

Largo, Florida, October 14, 2015

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Election Service Center, 13001 Starkey Road, Largo, Florida, at 4:00 P.M. on this date with the following members in attendance:

James Olliver, Chairman
Thomas Steck, Vice Chairman
Larry Ahern, State Representative
Sandra L. Bradbury, City of Pinellas Park Mayor
Ken Burke, Clerk of the Circuit Court and Comptroller
Janet C. Long, County Commissioner
Johnny Bardine
Keisha Bell
Ashley Caron
Barclay Harless
Todd Pressman
James Sewell
Joshua Shulman

Also Present:

Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc., Charter Facilitator
 Flo Sena, Diane Meiller & Associates, Inc.
 Sara Brady, Diane Meiller & Associates, Inc.
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Christopher Bartlett, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – September 8, 2015 Meeting (CRC Chairman)
4. General Counsel Introduction and Direction (Vose Law Firm)
 - a. Initial Comparative Analysis of County Charter Provisions

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5. Facilitation Team Introduction, Report, and Direction (DM&A)
 - a. Commission Member Expectations
 - b. Operating Rules
 - c. Calendar of Meetings: Dates, Times, Locations
 - d. Communication Plan
 - e. Review of Overall Timeline and Milestones
6. High Level Discussion of Current Charter Issues (DM&A)
7. Discussion on Agenda for the Next Meeting (CRC Chairman)
8. Adjournment (CRC Chairman)

CALL TO ORDER

Chairman Olliver called the meeting to order at 4:00 P.M. and welcomed those in attendance.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and voiced their support for term limits:

Fred Kiehl, Largo
H. Patrick Wheeler, Palm Harbor (presented white paper)
Nicolas Tomboulides, Melbourne
Dan Calabria, South Pasadena
Tony Caso, Palm Harbor
Jim Pruitt, Clearwater
Norm Lupo, Clearwater (displayed American Flag)
Freddy Ferro, St. Petersburg
Adelle Blackman, Tarpon Springs (displayed American Flag)
Tom Rask, Seminole
Marcus Harrison, Palm Harbor
Jo An Totty, Palm Harbor
Stacey Sellede, St. Petersburg
Linda Skempris, St. Petersburg
Peter Franco, Palm Harbor
Dr. David McCalip, St. Petersburg
Deb Caso, Palm Harbor
Nancy Davis, Seminole
Barbara Haseldon, St. Petersburg

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In addition to supporting term limits, Mr. Calabria suggested that the CRC include the registration of lobbyists as one of its recommendations.

In addition to supporting term limits, Mr. Harrison asked that the CRC (1) require the Board of County Commissioners (BCC) and similar commissions/committees/boards to provide a way for citizens to electronically provide comments on agenda items and for the comments to be read into the record and incorporated into the minutes and (2) provide a way for the Unincorporated Areas to have dedicated representation, such as on the BCC.

In response to comments by Mr. Caso and query by Mr. Pruitt, Attorney Vose advised that the CRC does not have the authority to direct that term limits be codified and put into the Charter, and discussed other options available; whereupon, Chairman Olliver indicated that the CRC plans to review the term limit issue at length.

In response to the request by Mr. Harrison regarding an electronic comment process for citizens, Mr. Burke related that at BCC public hearings, the number and type of correspondence received in support of or in objection to an item is announced and the names appear in the minutes; whereupon, Chairman Olliver indicated that the request will be addressed later in the meeting under the agenda item "Communication Plan."

In response to comments made by the citizens, Commissioner Long stated that:

- The Charter is very powerful, and the CRC decision goes straight to the ballot. Although the Charter recommendations do appear on a BCC agenda, the Board has no authority to interfere with them, and can only ensure that the form and the statutory language are appropriate for the ballot.
- Pinellas County already has a very strong lobbying ordinance, one that Hillsborough County is seeking to replicate.
- Pinellas County has received \$7 million from the BP oil spill. Discussion has not begun about how the money will be spent, but the BCC has no interest in spending it on projects with recurring expenses, as it is a one-time revenue source.

Chairman Olliver thanked the citizens for their input, and pointed out that the term limit item will be placed on a future agenda and reviewed at length.

