

Largo, Florida, November 10, 2015
Amended December 8, 2015

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 6:00 P.M. on this date with the following members in attendance:

James Olliver, Chairman
Thomas Steck, Vice Chairman
Larry Ahern, State Representative
Ken Burke, Clerk of the Circuit Court and Comptroller
Janet C. Long, County Commissioner
Johnny Bardine
Keisha Bell
Ashley Caron
Barclay Harless
Todd Pressman (late arrival)
James Sewell
Joshua Shulman

Not Present

Sandra L. Bradbury, City of Pinellas Park Mayor

Also Present

Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Sara Brady, DM&A
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 – October 14, 2015 Meeting (CRC Chairman)
4. General Counsel Report (Vose Law Firm)

5. Facilitation Team Report and Direction (DM&A)
 - a. Recap and Action Item Review
 - b. Operating Rules
 - c. Communication Plan
 - d. Website Recommendations
 - e. Referendum Topics to Date
6. Discussion on Agenda for the Next Meeting (DM&A)
7. Adjournment (CRC Chairman)

CALL TO ORDER

Chairman Olliver called the meeting to order at 6:00 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:

Adelle Blackman, Unincorporated Tarpon Springs
Debra Caso, Palm Harbor
Tony Caso, Palm Harbor
Marcus Harrison, Palm Harbor
J. B. Pruitt, Clearwater
Freddy Ferro, St. Petersburg
Charles White, Clearwater

In addition to supporting term limits, Ms. Caso proposed that (1) the basic tax and the surtax for the School District be shown separately on the Truth in Millage (TRIM) notices so voters can decide whether the surtax is warranted; and (2) the County Commissioners be prohibited from sitting on the boards of other taxing authorities such as the Pinellas Suncoast Transit Authority (PSTA).

In addition to supporting term limits, Mr. Harrison proposed that (1) the Unincorporated Areas have greater representation, (2) Interlocal Agreements be negotiated in the Sunshine; and (3) the public be allowed to rebut or re-address an item before a vote is taken when new information is presented to the Board of County Commissioners (BCC).

In addition to supporting term limits for both Commissioners and Constitutional Officers, Mr. Pruitt proposed that the composition of the CRC membership on future Commissions be changed to include regular citizens.

Susan McGrath, St. Petersburg, appeared and spoke on the topic of fire service. She stated that 18 independent Fire Districts are not needed and requested that a countywide fire department be considered.

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In response to query by the Chairman, Ms. McGrath confirmed that she had stated it costs \$1.5 million annually to operate and maintain a ladder truck.

Later in the meeting in response to comments made by the citizens, Commissioner Long stated that:

- The County Commissioners serve on many boards and committees, including the PSTA, by direction of State Statute.
- Interlocal Agreements are not done outside of the Sunshine Law or behind closed doors. All issues the Board takes up are posted on the websites and agendas are available. All Interlocal Agreements come back to the Board for discussion and/or amendments, and citizens can communicate their concerns and/or provide input to any member of the Board.

MINUTES OF OCTOBER 14, 2015 MEETING - APPROVED

Chairman Olliver noted that the minutes should reflect that Mayor Bradbury left the meeting at 6:01 P.M.; whereupon, Commissioner Long moved, seconded by Mr. Sewell and carried unanimously, that the minutes be approved as noted.

GENERAL COUNSEL REPORT

CARRY OVER TOPICS FROM 10/14/15 MEETING

Use of Phone Line for Participation in CRC Meetings (Virtual Attendance)

Attorney Vose indicated that many opinions of the Attorneys General and some court cases address the implications of the Sunshine Law on electronic attendance at meetings, and most are conflicting; and suggested that the CRC observe the following basic parameters: (1) that a quorum should be physically present and (2) that the circumstance must be extraordinary. He advised that the CRC has legislative discretion in defining an extraordinary circumstance; that a severe illness is universally recognized as one; and that the justification should never be used merely as a convenience, as the opinions of the Attorneys General have frowned upon such use.

Attorney Vose stated that the character of this CRC is unique in that by the terms of the Charter, a member of the Legislature is required to participate, and the Legislature would be in session for

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a part of the time this body is meeting; and that this uniqueness would seem to qualify as an extraordinary circumstance; whereupon, he recommended that the CRC come to a general understanding of what would be considered an extraordinary circumstance.

