

Largo, Florida, December 9, 2015
As amended at the January 6, 2016 meeting

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 3:30 P.M. on this date with the following members in attendance:

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

Not Present

Sandra L. Bradbury, City of Pinellas Park Mayor
Todd Pressman

Also Present

Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Michael Schmidt, 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 – November 10, 2015 Meeting (CRC Chairman)
4. General Counsel Report (Vose Law Firm)
Status of Workshop Topic on Term Limits for January Meeting

December 9, 2015

5. Facilitation Team Report and Direction (DM&A)
 - a. "Request a Speaker"
 - b. Website Update
6. Charter Amendment Topics
 - a. Obsolete Provisions (County Attorney's Office)
 - b. Brainstorm Topics (DM&A)
 - c. Rules for Moving a Topic Further (DM&A)
 - d. Sequencing Discussion of Topics To-Date (DM&A)
7. Discussion on Agenda for the Next Meeting (CRC Chairman)
8. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:30 P.M. and welcomed those in attendance.

In response to comments received from members of the public, Chairman Olliver discussed the parking issues associated with holding the meetings in the Utilities building, and confirmed with Ms. Hardwick that beginning in March, the meetings will be held at the County Extension Building where there is ample parking, noting that, in the meantime, information will be provided regarding the location of public parking in downtown Clearwater.

On behalf of the Commission, Chairman Olliver thanked Vice-Chairman Steck for assuming the coordinating duties with the facilitator and the attorney while he was out of the country, and related that Mr. Steck would be addressing the Council later in the meeting regarding those functions.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared in support of Term Limits and expressed other concerns:

Dan Jordan, Clearwater: (1) Term Limits; and (2) politicians not honoring people's votes leads to voter apathy.

H. P. Wheeler, Palm Harbor: (1) Term Limits; (2) inform public re CRC meeting place and provide directions; (3) post correspondence from citizens on website; (4) invite Kurt Spitzer to speak to spirit of term limit vote; and (5) politicians do not listen to the people.

J. B. Pruitt, Clearwater: (1) Term Limits; (2) CRC might need to meet every five years until government is cleaned up; and (3) bring Constitutional Officers under the Charter.

December 9, 2015

David Ballard Geddis, Jr., Palm Harbor: (1) Term Limits; and (2) transfer of development rights, Pinellas County Utilities, and reclaimed water.

Dan Calabria, Pasadena: (1) Term Limits; (2) hold CRC meetings in different locations, including St. Petersburg; (3) only registered voters should serve on the CRC, and elected officials, lobbyists, and real estate developers should be excluded; and (4) change name of Commission to Citizens Charter Review Commission.

Debra Caso, Palm Harbor: (1) Term Limits; and (2) remove Human Rights Chapter from Charter.

Adelle M. Blackman, Tarpon Springs: (1) Term Limits; and (2) codify 1996 Vote and put in Charter.

Marcus Harrison, Palm Harbor: (1) Term Limits; (2) parking issue re CRC meetings; (3) require BCC to have open discussion before votes, perception of rubber-stamping; and (4) advertise to let citizens know CRC is holding meetings.

In response to queries and comments by the speakers, Chairman Olliver confirmed that the CRC does not make the rules, only makes recommendations; and Clerk Burke clarified that the Office of Human Rights leases office space from the County.

* * * *

During public comments, Vice-Chairman Steck, Representative Ahern, and Mr. Harless joined the meeting.

* * * *

MINUTES OF NOVEMBER 10, 2015 MEETING - APPROVED

Upon presentation by the Chairman, Commissioner Long moved, seconded by Mr. Steck, that the minutes be approved as presented. Upon call for the vote, the motion carried unanimously.

GENERAL COUNSEL REPORT

STATUS OF WORKSHOP TOPIC ON TERM LIMITS FOR JANUARY MEETING

Attorney Vose, with input by Chairman Olliver, indicated that the Commission would hold a work session in January to discuss the term limits issue that has been brought up numerous times by the public; and that he would provide an overview of the litigation history pertaining to term limits, an overview of the authority available to the Charter Review Commission under the

Pinellas County Charter, and a legal analysis of the main options available to the Commission; whereupon, he requested further input and/or direction by the members.