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MINUTES OF SEPTEMBER 8, 2015 MEETING - APPROVED AS AMENDED

Upon presentation of the minutes of the meeting of August 13, 2015, Mr. Steck requested that the second paragraph under the heading “Term Limits” on Page 11 indicate that his question related to an earlier comment that the Supreme Court ruled in one direction and then reversed itself; whereupon, Mr. Sewell moved, seconded by Commissioner Long and carried unanimously, that the minutes be approved as amended.

GENERAL COUNSEL INTRODUCTION AND REPORT

INITIAL COMPARATIVE ANALYSIS OF COUNTY CHARTER PROVISIONS

Attorney Vose reviewed a document prepared by the Florida Association of Counties (FAC) titled *County Charter Provision Comparisons*, which has been filed and made a part of the record; provided an overview of the provisions in different County Charters; and answered questions by the members. He related that he is not advocating for any policy position or changes to the Charter, only pointing out unique things the other Charter counties in Florida are doing and the powers available in the Charter and, in extension, to the CRC.

Attorney Vose pointed out that the Pinellas County Charter, originally created by a Special Act of the Legislature in 1980, includes a provision that the Charter is not to affect the status, duties, or responsibilities of the five Constitutional Officers; and in response to query by Mr. Steck, confirmed that any change to that provision would have to be made by a Special Act of the Legislature.

During the review of the dual-vote requirement, Attorney Vose noted that the provision in the Pinellas County Charter is broad and specifies that whenever the County is transferring services or regulatory powers or infringing in any way on the regulatory powers of a city, a Charter amendment must prevail both in the county as a whole and in the individual cities. Mr. Burke related that four Pinellas cities are not part of the Pinellas Suncoast Transit Authority (PSTA), and requested that research be undertaken to determine whether this is a result of the dual-vote provision; whereupon, Attorney Vose stated that he would ask County staff to obtain the factual evidence, and he would provide legal context, noting that this would be the process whenever such research is required by the CRC.

During discussion, Mr. Burke pointed out that the terminology regarding the selection and termination of the County Administrator needs to be updated; and in response to query by Ms.

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Caron, Attorney Vose confirmed that it would be within the power of the CRC to require a financial impact statement with any proposed Charter amendment.

Attorney Vose stated that the County and, in great part, the County Charter, has all the power of legislative authority that the Florida Legislature does except when it is contrary to U.S. Federal Law, the Florida Constitution, or the Florida Statutes.

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Mayor Bradbury left the meeting at 6:01 P.M.

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FACILITATION TEAM INTRODUCTION, REPORT, AND DIRECTION

COMMISSION MEMBER EXPECTATIONS

Ms. Meiller-Cook, with input by the Chairman, discussed what the Commission might expect from her team, including:

- Facilitate the sessions and discussions.
- Prepare and distribute the agendas. Furnish the backup materials and update the website a week in advance of a meeting so the members and the public can review the agenda material before the meeting.
- Perform relevant research and develop briefing documents for the CRC.
- Work closely with the General Counsel on any legal concerns and on Charter and ballot language for any proposed amendments.
- Prepare public information materials.
- Prepare the Final Report and work with the County Communication Department to arrange for its publication and distribution.

Ms. Meiller-Cook related that there are certain items the members must decide amongst themselves and following discussion, it was agreed that:

- The members will attend each meeting unless there is a more pressing obligation such as having to attend a Legislative Session. Attendance through electronic means in such situations will be arranged if technology allows.
- Meetings will be scheduled for 2.5 hours and, if necessary, can be extended by motion.
- The members will become familiar with the agenda materials prior to the meetings.

- Members will participate in the meetings.
- Members will attend all public hearings.
- Correspondence from the public will be forwarded to all members.
- Members may respond to emails from the public, but, due to the Sunshine Law, will not share that response with other members. Do not click “Reply to All.”
- Members receiving personal emails from the public concerning CRC business will forward them, along with any response, to a central repository (location to be determined), and the County will be responsible for maintaining the public record required by the Sunshine Law.
- Members will not speak for the CRC, only for themselves.