Following discussion, Chairman Olliver indicated that the members have reached consensus on the following:

- There must be a quorum physically present.
- The absence of the Legislator member when the Legislature is in session will be deemed an extraordinary circumstance.
- Members will be able to attend electronically under extraordinary circumstances.
- The existence of an extraordinary circumstance will be determined by the Commission by vote at the beginning of the meeting.
- A member deemed to have an extraordinary circumstance will be permitted to attend virtually and will have all rights and privileges, including voting.
- The extraordinary circumstance justification must be either for an illness that prevents a physical presence or business related.
- The extraordinary circumstance justification will not be used merely for convenience.

Thereupon, Mr. Sewell moved, seconded by Mr. Steck and carried unanimously, that the procedure for participating by virtual attendance agreed upon by the members and delineated by Chairman Olliver be approved.

Clarification on County Executive “Method of Termination” from Table of Charter County Comparisons (Page 5)

Referencing a document titled *County Charter Provision Comparisons* presented at the October meeting, Attorney Vose clarified that the Pinellas County Administrator can be removed either by a vote of four members of the BCC voting for removal in two consecutive regular scheduled meetings of the Board or by a vote of five members of the BCC in one meeting; whereupon, in response to query by Mr. Steck, he confirmed that the Pinellas County Charter is clear on the point.

FACILITATION TEAM REPORT AND DIRECTION

RECAP AND ACTION ITEM REVIEW

Ms. Meiller-Cook reviewed the actions taken at the October 14 meeting. She indicated that since the meeting, a Calendar of Meetings has been created and uploaded to the CRC website and the County calendar; and that the website has been reviewed to ensure the public can locate all materials, documents, and communications; whereupon, in response to query by Mr. Steck, she confirmed that the location of each meeting would be clearly shown on the calendar.

OPERATING RULES

Ms. Meiller-Cook reviewed the Operating Rules discussed at the October 14 meeting, and ways the public may provide input or send feedback to the CRC.

Attorney Vose discussed providing the public a reasonable opportunity to be heard at public meetings in order to comply with Statute 286.0114, and recommended that if a matter comes up that is not on the agenda, public comment be re-opened before formal action is taken; whereupon, Mr. Steck expressed concern that only the people present at the meeting would be able to comment, and proposed that the matter appear on the agenda of the following meeting.

During discussion and in response to query by Mr. Burke, Attorney Vose indicated that for the purpose of providing public notice, the “agenda” would consist of the entire packet, and Ms. Meiller-Cook indicated that henceforth the front page of the agenda would include the language *The agenda includes all attached documents.*

Mr. Sewell moved, seconded by Mr. Steck, that the Operating Rules be approved, and discussion ensued.

Mr. Shulman expressed concern that the second meeting requirement might hamper the work of the CRC, and Mr. Steck suggested that Operating Rules appear as a standard item on each agenda; thereupon, Chairman Olliver directed that the Rule on public comment be amended to include a sentence saying any action that would impact an amendment to the Charter would be voted on in a subsequent meeting; and that the motion on the floor encompass that, and no objections were noted.

Upon call for the vote, the motion to approve the Operating Rules carried unanimously.

COMMUNICATION PLAN

Ms. Brady reviewed the Communication Plan (Part 1) and the Communications Action Plan (Part 2), which have been filed and made a part of the record, and answered queries by the members.

In response to query by Mr. Shulman regarding CRC members speaking before community groups, Ms. Brady indicated that if the members would submit names of appropriate groups to the facilitator, they would make a list, provide some talking points, and coordinate the project. Later in the meeting, Mr. Shulman suggested that a Request a Speaker box be added on the website under Public Outreach so the members would not need to provide the names of community groups. Later in the meeting, Mr. Steck suggested that the website include a list of issues not appropriate for the members to discuss during their speaking engagements; whereupon, Attorney Vose advised that the Sunshine Law does not prohibit members, individually, from speaking with the public on any topic; however, it does prohibit, except at a Sunshine meeting, two or more CRC members discussing an issue that may come before the body.

Chairman Olliver asked for direction about posting communications from the public on the website, and Attorney Vose cautioned against putting the facilitators, the Chairman, or the body in the position of acting as censors; whereupon, he suggested that only proposed changes to the Charter be posted, and Messrs. Burke and Steck concurred. In response to query by Ms. Bell and following discussion, Chairman Olliver stated that it is the consensus of the members that when emails or Facebook communications are received by the members, they would be forwarded to the CRC email address to be stored for the public record and the facilitator would then send them to all the members; and that material posted on the website would be specific to a Charter amendment idea, and no objections were noted.

