

Clearwater, Florida, May 24, 2010

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, at 5:58 P.M. on this date with the following members present:

Ronnie E. Duncan, Chairman
Ed Hooper, State Representative
Diane Nelson, Pinellas County Tax Collector
Kenneth T. Welch, County Commissioner
James Angle
Paul Bedinghaus
Gerald A. Figurski
William B. Harvard, Jr.
Deborah Kynes
Raymond H. Neri

Late Arrivals:

Andy Steingold, City of Safety Harbor Mayor
Melissa B. Jagger

Not Present:

Ricardo Davis, Vice-Chairman

Also Present:

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

AGENDA

- I. Welcome
- II. Approval of Minutes of May 11, 2010 Meeting
- III. Public Comment
 1. Audience
 2. Website Submittals

- IV. Discussion of Tentative Recommendations
 - 1. Charter Amendments
 - Future Charter Review Commissions
 - Authority to Repeal Charter
 - 2. Recommendation to Board of County Commissioners (BCC)
 - Revisions to Lobbying Policy
- V. CRC Schedule
 - 1. June 14 – Public Hearing
 - 2. June 28 – Public Hearing
 - 3. July 13 – Final Meeting
- VI. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 5:58 P.M. and welcomed those in attendance.

MINUTES OF THE MEETING OF MAY 11, 2010

Chairman Duncan presented the May 11, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Ms. Nelson and carried, that the minutes be approved as submitted (Vote 10–0).

PUBLIC COMMENT

AUDIENCE

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

WEBSITE SUBMITTALS

Responding to query by Chairman Duncan, Assistant County Administrator Elithia V. Stanfield confirmed that no website submittals have been received since the last meeting.

DISCUSSION OF TENTATIVE RECOMMENDATIONS

CHARTER AMENDMENTS

Future Charter Review Commissions

Chairman Duncan indicated that the Commission had reviewed and disposed of a number of items at its last meeting; and that the entire list of issues will be reviewed again later in the meeting; whereupon, referring to a document titled *Pinellas County Charter Review Commission, Charter Amendment #1, Future Charter Review Commissions*, a copy of which has been filed and made a part of the record, he requested that Mr. Spitzer present an overview of proposed Charter revisions.

Mr. Spitzer noted that there are several changes embedded in the Amendment, as follows:

- The frequency with which the CRC meets will be changed from every six years to every eight years, timed so any ballot recommendations would appear on a presidential election ballot.
- There is a transition period. The CRC will meet in six years, and every eight years thereafter.
- There is a requirement that two public hearings shall be held if there are any recommendations for a ballot Amendment. The public hearings are to be separated by at least ten, but not more than 21 days.
- At the discretion of the CRC, it may remain constituted through the General Election, at which time any proposed ballot initiatives would be considered.

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Mayor Steingold entered the meeting at 6:02 P.M.

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Ms. Nelson suggested, and thereby moved, that the document language include an explanation that the frequency change will coincide with the presidential election in order to achieve greater participation by the voters; whereupon, Mr. Spitzer and Attorney Churuti indicated that the information could be included in the body of the Amendment and in the final report of the CRC, but that there are limitations on the number of words that can be included in the ballot title and the ballot question. Mr. Figurski seconded, and upon call for the vote, the motion carried unanimously (Vote 11-0).

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Ms. Jagger entered the meeting at 6:05 P.M.

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Following discussion, Ms. Nelson moved, seconded by Ms. Kynes, that the following ballot language be adopted, as suggested by Attorney Churuti:

“Shall Section 6.03 of the Pinellas County Charter be amended to lengthen the time between meetings of the Charter Review Commission from six (6) to eight (8) years to coincide with the presidential election cycle, to allow it to remain constituted through the general election and require at least two (2) public hearings prior to its transmittal of its recommendations to the Board of County Commissioners?”

Mr. Bedinghaus questioned the necessity to include the words, “commencing in 2015,” and Attorney Churuti indicated that the proposed wording should be sufficient; whereupon, responding to query by Commissioner Welch, she suggested that the first sentence of Section (e) of the Amendment be modified to read as follows:

“...and each eight (8) years thereafter, in order to coincide with the presidential election cycle.”

Upon call for the vote, the motion carried unanimously (Vote 12-0).

