

Clearwater, Florida, March 16, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, 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 (late arrival)
Todd Pressman
James Sewell
Joshua Shulman

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 – February 17, 2016 Meeting (CRC Chairman)
4. Facilitation Team Report and Direction (DM&A)
 - a. Draft Topics for White Paper

5. Charter Amendment Topics
 - a. Non-Conforming Properties (Tom Shelly, Guest)
 - b. Representation (Messrs. Harless and Shulman)
 - c. Section 4.02 County Attorney (Clerk Burke)
 - d. Procurements Involving Large Dollar Contracts (Mr. Pressman)
 - e. Scheduling Next Topics (DM&A)
6. Review of Action Items (CRC Chairman)
7. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:31 P.M. and welcomed those in attendance.

PUBLIC COMMENT

In response to the Chairman’s call for persons wishing to be heard, David Ballard Geddis, Jr., Palm Harbor, appeared, presented a document titled *Regulation of Consumptive Uses*, and discussed Section 2.04(r) of the Charter concerning “other” property and “all” power. In response to queries by the Chairman and Mr. Steck, Mr. Geddis stated that his intention is to inform the CRC about some issues regarding the use of water that are contrived and invoked; that the citizens should not be burdened with the cost of needed infrastructure; and that he does not have any specific language for an amendment to the Charter at this time.

MINUTES OF FEBRUARY 17, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Mr. Sewell moved, seconded by Mayor Bradbury and carried unanimously, that the minutes of the meeting of February 17, 2016 be approved.

FACILITATION TEAM REPORT AND DIRECTION

DRAFT TOPICS FOR WHITE PAPER – CHAIRMAN TO COMPILE LIST FOR COMMISSION APPROVAL

Ms. Meiller-Cook referred to a draft document titled *Topics for White Paper*, which has been filed and made a part of the record, and indicated that staff has identified some items the CRC deemed not worthy of a referendum topic, but important enough to be included in a summary report, or white paper, and asked for input on the topics selected and other topics members would like to include, if any.

Mr. Pressman stated that the CRC adopted a rule at the beginning of the session prohibiting an item from being brought back once it had been voted down; and that it would be a waste of the members' time to discuss the topics again. Clerk Burke agreed that the Commission should not revisit what has already been decided, but indicated that some topics remain on the original list that he would like to explore, such as representation for the unincorporated county.

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At this time, 3:43 P.M., Mr. Harless entered the meeting.

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Arguing for a change in how the CRC members are appointed, Representative Ahern related that the Charter purportedly belongs to the People, not the Board of County Commissioners (BCC); that the CRC wholeheartedly solicited input from the citizens; that many citizens came to the meetings to be heard, and the overwhelming subject was their support for term limits; that the only ones who spoke against term limits were members of the Board of County Commissioners and the Constitutional Officers, all of whom would be directly affected; and that the CRC members, every one appointed by the BCC, refused to even allow the topic to come to a vote. He stated that this indicates that the process of appointing the CRC is flawed and the Board of County Commissioners should not be the entity that appoints the members to represent the People; whereupon, Chairman Olliver indicated that representation would be addressed under Agenda Item 5b.

Referencing Topic No. 2 on the draft document, Clerk Burke reported that the electronic comment card on his website would soon be a reality; and that citizens would not have to attend a BCC meeting to be heard on an item, as the comment cards would be distributed by the Board Records Department to each of the County Commissioners and the County Administrator.

Following discussion and at the suggestion of Mr. Steck, Chairman Olliver stated that he and Attorney Vose would review the original 23 topics, compile a list of items to be added to the white paper, and bring it back for the members' approval; whereupon, he asked that any comments and suggestions be sent to the facilitator.

CHARTER AMENDMENT TOPICS

NON-CONFORMING PROPERTIES (TOM SHELLY, GUEST) – CONTINUED TO NEXT MEETING

Commissioner Tom Shelly, Town of Belleair, proposed that an amendment be added to the County Charter to allow the reconstruction of buildings that no longer conform to the Land Use Plan or the Building Code and to clarify and simplify the Code for Non-Conforming Properties. He related that per a 2012 Pinellas County staff report, there are 360 non-conforming properties; that it is difficult to get insurance and loans on those properties, and the Property Appraiser has confirmed that non-conformity lowers their value; that in many instances, the properties were built prior to the creation of the Codes which they now violate; and that should fire, hurricane or some other event impact the buildings, current Codes prohibit rebuilding them as they were prior to being destroyed; whereupon, he requested that he be allowed to bring back a draft Charter amendment at the April 6 meeting.