WEBSITE RECOMMENDATIONS

Ms. Meiller-Cook reviewed the website recommendations, which have been filed and made a part of the record, and answered queries by the members. Mr. Burke pointed out that there is misdirection on the Public Input and Contact Us pages regarding sending material to the CRC, and Ms. Meiller-Cook indicated that those would be corrected. Mr. Shulman related that he had difficulty finding specific information when he looked at the meetings and agendas on line; whereupon, noting the size of the files, he suggested using links, indexes, and other methods to make it easier for the public.

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At this time, 7:37 P.M., Mr. Pressman joined the meeting.

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Ms. Meiller-Cook presented a draft form for the public to use to submit specific Charter issues or recommendations, and Attorney Vose indicated that using the form would be optional; that it would make it easier for the public to submit ideas; and that he would continue to refine the language. Ms. Meiller-Cook, with input by Mr. Burke, discussed adding a pop-up survey to solicit input from the public, and asked the members for suggestions. Ms. Caron commented that she supports a survey, but as the CRC is only a temporary body, the information solicited should be limited to identifying specific topics for Charter review; whereupon, Commissioner Long stated that the Pinellas County Charter is a serious document and expressed concern at some of the Charter Referendum topics being suggested, and discussion ensued wherein Mr. Burke stressed the importance of having input from the citizens.

Noting that the Commission receives plenty of input from the community during the Public Comment portion of the meetings, Mr. Pressman stated that the website should be designed by the facilitators, and the CRC members should concentrate on policy. Following discussion, Attorney Vose indicated that he and Ms. Meiller-Cook would revise the form based on today's conversation and place a draft on the website soliciting feedback from both the public and the members; whereupon, Chairman Olliver indicated that the members would be notified when the item is posted and ready for their review.

REFERENDUM TOPICS TO DATE

Chairman Olliver indicated that the members have had a chance to review the chart on Page 16 of the agenda packet, which has been filed and made a part of the record, and that he would like them to determine (1) how Charter referendum ideas will be generated, (2) which ideas to consider and which do not belong in the Charter, and (3) whether the next meeting would be used to tackle one of the ideas listed on the chart or to continue the brainstorming session to develop a list of appropriate topics for the CRC to consider.

Attorney Vose indicated that the CRC would have a range of options to deal with the Charter Review ideas, including:

- Gather all information on a proposal, but not proceed on it unless at least one member adopts it or finds it to be of merit.
- Have a discussion on any idea raised. It is at the CRC's discretion whether to have a long or a short hearing.

Attorney Vose related that there would be referendum ideas that could not be addressed for statutory or other reasons and some that, even if appropriate to put in the Charter, the CRC would choose not to address; and that the members would decide whether they wish to consider an idea, and he, as legal counsel, would determine whether it belongs in the Charter; whereupon, in response to query by Representative Ahern, he confirmed that the members would decide by majority vote whether to move an item forward.

Chairman Olliver asked whether the members would prefer to select a topic for discussion at the December meeting or whether to continue preparing the list of referendum topics. Mr. Burke discussed a recent Constitutional Revision Commission he attended, and suggested that the Commission take up revising the Charter to remove items that are obsolete, as it should not be controversial and would prepare them to tackle the more difficult issues, and Mr. Pressman concurred.

Mr. Pressman suggested that the Commission begin to tackle term limits in January, and that staff be directed to research the item and prepare a presentation; whereupon, Commissioner Long, with input by Ms. Hardwick, related that the County Administrator and the County Attorney have indicated that they would provide factual information, but would not provide opinions to the Commission, as that would be the responsibility of the independent facilitator and legal counsel. In response to query by Mr. Vose, Chairman Olliver directed that for the January meeting, counsel would prepare a history, discuss the current situation, and address some of the permutations of suggestions made thus far regarding term limits.

In response to query by Mr. Burke, Mr. Vose indicated that when the Commission decides to place a proposal on the ballot, he would draft the Charter language and the ballot amendment and bring it back to the Commission for wordsmithing.

DISCUSSION ON AGENDA FOR THE NEXT MEETING

Chairman Olliver indicated that the first item on the December agenda would be a discussion about how Charter referendum ideas will be generated and how to handle a topic that comes before the Commission for discussion; that the majority of the meeting would be spent

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brainstorming ideas and formulating a list of referendum topics; that the Commission would decide whether to address the dual vote in February; and that a full discussion would be held about items that are obsolete and can be removed from the Charter; whereupon, Mr. Burke indicated that he would coordinate with Mr. Vose and the County Attorney about obtaining information regarding obsolete items in the Charter.

ADJOURNMENT

Upon motion by Mr. Sewell, seconded by Commissioner Long and carried unanimously, the meeting was adjourned at 8:32 P.M.