Noting that the public has repeatedly asked that term limits be codified and put into the Charter, Representative Ahern requested that clarification be provided as to whether the Commission has the power to do so. Attorney Vose indicated that while he has already advised the Commission that he does not believe that the CRC has the power to legally decree that term limits be in the Charter absent putting the item on the ballot for a vote, he would explain precisely why that is the case. In response to requests by the Chairman and Commissioner Long, he agreed to provide the two Supreme Court rulings, as well as all intermediate litigation documents, and stated that he would provide them by the weekend before the meeting, if not earlier.

FACILITATION TEAM REPORT AND DIRECTION

Noting that the general public has expressed concern about the time it is taking for the meeting minutes to be published, Vice-Chairman Steck indicated that *Robert's Rules of Order* require that meeting minutes of a given meeting not be released until they have been approved at the subsequent meeting. With input by Ms. Meiller-Cook, he discussed the process involved in composing and publishing the minutes, relating that a Board Reporter from Clerk of the Circuit Court Ken Burke's Board Records Department attends and records the meetings and takes notes; and that following the meeting, a transcript, or verbatim, of the recording is prepared and, at that time, the verbatim can be shared with the members and the public.

Ms. Cook indicated that a Board Reporter then prepares the minutes from the verbatim; that the Senior Board Reporter has agreed to send a draft of the minutes to her and/or the Chairman to review; and that if there are any questions about the content, the Board Records Department will check the record and accept or deny a request to make changes to the draft minutes. She indicated that the Senior Board Reporter would then send the Official Minutes to Ms. Hardwick, for posting on the Internet.

Note: Changes or amendments to the Official Minutes can only be made at the subsequent meeting when they are presented for approval.

REQUEST FOR A SPEAKER

Vice-Chairman Steck and Ms. Meiller-Cook discussed the process for handling speaker requests, and indicated that the facilitator will notify the members and request a volunteer when a request

is received and will coordinate the speaking engagement with the volunteer and the requesting organization.

WEBSITE UPDATE

Ms. Meiller-Cook reported that the website is updated on an on-going basis, and contains the bylaws, the agenda, and the Official Minutes; and that she is working with the County to have audio of the meetings posted. She indicated that the Public Input Form is now posted and the input will be captured, stored, and made available upon request; whereupon, she reminded the members that she is keeping a comprehensive list of communications, and if they receive a direct communication from a member of the public, to send it to Ms. Hardwick for forwarding to her.

CHARTER AMENDMENT TOPICS

OBSOLETE PROVISIONS

Sections 2.04(t) and 2.07 - Removed

Jewel White, Chief Assistant Pinellas County Attorney, gave a PowerPoint presentation titled *Pinellas County Charter, Obsolete Provisions*, which has been filed and made a part of the record, and indicated that obsolete provisions in the Charter are ones that have no further value either due to the passage of time or because of a change in the General Law, noting that a Charter Review Commission did a thorough review of the Charter in 2010, and very few obsolete provisions remain.

Attorney White reviewed Section 2.04(t) regarding annexation, and indicated that it is obsolete, as the provision was challenged and a court of law determined it to be unconstitutional, noting that Section 2.07 is related and it, too, is obsolete. She related that the County Attorney provided Municipal Code Corporation, a private company that codifies the Charter, with a copy of the case that rendered the provision unconstitutional and asked them to remove it from the Charter; whereupon, she displayed an animation showing that today's Charter simply says *reserved* where the provisions were once located and contains an explanatory footnote with a citation to the case that determined the provision was unconstitutional.

Attorney White suggested that the CRC might wish to remove the two paragraphs that state that they are reserved and the footnote, and discussion ensued regarding the resulting numbering of the sections should the paragraphs be removed; whether the language should remain to provide historical context; and whether the Commission could or should give permission to Municipal

Code Corporation or the County Attorney to do automatic cleanups as necessary. Attorneys Vose and White answered queries by the members, and in response to query by Clerk Burke, Attorney Vose indicated that he would do further research on the legal requirements for removing obsolete provisions and report at a future meeting.

Commissioner Long moved, seconded by Clerk Burke, that the Sections be deleted as discussed, with the knowledge that there will be historical records and notes, and discussion ensued. In response to query by Mr. Shulman, Attorney White confirmed that these are the only two provisions that are obsolete due to being rendered unconstitutional, and the ones deemed obsolete due to the passage of time will be addressed later; whereupon, Mr. Sewell offered a friendly amendment that the motion be limited to the two items, Sections 2.04(t) and 2.07, and the motioner and seconder accepted the amendment.