In response to queries by Representative Ahern and Mr. Pressman, Commissioner Shelly indicated that the major difference in this proposal and the County discussion in 2012 is that this would streamline the process and allow for an automatic extension of the 60 days allowed to bring a property into Code compliance; that he plans to research whether the proposal conforms to the state Code; that streamlining the process would include proving the non-conforming status is valid; that, at this time, his proposal only includes single family homes in unincorporated Pinellas County, and not signs, commercial properties, or properties in the municipalities; and that he plans to research how other counties have determined the percentage of damage a property can sustain and be reconstructed in its non-conforming state; whereupon, Mayor Bradbury suggested that small mom-and-pop motels be included in the proposal.

In response to queries by Clerk Burke and Commissioner Long, Commissioner Shelly indicated that the Realtors Association has not taken an official position on the matter; and that he has not approached the BCC or the Pinellas County Building Department about making the changes through regular channels; whereupon, Mr. Steck stated that it is his understanding that a Charter amendment would change all the properties at once, whereas going through the Building Department would entail making changes property by property.

Following discussion, Mr. Steck agreed to conduct the necessary research and Commissioner Shelly confirmed that he would discuss the issue with Commissioner Long and meet with Building Department officials. In response to a suggestion by Clerk Burke, Commissioner Long indicated that she would ask a representative from the Building Department to address the issue at the next meeting, noting that she has asked the County Administrator for input, but has not yet

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received a response; whereupon, Chairman Olliver directed that the item be revisited at the next meeting.

REPRESENTATION (#8) (MESSRS. HARLESS AND SHULMAN) CREATION OF AN INDEPENDENT COUNTY REDISTRICTING BOARD - APPROVED; PARAMETERS TO BE DETERMINED AT NEXT MEETING

Mr. Harless referred to a document titled *Redistricting/Representation Proposal, March 16, 2016, Pinellas Charter Review Commission* and discussed redistricting the County Commission districts. He indicated that currently the BCC, in conjunction with the Planning Department, draws the boundaries of the four single-member district seats and the residency areas for the three at-large district seats, and pointed out his concerns with the process: (1) there are no checks and balances to prevent the districts from being tailored for incumbent advantage or to prevent communities of similar interest being divided between two adjacent districts; and (2) there is not a forum for public input in the process beyond attending a BCC meeting.

Mr. Harless proposed adding a Charter amendment creating a County Redistricting Advisory Board to be convened after the decennial census report is received and before the qualifying period for BCC candidates. He indicated that the proposed board would be composed of 12 members: eleven citizens and the Pinellas County Supervisor of Elections or her designee, who would serve in an advisory position and on a non-voting basis; that the board would work with information from the census and the County Planning Department to draw fair and equal districts for the County Commission; that the districts would not be drawn to favor or disfavor an incumbent or political party or to deny racial minorities the equal opportunity to participate and elect representatives of their choice; that the districts would be contiguous and as equal in population as feasible and would make use of municipal boundaries and seek to maintain communities of similar interest, i.e. beach communities; and that special consideration would be given to keep unincorporated areas together and in as few districts as possible.

Mr. Harless related that Orange County has a citizens' redistricting board; that such a board would increase public input; and that he purposely did not specify how the citizens would be chosen, as he would prefer that the CRC members make that determination.

During discussion, Mayor Bradbury expressed concern that the Supervisor of Elections might have time constraints during census review and general election years.

Representative Ahern indicated that to have a truly independent board, the County Commissioners should not be involved with selecting the members; whereupon, he suggested eliminating the three at-large seats and electing all the Commissioners countywide. Commissioner Long pointed out that the 2000 CRC changed the County Commission from five

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members to seven and added the three at-large seats. Noting that the pendulum keeps swinging in Pinellas County, Clerk Burke provided historical information and opined that having three at-large Commissioners is a more democratic process and less parochial, as each citizen has a voice in selecting four of the seven Commissioners, and Mayor Bradbury concurred.