OPERATING RULES

Ms. Meiller-Cook indicated that the *CRC Rules Specified in the Charter* shown on the agenda memorandum has been in place since its inception, and there would be no changes to them.

Ms. Meiller-Cook, with input by Attorney Vose, reviewed the *Rules Adopted by the 2010 CRC* and presented changes this CRC might consider shown under the heading *Analysis*. The members took the following actions:

1. Speaker Sign In - A public sign-in sheet and appearance cards shall be provided for each meeting of the CRC - APPROVED.
2. Public Comment Requirements - TO BE REVISITED

The members offered several suggestions during discussion. Mr. Burke suggested that the CRC hold a workshop before each meeting at which the public would be welcome and no votes would be taken; then, when the meeting officially starts, the public would be allowed to speak at the beginning of the meeting. Commissioner Long concurred, and proposed that the number of presentations for each meeting be limited in order to provide sufficient time for the public to be heard and the members to participate. Ms. Meiller-Cook indicated that this item would be covered in more detail under Operation Rules; whereupon, Commissioner Long asked that Attorney Vose provide some options for the members to consider and vote on at the next meeting, and Attorney Vose agreed.

3. CRC Vote Requirements
 - a. A majority vote shall be required to move an issue forward at the time an issue is discussed - APPROVED.

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- b. An issue that is initially voted down at a CRC meeting may not be reconsidered in any subsequent meeting of the CRC - TO BE REVISITED.

Attorney Vose indicated that this should be thoughtfully considered, as it could have serious substantive effect. Following discussion and in response to a suggestion by Mr. Pressman, Chairman Olliver directed that the language for this item be reworded to indicate that reconsideration will be allowed following Robert's Rules, which gives the individual who wants to make a point about new information the opportunity to do so at a public hearing in a public meeting.

- c. A majority plus one vote of the full membership shall be required for final approval for placement on the ballot - APPROVED.

Following discussion, Commissioner Long moved, seconded by Mr. Burke, that item c be approved, and, following further discussion, the motion carried unanimously.

- 4. Recorded Votes - The votes of each CRC member shall be recorded by the Clerk - APPROVED.
- 5. Expenses - Approval of the expenses of the Facilitator and General Counsel are delegated to the CRC Chairman - APPROVED.

CALENDAR OF MEETINGS: DATES, TIMES, AND LOCATIONS

Following discussion, Mr. Steck moved, seconded by Mr. Harless and carried, that the November meeting be held on Tuesday the 10th at 6:00 P.M.

Following discussion, Chairman Olliver indicated that there was consensus among the members that the December meeting be held on Wednesday the 9th at 3:30 P.M.

Following discussion, the members agreed to meet on the first and third Wednesday through the month of July. Ms. Meiller-Cook indicated that, if necessary, the schedule would be modified to add or cancel meetings.

REVIEW OF OVERALL TIMELINE AND MILESTONES - TO BE REVISITED

Deviating from the agenda, Chairman Olliver indicated that the Timeline and Milestones item would be heard at this time.

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Ms. Meiller-Cook reviewed the proposed timeline, and pointed out that the CRC review sessions are scheduled through July of 2016; that beginning in December of this year, members of the community and other jurisdictions will be scheduled to testify before the Commission as needed; that work will begin on the draft Charter in May of 2016 and the final draft will be presented to the Commission in early June; that the public hearings will be held in July; and that the publication and distribution of the final CRC Report will be completed by July 25.

In response to query by Ms. Caron, Ms. Meiller-Cook indicated that while she will be facilitating the selection of topics to discuss, the members would make the decisions. During discussion, Mr. Sewell pointed out that Representative Ahern, Clerk Burke, Commissioner Long, and Mayor Bradbury represent certain entities and have been charged with bringing forward items for consideration by the Commission.

Attorney Vose discussed two options available to allow members of the community to put an item forward for consideration: (1) any member of the public may request that a topic be added to the agenda to be considered, or, (2) a member of the public will submit a proposal or suggestion for changes to the Charter and then at least one member of the Commission will adopt that proposal, at least for the purpose of discussion. He related that option No. 2 would ensure that the time and resources of the Commission would not be consumed for frivolous purposes; and advised that proposals from the public should be in writing so they can be easily evaluated by the Commission and, ultimately, by him.

