and an amendment would not require a special act. During discussion, Senator Sebesta proposed to draft a constitutional amendment that would eliminate oversight of local issues by the legislature to be placed on the 2006 ballot; whereupon, PSTA Board of Directors' Chairman Deborah Kynes expressed concern with the OPPAGA study's impact on processing proposed legislation.

Following additional discussion, Councilmember Bryan moved to proceed with the amendment to the construction of the PSTA Board of Directors to add three members from the BCC and one member from the St. Petersburg City Council, seconded by Commissioner Latvala; whereupon, at the request of Senator Sebesta, Commissioner Latvala withdrew her second and the Senator seconded the motion. Upon call for the vote, the motion carried unanimously.

Other Subjects for Consideration

Mr. Spitzer referred to his memorandum dated June 17, 2005 titled *Other Policy Options for Consideration*, a copy of which has been filed and made a part of the record, and indicated that the topics contained in the memorandum have been discussed at previous meetings; and requested input from the members. He pointed out that the No. 4 Amendment titled *Ability of the Administrator to Terminate Unclassified Employees* had not passed in 2004, and noted that it may have failed due to improper wording; whereupon, Commissioner Latvala concurred. Discussion ensued with regard to the Chairman's request for input as to whether the members wished to readdress Amendment No. 4 wherein Chief Assistant County Administrator D. Gay Lancaster noted that during her tenure as Interim County Administrator she had experienced extreme difficulty with the issue; and stated that although the BCC has delegated the authority to terminate or discipline exempt staff to the Administrator, the fact that the charter does not clearly reflect that authority can, at times, make it very complex for the Administrator to carry out his duties.

In response to Mr. Wilson's request that the County Attorney rewrite the amendment for the Commission's consideration, Messrs. Davis and Kwall indicated reluctance to place the amendment on the ballot since the voters had rejected it once before; whereupon, Chairman Bomstein reiterated that the County Attorney would draft new wording and along with the original amendment bring it back to the Commission for discussion and consideration at its next meeting.

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Constitutional Officers/Citizen Initiative

Mr. Spitzer noted the options set forth in his memorandum and asked for the members input; whereupon, Mr. Jirotko asked if a charter provision exists that mandates a minimum voter turn out and a certain percentage of the vote in order for a ballot issue to pass, to which Mr. Spitzer answered in the negative.

Ms. Burns expressed interest in citizens having the ability to adopt an ordinance by petition; whereupon, discussion ensued with regard to the pros and cons of such a rule wherein Mr. Spitzer noted that several charters contain the provision, and that he would prepare a summary of the process and bring it back to the Commission.

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At this time, 6:40 P.M., Commissioner Latvala left the meeting.
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Mr. Wilson asked the members for input with regard to the process for election of county commissioners as it relates to residency requirements, single district members, and district elections. Attorney Churuti advised that the original recommendation to the legislature by the CRC was to increase the BCC to seven members to serve countywide; and that the Legislative Delegation had changed the membership to four countywide and three single-member districts; whereupon, Mr. Davis indicated that he would oppose the re-opening of the single-member district issue. In response to query by Ms. Burns, Chairman Bomstein advised that the voters had been asked whether they wanted the BCC to be a seven-member board; and that the ballot question had not addressed single member districts.

Mr. Spitzer referred to the subject of the CRC and offered the following subjects that could be addressed by the members:

- Frequency of convening the CRC
- Duration of session
- Appointment process
- Composition of commission

Discussion ensued with regard to Chairman Bomstein's comments pertaining to whether public officials should serve on the CRC, wherein Senator Sebesta indicated that if he

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was not an appointed member, he would not attend the meetings; and that each member has to address whether a conflict of interest exists. Referring to comments by the members, Chairman Bomstein opined that the independence of the Commission is compromised with having public officials serving on it; and that the CRC should be made up of citizens independent of any vested interest.

Chairman Bomstein referred to the frequency of CRC meetings and indicated that he advocates an amendment that would provide for convening it every eight years concurrent with the Presidential Election; whereupon, discussion ensued with regard to the month the CRC would convene and the duration of the meetings to coincide with the legislative session. Following discussion, Mr. Kwall moved that the BCC be charged with convening a Charter Review Commission that will be appointed in November two years prior to a Presidential Election; and that will conclude in June of the year of the Presidential Election, on a eight-year rotating basis; following deliberation, Senator Sebesta seconded the motion. Upon call for the vote, the motion carried unanimously.

Referring to *Process Amendments*, Mr. Spitzer indicated that the two issues are Legislative Oversight and Dual Vote, and related that the dual vote issue does not require legislative action to change; and that the legislative oversight pertaining to constitutional officers requires a special act supported by the legislature and approval by the electorate. Responding to query by the Chairman, Mr. Spitzer explained that in order to change the duties of an elected official, a special act would have to be passed with the support of the legislature and subsequently approved by the electorate as opposed to Hillsborough and Seminole Counties where the voters could consider the amendment without legislative permission. During discussion, Mr. Wilson expressed concern with any amendment that would impact the constitutional officers, whereupon, Mr. Davis responded that the powers of the constitutional officers would not be changed.

Following additional discussion, Chairman Bomstein asked that the County Attorney's Office draft an amendment with regard to the removal of legislative oversight for review by the members; and that the draft and the removal of the dual vote issue be continued to the next meeting.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:11 P.M.