Chairman Olliver confirmed with Mr. Harless that his proposal to create an independent citizen redistricting board does not contemplate any change in the at-large and district configurations, and suggested to Representative Ahern that the make-up of the County Commission issue be taken up separately.

Clerk Burke, with input by Mr. Harless, noted that the County Commission districts mirror the School Board districts, and suggested that the proposed redistricting board be set up in such a way that the School Board would have input. Discussion ensued wherein Attorney Vose advised that the Florida Constitution gives the School Board the power to draw its own districts, but the CRC could provide them with an opportunity to appoint some of the members of the redistricting board with the hope of leading them to accept the same maps. In response to a comment by Mr. Pressman, Mr. Harless discussed the redistricting guidelines being proposed.

Attorney Vose provided background information about the Orange County Citizens' Redistricting Board. He related that although he would need to research the matter further, it appears that the CRC could (1) make the redistricting plan coming from the proposed board binding and provide the County Commission with only one plan, (2) make it a recommendation, which would allow the County Commission to tweak the plan, or (3) provide two or more plans and allow them to choose; whereupon, Mr. Steck commented that if the CRC does approve the item, he would prefer that it be mandatory, and Mr. Harless concurred, noting that he would prefer that the plan options referred to by Attorney Vose be left to the citizens on the redistricting board, as the whole point is to keep the redistricting process as far away as possible from the people who are actually in office or running for office.

Discussion ensued regarding the name of the proposed board. Clerk Burke suggested removing the word "Advisory," and Mr. Harless concurred.

Thereupon, Mr. Shulman moved, seconded by Mr. Steck, that the proposal as outlined by Mr. Harless to create an independent county redistricting board consisting of 11 citizens plus one advisory member be approved, with the parameters, or guidelines, to be developed as the CRC conversation continues.

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Mr. Harless offered a friendly amendment that the language include “the qualifying of the districts,” and the motioner and seconder accepted the amendment. Mr. Pressman offered a friendly amendment regarding population in the districts, and the motioner accepted the amendment; whereupon, Mr. Shulman indicated that both friendly amendments are part of the initial proposal, and his motion is for the CRC to agree to move forward with an independent board, with the intention that the CRC would tweak the different pieces. In the interest of having a clean motion, Chairman Olliver confirmed with Mr. Shulman and the seconder that the original motion is for approval of the proposal to create an independent county redistricting board, with the expectation that the CRC would fine-tune the parameters.

During discussion, Mayor Bradbury expressed concern with the depiction of all the beach communities as similar communities of interest; Commissioner Long contended that a new redistricting board is not needed; Representative Ahern agreed with Commissioner Long and suggested that the BCC could change the current process to provide more parameters; Mr. Pressman indicated that population should not be the only parameter, as it is currently; Mr. Steck confirmed with Mr. Harless that his intention is to prevent gerrymandering, or manipulating an electoral area; and Clerk Burke indicated that he supports the proposal and thinks the proposed board would promote responsible and transparent government, noting that he would prefer that the members be appointed by the BCC.

Thereupon, Mr. Shulman called the question, the vote was unanimous, and the Chairman directed that the item be voted upon at this time.

Clerk Burke confirmed with the Chairman that the proposal is not in its final format and the vote is to move the item forward for further refinement and consideration. In response to query by Commissioner Long, Mr. Shulman indicated that while he appreciates the comments by Representative Ahern regarding the BCC changing its process, he would prefer to keep the motion as it is.

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

Upon call for the vote, the motion carried 11 to 2, with Representative Ahern and Commissioner Long dissenting.

Discussion ensued regarding how to develop the parameters, or guidelines, while remaining in compliance with the Sunshine Law. Attorney Vose advised that it would be appropriate for the members to email Ms. Meiller-Cook their thoughts and for her to make a compilation of the ideas and bring it back to the next meeting to facilitate the discussion.

Mr. Harless suggested that the members think about the parameters discussed today, as he would offer specific motions at the next meeting to be voted upon.

In addition to the five parameters identified in the agenda memorandum that Mr. Harless may or may not tweak before the next meeting, the members identified the following parameters to be discussed in detail and voted upon at the next meeting:

- Who would name the members of the new board?
- Would the redistricting plan be binding upon the County Commission or only a recommendation?

In response to query by Ms. Caron, Attorney Vose suggested that the members call him if they have any questions or need clarification.