Authority to Repeal Charter

Mr. Spitzer called attention to the document titled *Proposed Special Act*, a copy of which has been filed and made a part of the record, and indicated that it would be necessary for the Florida Legislature to enact a Special Act to place a Charter Amendment on the ballot for consideration of the voters of Pinellas County to allow for repeal of the existing Charter; and that the proposal would affect three Charter sections, as follows:

- Amendments proposed by the BCC; a majority-plus-one vote by the BCC is required.
- Amendments proposed by citizen initiative; requires signatures equal to at least ten percent of the registered electors at the time of the last general election, with certain restrictions.
- Amendments proposed by a CRC.

Commissioner Welch noted that discussions regarding repeal of the Charter tend to raise questions by the cities; whereupon, St. Petersburg City Council Member Jeff Danner appeared and expressed his concerns as to how a repeal would affect the “dual vote” provision, the settlement agreement resulting from the last Charter Review process, and other issues. In response, Attorney Churuti indicated that repeal of the Charter would result in the repeal of the dual vote provision, as well as all other Charter provisions; whereupon, she provided historical background information regarding the Pinellas County Charter, noting that home rule power was granted to the County by the Legislature, but that the power to repeal the Charter was retained by the Legislature and never given to the County; and that following a repeal, the county would be left without a Charter, similar to when the Florida Constitution Commission rewrote the State Constitution in 1968; and that the last Pinellas CRC had proposed exactly the same language as is under consideration today. Councilmember Danner related that the City of St. Petersburg opposes any proposal that would take away the dual vote provision; and indicated that the subject of repeal and replacement of the Charter will require a lot of discussion; and that it is not appropriate for the CRC to take up the matter at this time.

At the request of Mr. Bedinghaus, Attorney Churuti provided a detailed explanation of the dual vote provision, and Mr. Spitzer provided input; whereupon, Mayor Steingold expressed concerns regarding various matters pertaining to the proposed repealer provision. In response, Ms. Churuti indicated that a repeal would change every aspect of the Charter and return Pinellas County to the status of a non-charter county. She pointed out that

only charter counties have the ability to impose a transit tax; that the BCC at this time can only change the status of the Constitutional Officers by going through the State Legislature; and that a repeal could affect the current check-and-balance scenario.

Chairman Duncan pointed out that the repealer is not a last-minute issue, that it was left over from the last CRC; and that the members indicated at the last meeting that they wished to pursue the discussion; whereupon, he expressed concern regarding the risk created by including a provision for repeal of the Charter without reference to a replacement; and at the request of Commissioner Welch, Attorney Churuti proposed that, in every instance, the words “and replacement” be added following the word “repeal.”

A lengthy discussion ensued wherein the members expressed their opinions, discussed options, and, with input by Mr. Spitzer and Attorney Churuti, clarified the following:

- Only the State Legislature currently has the right to repeal the Charter.
- It is a two-part process; the proposed Special Act would grant authority to put the question on the ballot for a decision by the voters at some future date.
- The repeal and replacement approval would be achieved by a single ballot question.
- If the people voted against the repeal and replacement, the existing Charter would remain in effect.
- The new Charter would be created by citizens, the BCC, or a CRC.
- The entire new Charter would be widely available for review by the voters prior to the referendum.
- Repeal of the Charter would not affect current Pinellas Suncoast Transit Authority (PSTA) funding.

- In the event the Charter were repealed without a replacement, Pinellas County would lose its status as a charter county and would not have authority to levy a local option transit tax.

Commissioner Welch moved, seconded by Ms. Kynes, that the CRC submit the proposed Special Act to the Pinellas County Legislative Delegation for its approval; whereupon, in response to queries by the members, Attorney Churuti indicated that the Delegation did not approve the Special Act proposed by the last CRC; that she can only speculate as to the reason why; and that the CRC cannot put the item on the ballot because only the Legislature has the authority to do so. Discussion continued, and responding to queries by the members, Representative Hooper and Attorney Churuti provided information regarding the legislative process and timeframe.