In response to queries by Ms. Caron, Ms. Meiller-Cook indicated that her firm would schedule focus group sessions with the citizens on potential topics to be discussed; and that in view of the Sunshine Law, details on participation by the CRC members would be decided later.

Attorney Vose discussed the requirement for two public hearings immediately prior to the transmission of the Final Report, and indicated that he would consult with the County Attorney to confirm that it means that votes would be taken after the Commission has had an opportunity to hear from the public; whereupon, Chairman Olliver cautioned that the members should not schedule vacations in July.

COMMUNICATION PLAN – TO BE REVISITED

Ms. Brady reviewed the Communication Plan, and indicated that the objective is to implement a proactive plan in order to distribute facts about the process and keep the public informed; and that her team will work with the County's Communication Department to use the website, traditional media, and social media to keep the public informed.

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Mr. Pressman left the meeting at 7:35 P.M.

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Mr. Burke expressed concern that the public is not aware that the CRC is in session, and suggested that an initial media barrage be instituted using press releases to the *Tampa Bay Times*, the weekly neighborhood papers, and other media outlets; that inserts about the CRC be added to large County Government mailings, including the Utility bills; and that St. Petersburg and the larger cities be asked to include inserts in their mailings. He suggested that the website be made more interactive, and discussion ensued wherein Mr. Steck recommended that both Facebook and Twitter be used, as social media is age specific.

Commissioner Long indicated that the County Administrator and his staff are opposed to using any County materials to disseminate information about the CRC, as it is a citizen's review and they do not want the perception in the public that this is being driven by the County.

Chairman Olliver stated that he agrees with Mr. Burke that it is past the time for action, and asked what steps the Commission could take to get the communication plan started. Ms. Brady indicated that she will meet with the County's Communication Director and roll out the media campaign next week; and that her team will generate the content and provide it to Communications for distribution; whereupon, Ms. Hardwick provided input regarding the County Administrator's direction.

Mr. Burke expressed concern regarding the County Administrator's reluctance to provide assistance and commented that it is probably because he would prefer that the CRC initiate the request so the community would not get the perception that CRC decisions are at the behest of the BCC; whereupon, he moved, seconded by Ms. Bell, that the CRC formally request the County to put its resources behind the CRC communication plan. During discussion, Mr. Steck suggested that a disclaimer of sorts could be used, and Ms. Brady indicated that Attorney Vose has indicated that he will review any copy sent out to determine that it is properly represented as coming from the CRC.

Upon call for the vote, the motion carried unanimously.

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Thereupon, in response to query by Ms. Brady, Mr. Steck moved, seconded by Mr. Sewell and carried unanimously, that authority be delegated to the Chairman to sign off on any documents or copy developed by the consultants for the CRC.

Chairman Olliver asked that the proposed communication plan be reviewed; that Mr. Burke's specific suggestions be incorporated; and that the plan be finalized with more specificity before it is presented at the next CRC meeting.

HIGH LEVEL DISCUSSION OF CURRENT CHARTER ISSUES – DEFERRED

Chairman Olliver indicated that it is clear that term limits and the dual vote are topics the CRC needs to decide whether to sponsor, and suggested that the discussion be deferred to the next meeting, and possibly workshopped, and no objections were noted.

The Chairman requested input from the members regarding scheduling workshops before future meetings; whereupon, he directed that work sessions begin at 3:30 P.M and the meetings at 5:00 P.M., with Public Comment to begin as soon as the official meeting starts, and no objections were noted.

DISCUSSION ON AGENDA FOR THE NEXT MEETING

Chairman Olliver indicated that items for the next agenda would include further discussion and completion of the Communication Plan, the high-level discussion of current Charter issues, and further discussion on issues left unaddressed at this meeting, including the research on rules, vote requirements, public comment requirements, and the language regarding hiring/terminating the County Administrator.

ADJOURNMENT

Upon motion by Mr. Sewell, seconded by Mr. Shulman and carried unanimously, the meeting was adjourned at 7:53 P.M.