Chairman Olliver pointed out that there are sub-topics to be added to the Representation agenda item (No. 5b on today's agenda) other than redistricting, including BCC representation for the unincorporated areas and requiring the BCC to discuss the unincorporated areas on a monthly basis; whereupon, he requested that Ms. Meiller-Cook add the sub-topics to next-month's agenda so the CRC can discuss them, vote them up or down, or add them to the white paper.

Chairman Olliver indicated that the CRC would need to address Representative Ahern's suggestion regarding changing the make-up of the County Commission in relation to the at-large and district configurations; whereupon, Mr. Harless clarified that the current Charter specifies that there are four districts and three at-large seats, and a separate Charter amendment would be needed to make any changes.

SECTION 4.02 COUNTY ATTORNEY (#27) (CLERK BURKE) - APPROVED

Noting that he made only slight changes to the language already in the Charter, Clerk Burke indicated that the reason he is proposing that the County Attorney be responsible to the Constitutional Officers as well as the Board of County Commissioners is that the Charter specifically says the Constitutional Officers are represented by the County Attorney; and that if they are going to have an attorney who represents them, they should have the ability to hire, review, and fire that attorney.

In response to query by Commissioner Long, Clerk Burke indicated that the BCC does not have the authority to make changes to the way the County Attorney is hired, reviewed, and fired, as the process is laid out in the Charter and can only be changed by a Charter amendment.

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Thereupon, Clerk Burke moved, seconded by Mr. Sewell, that the Charter amendment be approved.

No one appeared in response to the Chairman's call for citizens wishing to be heard.

During discussion and in response to queries by the members, Clerk Burke indicated that the County Attorney represents other departments by contract, but the Charter specifically mandates that he represents the BCC and the Constitutional Officers; that while some of the Constitutional Officers have in-house counsel, they are still represented by the County Attorney; and that the current process does create a problem; whereupon, he related that the Constitutional Officers had no input when the previous attorney was let go and the current attorney hired.

Mayor Bradbury commented that she supports the amendment and suggested that in the interest of clarity and the edification of the citizens, the amendment language name the five Constitutional Offices. In response to queries by Commissioner Long, she stated that it would not be appropriate for the County Attorney to comment on the proposal, and concurred with the Clerk that there is a problem with the current process, citing her service on the Pinellas Planning Council (PPC) when the County Attorney represented both the County and the PPC and seemed invariably concerned about a conflict of interest.

In response to queries by Mr. Harless and Clerk Burke, Attorney Vose indicated that he is not aware of any County Attorney in the state who is selected by a committee such as is being proposed or any other Charter that specifically says the County Attorney shall represent the Constitutional Officers.

In response to queries by Attorney Vose and Mr. Steck, Clerk Burke confirmed that his intent is that the County Attorney would be answerable to a committee of the Board of County Commissioners and the five Constitutional Officers; and that it is intuitive in the motion that the annual evaluation would be part of the hiring and firing process.

Discussion ensued regarding approving the proposal versus taking the language out of the Charter mandating that the County Attorney represent the Constitutional Officers. Clerk Burke indicated that County government in Pinellas County is very cooperative and collegial compared to other counties; that approving the proposal would promote good government and unity and removing the mandate could create disunity and heighten the possibility of litigation between the Constitutional Officers and the BCC, as is common throughout the state; whereupon, in response to queries by Mayor Bradbury and Commissioner Long, he discussed the budget and related how the Attorney is funded.

Upon call for the vote, the motion carried unanimously.

PROCUREMENTS INVOLVING LARGE DOLLAR CONTRACTS (MR. PRESSMAN) – CONTINUED TO NEXT MEETING

Ms. Meiller-Cook referred to the agenda memorandum and indicated that the item was brought forward by Mr. Pressman and would allow open communication with administrative and elected leaders of the County, including at public hearings and in the bid reviews, for procurements involving contracts over a certain dollar amount.

Mr. Pressman related that decisions involving hundreds of millions of taxpayer dollars are made with the County Commission existing in a vacuum; that lobbyists are currently in disfavor, and the pendulum has swung so far that the process has become damaged; that the most knowledgeable people are not allowed to speak or to communicate with staff or the County Commissioners; and that staff sometimes develops biases and presents information to the Commission and to the public that cannot be corrected due to the blackout.