Mr. Angle pointed out that the CRC voted to approve the proposed Special Act at its last meeting, and requested clarification of the intent of the motion; and Chairman Duncan confirmed that the vote would be to include the words “and replace” in all instances following the word “repeal”; whereupon, Mr. Bedinghaus referred to Section 6 of the document and suggested a friendly amendment extending the referendum deadline from December 31, 2012 to December 31, 2018, in order to give the Delegation additional time to consider the issue; and the maker of the motion concurred. During continued discussion and responding to query by Ms. Jagger, Attorney Churuti related that other counties provide for repeal of their charter by a simple majority vote of the electorate; and Mr. Spitzer indicated that thresholds for Charter Amendments have been imposed in two counties, with one having been challenged and thrown out in appellate court; and that the Charter could be amended to provide certain thresholds for the BCC, citizen initiative, or CRC to put the repeal question on the ballot.

Thereupon, Mr. Bedinghaus repealed and amended his friendly amendment to provide that the date be changed to the year 2014, rather than 2018; and the maker and seconder accepted.

Chairman Duncan acknowledged a request from the audience to address the Commission; whereupon, City of South Pasadena Mayor Kathleen Peters echoed the comments of Councilmember Danner, indicted that it appears the CRC has already made a decision to pursue the Special Act, and stated for the record that the City does not support it and would appreciate it if the CRC would reconsider the matter.

Chairman Duncan called for a vote on the amendment to change the date to 2014, and it passed by a vote of 11 to 1, with Mayor Steingold dissenting; whereupon, he called for a

May 24, 2010

vote on the motion adding the words “and replace” and changing the referendum deadline date in Section 6 to December 31, 2014. The motion carried by a vote of 7 to 5, with members Hooper, Nelson, Steingold, Angle, and Harvard casting the dissenting votes.

Referring to comments by Mayor Peters, Mr. Angle indicated that the CRC will review all the issues discussed and reaffirm their votes following the public hearings; and Chairman Duncan confirmed the same, adding that the proposed Special Act must also be approved by the Legislative Delegation before going to the voters. Ms. Nelson inquired whether the CRC could put a question on the ballot to give the Delegation a nudge to approve the Special Act; and in response, Attorney Churuti indicated that it would not be appropriate, as the matter involves a Constitutional retained power and the appeal must be made first to the entity holding the power.

RECOMMENDATION TO THE BCC

Revisions to Lobbying Policy

Mr. Spitzer reviewed the recommendations contained in the document titled *Recommendation Regarding Pinellas County Lobbying Ordinance*, a copy of which has been filed and made a part of the record.

Following discussion and in response to concerns raised by Commissioner Welch, Attorney Churuti suggested that recommendation No. 2 be revised to read as follows: “Any registration forms completed by a lobbyist and any records provided should be copied to each County Commissioner...”; and that recommendation No. 3 be revised accordingly. Chairman Duncan suggested that the materials be copied and distributed by the Clerk’s Office; and responding to query by Mr. Bedinghaus, Ms. Stanfield indicated that they could be scanned and distributed electronically, resulting in a minimal impact on staff. Responding to queries by Messrs. Hooper and Bedinghaus, Attorney Churuti indicated that a lobbyist would be anyone who is compensated for making contact with Commissioners, including a lawyer representing a client.

Mr. Figurski moved, seconded by Mr. Neri and carried, that the recommendations to the BCC be approved with the changes recommended by Attorney Churuti (Vote 12-0).

Blue Ribbon Task Force re Countywide Mayor

Referring to discussions at the April 26, 2010 meeting regarding the issue of an elected countywide mayor, Chairman Duncan indicated that he was unsure whether a decision had been made to recommend that the BCC appoint a blue ribbon task force to study the issue; and that he wished to allow the members an opportunity to do so if that is their desire.

Discussion ensued wherein Ms. Kynes indicated that the CRC had decided not to move forward on the countywide mayor issue, and Mayor Steingold indicated that he supports making such a recommendation and that the BCC would not be bound to act on it; whereupon, Mr. Neri moved, seconded by Mr. Harvard and carried, that all items discussed be abbreviated, compiled, commented on, and passed on to future CRCs to act on as they see fit. Commissioner Welch noted that the motion only ratifies what normally happens, and Chairman Duncan concurred, noting that no recommendation will be made to the BCC (Vote 12-0).

Fire Service Advisory Council

Mr. Neri referred to the Office of Program Policy Analysis & Government Accountability (OPPAGA) study pertaining to Fire and Emergency Medical Services (EMS) in Pinellas County and noted that a recommendation to establish a countywide fire panel has not been addressed; whereupon, he read excerpts from the report and moved that the CRC make a recommendation to the BCC to establish a fire service advisory board, similar to the existing EMS Advisory Council.