Thereupon, Commissioner Long restated her motion that the Sections will be removed from the Charter, knowing there will be historical records and notes, to include the friendly amendment by Mr. Sewell that the removal will be limited to Sections 2.04(t) and 2.07. Upon call for the vote, the motion carried unanimously.

Portions of Section 3.01 Regarding Number of County Commissioners and Initial Redistricting –
Removed

Attorney White pointed out the redlined portions of Section 3.01 regarding the number of Commissioners increasing from five to seven and the words regarding initial redistricting, and stated that the language is now obsolete, adding that Attorney Vose would probably provide specific language for the recommendation to delete the portions.

During discussion and in response to queries by Commissioner Long and Ms. Caron, Attorney White advised that Pinellas County, as well as every other level of government, is required to redistrict every 10 years, but the number of Commissioners does not change as a result, noting that redistricting means that the districts are aligned with the current population figures.

Thereupon, Commissioner Long moved, seconded by Mr. Sewell, that the portions of Section 3.01 that are crossed out and in red be removed. Upon call for the vote, the motion carried unanimously.

Section 5.02(b) - Special Laws - Redlined Portions Changed

Attorney White indicated that the name of the Palm Harbor Crystal Beach Special Fire Control District was changed by a Special Act in 2006 to Palm Harbor Special Fire Control District, and that the Pinellas Sports Authority has been abolished.

Thereupon, Commissioner Long moved, seconded by Mr. Bardine, that Section 5.02(b) be changed as redlined. Upon call for the vote, the motion carried unanimously.

Discussion Re Charter Topics

In response to queries by Clerk Burke regarding the Special Powers of the County identified in Section 2.04, Attorney White indicated that this Section specifies authorities provided to the County to operate on a countywide basis; and that these are powers the County would not otherwise have pursuant to General Law, as its power lies only in the unincorporated areas. She explained that the St. Petersburg-Clearwater International Airport has functions, such as noise issues, which extend beyond the boundaries of the property, but the Charter makes it explicitly clear that the County holds all authority; that animal control regulations lie with the County, and give people countywide an expectation of what can be expected; and that the provision regarding motor vehicle inspection facilities should remain in the Charter, as qualifying for federal highway funding could be affected should the county again slip out of compliance with the federal air quality regulations; whereupon, Attorney Vose added that Section 2.04 provides a list of powers that are exempt from the dual vote requirement.

Clerk Burke related that some of the cities are not part of the Pinellas Suncoast Transit Authority (PSTA); and Attorney White advised that the PSTA receives its authority to operate the transit system from its own Special Act; whereupon, Vice-Chairman Steck expressed concern with the number of amendments to the Charter, and suggested adopting language that would give the County broader authority without having to change the Charter.

Following discussion, Chairman Olliver indicated that the consensus of the Commission is for Attorney Vose to move forward with language to remove the redlined portions of Sections 2.04(t), 2.07, 3.01, and 5.02(b) and to fully research the PSTA topic and report back. He indicated that the Commission would have a full discussion at a later date regarding Vice-Chairman Steck's suggestion to broaden the County's authority.

BRAINSTORM TOPICS (DM&A)

Ms. Meiller-Cook referenced a document she handed out today titled *Pinellas County Referendum Issues to Date*, a copy of which has been filed and made a part of the record, and indicated that it is a list of 12 topics that have been suggested either by the public or by a member of the Commission, and discussion ensued wherein Commissioner Long commented that the Commission has already determined that some of the items on the list are not appropriate for Charter review.

RULES FOR MOVING A TOPIC FURTHER (DM&A)

Ms. Meiller-Cook referenced and reviewed Appendix A, a chart showing a process for moving a topic forward; whereupon, Attorney Vose suggested changing the box at the bottom right-hand corner to read *move topic forward for consideration on its merits*. Clerk Burke, with input by Commissioner Long, confirmed with the Chairman that a member sponsoring a topic by making a motion or a second to have it researched, or voting to have it researched, would not be indicating support for the topic, just giving a green light to research the topic.

Following discussion, Chairman Olliver indicated that there is a consensus of the members that a motion and a second (two sponsors) without a vote would authorize a topic for research. Following research, a motion, a second, and a vote in favor would be necessary to move it forward again.