Commissioner Long related that she has had many conversations with the County Attorney on the issue; that having served in the Legislature, she is used to getting information from various lobbyists on the pros and cons of any issue; and that at her last debriefing with the County Attorney, he had indicated that discussions with Mr. Pressman and a change in the Statutes have led to further review and a reconsideration of the current lobbying ordinance; whereupon, she requested that the Commission temporarily put the proposal aside until she hears back from the County Attorney.

Mr. Pressman indicated that he would be willing to continue the item and, at his request, Attorney Vose commented on his recent discussions with the County Attorney. He confirmed that the County Attorney agrees that the Pinellas County lobbying policy is inconsistent with the change in the Statute and is considering allowing comment by the bidders at a public meeting, which is what the change in the Statute addresses. He suggested that it would be best to get some finality as to the County Attorney's decision before the CRC acts upon the item, as the proposal would cover communication with the decision makers both prior to and at the public meeting; whereupon, Mr. Pressman concurred, stating that the amendment he is presenting would allow much more communication than three minutes at a public hearing.

Ms. Caron reiterated the suggestion she made at the last meeting that the item be added to the white paper as it pertains to policy and procedure, such as providing a dollar amount; whereupon, Mr. Pressman disagreed, stating that the County Attorney is overriding what should be status quo communication.

Attorney Vose stated that the proposal could be characterized as basically clarifying or making clear the right of speech; that many county charters in Florida provide for the public to speak at their meetings, but he is not aware of any charter that addresses other portions of the procurement process; and that, ultimately, the question of whether something belongs in the Charter is a policy question for the CRC; whereupon, Mr. Pressman explained that he included the dollar amount because the County has an ordinance that allows the County Administrator or the Director of the Purchasing Department to approve contracts up to a certain amount, and the proposal is not intended to include those contracts; and that the rest of the proposal is intended as “big picture,” which is to allow public comment and communication with the leaders.

At the request of the Clerk, Mr. Pressman provided two examples relative to the proposal: the ten-year, billion-dollar contract for the County’s Waste-to-Energy Plant and the contract for transport of disabled people. Clerk Burke expressed unease about lessening transparency in communication and commented that the concern is that whoever hires the best lobbyist, wins, whether or not it is the best decision; whereupon, Mr. Pressman stated that the County Commissioners themselves would serve as a check and balance, and discussion ensued regarding safeguarding the process.

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At the Chairman’s call for a motion, Mr. Steck moved that the meeting be extended by 30 minutes, and the motion died for lack of a second.

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Following discussion about the County’s Request for Proposal (RFP) process and whether a Commissioner sits on each RFP committee, Chairman Olliver directed that the item be continued to the next meeting.

SCHEDULING NEXT TOPICS (DM&A)

- Earlier in the meeting under Agenda Item No. 4a, Draft Topics for White Paper, Ms. Meiller-Cook reported that the following item had been added for the members’ consideration:
 - Training for CRC Members (members selected to serve on the next CRC would be provided early training).

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- Earlier in the meeting, Mr. Harless pointed out that Representative Ahern's suggestion regarding changing the make-up of the County Commission in relation to the at-large and district configuration would require a separate Charter Amendment. *Note: No decision was made about adding it to the list of topics to be considered.*

REVIEW OF ACTION ITEMS

Chairman Olliver indicated that the items continued today would appear on next-month's agenda.

MISCELLANEOUS

Chairman Olliver indicated that the required two public hearings must be advertised 45 days in advance; that the hearings will be held on June 1 and June 15, which are already on the calendar, unless the members object; that the meeting times will be changed to begin at 6:00 P.M.; and that the hearings will be held in the St. Petersburg City Council Chambers and in the County Commission Assembly Room in downtown Clearwater, and discussion ensued regarding parking, other places more centrally located, expected attendance, and topics to be discussed. Following discussion, Chairman Olliver asked that the members reserve the above-mentioned dates and times for the public hearings; and indicated that the topic for both meetings would be a review of the actual Charter amendment language, which Attorney Vose will craft prior to the public hearings.

Chairman Olliver indicated that the next meeting will be held at the County Extension Center at 12520 Ulmerton Road, noting that the dates and time for the public hearings will be confirmed and future meetings will be discussed.

ADJOURNMENT

Upon motion by Clerk Burke, seconded by Mr. Pressman and carried unanimously, the meeting was adjourned at 6:05 P.M.