Attorney Churuti related that the BCC sits as the Countywide Fire Authority; and that the Authority adopts fire standards; whereupon, Mr. Angle indicated that an advisory board such as that proposed by Mr. Neri does not exist and would not have the powers suggested in the OPPAGA report; and that the existing Fire Authority performs the necessary functions.

Commissioner Welch seconded the motion, noting that the BCC could roll the recommendation into its ongoing analysis of EMS and Fire. Discussion ensued wherein Mayor Steingold related that there is an informal group of city managers, fire chiefs, and county staff that meets regularly with the County Administrator regarding fire issues; and Mr. Neri indicated that such meetings should include citizens representing the interests of the taxpayers; whereupon, Mr. Angle related that the County Administrator put together the resource group to assist in the ongoing study; and that their meetings are closed to the public, as are those of the Fire Chiefs' Association.

May 24, 2010

Following additional comments by Commissioner Welch and Representative Hooper, Chairman Duncan clarified that the motion is to recommend that the BCC, not the CRC, appoint a board; and Mr. Neri noted for the record that his request is to include some citizen representatives on the board, not that they dominate its membership.

The motion failed by a vote of 2 to 10, with Commissioner Welch and Mr. Neri voting in favor.

REVIEW OF ISSUES DISCUSSED BY THE CRC

Mr. Spitzer reviewed the issues discussed by the CRC on which they will not be taking action, as follows:

- Whether the Supervisor of Elections should be elected on a non-partisan basis
- Functions and duties of the Pinellas Planning Council (PPC), especially as they relate to transportation issues
- Fire/EMS Services
- Countywide Mayor
- Term limits for the BCC
- Whether all BCC members should be from single-member districts
- Creation of an Airport Authority
- Re-creation of a Sports Authority

Chairman Duncan indicated that the CRC will move forward with the following items, in accordance with discussions at tonight's meeting:

- Charter Amendment No. 1 – public hearings to be held
- Proposed Special Act – to be submitted to the Legislative Delegation
- Recommendation to the BCC regarding lobbying

CRC SCHEDULE

Chairman Duncan related that a public hearing will be held at 6:00 P.M. on June 14, 2010 in the St. Petersburg City Council Chambers; that a second public hearing will take

May 24, 2010

place at 6:00 P.M. on June 28 in the BCC Assembly Room in Clearwater; and that the schedule will be published on the CRC website; whereupon, he requested that staff coordinate with Communications to publicize the hearings through various means including the CRC website, press releases, and the social media; and noted that the public will continue to have the opportunity to provide input via the CRC website.

Referring to the timeline and the requirements for submitting ballot language to the Supervisor of Elections, Chairman Duncan suggested that, following close of the public hearing on June 28, the members review and discuss a draft CRC report, which Mr. Spitzer will prepare and distribute prior to the meeting. He indicated that no vote will be taken on June 28; that the final report will be presented for approval by the CRC at its final meeting on July 13; and that the report will be transmitted to the BCC for submittal to the Supervisor of Elections.

Ms. Stanfield referred to the June 14 public hearing in St. Petersburg and related that, due to cable network restrictions, live telecast of the meeting will not be available countywide; that live streaming video will be available via the Internet; and responding to query by Commissioner Welch, that the video will be recorded and made available on demand via the Pinellas County website.

Attorney Churuti indicated that she has been in coordination with the County Attorney's Office regarding the CRC's progress and the status of the ballot question; that due to the rescheduling of the second public hearing from June 21 to June 28, she will be unable to attend; and that her partner, Grace Dunlap, will attend in her place.

Responding to query by Mr. Bedinghaus pertaining to repeal and replacement of the Charter, Attorney Churuti confirmed that a replacement Charter could contain language specifying that the dual vote provision be retained; whereupon, following comments by Mayor Steingold and Councilmember Danner, Chairman Duncan noted that the CRC has already taken action on the issue; and that it will have the opportunity to reverse its decision on July 13 after listening to citizen comments at the upcoming public hearings.

Chairman Duncan reminded the members that the next meeting will be held at 6:00 P.M. on June 14 at the St. Petersburg City Council Chambers.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:42 P.M.