SEQUENCING DISCUSSION OF TOPICS TO-DATE

1. Term Limits - Sponsored by Representative Ahern and Dr. Sewell
2. Dual Vote - Sponsored by Messrs. Steck and Bardine

In response to query by Attorney Vose, Chairman Olliver confirmed with the sponsors that the discussion would be for removal of the dual vote.

3. Shall County Commissioners not be appointed or formally serve on other boards? – Stricken from Consideration Due to Lack of a Sponsor

Vice-Chairman Steck pointed out that most appointments are governed by County or state law.

4. Selection of CRC Members – Sponsored by Representative Ahern and Clerk Burke

December 9, 2015

In response to query by Commissioner Long, Representative Ahern indicated that he would like research on how the citizenry could be better represented. Noting that from a legal standpoint, the CRC has a blank slate and broad authority, Attorney Vose indicated that research would primarily be on how other counties select their members.

5. Speakers at Board of County Commissioner meetings should have five minutes to speak - Stricken from Consideration Due to Lack of a Sponsor
6. Shall there be a revision of pay for the County Commissioners? - Stricken from Consideration Due to Lack of a Sponsor
7. Shall County Commissioners be required to acknowledge receipt of a communication within five days? - Stricken from Consideration Due to Lack of a Sponsor
8. Greater representation from unincorporated areas of Pinellas County (to include No. 11) – Sponsored by Clerk Burke and Ms. Caron
9. Section 2.02(e) Protection of Human Rights: Change “sex” to “gender and sexual orientation” - Sponsored by Messrs. Shulman and Harless

Ms. Bell asked that the research include protection for marital status, pregnancy, and the handicapped.

10. Change Civil Preparedness in Section 2.04(k) to “Emergency Preparedness” – Attorney Vose to Group with Other Small Changes
11. Can seven Commissioners appropriately represent all citizens? - Sponsored by Clerk Burke and Ms. Caron (will be researched with No. 8 re unincorporated areas representation)
12. Consolidation – No Decision

* * * *

At 6:00 P.M., Mr. Shulman moved, seconded by Vice-Chairman Steck and carried, that the meeting continue until 6:30 P.M.

* * * *

Following are additional topics added by the members for review/discussion:

1. PSTA (Clerk Burke) Chairman Olliver indicated that the PSTA discussion would be added as a topic to be researched.
2. Pinellas County Public Safety System, including Police, EMS, and Fire System (Commissioner Long).

During discussion, Representative Ahern corrected for the record that the gun legislation referenced by Commissioner Long pertains only to handguns, not to semi-automatic or automatic weapons. Attorney Vose provided input, and in response to query by Clerk Burke, discussed Special Districts. Mr. Sewell recommended asking the Sheriff and the Police Chiefs of the Cities of St. Petersburg and Clearwater to take part in the discussion.

3. Animal Services (Ms. Caron).
4. Accountability from elected officials (Mr. Shulman):
 - a. Extend the term for County Commissioners to six years and put them on a rotating basis (to be included under No. 1 - term limits).
 - b. Add a recall provision for the County Commissioners and, if possible, for the Clerk, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector.
5. Change the Clerk, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector to non-partisan elections in that they serve a public need and should not be political offices (Mr. Shulman) - Sponsored by Messrs. Shulman and Bardine.
6. Provide a method for citizens to petition a Special Act and to repeal or amend a County ordinance (Mr. Shulman).
7. Let the unincorporated areas have a dual vote, as do the municipalities (Mr. Shulman) (to be included in No. 8).

December 9, 2015

8. As the cities probably would not relinquish their City Charters, institute a mechanism requiring the County to inform the citizens what it would cost if the County provided all services versus what it costs for the individual cities to pay for those same services (Vice-Chairman Steck).
9. Restrict campaigning to 30 days before an election (Vice-Chairman Steck).

Noting the absence of the representative of the Mayor's Council, Chairman Olliver indicated that similar to the importance the Commission puts on keeping citizens informed, it would be necessary to also keep the municipalities aware of the topics the Commission will be discussing that concern them.

DISCUSSION ON AGENDA FOR THE NEXT MEETING

Chairman Olliver indicated that items to be discussed at the next meeting will include (1) ground rules for first and second votes on a topic, (2) review suggestions not on today's list of topics, and (3) follow-up on some of the topics on today's list that will not need extensive research, and no objections were noted.

ADJOURNMENT

Upon motion by Mr. Sewell, seconded by Mr. Schulman, and carried unanimously, the meeting was adjourned at 6:34 P.M.